City of Nedlands

Planning and Development Reports

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

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PD31.20	No. 20 Robinson St, Nedlands - Additions to a Single House

Committee	14 July 2020
Council	28 July 2020
Applicant	Rowan Engles
Landowner	Paul and Verity Epstein
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under *section 5.70 Local Government Act 1995*	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/42702
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant Justification Letter
Confidential Attachments	1. Plans 2. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a development application received on 3 December 2019, for proposed additions to a single house (including a laundry, bedrooms and a bathroom) at No. 20 Robinson St, Nedlands.

The application seeks discretion to be exercised in relation to lot boundary setbacks addressing the northern, eastern, and southern lot boundaries.

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

It is recommended that the application be approved by Council as the development proposal is considered to satisfy the design principles of the Residential Design Codes (R-Codes) and is unlikely to have a significant adverse impact on the local amenity, being consistent with the local character of the region.

2.0 Recommendation to Committee

Council approves the development application dated 3 December 2019 with amended plans received 29 April 2020 for additions to a single house at Lot 299, 20 Robinson St, Nedlands, subject to the following conditions and advice notes:

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**

2. **This development approval pertains only to additions to a single house as indicated on the plans attached.**

3. **All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

4. **This approval is limited to additions to a single house only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.**

5. **The existing outbuilding shall not be utilised for habitable or commercial purposes without further planning approval being obtained.**

6. **Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be highly visible from the primary street, to the satisfaction of the City of Nedlands.**

7. **Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.**

8. **Fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level.**

9. **Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.**

10. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 't')**

Advice Notes:

a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.

b) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.

c) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

d) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

e) There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.

f) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.

g) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.

h) A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above approved ground levels.

i) A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.

j) 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.

k) 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.

l) Where there is over 10m^2 of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

m) All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.

n) All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.

o) 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).

p) A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.

q) Where building works are proposed a building permit shall be applied for prior to works commencing.

r) All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.

s) In relation to condition 10, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m3 for every 80m2 of calculated surface area of the development.

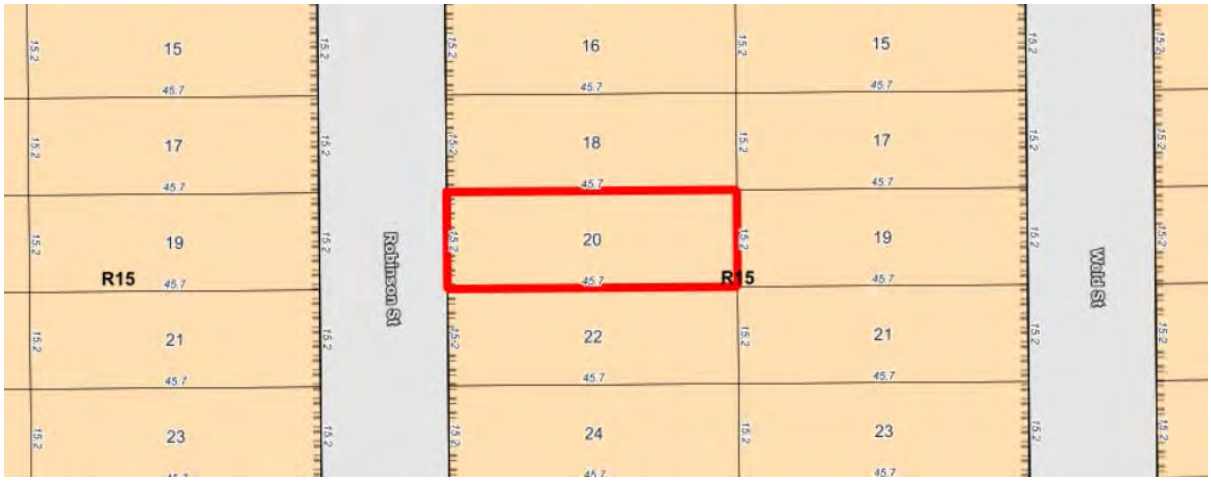
3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R15
Land area	696m^2
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Single Residential House
Use Class	P

3.2 Locality Plan

The subject property is located within a 'Residential Zone' with a residential density code of R15 in the Hollywood Ward. The locality is characterised by single houses with a lot size of approximately 700m^2. Blocks are orientated East-West and comprise of a mixture of both single storey and two storey houses.



4.0 Application Details

The applicant seeks development approval for single storey additions to a single house. The proposed additions relate to ground floor additions only and include:

- an outdoor living area addressing the northern lot boundary;
- a lounge;
- a laundry;
- three (3) bedrooms and
- a bathroom.

The submitted plans seek assessment based on design principles assessment as the proposed does not satisfy the '*Deemed to Comply'* requirements of *State Planning Policy 7.3 Residential Design Codes Volume 1* (R-Codes) in relation to lot boundary setback requirements.

The following is a summary of the proposed lot boundary setbacks:

- Minimum Northern Lot Boundary Setback – 1.0m in lieu of 1.1m (deemed to comply)
- Minimum Eastern Lot Boundary Setback – 3.97m in lieu of 6.0m (deemed to comply)
- Minimum Southern Lot Boundary Setback – 0.8m in lieu of 1.5m (deemed to comply)

By way of justification in support of the development, the applicant has provided a letter addressing objections received during the consultation period and providing justification of the proposed variations. This letter has been provided as Attachment 1 to this report.

5.0 Consultation

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

- Lot boundary setbacks

The development application was therefore advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to eight (8) residents and landowners. Two (2) objections were received during the consultation period as per below pie graph:

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

Submission	No. of times issue raised	Officer Response	Action Taken
The proposed wood burning stove should not be supported due to the possible health impacts on adjoining landowners.	2	The creation of smoke associated with heating or cooking from a wood burning fireplace/stove is not regulated under the *Planning and Development Act* and is governed by Environmental Health regulations and Building Regulations associated with chimney location and design. The City's Environmental Health and Building Departments have reviewed the development proposal and have indicated no concerns with the design as proposed.	Referred to relevant Health and Building Departments for Comment. No concerns identified. Not a planning consideration under a Development Application in accordance with the *Planning and Development Act 2005.* No Action required.
The plans propose the introduction of significant building bulk addressing the southern lot boundary. No architectural relief is proposed across the southern elevation.	1	See section 6.2.1 (Lot Boundary setback assessment)	Plans considered to satisfy the design principles of the R-Codes – see below. Recommendation of development approval proposed
The development proposal does not respect the 6.0m rear setback required under a R15 zone and is uncharacteristic of	1	See section 6.2.1 (Lot Boundary setback assessment)	Plans considered to satisfy the design principles of the R-Codes – see below. Recommendation of development approval proposed

the surrounding properties.			
The existing shed does not comply with the 6.0m rear setback requirement.	1	The existing 'shed structure' is not part of this application. The shed is classified as an 'Outbuilding' under the R-Codes and is not subject to the 6.0m rear lot boundary setback requirement.	The 'shed' structure is not part of this application and is pre-existing. No action required.
The proposed design does not allow for landscaping.	1	The City's Residential Development Policy requires 20% landscaping of all single and grouped housing developments. The development application as proposed, provides greater than 20% landscaping of the lot and complies with the provisions of the Residential Development Policy. The Landscaping clause of the Residential Development Policy requires endorsement by the Western Australian Planning Commission (WAPC) prior to the 20% landscaping requirement becoming an enforceable 'deemed to comply' development requirement for all single and grouped dwellings.	The proposed development meets the requirement of the Residential Development Policy's draft landscaping provision. No action required.
The proposed design will require more energy for heating and cooling.	1	Energy efficiency is considered as part of a Building Permit application and is not considered at the development application assessment stage (planning approval). It is an Australian Standard that all new residential properties, or additions to established dwellings achieve a minimum 5-star energy efficiency rating. The proposed building design and layout is considered to appropriately address the northern lot orientation, maximising access to northern light for habitable spaces.	Energy efficiency not a planning consideration for single and grouped dwellings for a Development Application and is considered at the Building Permit Stage. No action required.
The proposed design compromises the southern neighbour's access to natural light.	1	R15 permits overshadowing of the southern lot to a maximum of 25%. The proposed additions in combination with the existing dwelling will result in 15% of the southern lot being overshadowed at midday on 21 June (winter solstice). Overshadowing is not considered to intrude significantly into the outdoor living area of the southern lot.	Overshadowing of the southern lot is fully complaint with the 'Deemed to Comply' requirements of the R-Codes. No action required.

The proposed carport is not setback sufficiently in relation to the existing streetscape.	1	The applicant has removed the proposed carport from the development proposal. The carport is not considered as part of this development application	Proposed carport structure withdrawn from development proposal. No action required.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Policy

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

The applicant is seeking assessment under the Design Principles of the R-Codes for lot boundary setbacks as addressed in the below table:

Lot Boundary Setbacks

Design Principles
5.1.3 Lot boundary setback P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Deemed-to-Comply Requirement
The following are the 'deemed to comply' lot boundary setback requirements based upon a wall's length, height and presence of major openings as outlined within Tables 2A and 2B of the R-Codes. 1. Ground Floor North – Outdoor Living (Alfresco) – 1.0m proposed in lieu of 1.1m required. 2. Ground Floor South – (rear Bedroom) to Kitchen – 1.16m setback proposed in lieu of 1.5m required. 3. Ground Floor South – Formal Lounge – 0.8m setback proposed in lieu of 1.5m required. 4. Ground Floor East (Rear) – Entire Length – 3.97m proposed in lieu of 6.0m required.

Administration Assessment

The proposed lot boundary setbacks of the additions, in combination with the existing dwelling's setbacks, are considered to satisfy the 'design principles' of the R-Codes, providing adequate access to direct sunlight and ventilation to neighbouring land owners in relation to the built form and outdoor living areas. The submitted plans indicate full compliance with the overshadowing restrictions for properties zoned R15.

The proposed additions are fully compliant in relation to overlooking. No loss of visual privacy is identified as a result of the proposed additions.

In relation to the proposed lot boundary setbacks the applicant is seeking discretion for (points 1-3 above), the proposed setbacks are considered to meet the 'design principles' as follows:

- Setback 1 (above) the proposed outdoor living area addressing the northern lot boundary is covered by a roof (patio). The R-Codes require a patio to be measured as a 'wall', with its length being calculated from the outside of the posts for the purposes of determining the required lot boundary setback . The setback shortfall is present due to the patio structure having a height of over 3.5m (4.16m) triggering an additional setback requirement of 0.1m. The patio structure is proposed to be open on all sides, resulting in negligible building bulk addressing the northern lot boundary. Considering the technical nature of the proposed lot boundary setback and the proposed patio being open on all sides, the proposed 1.0m setback is considered to satisfy the 'design principles'.
- Setbacks 2 and 3 (above) are assessed concurrently under the requirements for wall articulation as per Figure Series 4 of the R-Codes. The proposed setback shortfalls are present due to the aggregate impact of the proposed additions and the existing dwelling. The southern lot boundary setbacks are considered to satisfy the 'design principles' of the R-Codes in relation to their bulk and scale. The proposed additions are single storey in nature and are designed to sympathetically integrate with the existing dwelling. The proposed additions addressing the southern lot boundary are considered to provide sufficient separation to the northern lot boundary in providing access to both natural light and ventilation.

The proposed eastern lot boundary setback (rear setback, point 4 above) is considered to meet the 'design principles' as follows:

- The proposed additions are considered to be minor in nature only, representing a single storey extension to an existing dwelling.
- The proposed additions and rear setback intrusion are unlikely to negatively impact the neighbouring property's access to natural light or ventilation, with overshadowing compliance being maintained as a result of the proposed additions.
- The proposed additions maintain full compliance with the visual privacy requirements of the Residential Design Codes, preventing overlooking of the neighbouring property's outdoor living areas and habitable spaces.
- Immediate neighbouring properties within the same street block provide precedent of large outbuildings being located within the rear setback area, including 27 Weld St, 3 Weld St and 12 Robinson St.
- The immediate adjoining eastern neighbouring landowner (19 Weld St) provided no objection to the proposed rear setback intrusion.

7.0 Conclusion

Considering the above, the proposed additions to a single house at 20 Robinson St, Nedlands are considered to satisfy the 'design principles' of State Planning Policy 7.3 Residential Design Codes Volume 1 and relevant City of Nedlands Local Planning Policy.

The additions are minor in nature, being unlikely to have a negative impact on the amenity of adjoining landowners or the locality in terms of building bulk, visual privacy or access to natural light and ventilation.

Considering the above and having due regard to relevant planning policy, legislation and possible amenity impacts of adjoining landowners, it is recommended that Council resolves to approval the development application subject to the conditions and advice notes outlined above.

Response to objections regarding advertising for the DA19/42702-20 Robinson Street, Nedlands.

Please see our response in black;

OBJECTOR 1:

1. Presence of a wood burning chimney to the north of the proposed development. Concerns relate to the production of smoke and associated health implications of the burning of wood. The submitter indicated that they would have no objection to the installation of a gas stove but had great concerns regarding the presence of a wood fuelled fireplace.

We don't believe that this is part of the variations to the R Codes that are relevant in this application. The wood burning chimney has been specified to meet all relevant codes.

OBJECTOR 2:

2. The majority of the building bulk is proposed to be constructed towards the southern lot boundary, providing no articulation or architectural relief.

By placing the new extension along the southern boundary and using principles of solar passive design, it allows the new building to control the summer sun, and maximise usage of winter sun. This minimises the use of artificial light and heat whilst retaining a maximum amount of usable garden. The garden also acting as a cool sink in the hot summer months. This is inline with the client's brief to minimise impact of the new addition upon the environment.

This objection relates to the impacts the building has upon the southern perspective however we feel this issue is mitigated by the fact that the Southern Neighbour is completely shielded from any part of the extension by extremely dense and tall trees and vegetation (please see Figs 1-4, & 8).

In addition, over half (13.4m of 23.4m extension) of the new addition sits lower than the existing structure, both of which are down slope from the southern neighbour. The length of the extension has been mandated by the clients desire to maintain a single story dwelling, thereby minimising impact on the Southern Neighbour which could be caused by a second story.

We believe architectural relief is offered by the drop in height after 10 metres offering a completed break in the façade. Additional architectural relief is offered by the addition of a dormer type window at the end of the 10m section.

3. All other dwellings within the street block achieve a 6.0m rear setback, the setback intrusion of 2.4m is uncharacteristic of the lower density coding and the precedent established within the locality.

The objection incorrectly identifies a setback intrusion of 2.4m as the plans call for a setback intrusion of only 2m.

Regarding rear setback intrusions; we understand that within this immediate block this may not be predominantly so, however, when assessing planning requirements in a locality we believe consideration should be paid to the entire designated zoned area (in this case, R15.) In this R15 zoned block there are re precedents of setback intrusions.

Examples of precedents:
1-21 Robinson Street. Please see Fig. 5.
Across the road from our property in the same street presents a similar situation to our proposal. That extension is also single storey located 1.5m from the side boundary. In this case the setback intrusion allowed by the Council is almost 6m exceeding the requested 2m.

2-8 Napier Street. Please see Fig. 6.
3-24 Loftus Street. Please see Fig. 7.
There are also at least 4 another others in the R15 zone that appear to encroach within the back setback.

In addition to the above, the impact of the rear intrusion on the Southern Neighbour is mitigated by the limited overshadowing of the neighbour's property (15% as compared to R-Code limit of 25%)

4. No articulation is provided across the façade to mitigate or ameliorate the impact of the addition to neighbouring properties. The design has not considered using architectural features, or alternate materials to reduce the building's impact. A blank rendered wall is proposed, only broken up by major openings.

Again please refer to point 2 regarding architectural articulation and relief along the facade. We would also like to point out that our building is downhill from the South Neighbour - up to a greater than a meter or more depending where you are viewing the proposed extension.

A sectional diagram (Please see Fig 8) is attached showing view of extension with a standard 1.8m high (above NGL) Colorbond fence. The figure shows the limited visibility impact upon the Southern Neighbour. This is caused by the fact that the extension sits lower and behind significant dense vegetation. In the event that all the vegetation is removed, the visibility will still be limited to part of the wall and some roof.

We feel this objection portrays an unrealistically negative view of situation which is not accurate to the reality of the proposed extension.

In addition, we would like to reiterate that the calculated overshadowing on the Southern Neighbours property has been calculated at 15%, significantly below the allowable 25%.

Alternative design solutions to meet the client's brief, while avoiding rear intrusion, resulted in significantly higher overshadowing of the Southern Neighbour which was felt to provide a less optimal solution for the client, neighbour and design.

We believe the overshadowing calculation is a significant indicator of impact on adjacent neighbour and should be considered as such.

5. The proposed 1.6m carport setback is not an acceptable outcome. The City's Local Planning Scheme No. 3 requires a 9.0m primary street setback, this can be reduced to 3.5m provided certain criteria are met. This criteria has not been met with the proposed carport addition and should not be supported by the City. The proposed carport setback is inconsistent with the desired streetscape aesthetic of the City, detracting from the appearance of the dwelling, dominating the street frontage.

The client has decided to remove the carport to aid the approval of the rear extension.

6. The proposed new fireplace will generate smoke and represents an inefficient means of heating. An alternative fireplace design, such as gas, would be favoured.

As with the Objector 1 we do not feel that this is relevant to this application as the proposed chimney meets all reverent codes.

The figures to be read with our response to the objections, follow this document.

We would like the City to consider this response in light of the fact that the client has amended features to minimise degree of variations through consultation with the City. In addition, we also further propose some intermittent screen wall planting along the southern boundary if necessary to achieve planning approval. This will serve to shield the extension further and break up the façade further from the Southern Neighbour. We believe we have demonstrated clear intent to make changes throughout the process.

We trust that you will view this proposal as one that is not unduly large or brutal, and and one that is instead sympathetic to the area. The clients brief was for a modest single story extension, with sustainable principles at its core, whilst preserving and enhancing the character of the original premises.

In this instance, controlling the summer sun, maximising winter light, and thereby minimising demand on artificial heating and lighting, has resulted in the need for a

modest variation from R-Code. The design has architectural merit in its simplicity and materiality and will add significant value to both the property, and to its locality.

Your Sincerely
Rohan Engels

SIGNED: .....

DATE: 29.04.20 ROHAN ENGELS
ABN: 53267238622

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FIG 1. PHOTO TAKEN OF THE EXISTING BOUNDARY FROM 20 ROBINSON STREET SHOWING CONTINUOUS THICKNESS OF VEGETATION ALONG THE SOUTHERN BOUNDARY.

FIG 2. PHOTO TAKEN OF THE VEGETATION ALONG BOUNDARY ADJACENT TO WHERE THE PROPOSED TV LOUNGE WILL BE.

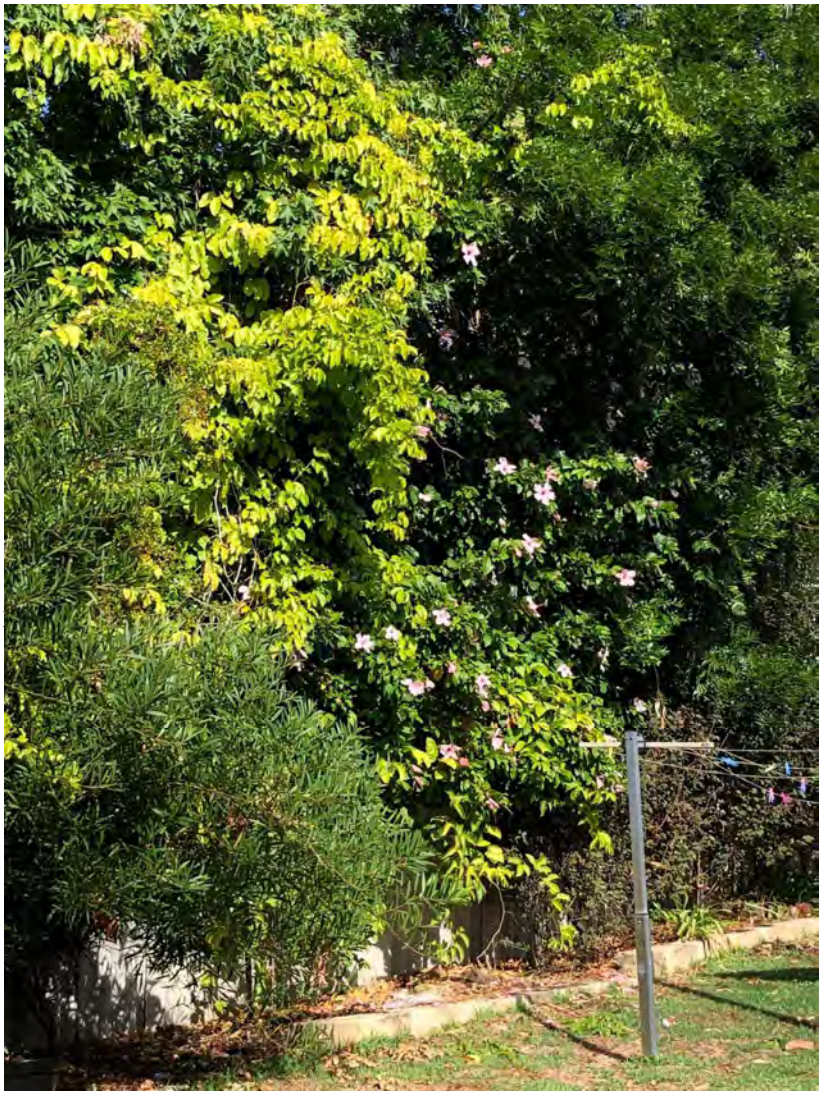


FIGURE 3. SHOWING AD-HOC STRUCTURE ALONG THE SOUTHERN BOUNDARY FACING CLI-ENTS PROPERTY THROUGH THE THICKET. THIS PROVIDES UNAPPEALING VISUAL IMPACT UPON CLI-ENTS RESIDENCE.

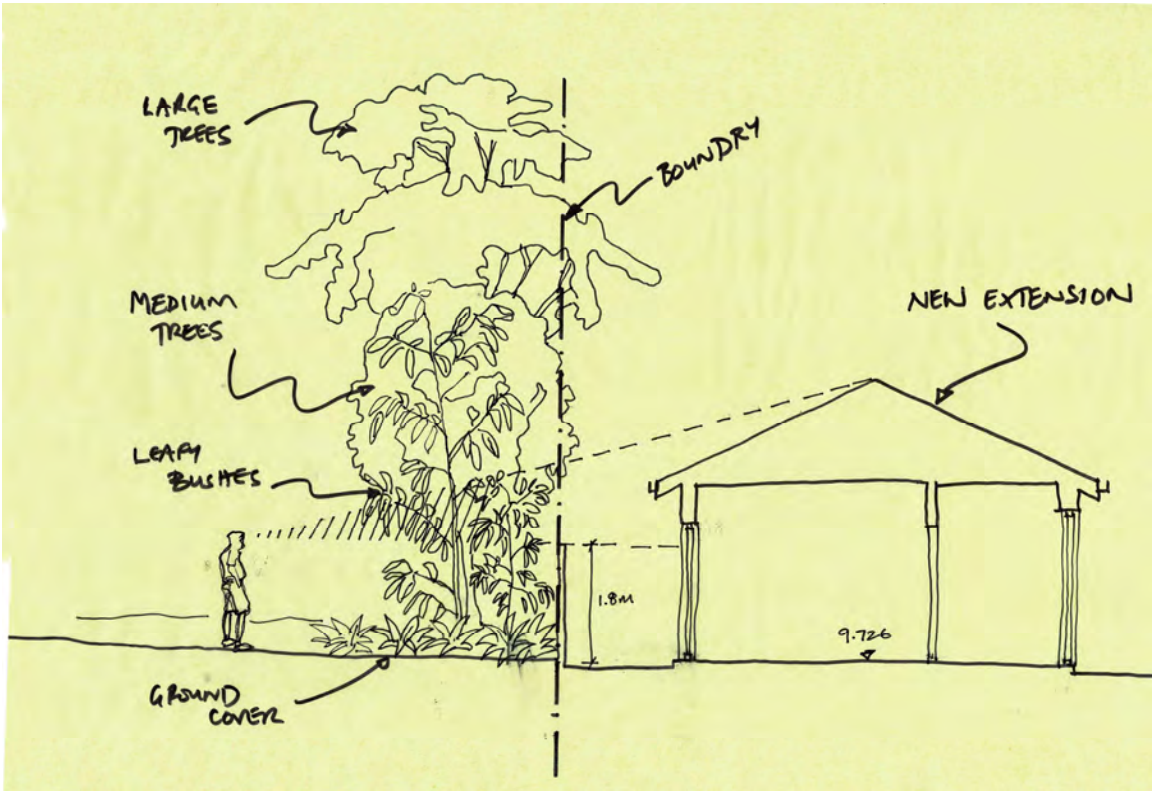
FIG 4 . ARIAL PIC OF THE DENSE VEGETATION ALONG THE SOUTH BOUNDARY OF 20 ROBINSON STREET.

FIG 5. ARIAL PIC OF 21 ROBINSON STREET SHOWING EXTENSION RIGHT TO ITS WESTERN BOUNDARY.

FIG 6. ARIAL PIC OF 8 NAPIER STREET SHOWING THE EXTENSION THAT EXTENDS WELL OVER ITS BACK SETBACK BOUNDARY.

FIG 7. ARIAL PIC OF 24 LOFTUS STREET SHOWING THE EXTENSION THAT EXTENDS WELL OVER ITS BACK SETBACK BOUNDARY.

FIG 8.: SECTIONAL DIAGRAM 9M FROM EAST BOUNDARY



PD32.20	No. 150 Stirling Highway, Nedlands - Change of Use – Recreation Private

Committee	14 July 2020
Council	28 July 2020
Applicant	Olivia Stell
Landowner	Jonathan Swain
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under *section 5.70 Local Government Act 1995*	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-42964
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. Development Proposal (Change of Use) 2. Traffic Report 3. Applicant Justification Letter
Confidential Attachments	1. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a development application received on 6 December 2019, for a proposed change of use at 3/150 Stirling Highway, Nedlands.

The applicants are proposing a change of use from 'Office' to 'Recreation Private' for the purposes of establishing a Pilates Studio.

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. One (1) objection was received during the advertising period.

It is recommended that the application be approved by Council as it is considered to satisfy the Scheme and Zone Objectives. The proposal is considered unlikely to have a significant adverse impact on the local amenity, being consistent with the intent and character of the locality.

2.0 Recommendation to Committee

Council approves the development application dated 6 December 2019 to change the use of 3/150 Stirling Highway, Nedlands from 'Office' to 'Recreation Private' (Pilates Studio), subject to the following conditions and advice:

1. **The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**

2. **This development approval pertains only to a change of use, from Office to Recreation Private (Pilates Studio).**

3. **The development, hereby approved, shall at all times comply with the requirements of 'Recreation Private' land use as defined by the City of Nedlands Local Planning Scheme No. 3.**

4. **All customer visits to the hereby approved Recreation Private (Pilates Studio) shall be during the following hours:**
   - **6:00am – 7:20pm Monday to Friday**
   - **7:30am – 10:00am Saturday and Sunday**

5. **A maximum of 32 staff and patrons (inclusive) shall be permitted on the premises at any one time.**

6. **There shall be a minimum 10-minute break between sessions.**

7. **Prior to occupation, the landowner/applicant is to enter into a legal agreement with surrounding business/the strata body for the purpose of ensuring the satisfactory provision and maintenance of shared parking through a parking management plan to the satisfaction of the City of Nedlands at the applicants cost in accordance with Clause 32.2 (4) of Local Planning Scheme No.3. (refer advice note 'c')**

Advice Notes specific to this proposal:

a) **In relation to condition 4, the applicant is advised that the definition of the Recreation Private land use is defined under the City of Nedlands Local Planning Scheme No. 3 as follows:**

   means premises that are -
   (a) used for indoor or outdoor leisure, recreation or sport; and
   (b) not usually open to the public without charge.

b) **In relation to Condition (5) a separate development application is required to be submitted to and approved by the City prior to and increase in the number of staff and patrons.**

c) **In relation to condition 7, the applicant is advised that the shared parking legal agreement and management plan:**

   i. **must be to the satisfaction of the local government;**

ii. **must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government);**
iii. **must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site;**
iv. **may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained;**
v. **must not be amended, surrendered or terminated without the approval of the local government; and**
vi. **must result in a net car parking provision of no less than 16 bays during the time periods where two (2) concurrent sessions are run (6:00am-6:50am and 5:30pm and 6:20pm)**

A copy of the legal agreement is to be prepared and be provided to the local government and endorsed by the City, prior to applying for an occupancy permit.

d) The applicant is advised that a building permit will be required for fit-out prior to proceeding.

e) Prior to occupying premises an occupancy permit will be required for a change in class from Class 7b to Class 9b.

f) The applicant is advised that the application requires a separate assessment under the Health (Public Buildings) Regulations 1992 including a form 1 Application to Construct, Extend or Alter a Public Building; Form 2 – Application For Certificate of Approval and Form 5 – Certificate of Electrical Compliance.

g) The applicant is advised that details will need to be provided to the City's Environmental Health Department as to the number of patrons (and instructors) to be accommodated on-site at any one time to enable a full assessment of the Public Building requirements to be undertaken.

h) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not occupied within the four-year period, the approval shall lapse and be of no further effect.

3.0 Background

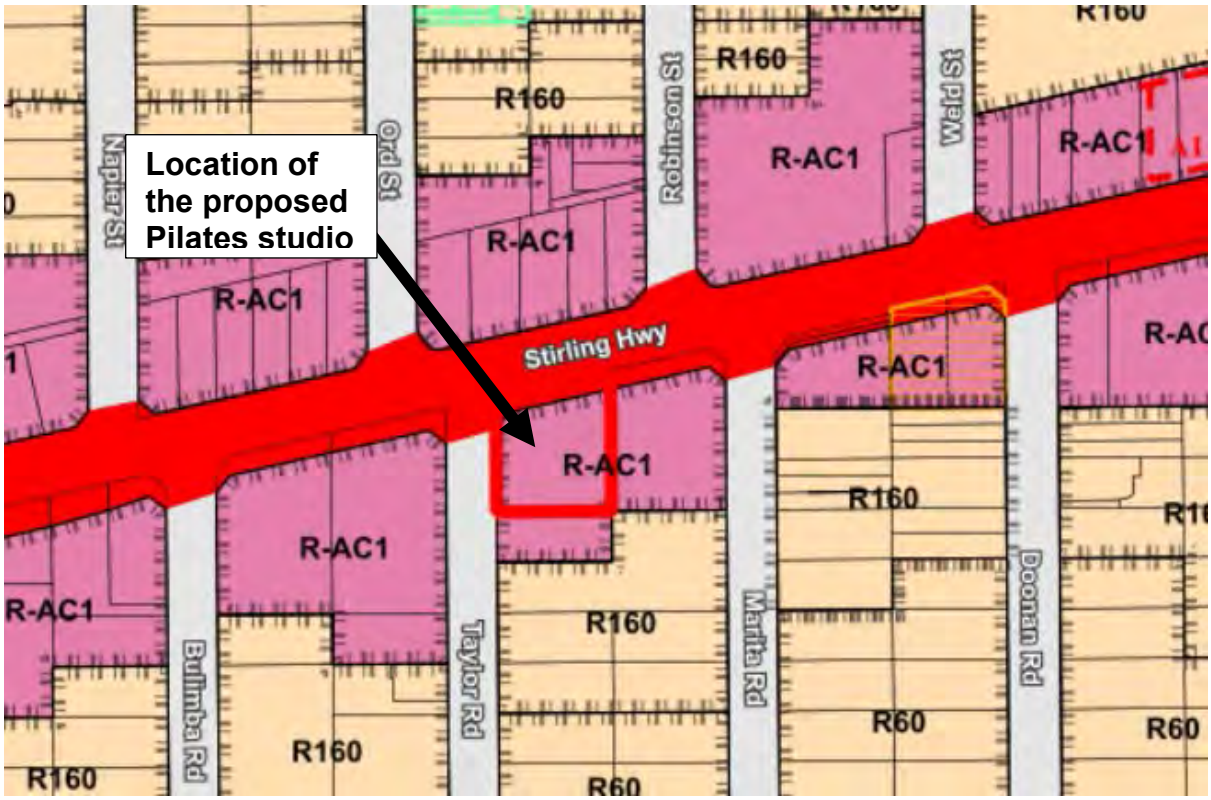
3.1 Land Details

Metropolitan Region Scheme Zone	Urban, Primary Regional Roads
Local Planning Scheme Zone	Mixed Use
R-Code	R-AC1
Land area	2227m^2
Additional Use	No
Special Use	No
Local Development Plan	No

Structure Plan	No
Land Use	Existing – Office Proposed – Recreation Private
Use Class	Proposed – 'A'

3.2 Locality Plan

The Subject site is located to the south of Stirling Highway, being located between Taylor Rd and Marita Rd. To the east of the subject site is Taylor Rd IGA. To the West of the site is City Farmers. Vehicle access for the site is obtained from Stirling Highway and Taylor Rd.



4.0 Application Details

The applicant seeks development approval to change to the use of the subject site (3/150 Stirling Highway) from 'Office' to 'Recreation Private'.

The applicants have provided the following information:

- The proposed business is a Pilates studio.
- The business is proposed to host a maximum of 30 clients during a single period with 2 instructors on site at any one time.
- Sessions are proposed to run from 6:00am to 7:20pm weekdays and 7:30am to 10:00am on weekends. A timetable of proposed sessions is provided below:

	MON	TUE	WED	THUR	FRI
6AM *50mins*	2 x Classes	2 x Classes	2 x Classes	2 x Classes	2 x Classes
7AM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	1 x Class
9.10AM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	1 x Class
5.30PM *50mins*	2 x Classes	2 x Classes	2 x Classes	2 x Classes	
6.30PM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	

	SAT	SUN
7.30AM *50mins*	1 x Class	1 x Class
8.10AM *50mins*	1 x Class	1 x Class
9.10AM *50mins*	1 x Class	1 x Class

- There is a proposed minimum 10-minute break between sessions.
- The lettable area of the subject site is 230m^2.
- 150 Stirling Highway has a total of 33 car bays provided on site, of these, 6 bays are allocated exclusively to the subject site.

In support of the application, the applicants have provided a Traffic Impact Assessment, prepared by a suitable qualified Traffic Engineer. This report outlines the availability of parking within the immediate locality of the subject site. The applicants have also provided a justification letter, supporting the application. These supporting documents have been provided as an attachment to this report (attachments 2 and 3).

5.0 Consultation

The applicant is seeking assessment under the City's *Local Planning Scheme No. 3* (LPS3) Mixed Use zone objectives and the City's Parking Local Planning Policy objectives for the following:

- The proposed land use of 'Recreation Private' is an 'A' use under LPS3. An 'A' use requires consultation in accordance with Clause 64 of the Deemed Provisions and the City's Consultation Local Planning Policy.
- The development proposes a 10 bay carparking shortfall under the City's Parking Local Planning Policy.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 48 residents, business owners and landowners. One (1) objection was received during the consultation period. The submitting party resides outside of the consultation area.

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

Submission	No. of times issue raised	Officer Response	Action Taken
The subject site does not provide adequate parking to service 30 clients and two staff members	1	e.g. See section 6.4.3	Parking provision deemed to be acceptable for the proposed land use, subject to fulfillment of Condition 7 – see below. Recommendation for approval for the development proposal.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

If Council does not support the proposed development, the applicant will have a right of review (appeal) to the State Administrative Tribunal (SAT) under Part 14 of the *Planning and Development Act (2005)*

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' by the Metropolitan Region Scheme (MRS). The proposal is an urban use and is consistent with the zoning classification under the MRS.

6.3 Local Planning Scheme No. 3

Part 3 clause 16 (Objective of Zone)

The subject site is zoned 'Mixed Use' by LPS3.
A mixed-use zone has the following objectives under the Scheme:

- To provide for a significant residential component as part of any new development.
- To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area.
- To provide for a variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres and eating establishments which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.

The proposed land use of a Recreation Private (Pilates studio) is considered to meet the objectives of the mixed-use zone. The proposed change of use does not constitute a new physical development. Therefore, it is not appropriate to require a 'significant residential component' for the site. The proposed land use promotes healthy activity and contributes to ground floor 'active' uses which address Stirling Highway.

Considering the above, the proposed land use is deemed to satisfy the objectives of the mixed-use zone.

Part 3, Table 3 (Zoning Table) and Interpreting Zoning Table

The proposed land use of a Pilates studio is classified as 'Recreation Private' under LPS3.

Recreation Private is defined as:

> means premises that are -
> (a) used for indoor or outdoor leisure, recreation or sport; and
> (b) not usually open to the public without charge.

Recreation Private has an 'A' use permissibility within the Mixed-Use zone. An 'A' use:

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

The proposed land use has been advertised to adjoining landowners, residents, and business owners in accordance with the Deemed Provisions and the City's Consultation of Planning Proposals Local Planning Policy.

Considering the proposed land use, the objectives of the mixed-use zone and the use class permissibility of the proposed land use on the subject site, the proposed change of use is considered to be appropriate for the site's context and in accordance with the objectives and intent of the Scheme.

Part 4 – General Development Requirements

To mitigate the possible impact of the proposed car parking shortfall, a shared/reciprocal parking arrangement has been conditioned in accordance with Clause 32.2 of the City of Nedlands Local Planning Scheme No. 3.

Clause 32.2 states:

Shared car parking

1. Where an application for development approval is made for a non-residential use which does not provide the required number of on-site car parking spaces, the local government may permit part or all of the shortfall to be provided through an agreement to share car parking space(s) on an adjacent site (Shared Site).

2. When considering whether to permit a proposal for shared car parking, the local government must:
   a) be satisfied that the hours of peak operation of the proposed development and those of the Shared Site do not substantially overlap;
   b) be satisfied that adequate car parking will be available at all times for both the development site and the Shared Site;
   c) be satisfied that the relationship between the development site and the Shared Site is such that the shared car parking space(s) is likely to be used by people visiting the development site; and
   d) have regard to other relevant considerations in any applicable local planning policy.

3. An application for development approval which proposes shared parking must include:
   a) information addressing the matters in the preceding sub-clause 2;
   b) a draft parking management plan; and
   c) any other relevant material referred to in an applicable local planning policy.

4. If the local government permits a shared car parking arrangement, it may require the owner of the development site to enter into a legal agreement for the purpose of ensuring the satisfactory provision and maintenance of the shared car parking. The legal agreement:
   a) must be to the satisfaction of the local government;
   b) must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government);
   c) must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site;
   d) may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained; and
   e) must not be amended, surrendered or terminated without the approval of the local government.

Condition 7 and advice note ‘c’ of the City’s recommendation require creation of a formalised reciprocal shared parking arrangement for the subject site prior to occupation. This shared parking arrangement is required to be endorsed by the City, prior to the lodgement of an occupancy permit.

Creation of a shared parking arrangement will mitigate impacts of the proposed car parking shortfall as a result of the shortcomings of the parking designated for exclusive use.

6.4 Local Planning Policy – Parking Local Planning Policy

Policy Objective
To facilitate the development of sufficient parking facilities for cars and other wheeled vehicles
Policy Requirement
The City's Parking Local Planning Policy requires 1 car parking bay for every 2 persons present on site. The applicants have advised a maximum of 32 people will be on site at any one time. The required car parking provision for the site is therefore 16 bays.
Proposed
The subject site has a total of 6 bays allocated to the proposed tenancy.
Administration Assessment
It is acknowledged that the operating times for this development falls outside of normal operating hours for surrounding businesses. This allows for more vacant spaces available within the locality. The traffic report has been reviewed by the City's Technical Services team which is satisfied as to the accuracy and competency of the report provided. Whilst it is acknowledged that the development proposes a car parking shortfall when car bays of exclusive use are considered in the calculation of the business, a further 412 on street car parking bays were identified with a 400m radius of the subject site. Considering the availability of suitable street parking, the availability of 6 car parking bays on site, the proposed 10 bay car parking shortfall is unlikely to generate a noticeable negative car parking impact on the immediate locality. The tenancy's strata plan does not have a formally arranged reciprocal parking/shared parking arrangement. The strata management body and affected business owners have outlined an informal arrangement between business owners permitting the sharing of car parking bays outside of regular business hours. The City has recommended condition 7 and advice note 'c'. This condition and advice note seeks to establish and enforce creation of a shared reciprocal parking arrangement between business owners, formalising the shared parking arrangements. The proposed development runs 2 concurrent classes early in the morning and after usual business hours (6:00am-6:50 and 5:30pm-6:20pm). All other operating times run a single class (half the clients, 15) As result, parking demand is lower during these times (8 bays required under the City's Parking Policy Local Planning Policy). Ample off-street parking is available within the immediate vicinity of the development and the bays of exclusive use are clearly marked on site. This application was advertised to all adjoining business owners, occupiers and landowners, who provided no objections to the development proposal. The Traffic Impact Statement, provided by the applicant, has been reviewed by the City's Technical Services Department who are satisfied with the traffic report and have verified the assessment particulars and findings. To reduce the parking demand and the impacts of session finishing times and session start times on parking demand, condition 7 is recommended. This 10-minute break between start and finish times allows for clients to leave the site before the new clients arrive, reducing parking demand. Considering the above, the proposed land use is consistent with the objectives of the Mixed Use zone. The proposed car parking shortfall of 10 bays is only present when the clients

run two (2) concurrent classes, which only occurs outside of regular business hours. During this time, the City has proposed to condition the formalisation of the shared parking arrangements through a legal agreement between the neighbouring business owners. This legal agreement is to be ratified prior to the occupation of the development, mitigating the proposed car parking shortfall, when only car parking bays of exclusive use are utilised.

Considering the above, the proposed change of use application is considered to be an acceptable outcome in terms of traffic and car parking impacts.

7.0 Conclusion

Considering the proposed land use, the property's zoning, the proposed operating time of sessions and the number of staff and clients on site per session, it is unlikely that the health studio will have a negative impact of the amenity of the immediate locality.

The property contains various office and shop tenancies which operate outside of the proposed hours of operation of the proposed land use.

Based on the car parking assessment provided as part of the development application, an ample amount of car parking bays are likely to be available when the health studio and the other businesses on the property are all operating.

A formal shared parking agreement is to be prepared and endorsed by the City, prior to the occupation of the development, ensuing provision of ample parking, as required by the City's Parking Local Planning Policy, is available for the subject site.

Considering the above, the proposal is unlikely to have a detrimental impact on the local amenity. Therefore, it is recommended that Council approves the application subject to the conditions identified above.

OLIVIA STELL & PHOEBE WOODHEAD
CO-DIRECTORS
HEARTBEAT HIGH

Level 3, 5 Barrack Street Perth WA 6000 | 0439 980 120 |
hello@heartbeathigh.com.au I www.heartbeathigh.com.au

Tuesday 19 November, 2019

City of Nedlands

Planning Department

71 Stirling Highway

Nedlands WA 6009

Dear City of Nedlands:

We would like to present this letter of intent, signifying our company's interest in leasing property 3A, 150 Stirling Highway Nedlands WA 6009, to open our second Pilates studio.

Phoebe and I opened Heartbeat High's flagship studio in Perth's CBD in June 2018, and following the CBD's success and popularity, would like to open our second studio within the Town of Nedlands.

Heartbeat High's ethos is to deliver Reformer & Mat Pilates to the modern world. A contemporary studio, offering intimate group and private training. Our focus is on the clients' experience- we make exercise a pleasure, not a chore. Though this venture has its obvious financial motivations, the relationship with the customers is the core of our business philosophy and purpose. HBH offers a space of sanctuary and community, a studio people can escape to, feel motivated, energise, or unwind. Our strong, reputable brand is well recognised in Perth and sets us apart from our competitors. Heartbeat High brings fun back to fitness.

Both Phoebe and myself previously worked for a Pilates studio located within Nedlands Anytime Fitness where we grew very fond of the clientele that we taught and the community they were apart of. With that studio now relocated outside of Nedlands, we see an

opportunity to reconnect with these people and offer them something fun and fresh. Growing up and working in the area, we posses a deep understanding of the wants and needs of our potential clients, making our studio the perfect addition to the area.

Nedlands is densely populated with people who have a larger than average disposable income, who are well educated, and understand the importance of keeping fit. Currently there are no group fitness Pilates in Nedlands. There is a small number of clinical and rehabilitation Pilates facilities who we wish to establish brand alignments with to benefit our clients. Our diverse timetable offers the "on trend" Reformer Pilates class as well as cardio, technique, and stretch classes to give our clients variety, and appeal to a broader market. We believe this location is central for locals and ideal for surrounding clientele including young professional (nurses from Sir Charlie Gardiner), students (from UWA), stay-at-home mums and empty nesters. By offering a membership able to be used across both our CBD and Nedlands studio, we hope to also attract part time workers.

We live and breathe Pilates, and, our lives completely revolve around health and well-being. We see other studios missing the mark in areas like instructing technique, customer service, employee satisfaction, studio aesthetics and branding. We successfully proved our concept by bringing quality, fun Pilates to the workers of the CBD through our vibrant, community-driven studio, now we're ready to take on the suburbs.

Thank you for your consideration and please don't hesitate to contact us if you have any further queries.

Sincerely,

Olivia Stell & Phoebe Woodhead
Co-Directors
Heartbeat High

Heartbeat High

Level 3
5 Barrack Street
Perth Western Australia 6000
hello@heartbeathigh.com.au
www.heartbeathigh.com.au/

Unit 3A
150 Stirling Hwy
N E D L A N D S

DEVELOPMENT APPLICATION
PROPOSED PILATES STUDIO

DECEMBER 2019

Contents

Introduction

Unit 3A, 150 Stirling Highway, Nedlands (the proposed Subject Site), is situated on the southern side of Stirling Highway and bound by the corner of Taylor Road and Stirling Highway. The site is located within the municipality of the City of Nedlands.
Refer to Figure 1 – Location Plan

The **current owner of the proposed Subject Site is Dr Jon Swain, Taylor Road Periodontics.**
A copy of the Certificate of Title is included as Appendix A.

This Development Application proposes the fitout of the empty Tenancy, Unit 3A, for a Pilates Studio. It is proposed to begin the fit-out construction early 2020, to be operating in mid 2020.

The subject site is currently **zoned R-AC1 Mixed Use** under the City of Nedlands Local Planning Scheme No.3. Unit 3A is currently vacant. *RefertoFigure 2 – External Photographs*

This proposed development will be a **leased arrangement**. The Leasees are the owner's of **Heartbeat High CBD Pilates Studio**. Heartbeat High proposes to open a second Pilates Studio within the subject site, **Heartbeat High West**. A change of use will be required and details have also been prepared for Change of Use application in this report.

Figure 1 – Location Plan_150 Stirling Highway . Nedlands

Figure 2 – External photographs of Unit 3A, 150 Stirling Hwy Nedlands

Change of Use Application

Existing and Proposed Uses

The subject site is currently vacant.

Figure 3 – Internal photographs of Unit 3A, 150 Stirling Hwy Nedlands

The **proposed use of the subject site is for a Pilates Studio (100% of the floor space at approximately 230m^2).** Therefore, a request for **change of use to 'Amusement Parlour'** is being sought.

City of Nedlands Local Planning Scheme No.3 (LPS3)
Part 6 - Land use terms used in Scheme
Item 38 - Land use terms used

***Amusement parlour**: means premises -*
(a) that are open to the public; and
(b) that are used predominantly for amusement by means of amusement machines including computers; and
(c) where there are 2 or more amusement machines.

Statement of Business Details

Heartbeat High CBD has been owned and operated by co-owners Olivia Stell and Phoebe Woodhead since June 2018.

Phoebe holds a Diploma in Pilates with 8 years of experience teaching Mat and Reformer throughout the Perth suburbs. Olivia holds a Cert 4 in Pilates with 4 years of experience teaching Mat and Reformer throughout the Perth suburbs.

Co-owners Olivia and Phoebe discovered Pilates through their own need for rehabilitation and experienced firsthand the positive outcomes Pilates has for the body and state of mind.

At Heartbeat High CBD, Olivia and Phoebe focus on their client's experience, making exercise a pleasure and the studio a sanctuary. Their relationship with their customers is the core of their business philosophy and purpose.

"A space for people to escape from the day to day routine of working life and feel motivated and energized either before or after work"

Heartbeat High's unique brand and pop culture appeal delivers Reformer and Mat Pilates to the modern world, offering group fitness and private training. The key product and hero class is on the Reformer, an intelligently designed, spring based resistance Machine.

A reformer work out is low impact and easily adapts to a client's needs, making it accessible for all ages and abilities. Also featured at Heartbeat High CBD is a second studio space for floor based classes. Here Olivia and Pheobe offer a diverse timetable of cardio, technique and stretch classes to compliment the Reformer classes, offering a 'full package'.

In 18 months of opening, Heartbeat High CBD has successfully established a strong and reputable brand, reaching 120 members, running 4 challenges and supplied employment for 5 WA instructors.

"We live and breathe Pilates, our lives completely revolving around health and well-being.....We successfully proved our concept by bringing quality, fun Pilates to the workers of the CBD through our vibrant, community-driven studio, now we're ready to take on the suburbs"

Hours of Operation

Heartbeat High Nedlands proposes Morning to Mid-morning classes from 6am, and Evening classes. Classes will run from 30 minutes up to 50 minutes, as follows;

	MON	TUE	WED	THUR	FRI
6AM *50mins*	2 x Classes	2 x Classes	2 x Classes	2 x Classes	2 x Classes
7AM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	1 x Class
9.10AM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	1 x Class
5.30PM *50mins*	2 x Classes	2 x Classes	2 x Classes	2 x Classes	
6.30PM *50mins*	1 x Class	1 x Class	1 x Class	1 x Class	

	SAT	SUN
7.30AM *50mins*	1 x Class	1 x Class
8.10AM *50mins*	1 x Class	1 x Class
9.10AM *50mins*	1 x Class	1 x Class

Number of Staff

The number of staff in the Studio at any given time will be **2**.

Number of Patrons

Heartbeat High Nedlands will have a maximum of **30 patrons** at capacity, participating in two classes concurrently. Please note that 2 classes will be held at the 6am and 5.30pm time-slot only.

30 patrons at capacity is the number of patrons used to calculate the car parking provisions. See below.

Car Parking Details

Strata Plan 33148 Strata Manager, Jennifer Rosenstein of Riverside Strata issued the minutes from the Strata Meeting, held 22nd August 2008 which confirms the Tenancy Carbay Allocations for Strata Plan 33148. These allocations have not been amended since this Meeting. *Refer Appendix **B** : Strata Plan 33148 Parking Allocation.*

Since this meeting, the Stirling Highway, Front Carparking has been paved and an additional **3** carbays were created.
Refer Figure 5 – Carparking Plan 150 Stirling Hwy, Nedlands_2019

There are currently a TOTAL of **34** Carbays on site including 2 ACROD Carbays.

CAR PARKING REQUIREMENTS | 150 Stirling Highway, Nedlands		
REQUIRED	City of Nedlands Local Planning Scheme No. 3 Local Planning Policy – Parking DRAFT	
Amusement Parlour: 1 car bay per 5 patrons at capacity; And 1 car bay per 2 staff members.	LPS3 LPP-P	.
AVAILABLE	On site there are a **TOTAL** of **33** carbays 31 carbays 2 ACROD carbays	
ALLOCATION Lot 1: Carpet Court Lot 2: Anytime Fitness Lot 3: Periodontal Surgery **Lot 3A: Proposed Pilates Studio** Lot 4: Boulevarde Interiors ACROD Carbays Spare Carbays on site **TOTAL**	 9 Carbays 12 Carbays 3 Carbays **6 Carbays (15% reduction applied)** 2 Carbays 2 Carbays **0** Carbays **34** Carbays	COMPLIES

Figure 4 – Carparking Allocations/Requirements 150 Stirling Hwy, Nedlands.

There are **32 carbays on site** and **2 ACROD carbays**.

Lot 3A requires **7 carbays** in compliance with the City of Nedlands Local Planning Scheme and Local Planning Policy – Parking DRAFT.

6 x Carbays for the **30** patrons at capacity
1 x Carbay for the **2** Staff Members at the Studio at any given time

To reduce the required carbays to **6 carbays**, Heartbeat High is applying the 15% reduction in carparking as compliant under the LPP-Parking Draft as **Lot 3A is within**;

1. Within 250m of several stops on a high frequency bus route; and
2. Within 400m of a stop on a high frequency bus route

1. Bus Stop ID: 10398 Stirling Hwy before Taylor Road – Distance from pedestrian entry at Lot Boundary: 82.62m
2. Bus Stop ID: 10372 Stirling Hwy before Ord Street – Distance from pedestrian entry at Lot Boundary: 160m
3. Bus Stop ID: 10373 Stirling Hwy before Weld Street – Distance from pedestrian entry at Lot Boundary: 201.62m

Therefore, the Carparking Requirement is available on site for Lot 3A as an 'Amusement Parlour' in compliance with the current Strata Carparking Allocation and the City of Nedlands Local Planning Scheme and Local Planning Policy – Parking DRAFT.
Refer Figure 4 – Carparking Allocations/Requirements 150 Stirling Hwy, Nedlands.

It should also be noted that **Lot 3**, being the **Periodontal Studio's** main hours of operation, lie outside the hours of operation that Heartbeat High has proposed.

Therefore **3 additional carbays** will be available on site throughout the Early Morning and Evening Classes, Saturday and Sunday.

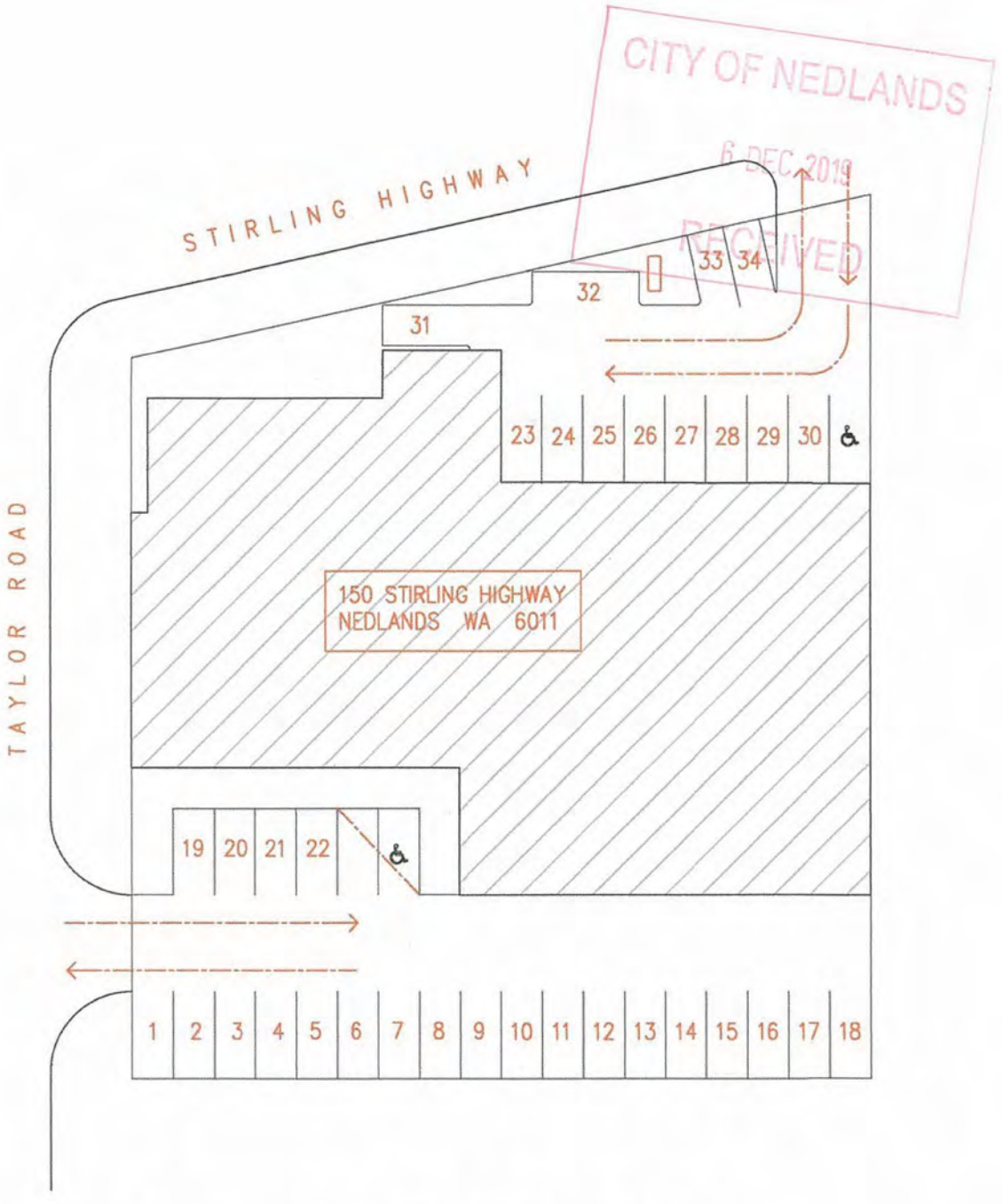


Figure 5 – Carparking Plan_150 Stirling Hwy, Nedlands 2019 | Not to Scale.

Conclusion

This report has been prepared to support the Application for Development Approval of Lot 3A, 150 Stirling Highway, Nedlands WA 6011.

Appendix A

Certificate of Title

DECEMBER 2019

REGISTER NUMBER	
3/SP33148	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
5	3/11/2017

WESTERN AUSTRALIA

VOLUME 2113 FOLIO 939

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893 AND THE

STRATA TITLES ACT OF 1985

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

LAND DESCRIPTION:

LOT 3 ON STRATA PLAN 33148
TOGETHER WITH A SHARE IN ANY COMMON PROPERTY AS SET OUT ON THE STRATA PLAN

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

JONATHAN RICHARD SWAIN OF 186 RAILWAY PARADE WEST LEEDERVILLE WA 6007
(T N756340) REGISTERED 2/11/2017

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. INTERESTS NOTIFIED ON THE STRATA PLAN AND ANY AMENDMENTS TO LOTS OR COMMON PROPERTY NOTIFIED THEREON BY VIRTUE OF THE PROVISIONS OF THE STRATA TITLES ACT NO.33 OF 1985 AS AMENDED.
2. N756341 MORTGAGE TO BANK OF QUEENSLAND LTD REGISTERED 2/11/2017.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	SP33148
PREVIOUS TITLE:	SP33148
PROPERTY STREET ADDRESS:	SHOP 3, GROUND 150 STIRLING HWY, NEDLANDS.
LOCAL GOVERNMENT AUTHORITY:	CITY OF NEDLANDS

Appendix B

Strata Plan 33148 Parking Allocation: Minutes and Sketch

DECEMBER 2019

Street, Highgate, WA 6003
Mount Lawley, WA 6929
9427 7988
Tel 9427 7999
Fax eatonasset.com.au
www.eatonasset.com

COMMERCIAL AND RESIDENTIAL
STRATA MANAGEMENT

ABN 70 443 975 827

EATON
ASSET MANAGEMENT

22 August 2008

THE OWNERS OF 150 STIRLING ROAD, NEDLANDS
- STRATA PLAN 33148
MINUTES OF THE EXTRAORDINARY GENERAL MEETING
& MANAGEMENT COUNCIL MEETING
HELD AT 2:00PM ON WEDNESDAY 13TH AUGUST 2008
AT UNIT 1, 150 STIRLING HIGHWAY, NEDLANDS

1. Appointment of Chairperson & record of attendees.

N.Buckey	Unit 1
A.Cleave	Unit 2
T.Beneit	Unit 4
G.Lee	Unit 7
A.McGilvray	Unit 8

D. Agapitos (Strata Manager & AGM Chairperson)

2. Proxies verified. Proxies were received as follows:
Werona Holdings Pty Ltd Unit 1 to N.Buckey

3. Apologies. No apologies were received.

4. Quorum. The quorum as required under the Strata Titles Act 1985 were present at the Meeting.

5. Special Business. It was resolved that the car bays be allocated to each occupant according to the plan attached from A.Cleave according to unit entitlement. It was agreed that each occupant can install a sign to their car bays at the rear of the property at their own cost but not to the front of the property. All owners agreed except A.McGilvray, however in accordance with the Act the allocation can go ahead as there were enough votes.

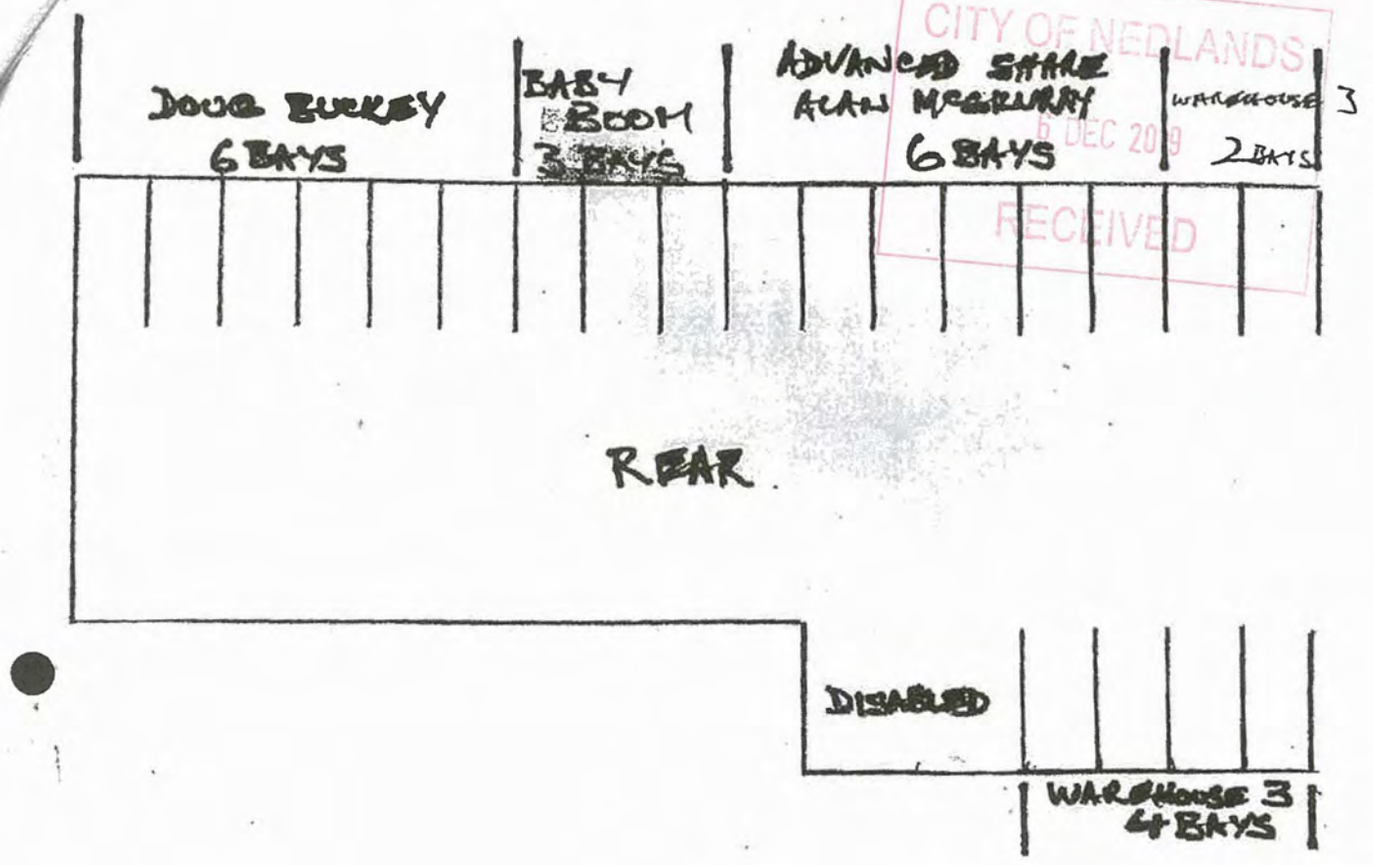
It was discussed and agreed that the garden bed and the ground lights at the front of the property be removed and to replace with grass to create room for further parking of 3 vehicles. Carried unanimously.

14. Close. The Meeting closed at 3:00pm.

Yours sincerely

Diana Agapitos
Strata Manager

DIANA [illegible] 93356179



● FRONT 8 BAYS

3 — DOUG BUCKLEY
3 — BABY BOOM
2 — BOULEVARDE ST

+ CROSS BAYS.

PARKING ALLOCATION
150 STIRLING HIGHWAY

Appendix C

Strata Plan

DECEMBER 2019

STRATA PLAN 33148

SHEET 1 OF 3 SHEET

PLAN OF

RE-SUBDIVISION OF
LOTS 5 & 6 ON STRATA PLAN 33148

CERTIFICATE OF TITLE
Volume 2179 Folio 445
Volume 2179 Folio 446

LOCAL GOVERNMENT
CITY OF NEDLANDS

INDEX PLAN
BG34 (2) 09.21

FIELD BOOK

SCALE N/A

NAME OF SCHEME
150 STIRLING HIGHWAY
NEDLANDS

ADDRESS OF PARCEL
150 STIRLING HIGHWAY
NEDLANDS, W.A., 6009

MANAGEMENT STATEMENT ☐ YES ☑ NO

LODGED	CERTIFIED CORRECT. 25.7.2006 HH
DATE 20.6.2006	COR. 1749-2005 Vol. 4
FEE PAID $214	IN ORDER FOR DEALINGS SUBJECT TO
ASSESS No. 1032603	4.8.2006 HH

REGISTERED

K476746 APPLICATION — FOR REGISTRAR OF TITLES — 16.1.08 DATE

WESTERN AUSTRALIAN PLANNING COMMISSION

W.A.P.C. REF: 469-06

Certificate of Approval of W.A.P.C. under Section 25B(1) of Strata Titles Act 1985

Delegated under S.16 P. & D. Act 2005 DATE

Department of Land Information

SURVEYOR'S CERTIFICATE - Reg 54

I, ROBERT TUDOR OWEN

hereby certify that this plan is accurate and is a correct representation of the -

(a) survey; and/or
(b) calculations from measurements,

(delete if inapplicable)

undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

R. Tudor Owen 19.6.06

LICENSED SURVEYOR DATE

HH
04.08.2006

Paterson Tudor Owen & Parker

123 Fitzgerald Street, West Perth, 6005
Phone 9328 6088 Fax 9328 2689
Our Ref: 4424 - CC:093d4

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS

CITY OF NEDLANDS
6 DEC 2017
RECEIVED

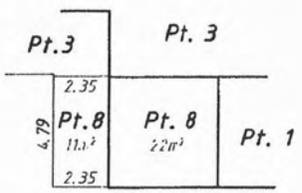
STRATA PLAN 33148

STRATA PLAN 33148

SHEET 2 OF 3 SHEETS

GROUND FLOOR PLAN

WB
04.08.2006



2 0 SCALE 1 : 200 1[illegible]

ALL DISTANCES ARE IN METRES

AS TO GROUND FLOOR ONLY

THE STRATUM OF Pt. LOT 8 EXTERNAL TO THE BUILDING EXTENDS BETWEEN 0.03 METRES BELOW AND 3.8 METRES ABOVE THE UPPER SURFACE OF THE GROUND FLOOR OF THE BUILDING ON LOT 3.

BOUNDARIES OF THE THE BUILDING PART LOTS COMPRISE EXTERNAL FACES OF WALLS, IN THE CASE OF COMMON WALLS THE CENTRELINE IS THE BOUNDARY, THE UPPER SURFACE OF THE CONCRETE SLAB FORMING THE FLOOR AND THE CENTRE PLANE OF THE CONCRETE SLAB FORMING THE CEILING UNDER SECTION 3(2) (b) OF THE STRATA TITLES ACT 1995

ALL ANGLES ARE 90° UNLESS OTHERWISE STATED.

FOR OTHER PART OF Pt. LOT 8 SEE SHEET 3.

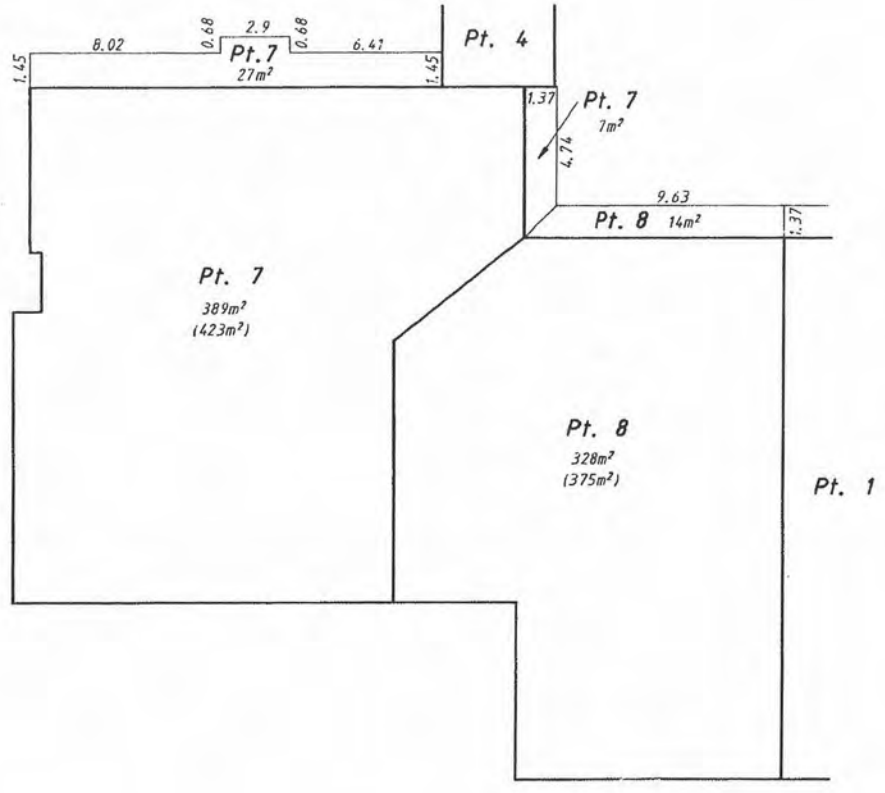
Paterson Tudor Owen & Parker
123 Fitzgerald Street, West Perth, [illegible]
Phone 9328 0088 Fax 9328 2689
[illegible]

WARNING: ERASING OR FILLING WILL LEAD TO REJECTION

STRATA PLAN 33148

SHEET 3 OF 3 SHEETS

FIRST FLOOR PLAN



2 0 SCALE 1 : 200 18

ALL DISTANCES ARE IN METRES

AS TO FIRST FLOOR ONLY

THE STRATUM OF Pt. LOTS 7 & 8 EXTERNAL TO THE BUILDING EXTENDS BETWEEN 2.96 METRES ABOVE AND 6.41 METRES ABOVE THE UPPER SURFACE OF THE GROUND FLOOR OF THE BUILDING ON LOT 3

BOUNDARIES OF THE THE BUILDING PART LOTS COMPRISE EXTERNAL FACES OF WALLS, IN THE CASE OF COMMON WALLS THE CENTRELINE IS THE BOUNDARY. THE CENTRE PLANE OF THE CONCRETE SLAB FORMING THE FLOOR AND THE UNDER SURFACE OF THE CEILING UNDER SECTION 3(2) (b) OF THE STRATA TITLES ACT 1995

ALL ANGLES ARE 90° UNLESS OTHERWISE STATED.

FOR OTHER PART OF Pt. LOT 8 SEE SHEET 2.

8
04-08-2006

Paterson Tudor Orsen & Parker
123 Fitzgerald Street, West Perth, 6005
Phone 9328 6088 Fax 9328 2689
Our Ref: 4424 - CC:09304

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

FORM 3

STRATA/~~SURVEY-STRATA~~ PLAN NO. 33148					
Schedule of Unit Entitlement		Office Use Only	Schedule of Unit Entitlement		Office Use Only
		Current Cs of Title			Current Cs of Title
Lot No.	Unit Entitlement	Vol. Fol.	Lot No.	Unit Entitlement	Vol. Fol.
1	31	2113 - 937			
2	Now Subdivided				
3	20	2113 - 939			
4	7	2113 - 940			
5	Now Subdivided				
6	Now Subdivided				
7	22	2703 - 551			
8	20	2703 - 552			
			Aggregate	100	

DESCRIPTION OF PARCEL AND BUILDING/~~PARCEL~~

RESUBDIVISION OF LOTS 5 & 6 ON STRATA PLAN 33148

PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211.
TWO STOREY BRICK, TILE & COLORBOND COMMERCIAL BUILDING.

CERTIFICATE OF LICENSED VALUER
STRATA/SURVEY STRATA

I, RICHARD F. PARRY, being a Licensed Valuer licensed under the *Land Valuers Licensing Act 1978* certify that the unit entitlement of each lot (in this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the *Strata Titles Act 1985*) of that lot bears to the aggregate value of all the lots delineated on the plan.

19/6/01
Date

Signed

FORM 5

Strata Titles Act 1985
Sections 5B(1), 8A, 22(1)

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

RESUBDIVISION OF LOTS 5 AND 6 ON STRATA PLAN 33148

PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211.
TWO STOREY BRICK, TILE & COLORBOND COMMERCIAL BUILDING.

CERTIFICATE OF LICENSED SURVEYOR

I, ROBERT TUDOR OWEN, being a licensed surveyor registered under the *Licensed Surveyors Act 1909*, certify that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan")—

(a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either

(b) each building shown on the plan is within the external surface boundaries of the parcel; or

~~(c) in a case where a part of a wall or building, or material attached to a~~ wall or building, encroaches beyond the external surface boundaries of the parcel—

(i) all lots shown on the plan are within the external surface boundaries of the parcel;

(ii) the plan clearly indicates the ~~existence~~ of the encroachment and it's nature and extent; ~~and~~

(iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and will be lodged with the Registrar of Titles to enable it to be registered as an appurtenance of the parcel; and

~~*(d) if the plan is a plan of re subdivision, it complies with Schedule 1~~ by-law(s) No(s)..... on Strata Plan No..... registered in respect of (name of ~~scheme~~).....
.....or sufficiently complies ~~with~~ that/those by-law(s) in a way that is allowed by ~~regulation 36 of the *Strata Titles General Regulations 1996*.~~

8.6.06.
Date

Licensed Surveyor

* Delete if inapplicable

FORM 7

Strata Titles Act 1985

Section 5B(2), 8A(f), 23(1)

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

RESUBDIVISION OF LOTS 5 AND 6 ON STRATA PLAN 33148

PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211.
TWO STOREY BRICK, TILE & COLORBOND COMMERCIAL BUILDING.

CERTIFICATE OF LOCAL GOVERNMENT

CITY OF NEDLANDS ....., the local government hereby certifies that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan"):-

(1) *(a) the building and the parcel shown on the plan have been inspected and that it is consistent with the approved building plans and specifications in respect of the building; or

~~*(b) the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;~~

(2) the building, in the opinion of the local government, is of sufficient standard to be brought under the *Strata Titles Act 1985*;

~~(3) where a part of a wall or building or material attached to a wall or~~ building, encroaches beyond the external surface boundaries of the parcel on to a public road, street or way ~~the local~~ government is of the opinion that retention of the encroachment in its existing state will not endanger public ~~safety~~ or unreasonably interfere with the amenity of the ~~neighbourhood~~ and the local government does not object to the ~~encroachment; and~~

(4) *(a) any conditions imposed by the Western Australian Planning Commission have been complied with; or

~~*(b) the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission~~.

2 July 2004
Date

.....
~~Chief Executive Officer~~

DELEGATED OFFICER UNDER SECTION 23(4) STRATA TITLES ACT 1985

*Delete if inapplicable

FORM 26

WAPC Ref. No. 460-06 ~~500-01~~

STRATA PLAN No. 33148

STRATA TITLES ACT 1985

Sections 25(1), 25(4)

CERTIFICATE OF GRANT OF APPROVAL BY WESTERN AUSTRALIAN PLANNING COMMISSION TO STRATA PLAN

It is hereby certified that the approval of the Western Australian Planning Commission has been granted pursuant to section 25(1) of the *Strata Titles Act 1985* to—

*(i) the *Strata ~~Plan~~/Plan of Re-Subdivision/~~Plan of Consolidation~~ submitted on 04:08:2006 and relating to the property described below;

~~*(ii) the sketch submitted on ..... of the *proposed subdivision of the property described below into lots on a Strata Plan/ Re-Subdivision/Consolidation of the lots on the Strata Plan described below, subject to the following conditions~~

Property Description: Lot (or Strata Plan) No. 5 & 6 on SP 33148

Location SWAN LOC 1029

Locality NEDLANDS

Local Government CITY OF NEDLANDS

Lodged by: PATERSON TUDOR OWEN & PARKER

Date: 04.08.2006

For Chairman, Western Australian Planning Commission

04.08.2006
Date

(*To be deleted as appropriate)

~~STRATA/SURVEY~~ -

STRATA PLAN - 33148

SHEET 1 **OF** 3 **SHEETS**

MANAGEMENT STATEMENT ☐ YES ☑ NO

Lodged. 12.5.99 233823

Examined. 25.5.99 MP

Registered. 2.12.99 App H298567

REGISTRAR OF TITLES

WESTERN AUSTRALIAN PLANNING COMMISSION

Certificate of Approval of W.A.P.C. under Section 25(1) or 25B(2) of *Strata Titles Act 1985*.

....

FOR CHAIRMAN DATE

PLAN OF

RESUBDIVISION OF
LOT 2 ON STRATA PLAN 33148

Deposited 52/99 v.4 p.14

CERT. OF TITLE
VOL. 2113 FOL. 938

LOCAL GOVERNMENT
CITY OF NEDLANDS

INDEX PLAN
BG34 (2) 09.21

FIELD BOOK NUMBER

SCALE

NAME OF SCHEME
150 STIRLING HIGHWAY
NEDLANDS

ADDRESS OF PARCEL
150 STIRLING HIGHWAY
NEDLANDS WA 6009

DOLA
Department of LAND ADMINISTRATION

TC D:\STRATA\99007\BSHT1.DGN

FORM 1

Paterson Tudor Owen & Parker
CONSULTING SURVEYORS

STRATA PLAN 33148

PTOP 3939

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

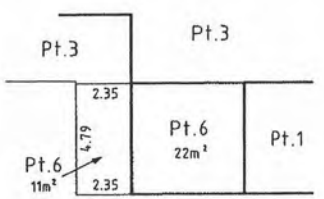
STRATA/~~SURVEY~~ -
~~STRATA~~ PLAN 33148
SHEET 2 **OF** 3 **SHEETS**

FORM 4

GROUND FLOOR

SCALE 1:200

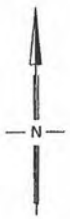
FOR OTHER Pt. LOTS 6 SEE SHEET 3 OF 3



THE STRATUM OF PT LOT 6 EXTERNAL TO THE BUILDING EXTENDS BETWEEN 0·03 METRES BELOW AND 3·8 METRES ABOVE THE UPPER SURFACE OF THE GROUND FLOOR OF THE BUILDING ON LOT 3 AS PROVIDED BY SECTION ~~32B~~ 3(2)(b) OF THE STRATA TITLES ACT 1985.

EXTERNAL FACES OF WALL FORM BOUNDARIES OF PART LOTS COMPRISING THE BUILDING. IN THE CASE OF COMMON WALLS THE CENTRELINE IS THE BOUNDARY.

ALL ANGLES ARE 90° UNLESS OTHERWISE STATED.



Paterson Tudor Owen & Parker
CONSULTING SURVEYORS

DoLA Corr. 52/99 v. 4 p. 14

TC D:\STRATA\99007\BSHTLDGN

PTOP 3939

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA/~~SURVEY~~ -

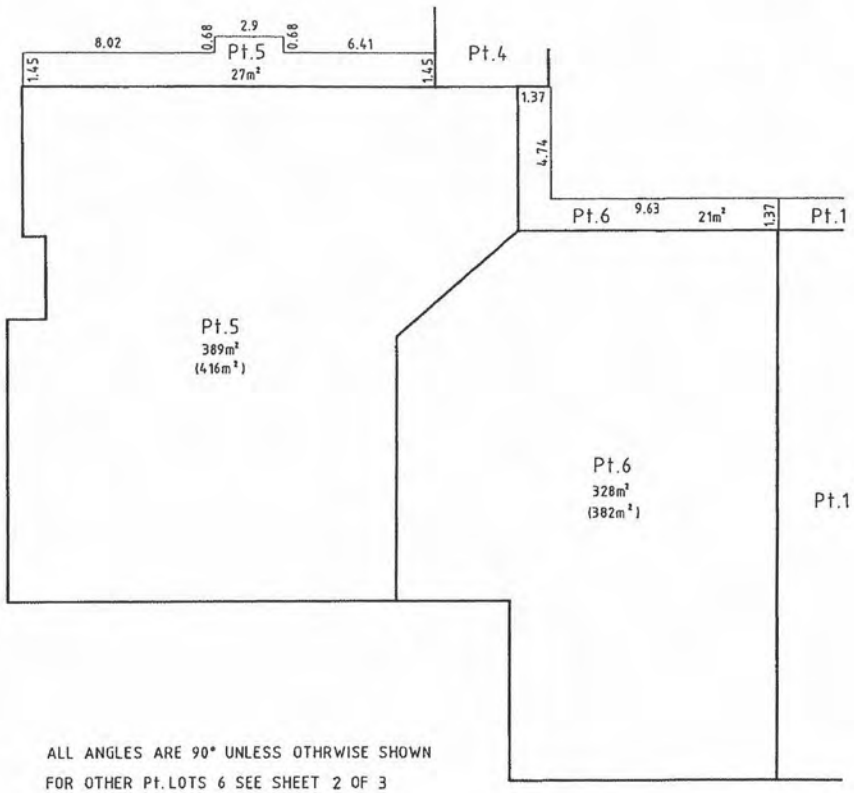
~~STRATA~~ PLAN 33148

SHEET 3 **OF** 3 **SHEETS**

FORM 4

FIRST FLOOR

SCALE 1:200



ALL ANGLES ARE 90° UNLESS OTHRWISE SHOWN

FOR OTHER Pt. LOTS 6 SEE SHEET 2 OF 3

THE STRATUM OF PT LOTS 5 & 6 EXTERNAL TO THE BUILDING EXTENDS BETWEEN 2·96 METRES ABOVE AND 6·48 METRES ABOVE THE UPPER SURFACE OF THE GROUND FLOOR OF THE BUILDING ON LOT 3 AS PROVIDED BY SECTION ~~32B~~ 3(2)(b) OF THE STRATA TITLES ACT 1985.

EXTERNAL FACES OF WALL FORM BOUNDARIES OF PART LOTS COMPRISING THE BUILDING. IN THE CASE OF COMMON WALLS THE CENTRELINE IS THE BOUNDARY.

ALL ANGLES ARE 90° UNLESS OTHERWISE STATED.

Paterson Tudor Owen & Parker
CONSULTING SURVEYORS

DoLA Corr. 52/99 v.4 p.14

TC D:\STRATA\99007\BSHT1.DGN

PTOP 3939

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

FORM 3

STRATA/~~SURVEY-STRATA~~ PLAN NO. 33148					
Schedule of Unit Entitlement		Office Use Only Current Cs of Title	Schedule of Unit Entitlement		Office Use Only Current Cs of Title
Lot No.	Unit Entitlement	Vol. Fol.	Lot No.	Unit Entitlement	Vol. Fol.
1	31	2113-937			
2	Now Subdivided				
3	20	2113-939			
4	7	2113-940			
5	22	2179-445			
6	20	2179-446			
			Aggregate	100	

DESCRIPTION OF PARCEL AND BUILDING/PARCEL

RESUBDIVISION OF
LOT 2 ON STRATA PLAN 33148.

CERTIFICATE OF LICENSED VALUER
STRATA/~~SURVEY-STRATA~~

I, RICHARD F. PARRY, being a Licensed Valuer licensed under the *Land Valuers Licensing Act 1978* certify that the unit entitlement of each lot (in this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the *Strata Titles Act 1985*) of that lot bears to the aggregate value of all the lots delineated on the plan.

19/3/99.
Date

R. [signature]
Signed

FORM 5

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

RESUBDIVISION OF
LOT 2 ON STRATA PLAN 33148

CERTIFICATE OF LICENSED SURVEYOR

I, ROBERT TUDOR OWEN, being a licensed surveyor registered under the *Licensed Surveyors Act 1909*, certify that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan")—

(a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either

(b) each building shown on the plan is within the external surface boundaries of the parcel; or

~~(c) in a case where a part of a wall or building, or material attached to a wall or building, encroaches beyond the external surface boundaries of the parcel—~~

~~(i) all lots shown on the plan are within the external surface boundaries of the parcel;~~

~~(ii) the plan clearly indicates the existence of the encroachment and it's nature and extent; and~~

~~(iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and will be lodged with the Registrar of Titles to enable it to be registered as an appurtenance of the parcel; and~~ R to O.

~~*(d) if the plan is a plan of re subdivision, it complies with Schedule 1 by-law(s) No(s)..... on Strata Plan No.....~~ R to O.
~~registered in respect of (name of scheme).....~~
~~.....or sufficiently complies with that/those by-law(s) in a way that is allowed by regulation 36 of the *Strata Titles General Regulations 1996*.~~

17.2.99
Date

R. Tudor Owen
Licensed Surveyor

* Delete if inapplicable

DoLA Corr. 52/99 v.4 p.14

FORM 7

Strata Titles Act 1985

Section 5B(2), 8A(f), 23(1)

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

RESUBDIVISION OF
LOT 2 ON STRATA PLAN 33148

CERTIFICATE OF LOCAL GOVERNMENT

CITY OF NEDLANDS, the local government hereby certifies that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan"):-

(1) ~~*(a) the building and the parcel shown on the plan have been inspected~~ and that it is consistent ~~with the~~ approved building plans and ~~specifications in respect of the building; or~~ N/A.

*(b) the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;

(2) the building, in the opinion of the local government, is of sufficient standard to be brought under the *Strata Titles Act 1985*;

~~(3) where a part of a wall or building or material attached to a wall or~~ building, encroaches beyond the external surface boundaries of the parcel on to a public road, street or way the ~~local~~ government is of the opinion that retention of the encroachment in its existing state will not endanger public safety ~~or~~ unreasonably interfere with the amenity of the neighbourhood and the local government does not object to the ~~encroachment; and~~ N/A.

(4) *(a) any conditions imposed by the Western Australian Planning Commission have been complied with; or

~~*(b) the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission.~~ N/A

- 7 APR 1999
Date

Henry Hegney
~~Chief Executive Officer~~
Delegated Officer
23 (5) Strata Titles Act 1985

*Delete if inapplicable

10

FORM 26

WAPC Ref. No. 278-98

STRATA PLAN No. 33148

STRATA TITLES ACT 1985

Sections 25(1), 25(4)

CERTIFICATE OF GRANT OF APPROVAL BY WESTERN AUSTRALIAN PLANNING COMMISSION TO STRATA PLAN

It is hereby certified that the approval of the Western Australian Planning Commission has been granted pursuant to section 25(1) of the *Strata Titles Act 1985* to—

*(i) the *Strata Plan/~~Plan of Re-Subdivision/Plan~~ of Consolidation submitted on 20 MAR 1998 and relating to the property described below;

*(ii) the sketch submitted on .....
of the *proposed subdivision of the property described below into lots on a Strata Plan/ Re-Subdivision/Consolidation of the lots on the Strata Plan described below, subject to the following conditions—

Property Description:

Lot (or Strata Plan) No. RESUBDIVISION OF LOT 2 ON STRATA PLAN 33148

Location SWAN LOC 1029

Locality NEDLANDS

Local Government CITY OF NEDLANDS

Lodged by: PATERSON TUDOR OWEN & PARKER

Date:

.....
For Chairman, Western Australian Planning Commission

16 APR 1999
Date

(*To be deleted as appropriate)

FORM 1

STRATA / ~~SURVEY~~ —

~~STRATA~~ PLAN 33148

SHEET 1 OF 3 SHEETS

MANAGEMENT STATEMENT ☐ YES ☑ NO

Lodged 25.7.97 168140

Examined 31.7.97

Registered 5.9.97 App G575780

REGISTRAR OF TITLES

WESTERN AUSTRALIAN PLANNING COMMISSION

Certificate of Approval of W.A.P.C. under Section 25(1) or 25B(2) of *Strata Titles Act 1985*.

SEE FORM 26

FOR CHAIRMAN DATE

PLAN OF
PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM DIAGRAM 46211

CERT. OF TITLE
VOLUME 2074 FOLIO 250

LOCAL GOVERNMENT
CITY OF NEDLANDS

INDEX PLAN
BG 34 (2) 09·21

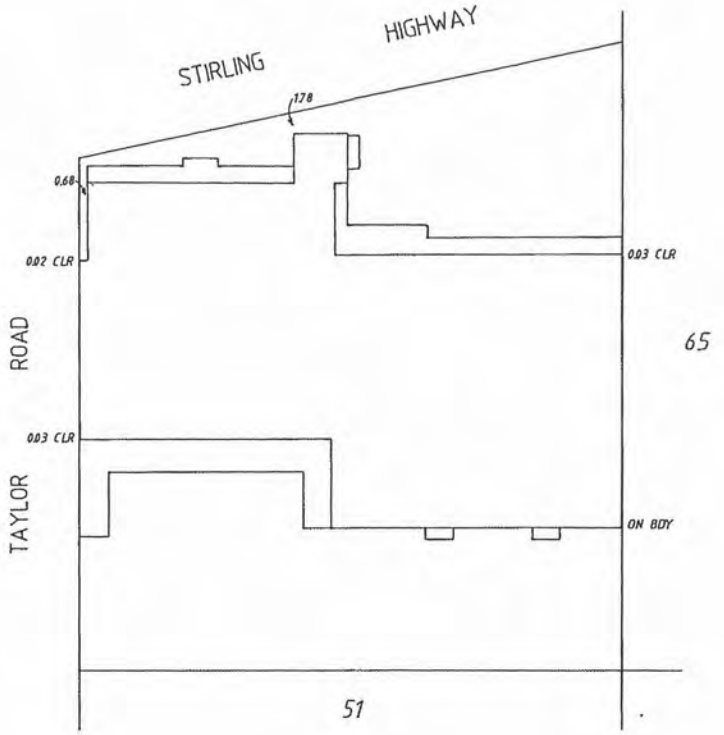
FIELD BOOK NUMBER

SCALE 1:400

NAME OF SCHEME
150 STIRLING HIGHWAY NEDLANDS

ADDRESS OF PARCEL
150 STIRLING HIGHWAY
NEDLANDS. WA 6009

DOLA
Department of LAND ADMINISTRATION



LOCATION PLAN

Paterson Taylor Orsen & Parker
CONSULTING SURVEYORS

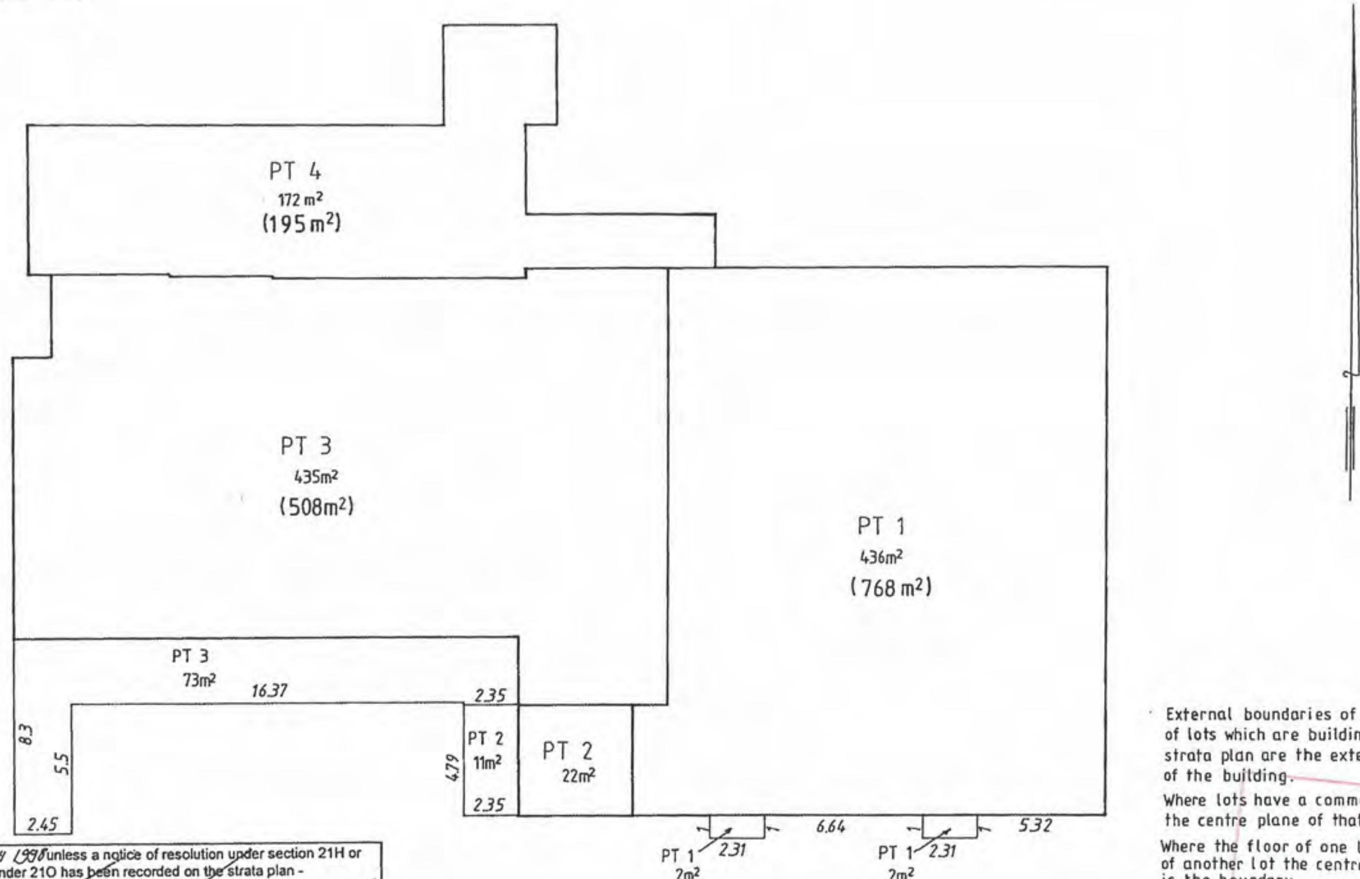
STRATA PLAN 33148
[redacted]
STRATA/SURVEY STRATA PLAN

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA / ~~SURVEY~~ —
~~STRATA~~ PLAN 33148

SHEET 2 OF 3 SHEETS

FORM 4



External boundaries of the lots or parts of lots which are buildings shown on the strata plan are the external surfaces of the building.

Where lots have a common or party wall the centre plane of that wall is the boundary.

Where the floor of one lot forms the ceiling of another lot the centre plane of that floor is the boundary.

The stratum of lots extends between 5 metres below and 20 metres above the upper surface of the ground floor of the building on Lot 3

As at 5 MARCH 1998 unless a notice of resolution under section 21H or an objection under 21O has been recorded on the strata plan -

The boundaries of the lots or parts of the lots which are buildings shown on the strata plan are the external surfaces of those buildings, as provided by section 3AB of the *Strata Titles Act 1985*;

The scheme may not be a single tier scheme, as defined in section 3(1) of the *Strata Titles Act 1985*;

The areas of the lots shown on the strata plan may have changed;

Where 2 lots have a common or party wall, or have buildings on them which are joined, the centre plane of that wall or the plane at which they are joined, is the boundary;

The horizontal boundaries of the lots or parts of the lots which are not buildings shown on the plan (if any) remain as provided on this strata plan;

ENTERED IN ERROR

Notice placed in error
Not a single tier scheme
2/6/98

GROUND FLOOR
1 : 200

Angles are 90° unless otherwise shown.

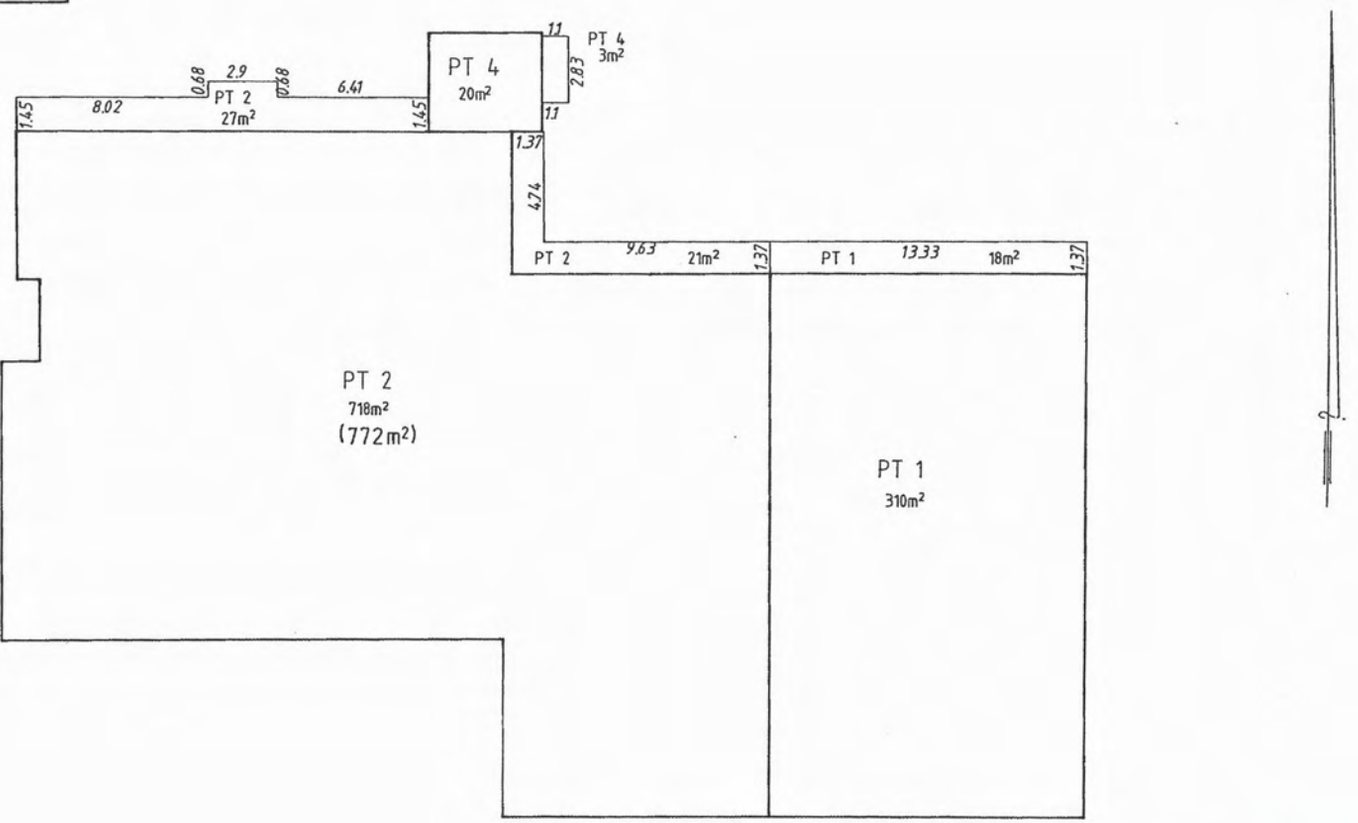
For other parts of Lots 1,2 and 4 see sheet 3.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA / ~~SURVEY~~ —
~~STRATA~~ PLAN 33148

SHEET 3 OF 3 SHEETS

FORM 4



Angles are 90° unless otherwise shown.

For other parts of Lots 1,2 and 4 see sheet 2

FIRST FLOOR
1:200

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

FORM 3

STRATA/~~SURVEY-STRATA~~ PLAN NO. 33148					
Schedule of Unit Entitlement		Office Use Only Current Cs of Title	Schedule of Unit Entitlement	Office Use Only Current Cs of Title	
Lot No.	Unit Entitlement	Vol. Fol.	Lot No.	Unit Entitlement	Vol. Fol.
1	31	2113-937			
2	42	2113-938			
3	20	2113-939			
4	7	2113-940			
			Aggregate	100	

DESCRIPTION OF PARCEL AND BUILDING/PARCEL

TWO STOREY BRICK, TILE AND COLORBOND COMMERCIAL BUILDING SITUATED ON PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211, CONTAINED IN CERTIFICATE OF TITLE VOLUME 2074 FOLIO 250 AND KNOWN AS 150 STIRLING HIGHWAY, NEDLANDS.

CERTIFICATE OF LICENSED VALUER
STRATA/~~SURVEY-STRATA~~

I, Richard F. Parry, being a Licensed Valuer licensed under the *Land Valuers Licensing Act 1978* certify that the unit entitlement of each lot (in this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the value (as that term is defined in section 14 (2a) of the *Strata Titles Act 1985*) of that lot bears to the aggregate value of all the lots delineated on the plan.

6/7/97
Date

Signed

FORM 5

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

TWO STOREY BRICK, TILE AND COLORBOND COMMERICAL BUILDING SITUATED ON PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211, CONTAINED IN CERTIFICATE OF TITLE VOLUME 2074 FOLIO 250 AND KNOWN AS 150 STIRLING HIGHWAY, NEDLANDS.

CERTIFICATE OF SURVEYOR

I,.....ROBERT TUDOR OWEN....., being a licensed surveyor registered under the *Licensed Surveyors Act 1909*, certify that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan"):-

(a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either

(b) each building shown on the plan is within the external surface boundaries of the parcel; or

~~(c) in a case where a part of a wall or building, or material attached to a wall or building, encroaches beyond the external surface boundaries of the parcel -~~

~~(i) all lots shown on the plan are within the external surface boundaries of the parcel;~~

~~(ii) the plan clearly indicates the existence of the encroachment and it's nature and extent; and~~

~~(iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and will be lodged with the Registrar of Titles to enable it to be registered as an appurtenance of the parcel; and~~

*~~(d) if the plan is a plan of re-subdivision, it complies with Schedule 1~~ by-law(s) No(s)..... on Strata Plan No..... registered in respect of (name of scheme)..... .....or sufficiently ~~complies with~~ that/those by-law(s) in a way that is allowed by ~~regulation 36 of the *Strata Titles General Regulations 1996*.~~

8.7.97
.....
Date

R. Tudor Owen.
.....
Licensed Surveyor

* Delete if inapplicable

FORM 7

STRATA PLAN No. 33148

DESCRIPTION OF PARCEL & BUILDING

TWO STOREY BRICK, TILE AND COLORBOND COMMERCIAL BUILDING SITUATED ON PORTION OF SWAN LOCATION 1029 AND BEING LOT 67 ON DIAGRAM 46211, CONTAINED IN CERTIFICATE OF TITLE VOLUME 2074 FOLIO 250 AND KNOWN AS 150 STIRLING HIGHWAY, NEDLANDS.

CERTIFICATE OF LOCAL GOVERNMENT

.....CITY OF NEDLANDS....., the local government hereby certifies that in respect of the strata plan which relates to the parcel and building described above (in this certificate called "the plan"):-

(1) (a) the building and the parcel shown on the plan have been inspected and that it is consistent with the approved building plans and specifications in respect of the building; or

~~(b) the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;~~

(2) the building, in the opinion of the local government, is of sufficient standard to be brought under the *Strata Titles Act 1985*;

~~(3) where a part of a wall or building or material attached to a wall or building, encroaches beyond the external surface boundaries of the parcel on to a public road, street or way the local government is of the opinion that retention of the encroachment in its existing state will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood and the local government does not object to the encroachment; and~~

(4) (a) any conditions imposed by the Western Australian Planning Commission have been complied with; or

~~(b) the within strata scheme is exempt from the requirement of approval by the Western Australian Planning Commission.~~

21 JUL 1997
.....
Date

.....
~~Shire/Town Clerk~~
Delegated Officer
23 (5) Strata Titles Act 1985

Delete if inapplicable

FORM 26

WAPC Ref. No. 123-97

STRATA PLAN No. 33148

STRATA TITLES ACT 1985
Sections 25(1), 25(4)

CERTIFICATE OF GRANT OF APPROVAL BY WESTERN AUSTRALIAN PLANNING COMMISSION TO STRATA PLAN

It is hereby certified that the approval of the Western Australian Planning Commission has been granted pursuant to section 25(1) of the *Strata Titles Act 1985* to—

*(i) the *Strata Plan/~~Plan of Re-Subdivision/Plan of Consolidation~~ submitted on ..... and relating to the property described below;

~~*(ii) the sketch submitted on .....~~
of the *proposed subdivision of the property ~~described below~~ into lots on a Strata Plan/ Re-Subdivision/~~Consolidation~~ of the lots on the Strata Plan described below, subject to the ~~following conditions~~

Property Description: Lot (or Strata Plan) No. 67 ON DIAGRAM 46211

Location SWAN LOCATION 1029

Locality NEDLANDS

Local Government CITY OF NEDLANDS

Lodged by: PATERSON TUDOR OWEN & PARKER

Date:

.....
For Chairman, Western Australian Planning Commission

23 JULY 1997
Date

(*To be deleted as appropriate)

FORM 8

ANNEXURE A OF STRATA / SURVEY - STRATA PLAN No. 33148 REGISTRAR OF TITLES

SCHEDULE OF DEALINGS ON STRATA / SURVEY - STRATA PLAN

Dealings registered or recorded on Strata / Survey - Strata Plan	Instrument				Signature of Registrar of Titles
	Nature	Number	Regist'd	Time	
Re-subdivision of Strata Lot 2 into Lots 5 & 6.	Application	H298567	2.12.99	15:30	
Re-subdivision of Lots 5 & 6 into Lots 7 & 8.	Application	K476746	16.1.08	10.59	

Note: Entries may be affected by subsequent endorsements.

2

FORM 8

ANNEXURE B OF STRATA / SURVEY - STRATA PLAN No. 33148 REGISTRAR OF TITLES

SCHEDULE OF ENCUMBRANCES ETC.

Instrument			Regist'd	Signature of Registrar of Titles	Cancellation				
Nature	Number				Nature	Number	Regist'd	Time	Signature of Registrar of Titles
Notification	G697417	Notification of change of by-laws.	16.2.98						

Note: Entries may be affected by subsequent endorsements.

CITY OF N-DLANDS
6 DEC 2017
RECEIVED

Appendix D

New Internal Layout Plan

DECEMBER 2019

NEW WORKS LEGEND:

EXISTING WALL
NEW PARTITION WALL
NEW GLAZED WALL

FULL HEIGHT / OVERHEAD JOINERY

LOW HEIGHT JOINERY

JOINERY REFERENCE NUMBER
DRAWING PAGE REFERENCE

PARTITION LEGEND:

P1 PARTITION WALL FROM FFL TO FC:
76MM STEEL STUD FRAMING
1 X 13mm PLUSH PB TO ONE SIDE
2 X 13mm PLUSH PB TO ONE SIDE
(EXCEPT TO WALL CAVITIES / RECESS FOR SERVICES)
75mm GLASSWOOL INSULATION TO WALL CAVITY 14KG/m3
STUDS SPACED TO ALLOW NEW PARTITION FACES TO ALIGN WITH ADJACENT WALL FACES
BATTLE BLOCK INSULATION IN CEILING VOID TO 300mm EITHER SIDE OF PARTITION WALL.

P2 PARTITION WALL FROM FFL TO 2400 AFL:
76MM STEEL STUD FRAMING
1 X 13mm FYRCHEK PLUSH PB TO EITH SIDES
75mm GLASSWOOL INSULATION TO WALL CAVITY 14KG/m3

P3 PARTITION WALL FROM FFL TO FC:
76MM STEEL STUD FRAMING
1 X 13mm MR PLUSH PB TO BOTH SIDES
(EXCEPT TO WALL CAVITIES / RECESS FOR SERVICES)
75mm GLASSWOOL INSULATION TO WALL CAVITY 14KG/m3
STUDS SPACED TO ALLOW NEW PARTITION FACES TO ALIGN WITH ADJACENT WALL FACES

DOOR LEGEND:

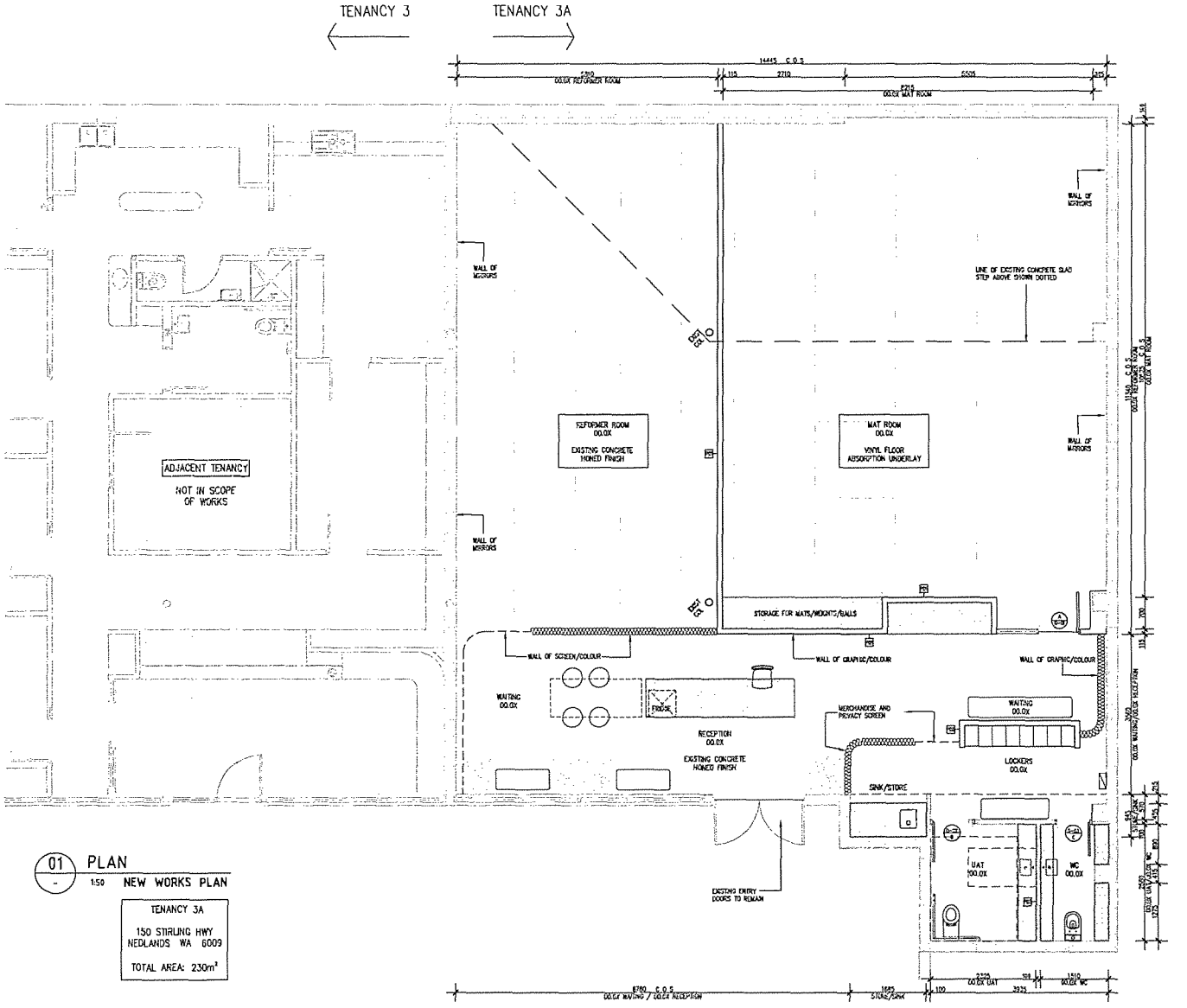
D1.01 A — DOOR NUMBER / DOOR TYPE

DOOR TYPE A: 870mm W - 850mm CLEAR OPENING - 2440mm HIGH
FLUSH PANEL SOLID CORE HINGE DOOR
MIN. 100 X 40mm ALUMINIUM FRAME, POWDERCOATED FINISH
PAINT FINISH TO DOOR PANEL
LEVER HANDLE INSTALLED @ 1000mm AFL

DOOR TYPE D: 870mm W - 850mm CLEAR OPENING - EX HEIGHT COS
FLUSH PANEL SOLID CORE HINGE DOOR
MIN. 40mm TIMBER FRAME, PAINT FINISH
PAINT FINISH TO DOOR PANEL
LEVER HANDLE INSTALLED @ 1000mm AFL

DOOR TYPE D: EX OPENING - WIDTH AND HEIGHT COS
FLUSH PANEL SOLID CORE HINGE DOOR
MIN. 40mm TIMBER FRAME, PAINT FINISH
PAINT FINISH TO DOOR PANEL
LEVER HANDLE INSTALLED @ 1000mm AFL

TENANCY 3 ← TENANCY 3A →



01 — 1:50 PLAN — NEW WORKS PLAN

TENANCY 3A
150 STIRLING HWY
NEDLANDS WA 6009

TOTAL AREA: 230m²

GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION. *ANY DISCREPENCIES ARE TO BE REPORTED IMMEDIATELY TO THE ARCHITECT.*
2. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE *OVER SCALED DIMENSIONING.*
3. LARGE SCALE DRAWINGS SHALL TAKE PREFERENCE OVER SMALL SCALE DRAWINGS.
4. THE CONTRACTOR SHALL CARRY OUT THE WORK IN ACCORDANCE WITH *THE BCA* AND LOCAL AUTHORITY REQUIREMENTS.
5. SITE VISIT – THE CONTRACTOR SHALL BE REQUIRED TO VISIT AND ACQUAINT HIMSELF WITH ALL VISIBLE SITE CONDITIONS AND ACCESS TO THE SITE.
6. ALL MATERIAL SHALL BE OF NEW, GOOD QUALITY AND CONFORM TO WHAT IS SHOWN ON THE DRAWINGS.
7. FINAL SPECIFICATION, DETAIL AND EXTENT OF ALL FINISHES, FIXTURES, FITTINGS AND EQUIPMENT IS TO BE CONFIRMED BY THE CONTRACTOR WITH HEARTBEAT HIGH AND THE ARCHITECT PRIOR TO ORDER/MANUFACTURE/CONSTRUCTION.
8. THIS DOCUMENTATION IS COMPLIANT WITH THE FOLLOWING AS AND BCA SECTIONS;

AS 1288-2006 (R2016): GLASS IN BLDGS
AS 3740-2010: WP DOMESTIC WET AREAS
AS 1428.1: DESIGN FOR ACCESS AND MOBILITY
CLAUSE 13: DOOR HARDWARE AND DOORWAY
LUMINANCE COLOUR CONTRAST
BCA_C1.10: FIRE HAZARD PROPERTIES
BCA_F1.7: WP OF WET AREAS

- HYDRAULIC WORKS: AS3500
- ELECTRICAL WORKS: AS3000
- MECHANICAL WORKS: AS1668.2|AS/NZS3666.1

9. THIS DOCUMENTATION IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING;
   - MECHANICAL CONTRACTOR DOCUMENTATION
   - ELECTRICAL CONTRACTOR DOCUMENTATION
   - HYDRAULIC CONTRACTOR DOCUMENTATION

DATE	DESCRIPTION	BY	REV
16.12.19	ISSUED FOR DEVELOPMENT APPLICATION	NG	A

nicola gibson architect
ngibsonarchitect@bigpond.com | 0418499682

DEVELOPMENT APPLICATION

PROJECT
HEARTBEAT HIGH WEST
150 STIRLING HWY
NEDLANDS WA 6009

DRAWING
NEW WORKS PLAN

JOB NO.	1909
DRAWN	NG
CHECKED	NG
SCALE	1:50 @ A1
DRAWING NO.	A-200
REVISION	A

Tel: 08 6189 9090
www.auswideconsulting.com.au
info@auswideconsulting.com.au
ABN 18 162 361 042

PARKING DEMAND ASSESSMENT

3A/150 STIRLING HWY, NEDLANDS WA 6009

Proposed Pilates Studio

Prepared for:	Heartbeat High
Date Prepared:	January 2020
Revision:	1.0
City of Nedlands Council Development Application #:	TBA

INDEX

INTRODUCTION

AusWide Consulting was engaged by Heartbeat High to prepare a Parking Demand Assessment at 3A/150 Stirling Hwy, Nedlands WA 6009. This report will assess the implications of the proposed development on existing traffic, parking and transport conditions surrounding the site. The following items have been included in the subsequent sections of this report:

- public and active transport accessibility at the site,
- number of car parking spaces required for the development,
- expected traffic generation rates and their impact on the surrounding road network,
- car parking inventory and demand survey to determine the impacts of the existing development on the on/off-street public parking spaces provided within the vicinity,
- Conclusions of the above findings.

During the course of preparing this assessment, the subject site and its environment have been inspected, and all relevant traffic and parking data collected and analysed.

BACKGROUND AND EXISTING CONDITIONS

The subject site is located on Stirling Hwy in the suburb of Nedlands which is approximately 7km from Perth's CBD. The site is falls within the City of Nedlands. The use of the land immediately surrounding the subject site is primarily commercial and residential in nature, which mainly comprises of commercial buildings. Development in the area is typically characterised by low-medium density-built forms that are generally commercial developments. The subject property is bounded by Stirling Hwy to the north, Taylor Rd to the west and existing developments in the southern and eastern directions.

Stirling Hwy is a state road under the Council jurisdiction. The road cross-section at the site includes 4 lanes (2 eastbound and 2 westbound) with pedestrian footpaths on both sides. The subject site is in a medium pedestrian activity zone with a speed limit of 60km/hr.

Figure 1: presents an aerial view of the subject site showing surrounding suburbs

Figure 2: presents an aerial view of the subject site showing surrounding roads and businesses

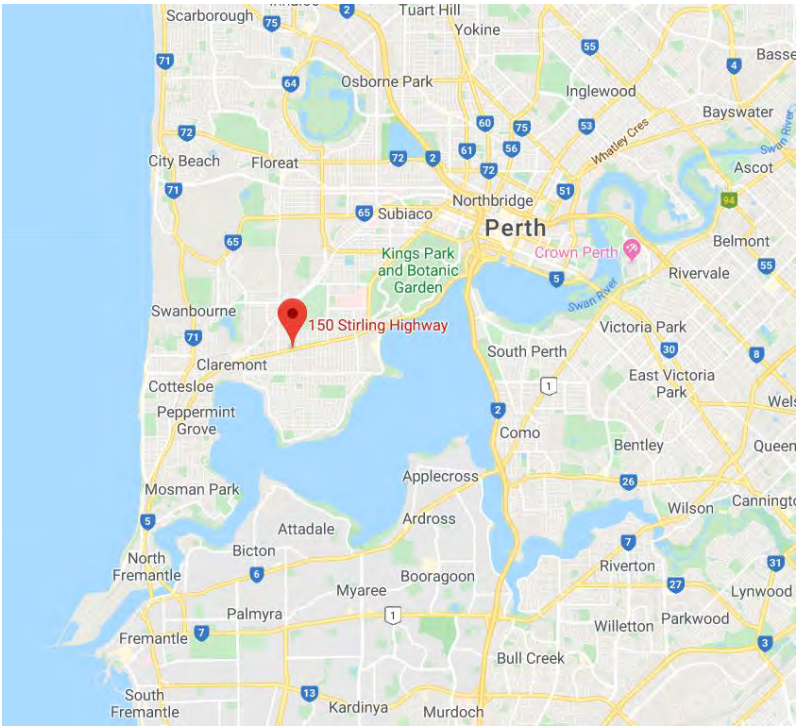


Figure 1: Location of the subject site, *source: Google Maps*

Figure 2: Aerial view of subject site, *source: Google Maps*

PUBLIC TRANSPORT

The subject site is in an area that has reasonable access to bus services that is within walking distance of the site. The closest bus stop to the site, Stirling Hwy before Ord St bus stop, is 110m away which is an approx. 1-minute walk. This location offers multiple bus routes with frequent services throughout the day. Figure 3 below displays the public transport map around the site and the following table will summarise the services.

Figure 3: Site PTV Map, *source: ptv.vic.gov.au*

Service	Location	Distance from subject site [m]	Walking time [min]	Origin	Destination	Route Description	Number of Service		
							AM Peak (7-9 am)	PM Peak (4-6 pm)	Off peak
BUS SERVICES									
102	Stirling Hwy before Ord St bus stop	110	1	Elizabeth Quay Bus Station	Cottesloe Station	-	5	7	2 services per hour
				Cottesloe Station	Elizabeth Quay Bus Station	-	6	4	2 services per hour
103	Stirling Hwy before Ord St bus stop	110	1	Hale St/Waca	Fremantle Station	-	12	6	4 services per hour
				Fremantle Station	Hale St/Waca	-	2	2	1 service per hour
107	Stirling Hwy before Ord St bus stop	110	1	Elizabeth Quay Station	Fremantle Station	-	4	6	2 services per hour
				Fremantle Station	Elizabeth Quay Bus Station	-	4	3	1 service per hour
998	Stirling Hwy before Ord St bus stop	110	1	Fremantle Station	Fremantle Station	Circle Route	10	9	4 services per hour

Table 1: Public Transport - bus service details

The above bus service details show that the proposed development site has good access to public transport options with frequent services from each route. The closest public transport service to the site, Stirling Hwy before Ord St bus stop, is able to provide high frequency and efficient transport options for staff and clients of the site.

Thus, it can be concluded that staff and clients would have the choice to utilise public transport services to travel to and from the site, which would significantly reduce the parking demand on the subject site.

WALKABILITY

The locality was assessed for nearby features that would encourage patrons and staff to walk/cycle. Reference is made to the 15 minute walking catchment area outlined in ***Figure 4***.

The 'walkability' of a site is a measure of its proximity to other facilities by walking and can be ascertained from *www.walkscore.com*. The subject site is rated as "Very Walkable*'*" (meaning that most errands can be accomplished on foot) and with a score of 83 out of 100 (obtained from the 'Walk Score' web tool), it provides a higher ranking to the average Perth metropolitan score of 50 out of 100.

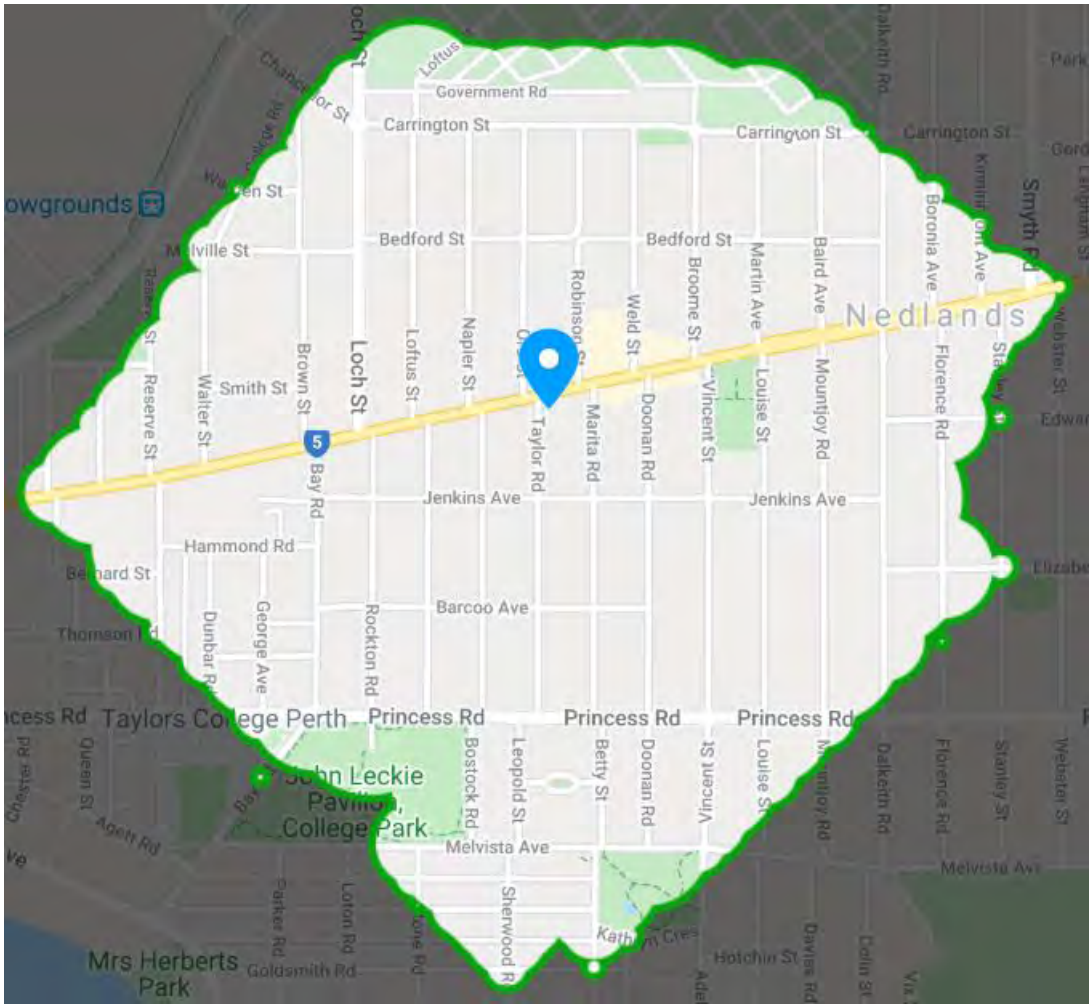


Figure 4: 15 Minute walking catchment area, *source: www.walkscore.com*

PROPOSED DEVELOPMENT

The proposed development for the site at 3A/150 Stirling Hwy, Nedlands WA 6009 is for a pilates studio.

Through observation of site plans and information from the client, the following information is provided;

- The opening times for the proposed development are;
    - Monday – Thursday (6:00am – 9:10am & 5:30pm – 7:30pm)
    - Friday (6:00am – 10:00am)
    - Saturday & Sunday (7:30am – 10:00am)
    - Expected peak times are 6:00am – 8:00am & 5:30pm – 7:30pm
- Maximum of 30 patrons on-site at any time. The maximum number of patrons is only relevant when 2 classes are simultaneously run.
- Maximum number of 2 staff on-site at any one time.
- Approx. GFA of 230sqm.
- The propose development has 6 dedicated parking spaces available on-site.

NUMBER OF CAR PARKING SPACES REQUIRED FOR THE DEVELOPMENT

Under the City of Nedlands Local Planning Scheme No.3 (LPS3) and the Local Planning Policy – Parking (LPP-P), the council has advised that the proposed development's land use is classified as a recreation private land use. The table below summarises the rates obtained from the local planning schemes as well as the car parking requirement for the proposed land use.

Land Use	Given Rate from Council Planning Scheme	Car Parking Required	Dedicated Parking Spaces Provided	Car Parking Short fall
Recreational Private	1 bay per 2 persons	With a maximum patron and staff occupancy of 32, the car parking requirement is 16 spaces. However, as the client has a 15% reduction applied, the requirement is 13.6 car spaces.	6 dedicated on-site parking spaces available.	Shortfall of 8 (rounded up) car parking spaces.

Table 2: Proposed Development Car Parking Requirement Summary

As observed in the table above, the proposed development requires 13.6 car parking spaces to meet the requirements set by the City of Nedlands. As the site has 6 dedicated parking spaces available, there is a resulted shortfall of 8 (rounded up) parking spaces.

It should be noted that the neighbouring business on Lot 3, Periodontal Surgery, has opening hours that fall outside the hours of operation for the proposed development. This results in 3 additional car parking spaces available throughout early morning classes, evening classes and weekend opening times.

Nonetheless, to accommodate for this shortfall, the remaining car parking requirement will have to be met through on/off street parking that is within 250m of the local area. A car parking survey is to be conducted to determine available parking around the area.

TRAFFIC IMPACT ASSESSMENT

As the proposed pilates studio does not have any traffic generation rates within the RTA Guide or Council documents, the traffic impact and generation for the studio will have to be empirically assessed through patron numbers and operating times.

As the maximum number of patrons (30) occurs when 2 classes are run concurrently, it is expected that each class will have a maximum of 15 patrons.

On Monday – Thursday where the maximum number of classes are run (7 classes per day), the daily trips generated on these days can be calculated to be 214 trips per day. On Friday where there are only 4 classes run, the maximum daily vehicle trips is calculated to be 124. On Saturday and Sunday where there are 3 classes per day, the maximum daily vehicle trips for the site is calculated to be 94 trips.

It should be noted that these calculations are under the assumption that each patron and staff will be individually driving to and from the site. Therefore, it is expected that the daily vehicle trips generated from the site can be much lower than calculated.

When assessing these rates using the RTA Guide, it is evident that the vehicle traffic generation of the proposed site is considerably low. Also given the location of the site and the available public transport options close by, staff and patrons may choose this as their main form of transport.

It is expected that the vehicular traffic generated by the site will distribute across the road network in the vicinity. It was perceived that these rates are in fact negligible and are not anticipated to generate any significant adverse impacts on the local road network.

CROSS UTILISATION TRIPS

As the site is located within a mixed residential and commercial area, some of the patrons may use these services and attractions available in the vicinity. Therefore, the trips generating to and from the site may be part of the trips towards the commercial attractions within the area. Cross-purposed trips are then expected from the proposed development.

CAR PARKING DEMAND SURVEY

As a part of this study, parking utilization surveys were undertaken to determine the public parking occupancy on:

- Wednesday 15th January 2020 (6:00am – 9:00am)
- Thursday 16th January 2020 (5:00pm – 8:00pm)
- Saturday 18th January 2020 (7:00am – 10:00am)

The survey area considered all the on/off-street parking spaces available within an approximately 400m radius of the site (generally regarded as the walking distance to the site). The survey area was carefully chosen to represent the areas where residents and visitors are most likely to park their vehicles. The survey area map and the full results of this survey are presented in ***Appendix: A – D***. The following sections summarise and discuss these results.

ON - STREET PUBLIC PARKING

There is an approximate total of 412 on-street public parking spaces available within a 400m walking distance of the proposed development site.

The parking observations showed that for on-street parking, the occupancy is in between 18 – 40% on Wednesday, 31 - 49% on Thursday and 24 - 40% on Saturday respectively. The highest occupancy was recorded on Thursday at 5:00pm (49%). However, even at the peak time, there were sufficient on-street vacant spaces within a 400m distance to the subject site. Generally, demand rarely exceeds 35% with at most times, the average occupancy surrounding the area is 33.5%, which indicates a high volume of vacant car park spaces within walking distance to the subject site.

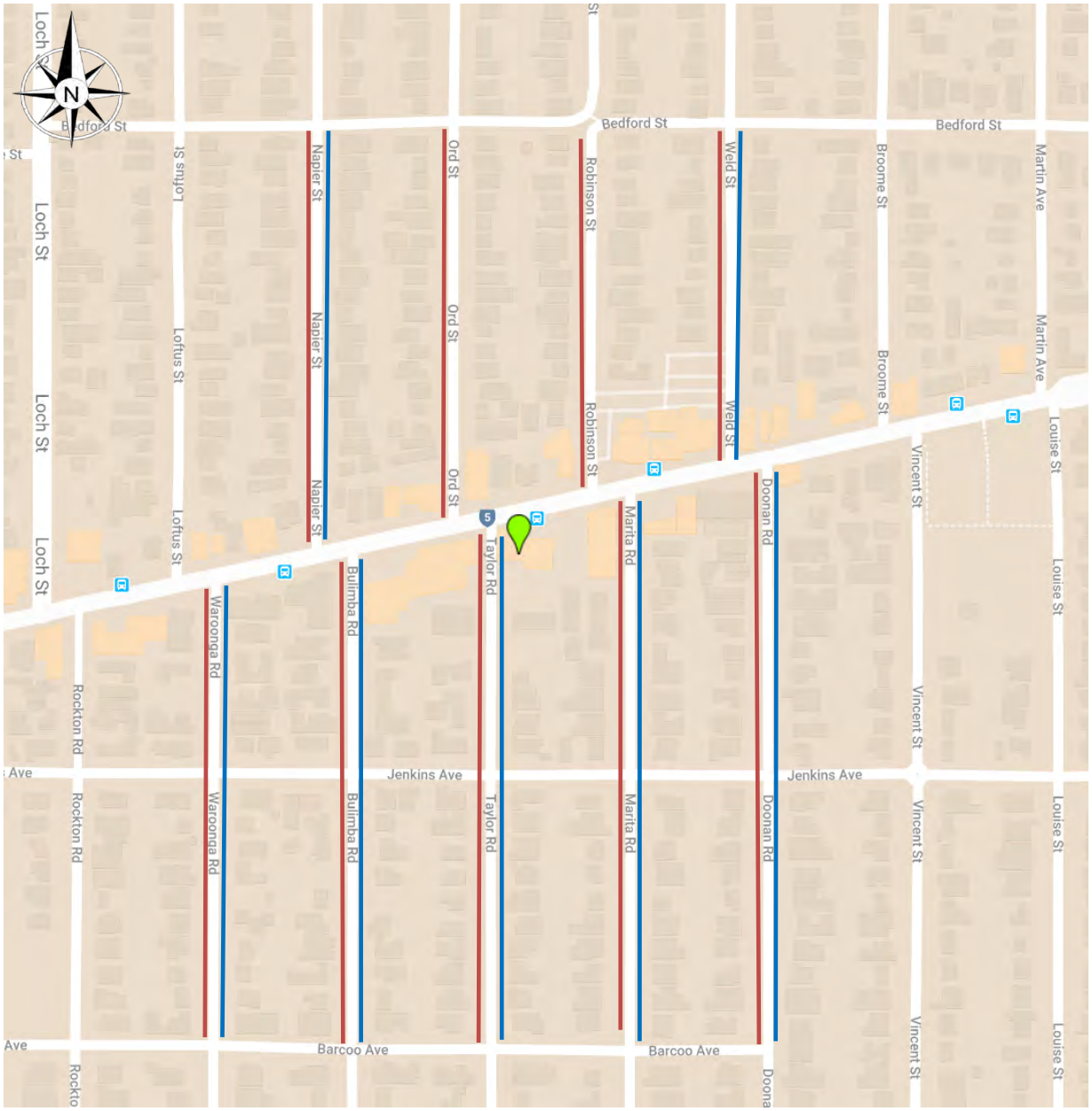
CONCLUSIONS

Based on the assessment presented in this report, it is considered that:

- The proposed development at site 3A/150 Stirling Hwy, Nedlands WA 6009 is for a pilates studio.
- The site has great access to the local area and greater Perth region through public transport. Thus, public transport can be an effective form of travel for patrons and staff.
- The site has walkability score of 83, which indicates that "most errands can be accomplished on foot". This score provides a higher ranking to the average Perth metropolitan score of 50 out of 100.
- Assessing the surrounding area and services, it is expected that trips generated for the site will contain cross-utilised trips. As there are numerous commercial and retail businesses available, the site is expected to generate multipurpose trips.
- The proposed development will generate additional, but low levels of trips throughout the day. It is expected that these trips can be accommodated at the nearby intersections without affecting intersection performance or increasing delays and queues.
- Using the recommended parking rates presented in the City of Nedlands LPS and LPP-Parking, the studio would require 13.6 parking spaces to be compliant with the requirement. As the development has 6 dedicated parking spaces, there is a resulted shortfall of 8 parking spaces. It is acknowledged that the operating times for this development falls outside of normal operating hours for surrounding businesses. This allows for more vacant spaces available within the locality.
- Nonetheless, to justify this estimated shortfall, the immediate locality was assessed for available parking. A total of 412 on-street car spaces were identified.
- The parking survey results indicated that there are sufficient public on/off– street parking spaces within a 400m radius of the site; therefore, staff and patrons can utilize these spaces if needed.
- As such, it was concluded that the parking shortfall of 8 car spaces produced by the subject proposal would generate no noticeable parking impacts or will not exhaust the overall parking availability in the area.

In conclusion, this study indicates that the proposed development is not envisaged to have adverse impacts on the surrounding traffic or parking conditions. Therefore, the proposed development should be supported on traffic and parking grounds.

APPENDIX A: PARKING INVENTORY AND DEMAND SURVEY, ON/OFF - STREET PUBLIC PARKING – SURVEY AREA



Legend:

- northbound
- southbound
- eastbound
- westbound

APPENDIX B: ON - STREET PUBLIC PARKING, INVENTORY AND DEMAND, WEDNESDAY 15th JANUARY

LOCATION					PARKING	DEMAND				
Street	Between			Side	Restriction	Supply	6:00am	7:00am	8:00am	9:00am
Taylor Road	Barcoo Ave	-	Stirling Hwy	N	2P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	13	2	4	6	6
					1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	11	3	5	5	8
					No Restriction	19	4	4	4	4
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	-	1	1	2
					No Restriction	22	3	3	3	6
Bulimba Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	20	2	2	4	4
					2P Mon – Fri (8:00am – 6:00pm)	8	-	2	3	3
					3P Mon – Fri (8:00am – 5:00pm)	6	-	-	2	3
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	8	2	2	2	2
					No Restriction	24	11	11	11	10
Waroonga Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	22	10	10	13	11
	Stirling Hwy	-	Barcoo Ave	S	3P Mon – Fri (8:00am – 5:00pm)	8	1	2	4	5
					No Restriction	21	7	7	7	7
Marita Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	23	4	4	3	3
					2P Mon – Fri (8:00am – 6:00pm)	16	-	2	4	11
	Stirling Hwy	-	Barcoo Ave	S	No Restriction	22	6	6	4	5
Doonan Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	19	6	6	6	6
					2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	-	2	2	2
	Stirling Hwy	-	Barcoo Ave	S	4P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	8	2	3	3	3
					2P Mon – Fri (8:00am – 6:00pm)	15	-	1	3	5
					No Restriction	20	7	7	8	10
Napier St	Sterling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm)	4	-	1	1	2
					No Parking Mon – Fri (8:00am – 5:00pm)	5	-	-	-	-
	Bedford St	-	Sterling Hwy	S	3P Mon – Fri (8:00am – 5:00pm)	29	2	5	6	11

Ord St	Stirling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	6	1	3	3	3
					3P Mon – Fri (8:00am – 5:00pm)	24	-	2	6	13
Robinson St	Stirling Hwy	-	Bedford St	N	3P Mon – Fri (8:00am – 5:00pm)	20	2	7	11	15
Weld St	Stirling Hwy	-	Bedford St	N	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	3	-	-	-	-
	Bedford St	-	Stirling Hwy	S	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	6	-	-	1	3
						412	75	102	126	163
						%	18	25	31	40

E- eastbound, N – northbound, S – southbound, W - westbound

APPENDIX C: ON - STREET PUBLIC PARKING, INVENTORY AND DEMAND, THURSDAY 16th JANUARY

LOCATION					PARKING	DEMAND				
Street	Between			Side	Restriction	Supply	5:00pm	6:00pm	7:00pm	8:00pm
Taylor Road	Barcoo Ave	-	Stirling Hwy	N	2P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	13	6	4	2	3
					1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	11	5	5	5	2
					No Restriction	19	6	6	4	4
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	3	2	2	1
					No Restriction	22	10	8	8	5
Bulimba Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	20	9	6	6	6
					2P Mon – Fri (8:00am – 6:00pm)	8	4	5	4	2
					3P Mon – Fri (8:00am – 5:00pm)	6	6	4	2	2
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	8	6	3	3	1
					No Restriction	24	8	5	6	6
Waroonga Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	22	11	8	5	5
	Stirling Hwy	-	Barcoo Ave	S	3P Mon – Fri (8:00am – 5:00pm)	8	6	3	3	2
					No Restriction	21	12	12	8	9
Marita Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	23	10	8	9	7
					2P Mon – Fri (8:00am – 6:00pm)	16	7	10	9	6
	Stirling Hwy	-	Barcoo Ave	S	No Restriction	22	9	9	8	8
Doonan Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	19	7	7	7	7
					2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	5	4	5	2
	Stirling Hwy	-	Barcoo Ave	S	4P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	8	7	3	3	4
					2P Mon – Fri (8:00am – 6:00pm)	15	10	7	8	6
					No Restriction	20	10	10	10	9

Napier St	Sterling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm)	4	2	2	2	1
					No Parking Mon – Fri (8:00am – 5:00pm)	5	-	1	1	1
	Bedford St	-	Sterling Hwy	S	3P Mon – Fri (8:00am – 5:00pm)	29	10	13	9	5
Ord St	Stirling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	6	4	4	4	2
					3P Mon – Fri (8:00am – 5:00pm)	24	15	11	9	10
Robinson St	Stirling Hwy	-	Bedford St	N	3P Mon – Fri (8:00am – 5:00pm)	20	8	6	7	7
Weld St	Stirling Hwy	-	Bedford St	N	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	3	2	2	2	2
	Bedford St	-	Stirling Hwy	S	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	6	3	3	2	2
E- eastbound, N – northbound, S – southbound, W - westbound						412	201	171	153	127
						%	49	42	37	31

APPENDIX D: ON - STREET PUBLIC PARKING, INVENTORY AND DEMAND, SATURDAY 18th JANUARY

LOCATION					PARKING	DEMAND				
Street	Between			Side	Restriction	Supply	7:00am	8:00am	9:00am	10:00am
Taylor Road	Barcoo Ave	-	Stirling Hwy	N	2P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	13	2	3	3	5
					1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	11	2	4	3	4
					No Restriction	19	6	7	7	7
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	2	2	2	2
					No Restriction	22	6	6	10	8
Bulimba Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	20	7	7	8	10
					2P Mon – Fri (8:00am – 6:00pm)	8	2	2	3	4
					3P Mon – Fri (8:00am – 5:00pm)	6	1	1	2	4
	Stirling Hwy	-	Barcoo Ave	S	1P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	8	2	2	3	3
					No Restriction	24	8	8	10	10
Waroonga Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	22	5	6	7	7
	Stirling Hwy	-	Barcoo Ave	S	3P Mon – Fri (8:00am – 5:00pm)	8	2	4	3	4
					No Restriction	21	7	8	8	9
Marita Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	23	6	6	10	9
					2P Mon – Fri (8:00am – 6:00pm)	16	1	3	7	7
	Stirling Hwy	-	Barcoo Ave	S	No Restriction	22	4	5	6	6
Doonan Rd	Barcoo Ave	-	Stirling Hwy	N	No Restriction	19	8	8	8	8
					2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	5	-	-	2	2
	Stirling Hwy	-	Barcoo Ave	S	4P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	8	2	1	2	2
					2P Mon – Fri (8:00am – 6:00pm)	15	2	5	6	6
					No Restriction	20	7	7	7	9

Napier St	Sterling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm)	4	-	2	2	3
					No Parking Mon – Fri (8:00am – 5:00pm)	5	2	2	2	2
	Bedford St	-	Sterling Hwy	S	3P Mon – Fri (8:00am – 5:00pm)	29	6	7	9	12
Ord St	Stirling Hwy	-	Bedford St	N	2P Mon – Fri (8:00am – 5:00pm) Sat (8:00am – 1:00pm)	6	-	2	2	3
					3P Mon – Fri (8:00am – 5:00pm)	24	4	7	9	8
Robinson St	Stirling Hwy	-	Bedford St	N	3P Mon – Fri (8:00am – 5:00pm)	20	5	9	9	7
Weld St	Stirling Hwy	-	Bedford St	N	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	3	-	-	-	1
	Bedford St	-	Stirling Hwy	S	1P Mon – Fri (8:00am – 6:00pm) Sat (8:00am – 1:00pm)	6	-	-	1	2
E- eastbound, N – northbound, S – southbound, W - westbound						412	99	124	151	164
						%	24	30	37	40

HEARTBEAT HIGH
6/19/20

Olivia Stell & Phoebe Woodhead339 Marmion Street
Cottesloe WA 6011
0439 980 120
hello@heartbeathigh.com.au

Members of the Nedlands Council
City of Nedlands
72 Stirling Hwy
Nedlands WA 6009

Dear Members of the Nedlands Council:

We are here to address any concerns in relation to the Development Application for Lot 3A, 150 Stirling Hwy, Nedlands.

The premises has a carpark of 34 car bays including 2 Acroyd bays, one of which is out the front of lot 3A. The Periodontal surgery in Lot 3 has 3 allocated car bays which they have agreed to share with us, bringing our total amount of car bays to 9. As there is a small shortfall of required car bays, we employed a Traffic Engineer (AusWide Consultants) to run and report a Traffic Impact Assessment. This Assessment concluded that the shortfall would be at no detriment to nearby tenants or residents.

Based on the assessment presented in the report, it is considered that:
The proposed development at site 3A/150 Stirling Hwy, Nedlands WA 6009 is for a Pilates studio. The site has great access to the local area and greater Perth region through public transport. Thus, public transport can be an effective form of travel for patrons and staff. The site has walkability score of 83, which indicates that “most errands can be accomplished on foot”. This score provides a higher ranking to the average Perth metropolitan score of 50 out of 100.

Assessing the surrounding area and services, it is expected that trips generated for the site will contain cross-utilised trips. As there are numerous commercial and retail businesses available, the site is expected to generate multipurpose trips. The proposed development will generate additional, but low levels of trips throughout the day. It is expected that these trips can be accommodated at the nearby intersections without affecting intersection performance or increasing delays and queues.

As advised from the Council, the proposed Pilates studio is classified as a Private Recreation with has a car parking requirement rate of 1 bay per 2 persons. As the development has 6 dedicated parking spaces on-site and a 15% reduction applied, there is a resulted shortfall of 8 parking spaces from the required 13.6 car parking spaces. It is acknowledged that the operating times for this development falls outside of normal operating hours for surrounding businesses. This allows for more vacant spaces available within the locality.

Nonetheless, to justify this estimated shortfall, the immediate locality was assessed for available parking. A total of 412 on-street car spaces were identified. The parking survey results indicated that there are sufficient public on/off– street parking spaces within a 400m radius of the site; therefore, staff and patrons can utilize these spaces if needed. As such, it was concluded that the parking shortfall of 8 car spaces produced by the subject proposal would generate no noticeable parking impacts or will not exhaust the overall parking availability in the area. We believe with a shortfall of only 8 car bays (3 of which are shared), we should be considered favourable as other applications within Nedlands with significantly larger shortfalls (Windsor Cinemas) were approved.

In conclusion, this study and report indicates that the proposed development is not envisaged to have adverse impacts on the surrounding traffic or parking conditions. Therefore, the proposed development should be supported on traffic and parking grounds.

We appreciate your consideration and hope we are given the opportunity to prosper in the City of Nedlands.

Sincerely,

Olivia Stell & Phoebe Woodhead

PD33.20	No. 35 The Avenue – Five Two Storey Grouped Dwellings

Committee	14 July 2020
Council	28 July 2020
Applicant	Urbanista, Petar Mrdja
Landowner	Niche Living Projects Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under *section 5.70 Local Government Act 1995*	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-43081
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings.
Attachments	1. Site Photos 2. Planning Report 3. Acoustic Report 4. Waste Management Plan 5. Landscape Plan
Confidential Attachments	1. Plans 2. Submissions 3. Planning Assessment

1.0 Executive Summary

The purpose of this report is for Council to determine a development application received from the applicant on the 12 December 2019, for five proposed two-storey grouped dwellings at No. 35 The Avenue, Nedlands contained as Attachment 1 (the subject site).

Each grouped dwelling within the subject site comprises 3 bedrooms and two bathrooms with two car parking bays within a garage at grade.

The application was advertised to adjoining neighbours in accordance with the City's Local Planning Policy - Consultation of Planning Proposals. Six objections were received during the advertising period, five of which were based on valid planning matters.

Following amendments made by the applicant, the only remaining minor issues of assessment relate to street setback, lot boundary setback, open space, the setback of the garage, street walls and fences, outdoor living area and landscaping. It is recommended that the application be approved by Council as these elements are considered to meet the design principles.

2.0 Recommendation to Committee

Council approves the development application dated 12 December 2019 with amended plans received 11 June 2020 for five grouped dwellings at No. 35 (Lot 740) The Avenue, Nedlands, subject to the following conditions and advice:

1. **This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**

2. **The Landscaping plan (Attachment 5) forms part of this approval and shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

3. **Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.**

4. **The acoustic report (Attachment 2) prepared by Sealhurst dated 2 June 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**

5. **The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.**

6. **The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.**

7. **All stormwater generated from the development shall be contained on site.**

8. **All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

9. **Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;**

    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 of Nedlands.

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

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

And maintained thereafter to the satisfaction of the City of Nedlands

11. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.

12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing ventes and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.

13. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.

14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.

15. 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.

16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.

b) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:

- **i. Species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;**
- **ii. Species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;**
- **iii. Species and maturity of landscaping within each lot; and**
- **iv. Maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.**

c) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8).

d) The applicant is advised that in relation to condition 4, as per the recommendations for air conditioning units to comply with the assigned levels of the Regulations at all times of the day, evening and night-time, the current air conditioner condenser unit specification is to be retained and the modified location and screening arrangement schematics detailed within the acoustic report are to be carried through to the Building Permit and construction documentation. Where any changes outside of these recommendations are proposed, assessment by an acoustic consultant is to be completed to confirm compliance with the Regulations.

e) The applicant is advised that in relation to Condition 13, the Construction Management Plan is to address but is not limited to the following matters:

- **i. Construction operating hours;**
- **ii. Contact details of essential site personnel;**
- **iii. Noise control and vibration management;**
- **iv. Dust, sand and sediment management;**
- **v. Stormwater and sediment control;**
- **vi. Traffic and access management;**
- **vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;**
- **viii. Dilapidation report of adjoining properties;**
- **ix. Security fencing around construction sites;**
- **x. Site deliveries;**
- **xi. Waste management and materials re-use**
- **xii. Parking arrangements for contractors and subcontractors;**
- **xiii. Consultation plan with nearby properties; and**
- **xiv. Complaint procedure.**

f) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.

g) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.

h) 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.

i) Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	1011.7m^2
Additional Use	N/A
Special Use	N/A
Local Development Plan	N/A
Structure Plan	N/A
Land Use	Residential (Single house)
Use Class	Proposed – Permitted (P) Residential (Grouped dwellings)

3.2 Locality Plan

3.2.1 Site surrounds

The subject site is 1011.7m^2 in area and is located within the street block bounded by Hillway to the north-west, Broadway to the north-east, The Avenue to the south-east, and Melvista Avenue to the south-west. The street block borders the City of Perth boundary to the east. The subject site has direct frontage to The Avenue and is situated approximately 70m from the Broadway intersection.

The surrounding area was previously coded Residential R20, Special Use and Retail. Following the gazettal of Local Planning Scheme No. 3 (the Scheme) in April 2019, the properties on Broadway were rezoned to Mixed Use R-AC3, while the properties adjacent to Broadway were recoded to Residential R60.

Although the surrounding area is predominated by single houses, it is not an intact streetscape, as there are a number of redeveloped homes (refer to Attachment 1)To the south-west of the site, several properties have been subdivided in accordance with the previous R20 density code, with redeveloped homes reflecting the various forms of subdivision. Directly opposite the site, 3 storey redeveloped homes have been constructed within the McHenry Lane precinct in accordance with the previous Special Use Zone provisions. A site visit to the property found that the character of the area is considered to be mixed, exhibiting offices, shops, restaurants, licenced premises, multiple dwellings and single houses.

Most dwellings within the immediate surrounds are redeveloped homes, predominated by contemporary styled homes.

Reflecting the diverse range of housing stock, the primary street setbacks of the buildings within the immediate locality range from nil to 9m. Side setbacks are inconsistent, however, based on the aerial, most dwellings feature 1m-2m setbacks. In terms of building height, most buildings are two or more storeys in height.

The verge areas contribute a significant number of mature trees to the streetscape. Although some of the single houses feature trees and small bushes, the immediate area has a significant amount of hardscaping, lawn and small bushes. Unlike many areas of the city, due to the number of redeveloped and subdivided homes, this particular locality is not considered “leafy-green”.

Given the above, the streetscape of this particular locality is considered varied – unlike other streetscapes within the City. The size, style and character of the homes, hardscape features and vegetative characteristics are mixed.

4.0 Application Details

The applicant seeks development approval to construct five, two storey grouped dwellings. Each grouped dwelling comprises:

- Three bedrooms;
- Two bathrooms;
- Two living areas;
- Garage with two car parking bays; and
- Storage.

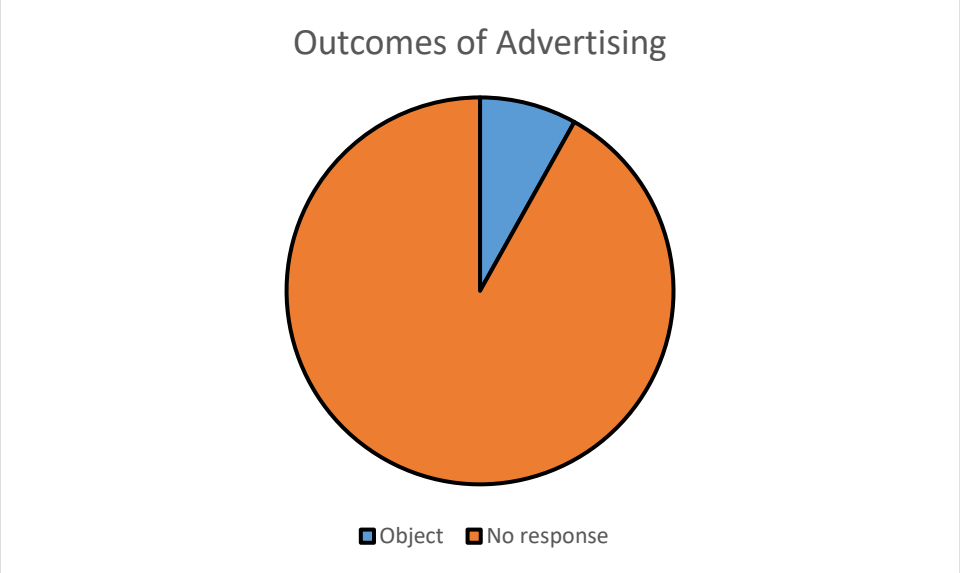
By way of justification in support of the development application the applicant has provided a planning report contained as Attachment 2, an acoustic report contained as Attachment 3 and a waste management plan contained as Attachment 4.

5.0 Consultation

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

- Street setbacks;
- Lot boundary setbacks;
- Open space;
- Setbacks of garage and carports;
- Street walls and fences; and
- Landscaping.

The development application was therefore advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 74 residents, business owners and landowners. Six objections were received, while the remaining 68 did not make a submission as per below pie graph:



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

Concern	Officer Response	Action Taken
Lack of parking Car Parking (visitor and resident)	Due to the configuration of the development, no visitors' bays are required. The Residential Design Codes - Explanatory Guidelines clarifies that visitor bays are required where 5 dwellings gain access from a single communal driveway. The subject application is for five grouped dwellings, with one dwelling gaining direct access from the primary street, with the remaining four dwellings gaining vehicle access from the communal driveway. Thus, the development does not trigger the need for a visitor bay. Each dwelling is afforded two car parking bays and complies with element 5.3.3 – Parking.	Complies with element – no action required.
Tree removal	One objection requests the removal of the tree while another objects to the removal of trees. The subject application seeks to retain two trees, which is supported.	No action required.
Noise	The Acoustic Report, contained as Attachment 3, has been reviewed by the City's Health Services which supports the recommendations of the Acoustic Report	A condition of approval will ensure that the recommendations of the report are undertaken.
Loss in property value	While Administration understands this commonly raised concern, it is not a valid planning consideration that a decision maker can have regard to.	No action required.
Lack of consistency with surrounding development	Administration is of the view that despite the different dwelling typology, the development would not be inconsistent with the streetscape given the number of contemporary replacement homes that have been built.	No action required.
Visual Privacy	The development achieves all the prescribed visual privacy setback provisions for a site coded R60.	No action required.
Number of dwellings	The number of dwellings is consistent with the Residential R60 density code. The development complies with the prescribed minimum and average site area in the R-Codes Vol. 1.	No action required.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Local Planning Scheme No. 3

Item	Requirement	Proposal	Satisfies
9 – Aims of Scheme	a) Protect and enhance local character and amenity	The surrounding area is characterised by painted/rendered dwellings, with pitched roofs and concealed roofs, although there are some brick homes. There are some character homes although most homes have been designed to a contemporary style. The City acknowledges that the proposed built form, which responds to the Residential R60 code is a departure from the existing built form in that it is proposing grouped dwellings. However, the development is limited to two storeys in height and presents as a single house to the street, rendering it relatively consistent with the existing streetscape.	Yes
	b) Respect the community vision for the development of the district;	The development is not considered to adversely affect the community vision for the development of the district in that it reflects the endorsed Local Planning Strategy.	Yes
	c) Achieve quality residential built form outcomes for the growing population;	The built form of the development has been assessed and is considered to achieve or can be made to achieve all relevant design principles of the R-Codes Vol. 1 and is consistent with the expectations of the Residential R60 density coding.	Yes
	d) To develop and support a hierarchy of activity centres;	The medium-rise development is consistent with the intent of the R60 density code identified by Local Planning Scheme No. 3. The development is located in close proximity to the proposed QEII-UWA Specialised Activity Centre.	Yes
	e) To integrate land use and transport systems;	The development is located approximately 260m from a bus route on Broadway and 70m from the Broadway commercial area.	Yes
	f) Facilitate improved multi-modal access into and around the district;	The site is well located to walking and cycle networks.	Yes
	g) Maintain and enhance the network of open space;	The development does not impact the City's network of open space.	Yes
	h) Facilitate good public health outcomes;	The development is not considered to adversely affect the desired public health outcomes.	Yes
	i) Facilitate a high-quality provision	The development is not considered to adversely affect the community services	Yes

	of community services and facilities;	or facilities and will contribute to ensuring their viability.	
	j) Encourage local economic development and employment opportunities;	The development is considered to positively contribute to the support of local businesses, during and post-construction.	Yes
	k) To maintain and enhance natural resources;	The development retains two trees, which is considered a positive outcome for this type of application.	Yes
	l) Respond to the physical and climatic conditions;	The development maintains solar access to adjoining properties by having appropriate setbacks. The dwelling design encompasses cross ventilation and adequate ceilings to allow for effective air circulation.	Yes
	m) Facilitate efficient supply and use of essential infrastructure;	The development does not negatively impact this objective.	Yes
16.2 – Land Use	Residential Zone Objectives		
	To provide for a range of housing and a choice of residential densities to meet the needs of the community;	The proposal is considered to provide a type of housing that will contribute to the City's housing diversity.	Yes
	To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;	The development has achieved a quality design, with an appropriate built form and streetscape presentation. It is noted that a multiple dwelling outcome may have achieved a smaller footprint and allowed a greater proportion of landscaping.	Yes
	To provide for a range of non-residential uses, which are compatible with and complementary to residential development;	This objective is not applicable to the subject application.	N/A
	To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks;	The development is considered to strike the balance between the existing streetscape character and the future character of this area.	Yes
32.1(2-6) - Parking	Cash-in-lieu of parking	None	N/A – the City does not have a Car Parking

			Strategy to guide cash-in-lieu. Therefore, these scheme provisions cannot be applied.

6.3 Policy/Local Development Plan Consideration

6.3.1 Design of the built environment (State Planning Policy 7.0)

Design Principle	Officer Comment	Applicant response
1. Context and Character Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.	A discussion of the context of this area was provided earlier in the report. The development features a dwelling that is oriented to the street, with its own driveway, entry, and fence, replicating features of a single house. The proposal includes a landscaped front garden, which includes a retained tree unlike many of the grouped dwelling applications the City has received which remove all trees on-site. Further tree canopy could be achieved with a multiple dwelling outcome. Notwithstanding that, Administration is of the view that the development application strikes a balance between the existing development and the new density code. This principle is considered to have been met.	Administration requested the Applicant to provide an assessment however, the applicant referred Administration to Attachment 2.
2. Landscape Quality Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.	The development does not achieve the minimum draft landscape provisions, however, in making its recommendation to Council, Administration has considered the merit of retaining mature trees, which have greater streetscape and ecological value than lawn, small bushes. It is also further noted that Council's proposed landscaping provision contained within the approved LPP – Residential Development has not yet been approved by the WAPC. As the provision is neither certain nor imminent and therefore it is only given due regard in consideration. This principle is considered to have been met.	

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.	Although the plot ratio of the development proposal exceeds that of the surroundings, the massing and height is entirely consistent with the existing and future built form. This principle is considered to have been met.	
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.	The development has been designed with aging-in-place in mind, with all dwellings having capacity for a lift should the need arise. All rooms are of an appropriately size and the layout is simple and functional.	
5. Sustainability Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.	The development retains two trees and provides adequate landscaping. There are no other identified sustainable initiatives. This principle is considered to have been met.	
6. Amenity Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive, and healthy.	The gardens are located adjacent to the living areas, providing positive outlook, and softening the impact of the development as viewed from 33 The Avenue. This principle is considered to have been met. This principle is considered to have been met.	
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.	The entry to Unit 1 is clear and easily accessed from the street, via a defined pedestrian path. All remaining dwellings are accessed via the communal driveway. This principle is considered to have been met.	
8. Safety Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.	Each dwelling has a major opening or balcony facing the driveway or street, providing adequate passive surveillance. Further, there are no areas capable of being used for concealment. This principle is considered to have been met.	

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.	The development provides a degree of dwelling diversity within the City. This principle is considered to have been met.	
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.	The proposed materials are considered high-quality, far higher than what a standard grouped dwelling development typically features. The materials reference the area and are consistent with the contemporary homes and buildings within the surrounding area. This principle is considered to have been met.	

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

R-Codes Vol 1 applies to single and grouped dwellings in all density codes and for multiple dwellings in areas coded less than R40. The purpose of the document is to provide comprehensive basis for control of residential development. When assessing applications for development the City must have regard to the following policy objectives:

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

The development is considered to be consistent with all the objectives cited above. The development is of an appropriate design for the R60 density code, balances the existing streetscape character with the planned character of a medium-rise transitional area and satisfies all relevant scheme objectives. The development proposal is considered to cater for a wider range of demographics and responds to the local context by retaining a two-storey form, consistent with surrounding single houses.

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

Element 5.1.2 – Street setback

Design Principles
The application seeks assessment under the design principles which are as follows: P2.1 Buildings set back from street boundaries an appropriate distance to ensure they: • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape, and utilities; and • allow safety clearances for easements for essential service corridors. P2.2 Buildings mass and form that: • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape; • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.
Deemed-to-Comply Requirement
The deemed to comply setback for dwellings from the communal street (driveway) is 2.5m.
Proposed
The ground floor of units 2-4 are set back 2m from the communal street. The upper floor of units 2-4 are set back 0.5m from the communal street.
Administration Assessment
The development is considered to meet the design principles for the following reasons: • The setbacks relate to internal communal street setback and do not adversely affect the streetscape; • The deemed to comply setback for communal street exceeds that required for the primary street setback; • The development complies with the primary street setback and contribute to the varied streetscape; • The development is sufficiently setback from boundaries to maintain privacy; • The development is provided with adequate open space; • The development is provided with adequate parking, landscape, and utilities; • The development utilises a range of materials – timber, render, stone and glazing as well as vertical and horizontal fenestration, thereby minimising bulk to the street and adjoining properties and making the development more consistent with the streetscape. Whilst larger in overall size, the height of development is more consistent with the surrounding area than an apartment development would otherwise be; • The portico projects over the entry to Unit 1 without impacting the street setback area; • 40% of the site is devoted to vehicle access. Whilst not an optimal outcome, it is not considered a reason for refusal. The façade is otherwise activated ad orientated to the street; • There is no adopted streetscape or built form policy specific to this area; and • Refusal based on street setback is unlikely to be upheld at SAT.

Element 5.1.3 – Lot boundary setback

Design Principles
P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and

- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
- does not compromise the design principle contained in clause 5.1.3 P3.1;
- does not have any adverse impact on the amenity of the adjoining property;
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.

Deemed-to-Comply Requirement

Boundary walls are only permitted to one lot boundary

Boundary walls are to have a maximum height of 3.5m and an average height of 3m

Proposed

The north-west ground floor living-room to store wall is set back 1m from the rear boundary

Boundary walls are proposed internally

Boundary walls are proposed to two boundaries.

Unit 1's garage boundary wall is 4.02m high, Unit 5's kitchen wall (located on the rear boundary) is 4.09m.

Administration Assessment

The number and height of boundary walls is supported and is considered to meet the design principle for the following reasons:

- The development could have utilised the deemed to comply length and height permitted under Residential R60 which would have had a much greater impact on the adjoining properties. Instead the proposed boundary walls are relatively low and separated from one another to prevent bulk. It is noted that most of the boundary walls are only 0.3m above the height of the dividing fence, which is much lower than what could otherwise be built under the deemed to comply standards (3.5m). Therefore, the proposals impact on the amenity is considered lower than what is capable under the deemed to comply;
- The non-compliant walls are relatively short, and have been designed with high quality materials, minimising their impact on the overall bulk and ventilation;
- The boundary walls do not affect overshadowing as per element 5.4.2 of the R-Codes Vol. 1 as they cast shadow onto the subject site, not an adjoining property;
- The boundary walls allow for an efficient use of space, especially with respect to the outdoor living areas;
- The adjoining landowner objected to the proposal; however, it is noted that the objection did not cite the boundary wall or amenity; and
- The walls otherwise have no material impact on adjoining properties privacy, sunlight, or ventilation.

Element 5.1.4 – Open space

Design Principles

P4 Development incorporates suitable open space for its context to:

- reflect the existing and/or desired streetscape character or as outlined under the local planning framework;
- provide access to natural sunlight for the dwelling;
- reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;
- provide an attractive setting for the buildings, landscape, vegetation, and streetscape;

• provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities.
Deemed-to-Comply Requirement
The deemed to comply proportion of open space relative to the lot size is 40%.
Proposed
Lot 1: 40.6% Lot 2: 29.6% Lot 3: 31.3% Lot 4: 30.5% Lot 5: 48.9%
Administration Assessment
The proposal does not meet the minimum prescribed open space percentage, however, on balance, the development is considered to meet the design principles for the following reasons: • Overall, the proposal achieves 37% open space for the site. Administration's assessment has included portions of land below cantilevered upper floor space. The applicant has noted that the proposal would otherwise comply with this standard had this conservative approach not been taken. Given that the R-Codes Vol. 1 is silent on this issue, Administration sought guidance on this matter from the Department of Planning Lands and Heritage which confirmed this approach was reasonable in determining the deemed to comply percentage, however, DPLH further noted that space below the upper floor should be considered as part of the design principle assessment; • As noted previously, the development has made notable attempts to make the development as consistent as possible with the streetscape by orienting the dwelling and garage to the street, featuring a front garden with a fence, and retained tree; • The development achieves adequate light to the dwellings; • The proposal is consistent with the expected bulk and scale of a development within the Residential R60 code; • Each dwelling is provided with landscaping, vegetation, and hardscaping, and overall provides an attractive presentation to the street; • Each dwelling is provided with an outdoor living area; and • Each dwelling is provided with an external storage building.

Element 5.2.1 – Setback of garages and carports

Design Principles
P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.
Deemed-to-Comply Requirement
Garages are to be set back 4.5m from the primary street except that the setback may be reduced: i. In accordance with Figure 8B where the garage adjoins a dwelling provided that the garage is at least 0.5m behind the dwelling alignment (excluding porches, verandahs and balconies).
Proposed
The garage is set back 2.5m from the street, and 1.3m forward of the dwelling.
Administration Assessment
The development is considered to meet the design principles for the following reasons: • The garage is now provided with further setback to prevent it dominating the streetscape. The City accepts the applicant's justification of the merits of retaining the mature jacaranda tree. The variation could easily be made compliant, however that would be a far poorer outcome. The proposal is now consistent with the expectations of the R60 density code.

• With respect to the safety of the driveway and overall vehicle access, the City's internal Technical Services reviewed the proposal and no issues have been raised in this regard.

Clause 5.2.4 – Street walls and fences

Design Principles
"P4 Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need: • for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and • for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial."
Deemed-to-comply Requirement
The deemed to comply height for a solid wall is 1.2m
Proposed
Masonry street wall up to 1.8m high.
Administration Assessment
The street fence is consistent with fences within the area, features the desired materials as per LPP - Residential Development and maintains passive surveillance. The section of wall that is over height screens what is likely to be used as an outdoor living area and is supported.

Element 5.3.1 – Outdoor living areas

Design Principles
P1.1 Outdoor living areas which provide spaces: • capable of use in conjunction with a habitable room of the dwelling; • open to winter sun and ventilation; and • optimise use of the northern aspect of the site.
Deemed-to-Comply Requirement
An outdoor living area is to be provided: • in accordance with Table 1; • behind the street setback area; • directly accessible from a habitable room of the dwelling; • with a minimum length and width dimension of 4m; and • to have at least two-thirds of the required area without permanent roof cover.
Proposed
The assessment of the outdoor living areas is provided in the assessment sheet (see confidential Attachment 2). The areas of discretion are as follows: Unit 1 • Located in the front garden • Minimum dimension 3.28m Unit 2-4 • 3.36m • 45.9% uncovered Unit 5 • Minimum dimension – 2.7m
Administration Assessment
The units are considered to meet the design principles for the following reasons: • All outdoor living areas can be used in conjunction with the living areas on the ground floor

- The outdoor living areas are sufficiently open to allow areas of weather protection as well as ventilation and winter sun
- Due to the orientation of the site all outdoor living areas are afforded access to northern light
- With respect to Unit 1-5, the shortfalls are considered to be minor in nature and all meet the design principles

Element 5.3.2 – Landscaping

Design Principles

P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:

- contribute to the appearance and amenity of the development for the residents; contribute to the streetscape;
- enhance security and safety for residents;
- provide for microclimate; and
- retain existing trees to maintain a local sense of place.

Deemed-to-Comply Requirement

C2 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:

i. the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface;
ii. separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas;
iii. landscaping between each six consecutive external car parking spaces to include shade trees;
iv. lighting to pathways, and communal open space and car parking areas;
v. bin storage areas conveniently located and screened from view;
vi. trees which are greater than 3m in height shall be retained, in communal open space areas which are provided for the development;
vii. adequate sight lines for pedestrians and vehicles;
viii. clear line of sight between areas designated as communal open space and at least two habitable room windows;
ix. clothes drying areas which are secure and screened from view; and
x. unroofed visitors' car parking spaces to be effectively screened from the street.

Draft C3 Single and grouped dwelling developments require a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of this policy.

Proposed

C2

- Approximately 46% of street setback area contains hard surface, no car parking bays are proposed;
- No pedestrian path is provided;
- No external bays are proposed;
- A lighting plan has not been included but can be addressed by way of condition;
- The bin store is accessible while being screened from view;
- Two mature trees are retained;
- The City's Technical Services did not cite sightlines as an issue;
- No communal open space is proposed;
- There are areas for drying clothes that are screened from view; and
- No visitor bays are proposed.

C3

- Lot 1 = 17.36%
- Lot 2 = 8.8%
- Lot 3 = 8.8%
- Lot 4 = 8.9%
- Lot 5 = 12.67%

Administration Assessment
The development is considered to meet design principle P2 for the following reasons: • The proposed street setback is larger than prescribed allowing for a greater area of landscaping and the retention of a mature tree, which help to contribute to the streetscape and overall amenity. • The development proposal maintains safety and security by limiting areas of concealment. • The retention of existing trees will provide shade to the front garden and outlook for internal facing dwellings. • There is uncertainty as to whether draft C3 provision will be supported by the WAPC.

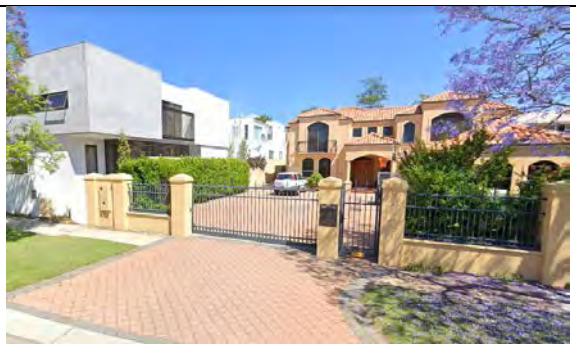
6.3.3 Local Planning Policy – Waste Management

The application was sent to the Coordinator of Waste who has assessed the proposal against LPP – Waste Management and has approved the waste management plan.

7.0 Conclusion

The development is considered good example of a grouped dwelling development that features high quality materials and sufficient landscaping. The changes made through the application process have improved the streetscape presentation and the application now meets all relevant design principles. On balance, the development will positively contribute to the Residential R60 coded area and is recommended for approval.

Address	Photo	Officer Comment
171 Broadway		Flat roof, contemporary redevelopment. Three storeys Limited landscaping
34 The Avenue		Replacement dwelling Three storeys Minimal landscaping Contemporary building
36 The Avenue		Replacement dwelling Three storeys Contemporary building Mix of Hardscaping and landscaping
38 The Avenue		Replacement dwelling Atrium roof form Two storeys Contemporary building Mix of Hardscaping and landscaping

40 The Avenue		Replacement dwelling Concealed roof Two storeys Contemporary building Mix of Hardscaping and landscaping Small tree canopy
42 The Avenue		Replacement dwelling Atrium roof form Two storeys Contemporary building Mix of Hardscaping and landscaping Small tree canopy
41 and 43 The Avenue		Replacement dwellings Concealed and low pitched roof forms Two storeys Contemporary building/ late 90s early 2000s mock Tuscan. Mix of Hardscaping and landscaping Small tree canopy

39A and 39B The Avenue		Replacement dwellings Concealed and low pitched roof forms Two storeys Contemporary dwelling/ late 90s early 2000s Small tree canopy Mix of Hardscaping and landscaping
31 The Avenue		Original character dwelling Two storeys High Dutch gable roof accommodates second storey Large lawn area, minimal tree canopy.

35 The Avenue Nedlands.

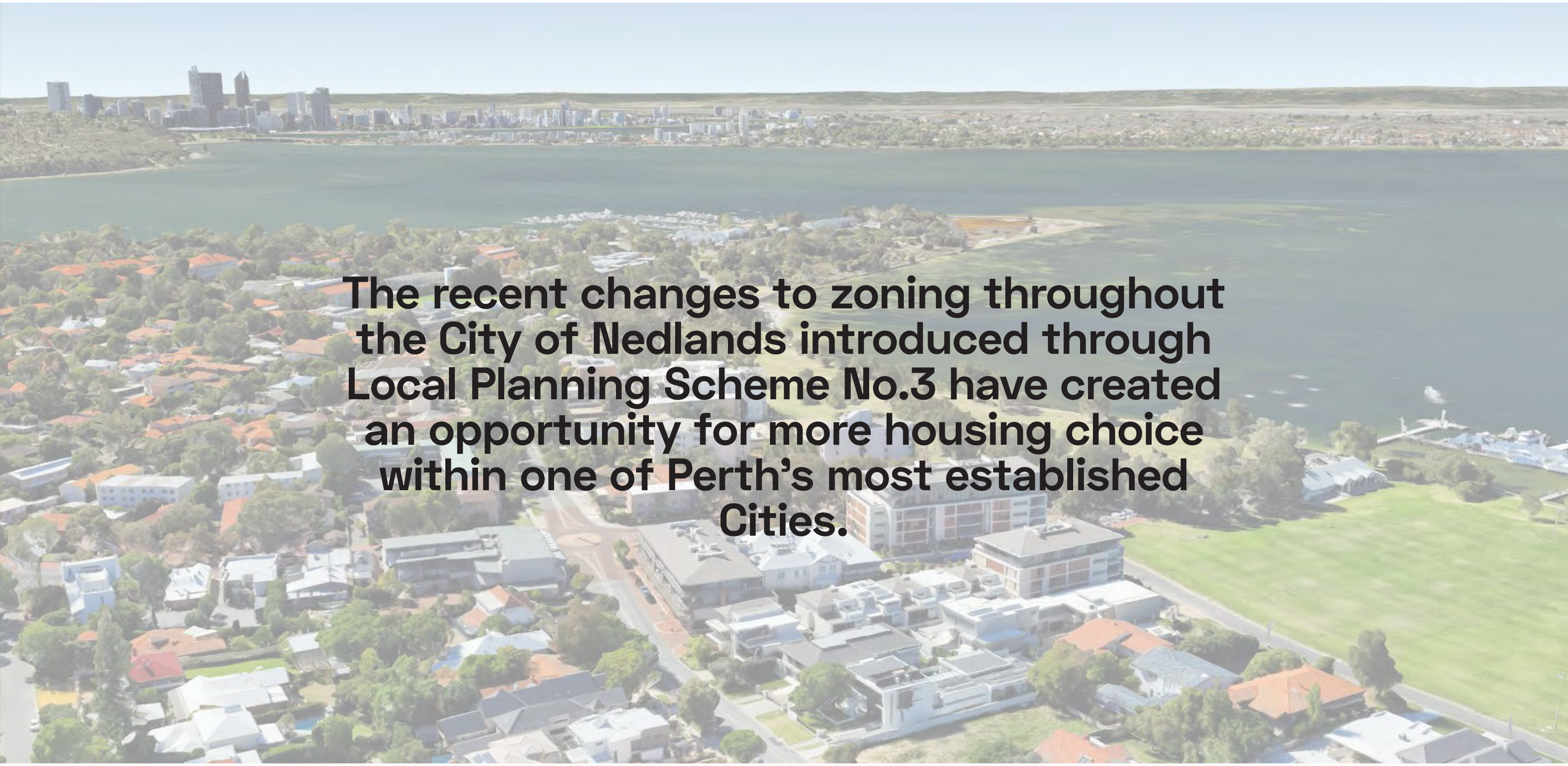
A DA design report prepared by

MJA STUDIO

on behalf of

Nicheliving

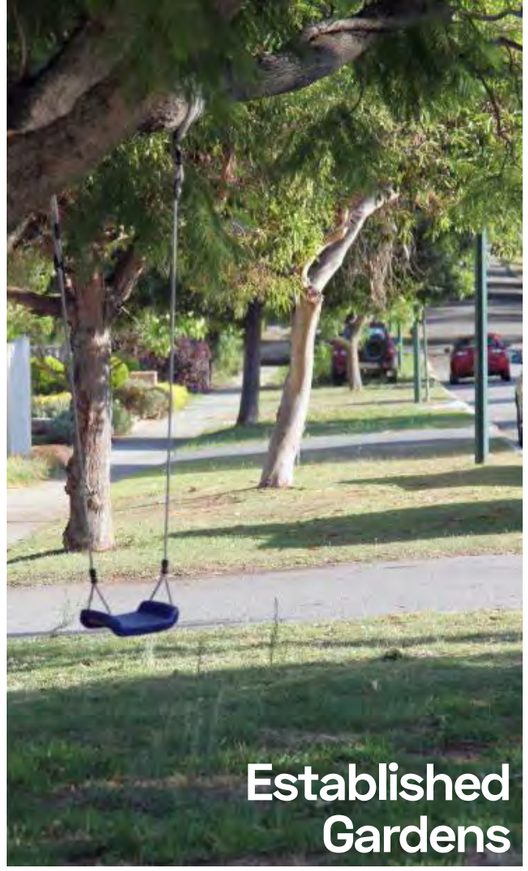
Rev B
June, 2020

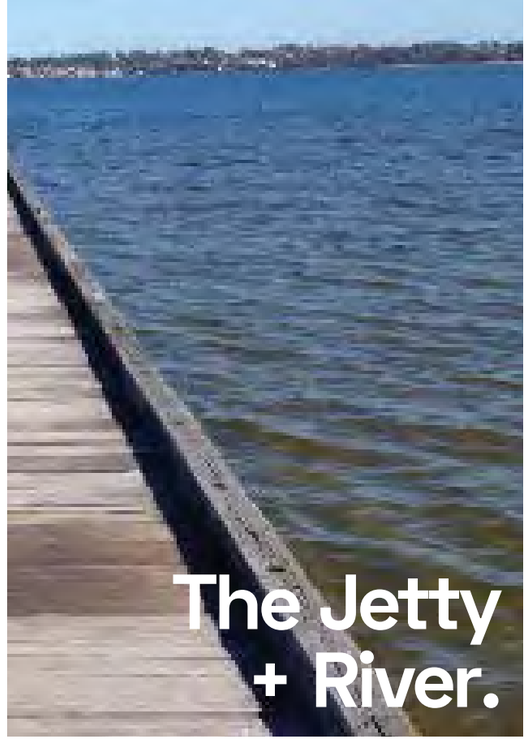


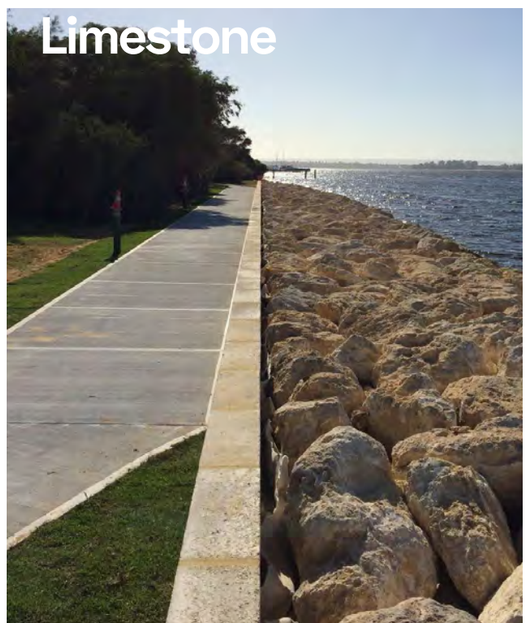
The recent changes to zoning throughout the City of Nedlands introduced through Local Planning Scheme No.3 have created an opportunity for more housing choice within one of Perth's most established Cities.

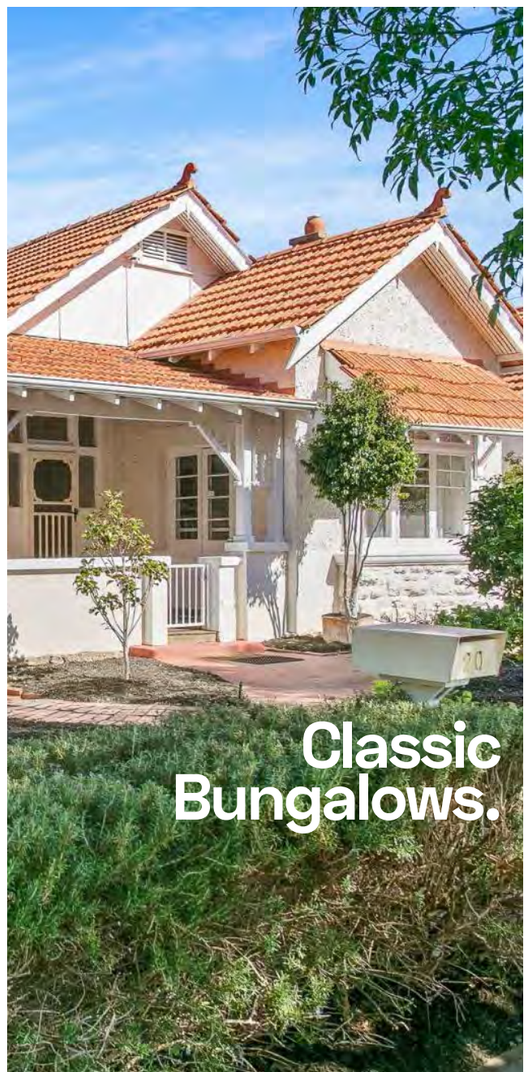
The new areas of increased density will provide opportunities...

...for downsizers, early career professionals and young families to live in an area that holds extensive character and community amenity.





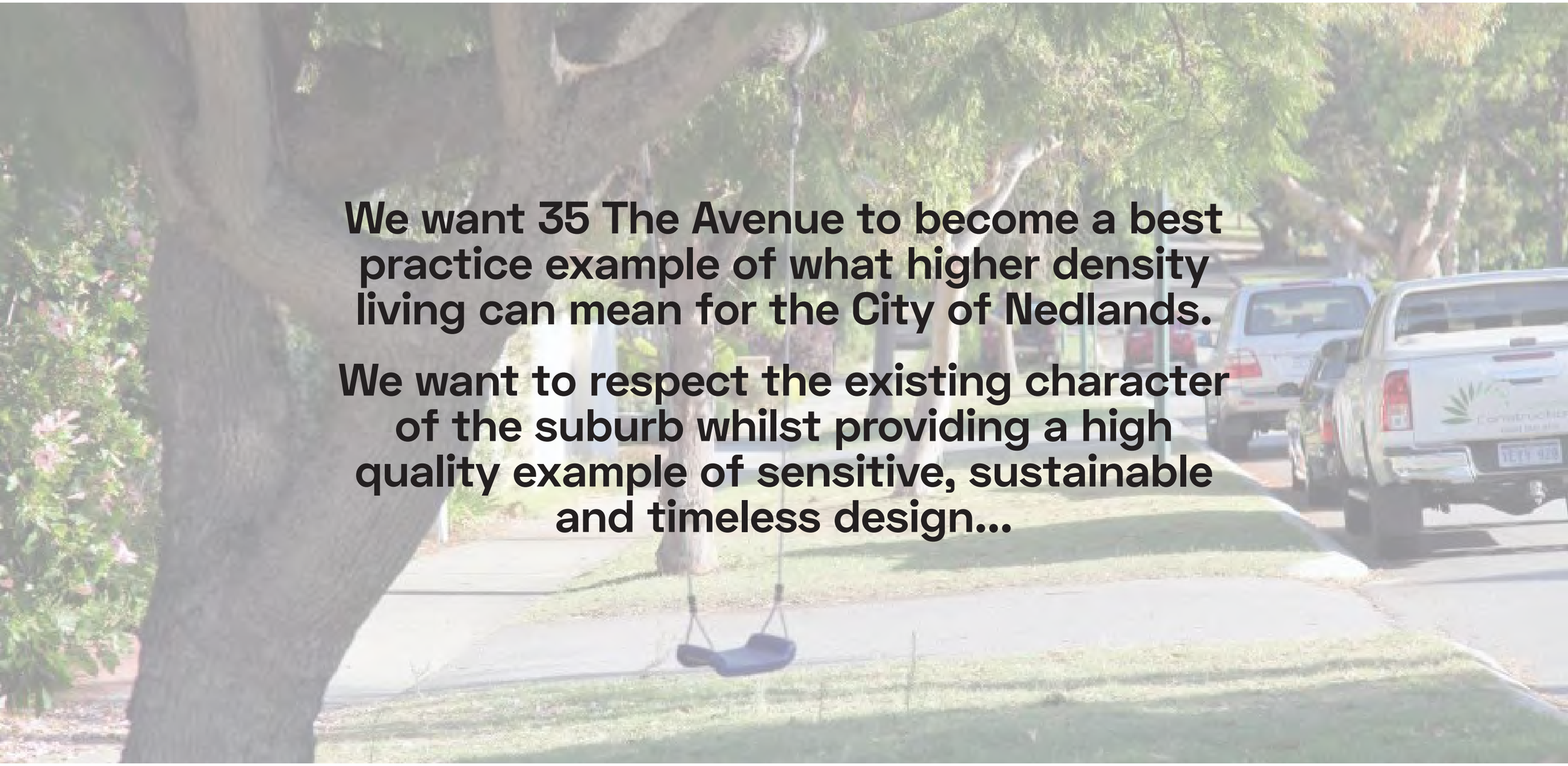




Project Context

Nedlands Is...

Design Considerations



We want 35 The Avenue to become a best practice example of what higher density living can mean for the City of Nedlands.

We want to respect the existing character of the suburb whilst providing a high quality example of sensitive, sustainable and timeless design...

Site analysis.

5.1 CONTEXT

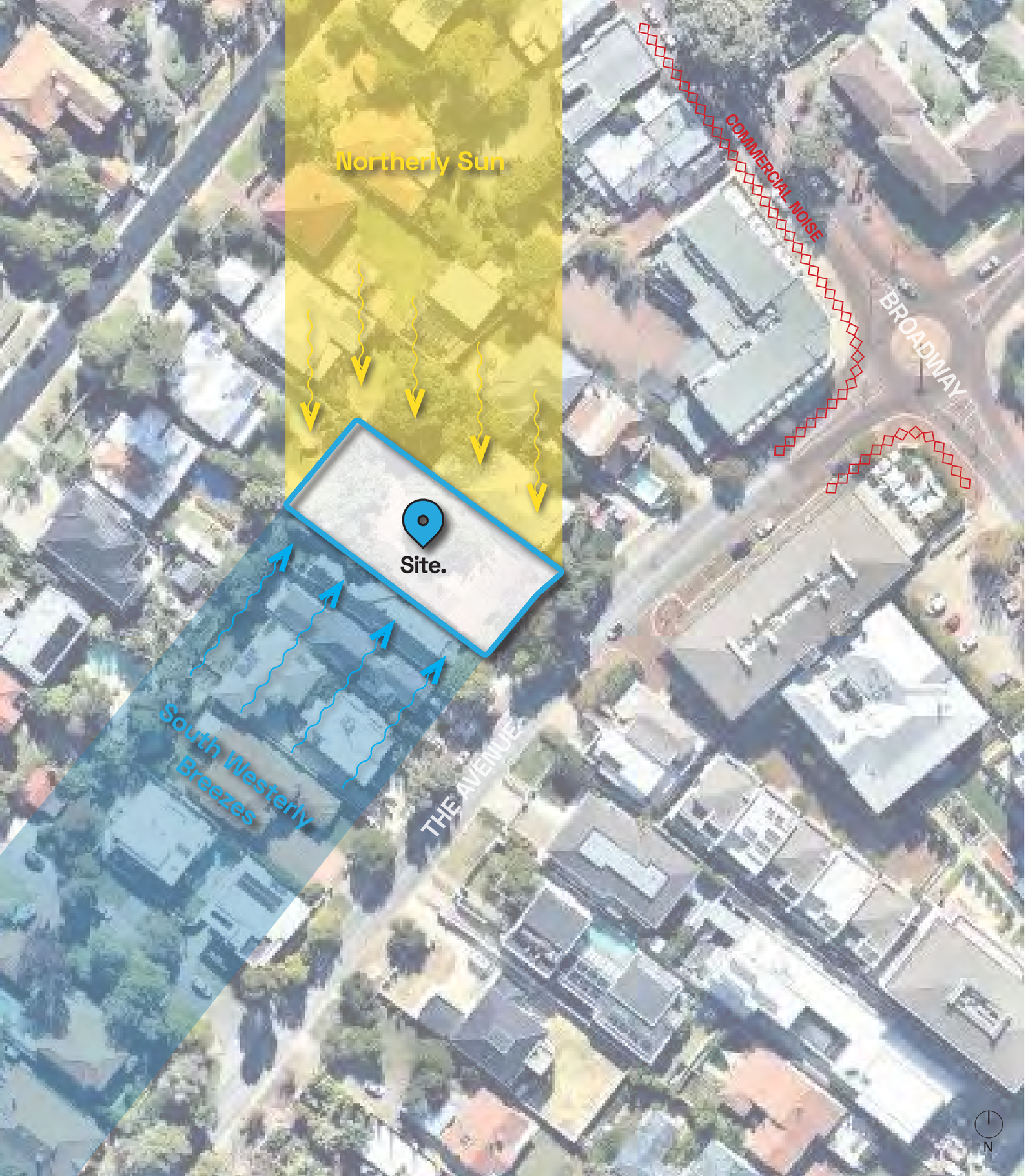
Site Context.

35 The avenue is an exceptional site within an established riverside community...

5.1 CONTEXT

Site Zoning.

+ The total site area is 1012sqm and has R60 zoning.
+ R-Code table 1 requires each lot size in an R60 zone to be an average of 150sqm, and minimum of 120sqm.
+ Under these requirements a maximum of 6 dwellings could be proposed for the site.

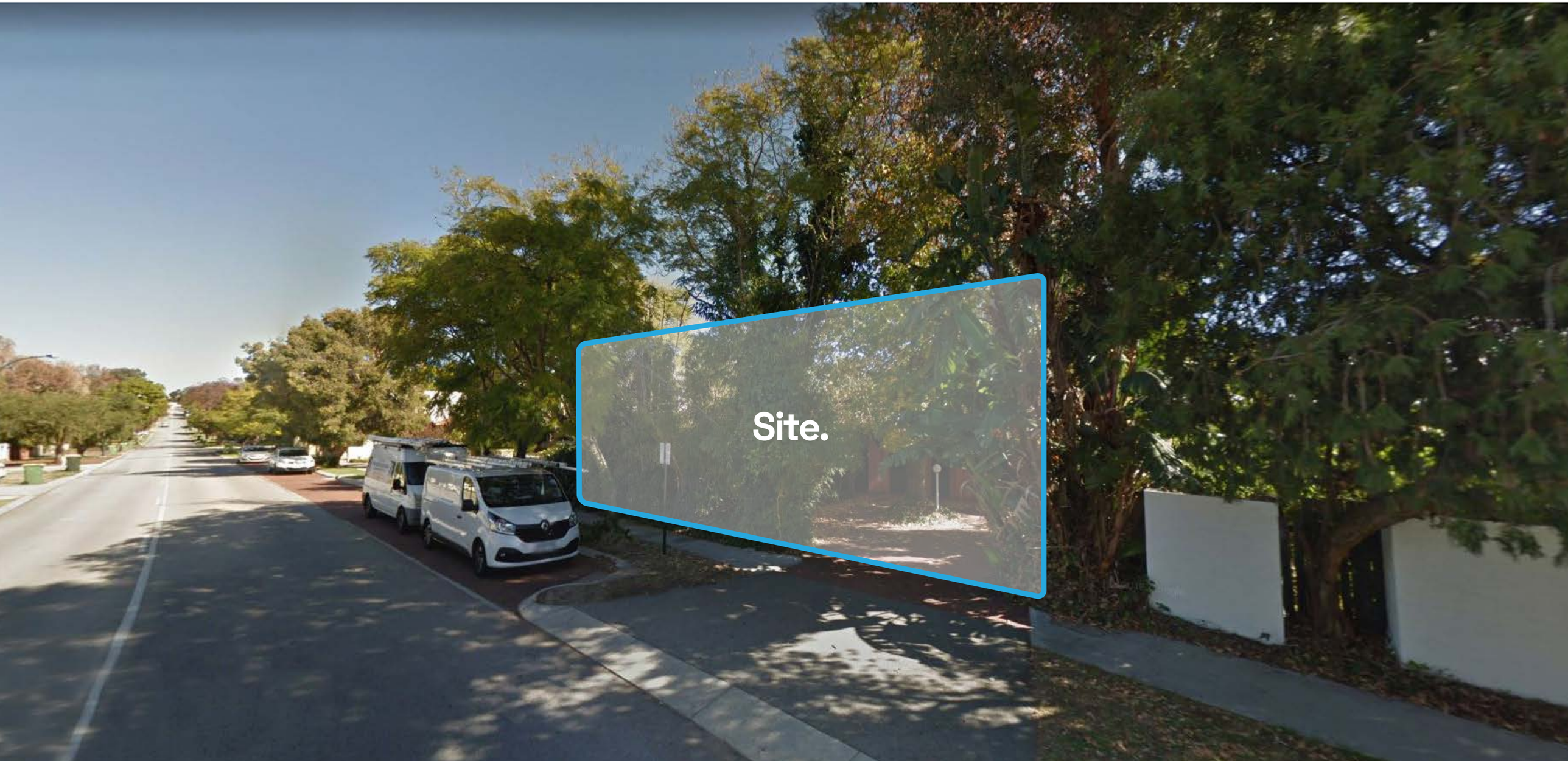


SITE ANALYSIS

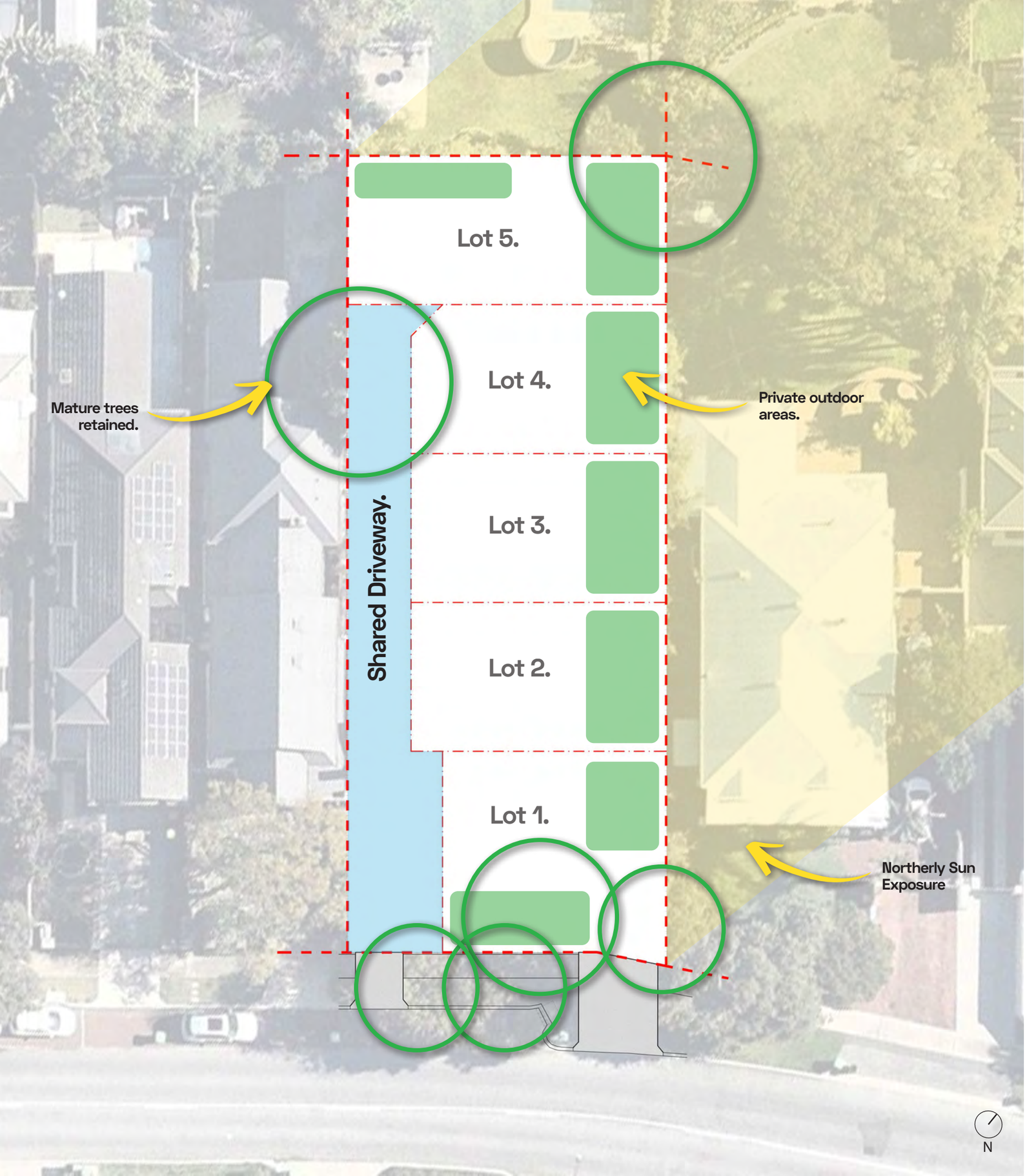
Site Analysis.

+ The site is ideally oriented to take advantage of the northern sun exposure and prevailing south westerly breezes.

+ The surrounding area is densely populated by mature trees and established gardens which are central to the character of the City.



View of 35 The Avenue from the street looking south-west.



5.3 SITE PLANNING

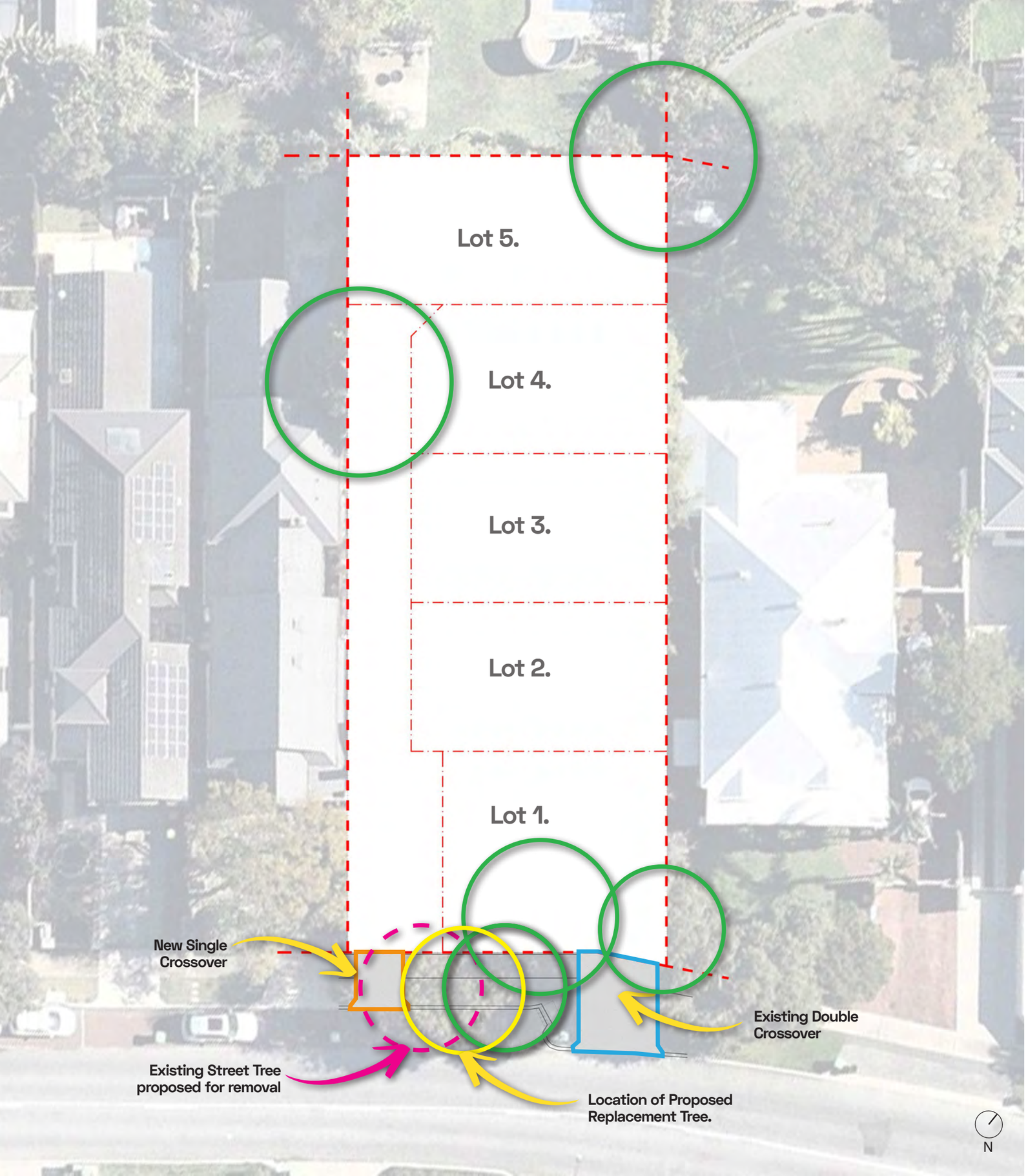
Site Plan.

+ Locating the shared driveway on the southern side of the site is critical to the success of the proposal as it:

+ Maximises the opportunity for Northern Sun exposure to each dwellings Outdoor Living Areas. (5.1.4, 5.3.1, 5.3.2)

+ Maximizes the number of Mature trees able to be retained on-site and on the Nature Strip. (5.1.1)

+ And reduces any opportunity for overshadowing on the adjacent property to the south. (5.4.2)



5.3 SITE PLANNING

Crossovers.

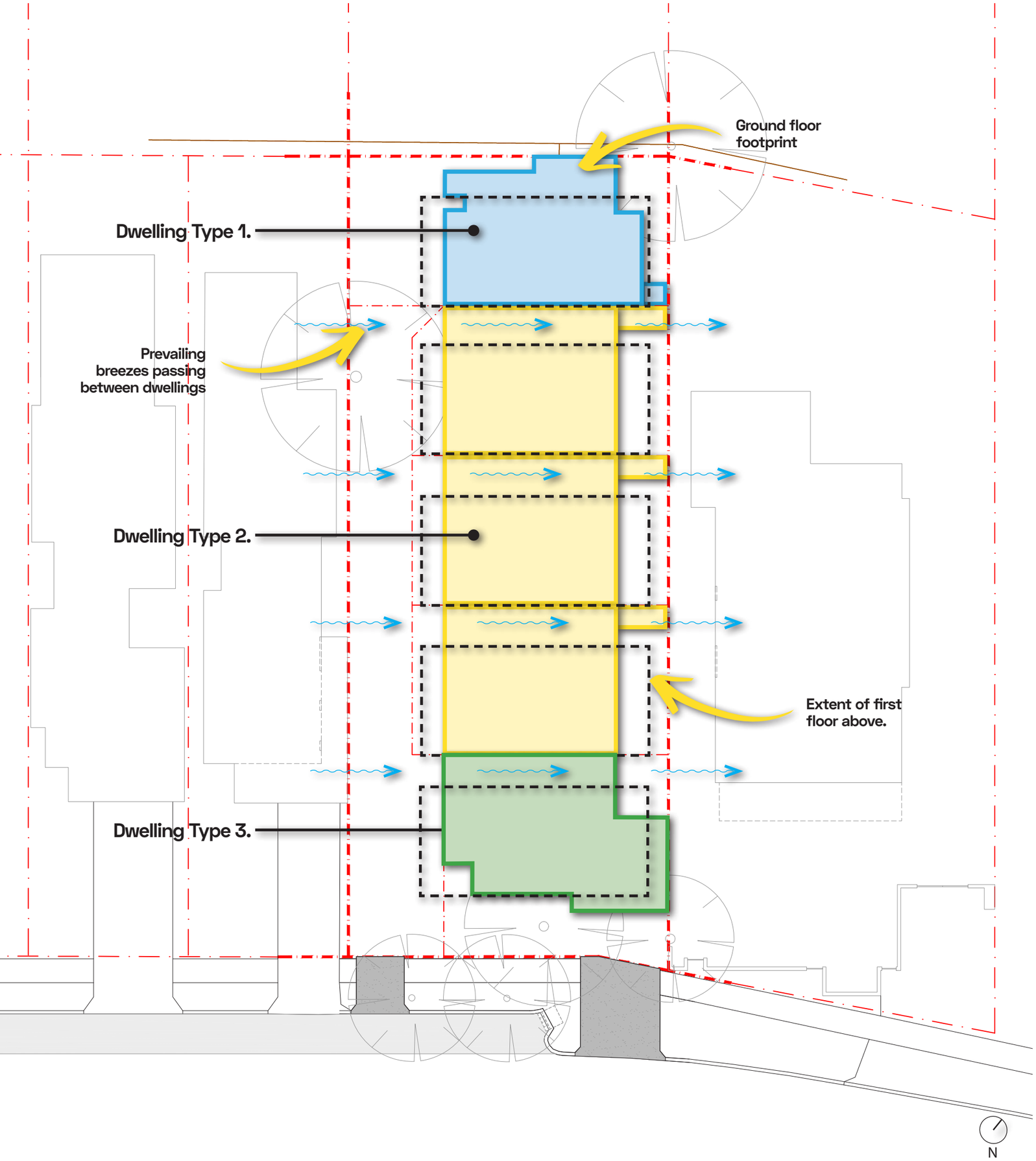
+ A new double crossover is proposed in the same location as the existing double crossover servicing the original dwelling.

+ A new single crossover is proposed to be located as close to the southern boundary as the R-Codes allow, to provide access to the shared driveway.

+ In this location the single crossover is unable to achieve the full 2m separation between the edge of the crossover and the adjacent street tree.

+ The proposed solution is to remove the existing street tree and replace it in a locaiton on the verge that achieves the required 2m separation.

Design Proposal



5.4 BUILDING DESIGN

Dwelling types.

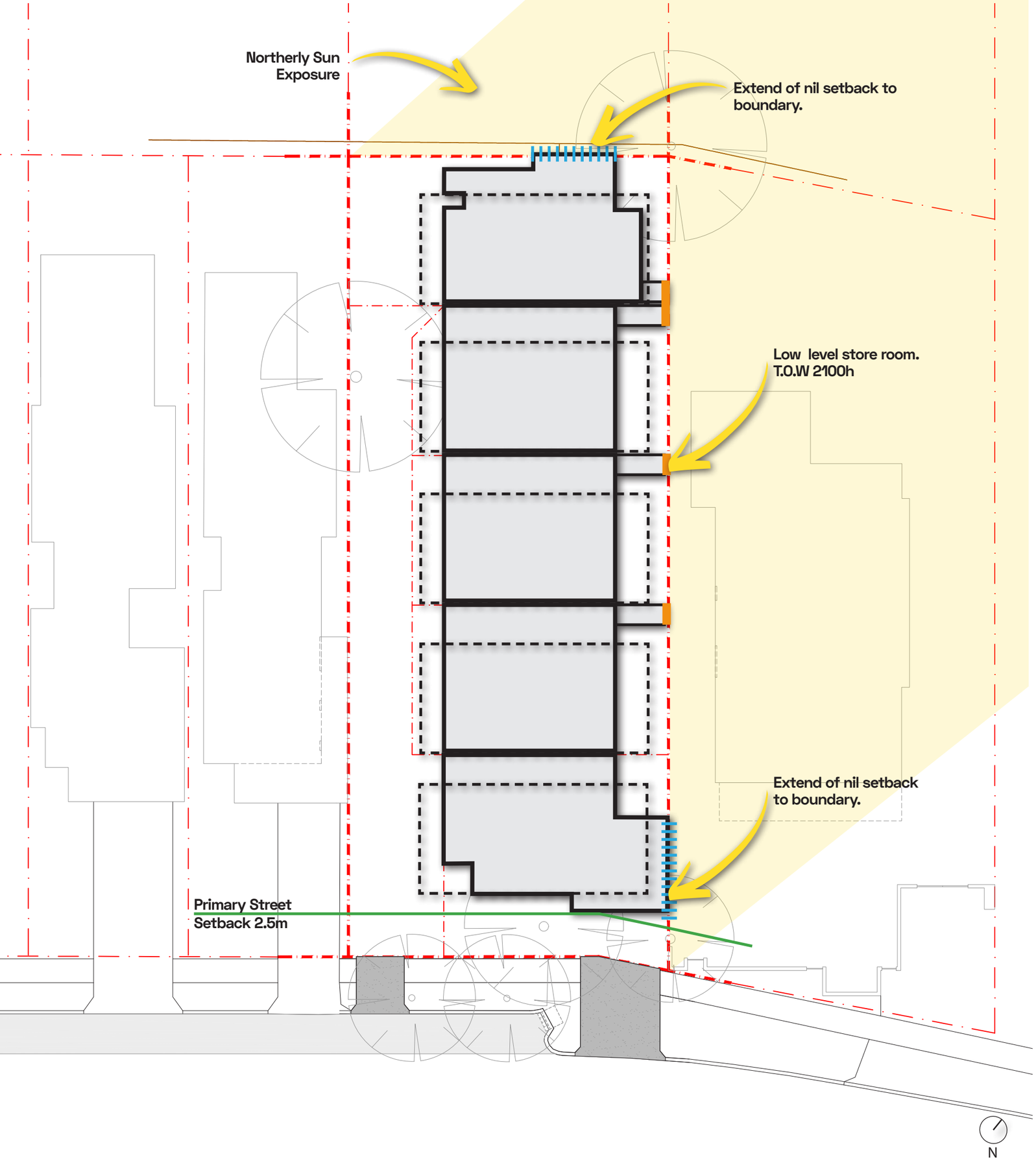
+ Three dwelling types are proposed

+ Each with masonry construction on the ground level and lightweight construction on the first floor

+ The Design of each dwelling utilizes passive design to maximize northern exposure and provide passive shading.

+ The upper levels are separated from one another to allow access to light and cross ventilation.

+ True street frontage and entry is created for the front dwelling enabling engagement with the established street context.



5.1 CONTEXT

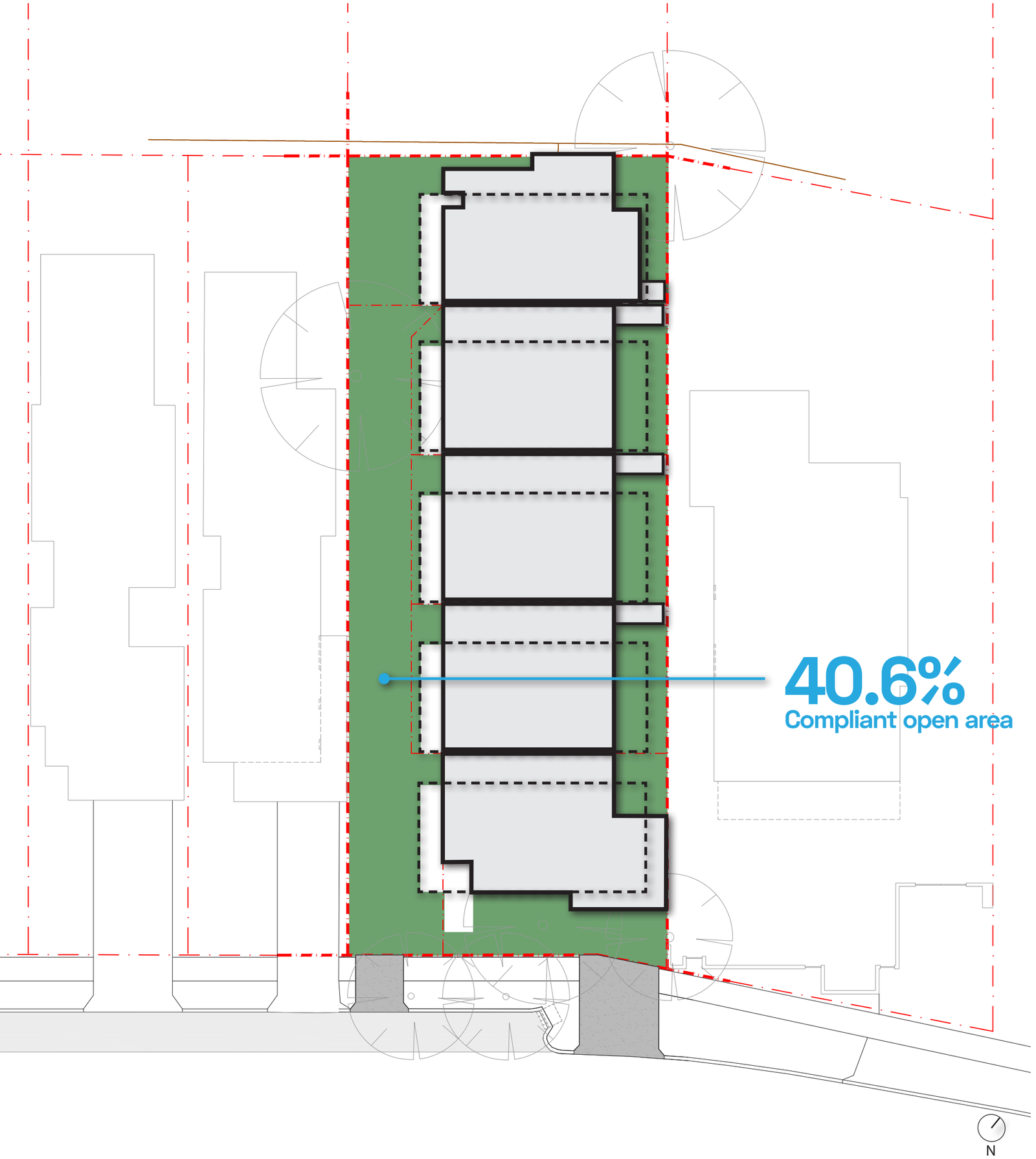
Building Setbacks.

+ Compliant primary and southern setbacks in-accordance R-Code table 1, 2a and 2b. (5.1.2, 5.1.3)

+ Reduced setbacks to low level garden storerooms, with the top of store parapet walls finishing at 2100 AFL.

+ Reduced setbacks to limited areas of the front and rear dwellings at ground floor level only.

+ The minimal areas of reduced setback have been carefully designed, with a view to optimizing the private outdoor living areas of each dwelling without negatively impacting the amenity of the adjoining properties. (5.1.3)



5.1 CONTEXT

Open Space.

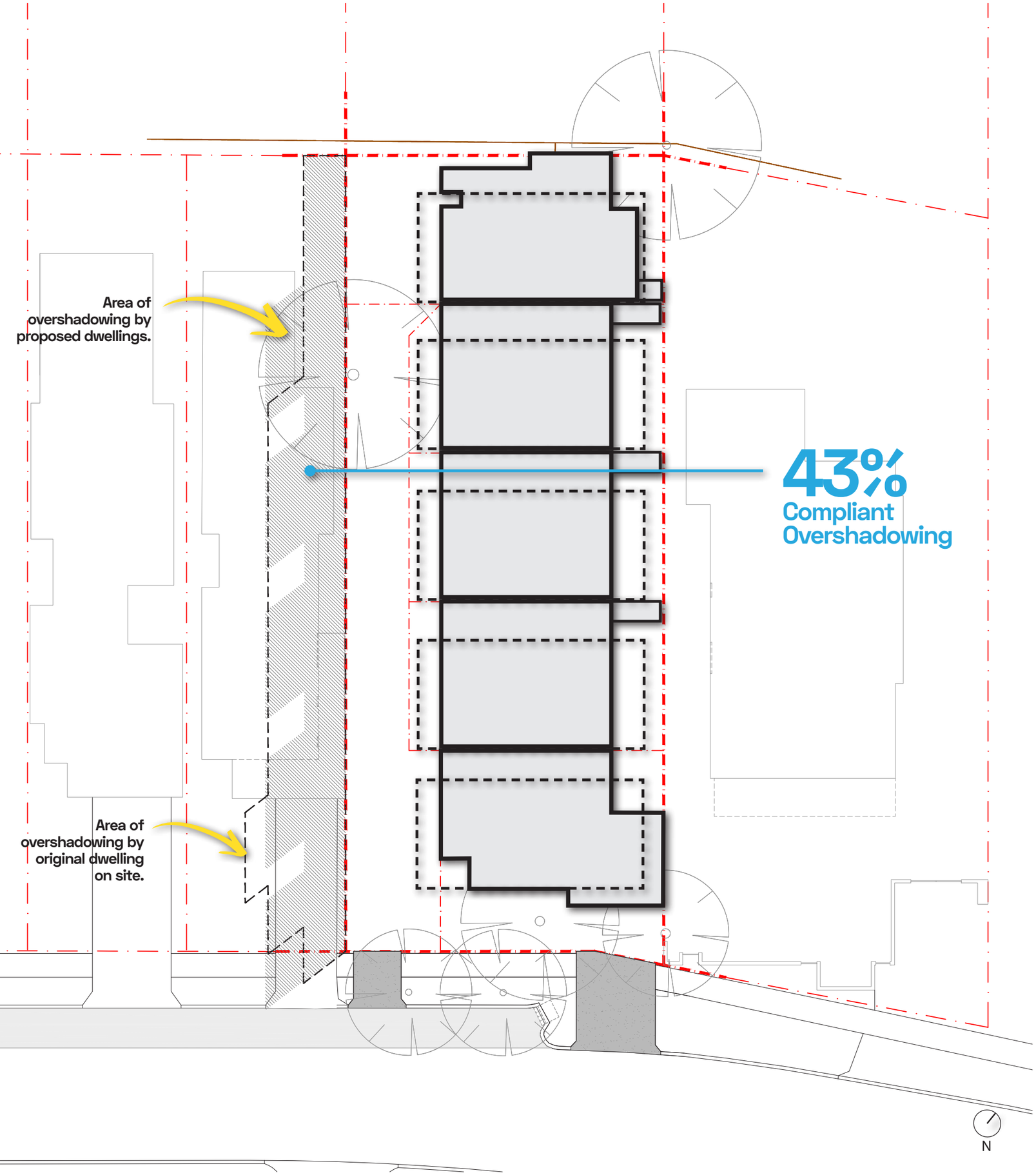
+ A minimum of 40% open space is required for R60 zoned areas. (5.1.4)

+ This proposal is compliant with a total of 40.6% open space.

+ Private outdoor living areas are <16sqm with both permanent cover and open areas.

+ All driveway areas will have a permeable finish to reduce runoff, improve moisture and aid in ground water recharge.

+ Landscaping will be appropriate for the area and climate. (5.3.2)



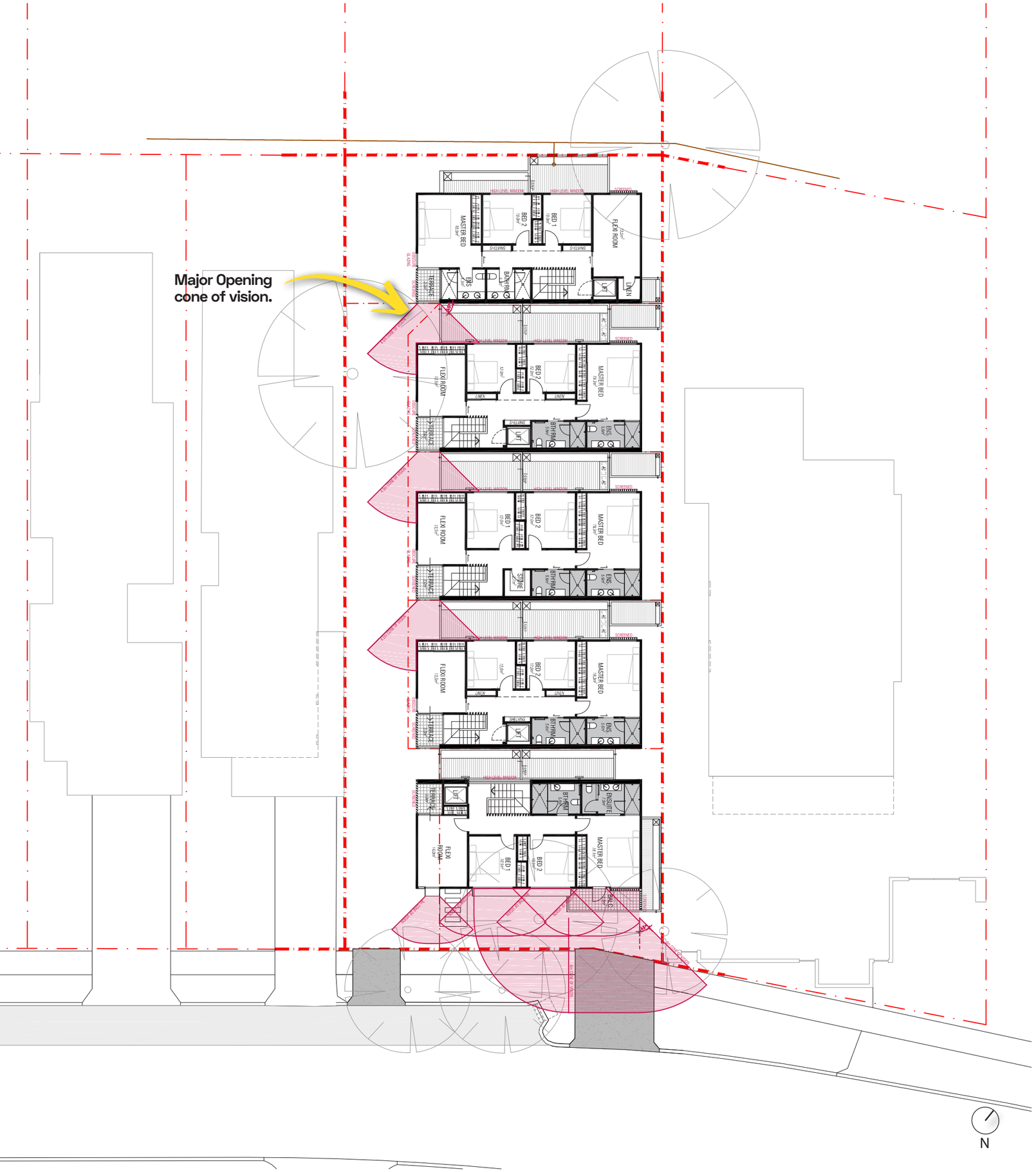
5.4 BUILDING DESIGN

Over-Shadowing.

+ The R-Codes allow a maximum of 50% overshadowing on an adjacent property at 12 noon on the 21st of June. (5.4.2)

+ The proposed dwellings are compliant as they only achieve 43% overshadowing.

+ The location of the shared driveway on the southern boundary is critical in reducing the overshadowing impact on the adjacent property to the south.



5.4 BUILDING DESIGN

Visual Privacy.

+ All major openings are compliant with the required overlooking setbacks for r60 zoning. (5.4.1)

+ Screening, opaque glazing and high level windows are employed to ensure no overlooking issues occur between dwellings on the same site or with adjacent properties.

View of proposed dwellings from the shared driveway

View of proposed dwellings from the street looking down the shared driveway

REV.	DATE	AMENDMENT
A	10.12.19	ISSUE FOR DA
B	04.03.20	REVISED ISSUE FOR DA
C	11.06.20	REVISION TO DA SET
D	18.06.20	REVISION TO BIN STORE

BCA COMPLIANCE:	TBC
STRUCTURAL:	TBC
HYDRAULIC:	TBC
ELECTRICAL:	TBC
MECHANICAL:	TBC
ENERGY:	TBC
FIRE:	TBC

CLIENT
NICHELIVING

PROJECT
35 THE AVENUE

PROJECT ADDRESS
35 THE AVENUE
NEDLANDS, WA

PROJECT STATUS
DEVELOPMENT APPLICATION

PROJECT NUMBER
19064

NORTH

SCALE
1:100 @ A1

DRAWING
GROUND FLOOR PLAN

DRAWING NO.	DRAFTER	CHECKED	REV.
DA3.00	HBW	JT	D

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MJA STUDIO

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REV.	DATE	AMENDMENT
A	10.12.19	ISSUE FOR DA
B	11.06.20	REVISION TO DA SET

BCA COMPLIANCE:	TBC
STRUCTURAL:	TBC
HYDRAULIC:	TBC
ELECTRICAL:	TBC
MECHANICAL:	TBC
ENERGY:	TBC
FIRE:	TBC

CLIENT

NICHELIVING

PROJECT

35 THE AVENUE

PROJECT ADDRESS

35 THE AVENUE
NEDLANDS, WA

PROJECT STATUS

DEVELOPMENT APPLICATION

PROJECT NUMBER

19064

NORTH

SCALE

1:100 @ A1

0 1 2 5

DRAWING

FIRST FLOOR PLAN

DRAWING NO.	DRAFTER	CHECKED	REV.
DA3.01	HBW	JT	B

View of proposed dwellings from the shared driveway looking towards the street

View of proposed dwellings looking down the shared driveway

NORTHERN ELEVATION

EASTERN ELEVATION (LOT 1 FENCE NOT SHOWN)

EASTERN ELEVATION (LOT 1 FENCE SHOWN)

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REV.	DATE	AMENDMENT
A	10.12.19	ISSUE FOR DA
B	11.06.20	REVISION TO DA SET

BCA COMPLIANCE:	TBC
STRUCTURAL:	TBC
HYDRAULIC:	TBC
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MECHANICAL:	TBC
ENERGY:	TBC
FIRE:	TBC

CLIENT
NICHELIVING

PROJECT
35 THE AVENUE

PROJECT ADDRESS
35 THE AVENUE
NEDLANDS, WA

PROJECT STATUS
DEVELOPMENT APPLICATION

PROJECT NUMBER
19064

NORTH

SCALE
1:100 @ A1
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DRAWING
ELEVATIONS
PAGE 1 OF 2

DRAWING NO.	DRAFTER	CHECKED	REV.
DA4.00	HBW	JT	B

SOUTHERN ELEVATION

WESTERN ELEVATION

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REV.	DATE	AMENDMENT
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B	11.06.20	REVISION TO DA SET
C	18.06.20	REVISION TO BIN STORE

BCA COMPLIANCE:	TBC
STRUCTURAL:	TBC
HYDRAULIC:	TBC
ELECTRICAL:	TBC
MECHANICAL:	TBC
ENERGY:	TBC
FIRE:	TBC

CLIENT
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PROJECT
35 THE AVENUE

PROJECT ADDRESS
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NEDLANDS, WA

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DRAWING
ELEVATIONS
PAGE 2 OF 2

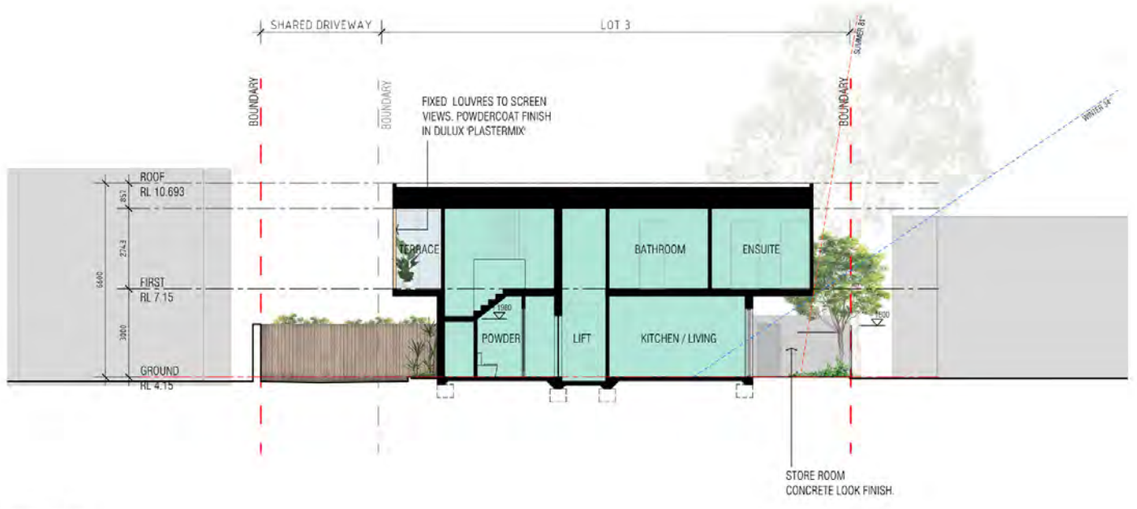
DRAWING NO.	DRAFTER	CHECKED	REV.
DA4.01	HBW	JT	C

View of proposed dwellings from the street

View of proposed dwellings from the street

SECTION AA

SECTION BB



SECTION CC

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REV.	DATE	AMENDMENT
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BCA COMPLIANCE:	TBC
STRUCTURAL:	TBC
HYDRAULIC:	TBC
ELECTRICAL:	TBC
MECHANICAL:	TBC
ENERGY:	TBC
FIRE:	TBC

CLIENT
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PROJECT
35 THE AVENUE

PROJECT ADDRESS
35 THE AVENUE
NEDLANDS, WA

PROJECT STATUS
DEVELOPMENT APPLICATION

PROJECT NUMBER
19064

NORTH

SCALE
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DRAWING
SECTIONS

DRAWING NO.	DRAFTER	CHECKED	REV.
DA5.00	HBW	JT	B

Thank You.

Sealhurst
Acoustic Design
& Engineering

Niche Living Projects Pty Ltd

Lot 740 (#35) The Avenue, NEDLANDS 5-Unit Grouped Dwelling Development

Acoustics - Noise Emissions Assessment for DA (Rev_3)

02 JUN 2020

Sealhurst Pty Ltd
PO Box 862 | CANNING BRIDGE | APPLECROSS | WA 6153
ABN: 86 161 563 551
ACN: 161 563 551

NicheLiving Projects Pty Ltd

Lot 740 (#35) The Avenue, NEDLANDS - 5-Unit Grouped Dwelling Development

Acoustics - Noise Emissions Assessment for DA (Revised)

JAN 2020

QA INFORMATION	
Project No	SEA-2020-002 (Site 1)
Project Name	Lot 740 (#35) The Avenue, NEDLANDS - 5-Unit Grouped Dwelling Development
Client	NicheLiving Projects Pty Ltd
Report Title	Acoustics - Noise Emissions Assessment for DA (Revised)
Filename	SEA-2020-002 RPT002_Rev3 DA
Revision	3
Reason For Issue	Third revision in response to Council's request to assess Steve's Hotel noise emissions, referencing *City of Vincent Sound Attenuation Policy 7.5.21*
Authored By	Daryl Thompson
Authorised By	
Issue Date	02 JUN 2020

PROJECT PARTNERS

Discipline	Entity	
Client	NicheLiving Projects Pty Ltd	
Architectural Design	MJA	
Planning Consultant	Taylor Burrell Barnett	

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REPORT ABSTRACT

Sealhurst were appointed by NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their grouped residential dwelling development design, proposed to be located at Lot 740 (#35) The Avenue, in the suburb of NEDLANDS, Western Australia. The project is in the process of submitting documentation to the City of Nedlands to pursue a Development Application process, in accordance with the City's *Local Planning Scheme No. 3* Policy(s) relevant to this type of development.

The City's Development Application Checklist, item 16 seeks an *"Acoustic / Noise Attenuation Report"*, applicable *"Where an application gives causes for concern for increased noise, a noise attenuation report may be required"*. Initial direction from the City's Environmental Health Department advised reporting requirements at DA are intended to address potential noise emissions of any proposed new sources of noise which form part of the development.

Our initial report (Ref: *SEA-2020-002 RPT002_Rev1 DA*, submitted 10 FEB 2020), responded to each of the matters identified in item 16 (Acoustic Report) from City of Nedlands' Development Application Checklist, of anticipated building services plant serving residential units, to ensure the eventual building services components are able to meet the *WA Environmental Protection (Noise) Regulations 1997 (Incl. amendments)* as the appropriate statutory legislation governing noise emissions from the new building, assessed at the nearest off-site noise sensitive (residential) receiver(s).

A subsequent revised report (Ref: *SEA-2020-002 RPT002_Rev2 DA* was submitted 05 MAY 2020 following feedback from Council received mid-April, requesting the Principal Client provide further review regarding noise immission (i.e. noise "received" at the new development) from "Steve's Hotel" as an existing noise source, under the assessment procedures adopted by City of Vincent under their *Sound Attenuation Policy 7.5.21*.

Revision 3 (this report, Ref: *SEA-2020-002 RPT002_Rev3 DA*) includes further responses to specific feedback presented in Section 4, illustrating several practical assessment(s) of noise imission from the "Steve's Hotel" venue. In the absence of "normal" operating conditions under current partial lockdown restrictions currently imposed by the State Government, the approach uses a calculated procedure derived from Sound Pressure Level values taken from similar licensed venues with outdoor (Al Fresco) areas to compare the impact of potential noise emission scenarios from "Steve's Hotel" identified by Council, upon predicted internal noise levels and amenity within the new development.

Note, Council's request identifies possible community events at Steve's Hotel which involve higher patron noise and potential for amplified music entertainment, e.g. Melbourne Cup day, and similar. The application of *the Regulations* as applied to Steve's Hotel is outside of our appointed scope, however an overview of the potential implications to the venue under appropriate legislation is included for information.

Note, as the development site contains Grouped Residential Dwellings provision, the project may require demonstration of additional design compliance elements under the National Construction Code, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.

EXECUTIVE SUMMARY

Sealhurst were appointed by NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their grouped residential dwelling development design proposed to be located at Lot 740 (#35) The Avenue, in the suburb of NEDLANDS, Western Australia.

The project is in the process of submitting supplementary documentation to the City of Nedlands pursuant to securing Development Application approval, in accordance with the City's *Local Planning Scheme No. 3* Policy(s) relevant to this type of development. Specifically, the City's Development Application Checklist, item 16 seeks an *"Acoustic / Noise Attenuation Report"*, applicable *"Where an application gives causes for concern for increased noise a noise attenuation report may be required"*.

This report (Ref: *SEA-2020-002 RPT002_Rev3 DA*) presents our DA)-level assessment of anticipated building services noise from plant serving residential units, to ensure the eventual building services components are able to meet the applicable noise emission *Regulations* limits, assessed at the nearest off-site noise sensitive (residential) receiver(s) (NSRs). The report also addresses Council's further requests to assess objective estimates of potential noise emissions from Steve's Hotel and any impact which may be apparent when received at the new development. A summary of our findings is as follows:

ENVIRONMENTAL NOISE EMISSIONS COMPLIANCE

The *WA Environmental Protection (Noise) Regulations 1997 (inc. amendments)* represent the applicable statutory legislation covering all noise emissions from the new development. The Assigned Noise Level (ANL) limits have been determined based upon an Influencing Factor of 1, resulting in ANL limits of:

- 46 dB L_{A10} during daytime periods, 0700 – 1900;
- 41 dB L_{A10} during evening periods, 1900 – 2200; And,
- 36 dB L_{A10} during night-time periods, 2200 – 0700;

The calculated ANL limits are applicable at the nearest Noise Sensitive Receiver (NSR) location, identified as the existing single-storey residential property to the immediate north-east of the site boundary, No. 33 The Avenue;

ANL limits apply to all noise emissions from the new development – identified herein as x5 twin residential Air Conditioning Condenser Units, (AC CUs) anticipated to be located on the Northern façade roof area(s) over Ground Floor Kitchen/Pantry/Store/Living areas as per each individual Unit layout on the new development Lot.

Preliminary selection options for external AC CUs have been provided by Ford & Doonan from manufacturer's Daikin and Panasonic – full details are provided in Section 3.2.1, including adjustments to manufacturer noise data to account for reference conditions. Using the adjusted manufacturer-rated sound data for each unit, noise levels from 2 x CU units are predicted at 43 – 44dB(A) pending AC CU unit, at a nearest distance of 6m for the proposed installation location(s), accounting for local geometry and no screening effects to the nearest NSR.

This result complies with *the Regulations* during daytime hours (typically 0700 – 1900), though exceeds during evenings and night-time hours when the limits become more stringent. Noise emissions compliance outcomes are listed for the two preliminary equipment selections in Section 3.2.3. Where the preliminary CU selections are carried through to procurement and installation, the application of a screening treatment, ventilated enclosure or relocation of units have been put forward to ensure noise emissions compliance during all times of the day, evening and night (most stringent).

Alternatively, the developer has the option to consider reselection of quieter AC CU units, or AC CU units which employ "night-time mode" operating at reduced duty and hence significantly lower operational Sound Power Levels. Potential reselection may remove the requirement for screening treatments –

EXECUTIVE SUMMARY

Our recommendation at this stage is that to comply with the Regulations at all times of the day, evening and night-time, the current AC CU unit specification be retained, and the screening arrangement indicated in the schematic be carried through to Building Permit and construction documentation. NB – where any changes outside of these recommendations are proposed, assessment to confirm compliance is the responsibility of the developer.

Generally speaking, residential-grade AC CU units are typically broadband and steady-state in nature, hence tonality, modulation and impulsive penalties are not anticipated. Sealhurst recommend any proposed reselections for procurement be reviewed prior, in terms of octave band sound levels, to determine compliance, and where any additional noise emissions sources not yet identified, be assessed to ensure the building is able to comply with the limits at all times.

External CUs will also require to be mounted on appropriate, load rated anti-vibration mounts, to avoid hum/noise disturbance from the CUs emanating into structure;

NOISE IMMISSIONS RECEIVED AT 35 THE AVENUE FROM STEVE'S HOTEL

Subsequent to our initial DA report, the Principal Client received feedback from Council, requesting the Principal Client seek further review regarding noise emissions received from "Steve's Hotel" as an existing noise source, under the assessment procedures adopted by City of Vincent under their *Sound Attenuation Policy 7.5.21*.

Steve's Hotel (http://www.steves.com.au/) is a commercial bar, restaurant and wine merchant occupying the Ground Floor of a three-storey building, with 4 x substantial residential apartments on the upper two floors. The building is located opposite the proposed development site, (Lot 740) #35 The Avenue approx. 30m from the Hotel façade to the nearest property boundary point; And approx. 77m from the nearest Al Fresco seated areas, which are partially screened from direct line-of-sight by the building's north corner.

Interpreting Council's request for additional assessment(s), City of Vincent's *Sound Attenuation Policy 7.5.21 Section 3.3.2 (a) Inbound Noise (Residential Development)*, *Clause (i)* states that:

> ***"Residential buildings are to be designed to achieve the following sound levels:***
> ***Leq 35dB(A) in sleeping areas (bedrooms); and***
> ***Leq 40dB(A) in living/work areas and other habitable rooms"***

Under "normal" assessment conditions, a field noise assessment and subsequent engineering design of building façade (walls/glazing/roof/ventilation openings and the like) could be undertaken to satisfy the criteria for *"Inbound Noise";* However, partial lockdown restrictions currently imposed by the State Government at the time of writing limit "Steve's Hotel" to takeaway operations only which imply that any noise survey conditions are not representative of the venue under "normal" operating conditions.

In lieu, a series of calculated assessment(s) of noise emissions from the Steve's Hotel venue under various scenarios has been undertaken, using assumptions and Sound Pressure Level values taken from similar licensed venues with outdoor (Al Fresco) areas, and citing peak patronage/activity levels at Steve's Hotel, sourced from Google as Friday evenings between 4 – 8pm, representing the busiest times of operations.

The venue's street frontage facing the development site at 35 The Avenue is fully enclosed in a glazed facade. Given the nature and use of the venue, internal reverberant Sound Pressure Levels of approx. 76dB(A) $L_{p,Rev}$ during moderate occupancy are assumed to be adequately acoustically enclosed by virtue of the glazed façade which is assumed to be a minimum specification of 10mm thickness or greater due to (non-acoustic) public safety specifications required at commercial Ground Floor level.

Assuming an equivalent noise level in the Outdoor Eating Areas, resulting noise propagation to the receiving building is then calculated and the incident sound levels applied to the nearest exposed residential building area(s) of the new development site at 35 The Avenue. Calculated results for internal noise level are then

compared to the *City of Vincent's Sound Attenuation Policy 7.5.21* criteria, with results sufficient to proof "**Inbound Noise**" criteria/conditions compliant with *City of Vincent's* standard.

NOISE IMISSION AT 35 THE AVENUE - SUMMARY OF RESULTS

Following explicit commentary from Council regards anticipated events at Steve's Hotel, (including potential for amplified music) the following scenarios were calculated to assess external patron and potential live music noise, using reference A-Weighted Sound Power Levels (SWL, dB(A)) calculated from measured reverberant Sound Pressure Level spectra (SPL, $L_{P,Rev}$) recorded in similar sized venues under various internal and external sound scenarios.

The key results demonstrate:

(i) Predicted EXTERNAL Sound Pressure Levels due to the assumed noise scenario at the Al Fresco area of Steve's Hotel, at successive distances from the Al Fresco area, assuming point source propagation at distances over 20m (far field); And,

(ii) The right-hand column demonstrates the results of corresponding *"Inbound Noise"* calculations in Unit 1 (nearest to Steve's Hotel) based upon a standard residential envelope of glazing/frame combination rated at Rw 30dB and cavity masonry envelope construction - the predicted internal levels are based upon the corresponding external level at a distance of 77m from the Al Fresco area;

Note, City of Vincent's target criteria is $<L_{Aeq}$ 35dB Bedrooms at night time (2200 – 0700), and $<L_{Aeq}$ 40dB Living Spaces during the day (0700 – 2200):

Noise Emission Scenario	Measured SPL, ($L_{p,Rev}$ (dBA))	Ref. SWL dB(A) (for Calculation)	Dist. to Receiver (m)	Predicted External SPL, dB(A)	WA Env (Noise) Regulations 1997 "L_{A10}" Limits	Internal Noise Level, Unit 1 35 The Avenue
Enclosed, "**unrestricted**" Sound Pressure Level measurements of amplified music, taken in a small nightclub-style venue	**87.3dB(A)**	**>95dB(A)**	20m	53.3dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	*n/a*
			30m	49.8dB(A)		*n/a*
			40m	47.3dB(A)		*n/a*
			50m	45.4dB(A)		*n/a*
			77m	**41.6dB(A)**		**24.5dB(A)**
Enclosed Sound Pressure Level measurements of amplified music, limited to **83dB(A)** taken in a small nightclub-style venue	**83.4dB(A)**	**90dB(A)**	20m	49.4dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	*n/a*
			30m	45.9dB(A)		*n/a*
			40m	43.4dB(A)		*n/a*
			50m	41.5dB(A)		*n/a*
			77m	**37.7dB(A)**		**20.6dB(A)**
Cumulative Sound Power Level of 8 * groups of 4 seated patrons, raised voice conversations with background music present ***As assessed in our previous Rev2 report**	-	**82dB(A)**	20m	47.9dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	*n/a*
			30m	44.4dB(A)		*n/a*
			40m	41.9dB(A)		*n/a*
			50m	40.0dB(A)		*n/a*
			77m	**36.2dB(A)**		**19.8dB(A)**
External Courtyard Venue - Background Music, 20% Occupancy, Customer conversation, frequent birdsong;	**66dB(A)**	**72dB(A)**	20m	32.0dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	*n/a*
			30m	28.4dB(A)		*n/a*
			40m	25.9dB(A)		*n/a*
			50m	24.0dB(A)		*n/a*
			77m	**20.2dB(A)**		**inaudible**

In terms of proofing *"Inbound Noise"* calculations, the new building envelope design at 35 The Avenue is assumed to be constructed from:

- Standard 90/70/90 cavity masonry walls, with ties, and no insulation, rated at Rw 58dB;
- Glazing is assumed to be of standard residential construction, rated at Rw 30dB – either single or double glazed;
- Roof construction is assumed to be profile metal roof sheet over timber truss frame, insulated with anticon (fibrous) insulation quilt with perforated foil face over to pitched roof sheet void depth of min 180mm to 1 x 10mm standard plasterboard ceiling, rated at Rw 40dB;

In all cases the predicted internal noise levels at Unit 1, 35 The Avenue use the prescribed assessment procedure outlined in *BS EN 12354:2000 Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements Part 3: Airborne sound insulation against outdoor sound* as the prevalent calculation methodology – with the corresponding results compared to City of Vincent's *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria to determine "compliance" of the new development.

Appendix C includes the proofing methodology and detailed calculation sheet;

Rw30dB rated glazing can be of single or double-glazed format. The use of "double glazing" does not imply "higher acoustic ratings" – single glazed and double glazed systems are able to achieve essentially equivalent acoustic ratings in residential settings of up to Rw 37dB before specialist framing requirements become apparent. Section 4.4.1 provides the developer with an overview and advice to maximise sound insulation performance of the building facade using practical installation and detailing, to ensure internal acoustic amenity is preserved from design to the as-built construction.

On the basis of the calculated assessment there is significant headroom of >14dB(A) between the predicted results and the limit for compliance under City of Vincent *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria, to allow for increases in incidental patron noise level, hence no additional noise control means are "required" at this stage.

We expect that where predicted *"Inbound Noise"* results are lower than 20dB(A), as is the case at Unit 1 35 The Avenue, that such levels will be "barely audible" and resulting internal acoustic amenity will be unaffected in terms of compliance with the City of Vincent's *Sound Attenuation Policy 7.5.21* standard.

LIMITATIONS AND EXCLUSIONS

NB - Under the noise immission scenarios derived from amplified contemporary music (DJs/bands), these calculations are illustrative only. The range of potential sound scenarios is presented for assessment of 35 The Avenue only, to demonstrate the adequacy of the preliminary (DA) building envelope design;

Council's request identifies possible community events at Steve's Hotel which may involve higher patron noise and potential for amplified music entertainment, e.g. Melbourne Cup day, and similar. Detailed assessment of Steve's Hotel operational noise emissions under the *WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)* is outside of our appointed scope under this study, which is expressly limited to the assessment of "35 The Avenue" development.

Specifically, any relation to or inference of "compliance" or "exceedance" of *the Regulations* as applied to Steve's Hotel is incidental and used exclusively to illustrate the adequacy of the new development's façade design in meeting the City of Vincent's *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria for Bedrooms and Living Spaces.

An overview of the potential implications to the venue under appropriate legislation is included for information.

PROCESS TO BUILDING PERMIT & CONSTRUCTION STAGE

It is important to understand the project is at pre-DA stage, therefore this report sets out design compliance(s) for the DA stage and appropriate level of detail. It is expected that this report will inform a subsequent Detailed Design process, to a greater level of detail such as is required to demonstrate compliance and approval to proceed to Building Permit stage.

Internal ambient conditions will ultimately depend on the quality of workmanship conducted during construction phase and adherence to the advice and specific detailing requirements. Advice is provided in this report relating to construction detailing at window frame, between window frame and between building envelope elements, to ensure that any listed laboratory acoustic (Rw) rating(s), for building construction elements are able to be achieved in the field installation – specific attention is drawn to flanking sound transmission via junctions between external wall elements in Section 4.4.2, and mitigation of rain noise in roof installation detailing in Section 4.5.

It is intended that such detailing advice may be incorporated into the anticipated Detailed Design works to follow.

Note, as the development site contains Grouped Residential Dwellings provision, the project may require demonstration of additional design compliance elements under the National Construction Code, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.

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1 INTRODUCTION

1.1 General Appreciation

Sealhurst were appointed by NicheLiving Projects Pty Ltd to provide acoustic engineering consultancy and assessment(s) relating to their multiple grouped residential dwelling development design, proposed to be located at Lot 740 (#35) The Avenue, in the suburb of NEDLANDS, Western Australia.

The project is to present 5 x double storey Grouped residential dwellings on an existing residential Lot which is to be demolished as part of the development project. The site is situated within the established residential suburb of NEDLANDS, close to shopping, restaurants, cafes and amenities on Broadway.

In accordance with item 16 requirements under City of Nedlands' DA application checklist process, this report (Ref: *SEA-2020-002 RPT001_Rev1 DA*) presents our early stage (DA) assessment of anticipated building services plant serving residential units, to ensure the eventual building services components are able to meet the applicable noise emission *Regulations* limits, assessed at the nearest off-site noise sensitive (residential) receiver(s).

The report also addresses Council's additional requests to assess objective estimates of potential noise emissions from Steve's Hotel and any impact which may be apparent when received at the new development.

1.1.1 Project Status

The project is in the process of submitting DA documentation to the City of Nedlands, pursuant to commencing the detailed design stage of the development.

1.2 Applicable Acoustic Design Criteria

1.2.1 Standard Multi-Residential Acoustic Design Framework

As a multi-residential development, the City's *Local Planning Scheme No. 3* Policy(s) reference or imply the application of a range of acoustic criteria, drawn from a national design framework of design codes and standards encompassed by *AS2107:2016, Section F5* of the *National Construction Code* (*NCC*, formerly the *BCA*), and *WA Environmental Protection (Noise) Regulations 1997* (Incl. amendments).

The range of referenced acoustic criteria and consequential assessment(s) address the 3 primary components of multi-residential development design:

i. **External Noise Ingress** - Demonstrating the building internal spaces are able to achieve internal design sound levels, from external noise levels in accordance with referenced Australian Standard *AS 2107:2016: Acoustics – Recommended design sound levels and reverberation times for building interiors*;

ii. **Separation between Adjacent Residences -** Ensuring the proposed separating constructions (e.g. walls, floor/ceilings and the like) between adjacent individual dwellings are able to comply with Section F5 of the current edition of the *National Construction Code (NCC, formerly the BCA)*;

iii. **Control of Noise Emissions -** Ensuring that all noise emissions are able to comply with the WA *Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)*;

We note *the project may require demonstration of additional acoustic compliance elements, specifically relating to shared separating walls (if applicable), as condition(s) of future Building Permit approval(s). These aspects are not covered in the scope of this report.*

1.2.2 Control of Noise Emissions – City of Nedlands Policy Requirements

Item 16 of the City's DA application checklist process identifies the requirement to provide an *"Acoustic / Noise Attenuation Report"*, applicable *"Where an application gives causes for concern for increased noise a noise attenuation report may be required"*.

The *Environmental Protection (Noise) Regulations 1997 (Incl. amendments)* is the applicable legislation governing all sources of noise which are introduced when the new building is constructed, and applicable at the nearest Noise-Sensitive Receiver (NSR). Assessment under the *Regulations1997* is achieved via the application of the *Prescribed Methodology* from which a set of Assigned Noise Level (ANL) limits are calculated, applicable at the nearest noise sensitive receiver location(s).

The City have provided the following advice regarding the nature and details of what an acoustic report must cover (where applicable) in order to satisfy item 16 at DA stage, as follows:

(i) *Projected sound power levels of likely noisy equipment and activities and how they will be managed (i.e. early/late deliveries/collections (particularly waste), plant room design, location and orientation, roof or wall mounted air conditioner and venting units (location, design and projected sound power levels – including some indication of what could be expected at noise sensitive premises). This would need to be modelled on appropriate noise modelling software. ;*

(ii) *Details and requirement for any acoustic shrouding and /or walls surrounding the development generally (including all significant plant and noise generating equipment, such as the lifts).;*

(iii) *L_{A10} figures to be used for noise sensitive premises by the acoustic consultant, in addition to L_{A1} figures;*

(iv) *Projected noise levels for deliveries and collections need to be modelled and a comparison made of noise received at neighbouring noise sensitive premises (including reversing beepers and the like);*

(v) *Detail on plant, in terms of fans and whether timed or variable speed fans etc will be used to minimise noise impacts on noise sensitive receivers.*

The early assessment process is designed to ensure that all noise emissions are able to comply with the WA *Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)* in the finished project;

1.2.3 Revisions to Assessment under City of Vincent Sound Attenuation Policy 7.5.21

Additional criteria was appended to the Development Application Checklist requirements by Council in mid-April, requesting the Principal Client provide further review regarding noise emissions "received" from "Steve's Hotel" as an existing noise source, under the assessment procedures adopted by City of Vincent under their *Sound Attenuation Policy 7.5.21*:

> *"Steve's Hotel is required to comply with the assigned levels of "The Regulations" like any other private property within Western Australia. The reason behind referring to the City of Vincent Planning and Building Policy Manual Development and Design Policy No: 7.5.21 Sound Attenuation, was to highlight the need for significant noise generating sources within 100m of the development to be identified and suggest treatments that may be required to mitigate the impact of these."*

Revision 3 (this report, Ref: *SEA-2020-002 RPT002_Rev3 DA*) includes further responses to Council's specific feedback presented in Section 4, illustrating several practical assessment(s) of potential noise emissions from the "Steve's Hotel" venue using a calculated procedure using Sound Pressure Level values taken from similar licensed venues with outdoor (Al Fresco) areas, and generating corresponding Inbound Noise level results within the new development, using listed assumptions.

1.2.4 Pre-DA Design - Report Aims

The primary report aim is to communicate how the proposed development has been acoustically assessed and designed for the purpose of minimising the effects of noise emissions, sufficient to meet the *Regulatory* limits, City of Nedlands DA Checklist and the additional City of Vincent Inbound Noise criteria. Our report achieves this by presenting a technical assessment of each applicable element of via detailed site appraisal and current project design information.

Our DA report therefore represents our acoustic assessment of the current project documentation (Ref: Appendix A.1), in the above terms, identifying compliance via potential solutions for consideration at this stage, as the design is progressed. The report is intended to form a basis of design reference at DA stage, allowing informed amendments where prospective changes may occur during the Detailed Design and construction phase(s).

1.3 Project Inputs

1.3.1 Schedule of Architectural Drawings

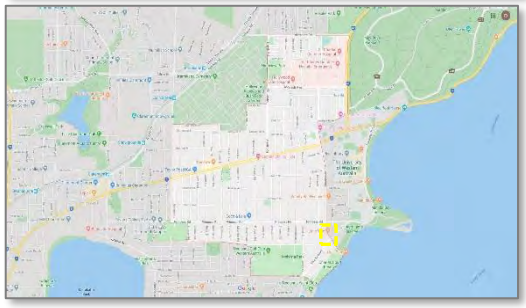
The assessment has been carried out based upon milestone design architectural drawings supplied via Taylor Burrell Barnett planning application documentation report, *Ref: 19/071 JD*, dated 10 December 2019. A schedule of these reference drawings is presented in Appendix A.1. Details are current at the date of this report (02 JUN 2020).

2 PROJECT CONTEXT

2.1 Development Definition

2.1.1 Proposed Development Site – Lot 740 (#35) The Avenue

The project site is currently disposed as a residential Lot with a large brick and tile home and landscaping. No. 35 The Avenue adjoins a row of existing single and double storey residential homes, located close to a small mixed use area of cafes, restaurants, retail and other amenities on the corner of the intersection, connecting The Avenue with Broadway. The images (right) present the current site condition (top) and immediate neighbouring property – the second image from the top presents an architectural render of the development design in -situ.



The proposed design provides a significant redevelopment of the existing site, replacing the large single dwelling with 5 x double storey multi-residential "Townhouse-style" dwellings, in keeping with its immediate neighbours.

In the area(s) immediately surrounding the site, The Swan River foreshore is located within walking distance, to the south; Some 1.2km north, Broadway connects to Stirling Highway, a main arterial road and strategic transportation route. Perth Transport bus routes pass along the nearby Hillway and Broadway, linking the local area to Stirling Highway and onward to Cottesloe and Fremantle to the south west, and Perth CBD to the north-east, presenting excellent transport amenity to and from the CBDs.

Although intermittent construction noise is apparent during the daytime hours on nearby residential development sites, the site is fairly benign in terms of existing (fixed) noise sources which presents an excellent opportunity for this type of infill residential development.

Where accompanied by careful selection of mechanical building services plant equipment for heating and cooling, the project design can be successfully integrated to engage with the local environmental noise sources whilst providing the required amenity from (and contribution to) local external noise.

3 NOISE EMISSIONS TO ENVIRONMENT

3.1 Applicable Criteria

3.1.1 WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)

The *Environmental Protection (Noise) Regulations 1997 (inc amendments)* is the applicable legislation governing all sources of noise which are introduced when the new building is constructed, and **applicable at the nearest Noise-Sensitive Receiver (NSR)**. The *Regulations1997* prescribe a specific methodology from which to calculate the Assigned Noise Level (ANL), which is the formal, objective and allowable noise emission limit due to the development. The ANL is different for each NSR, and is based upon an appraisal of the percentage Commercial and Industrial land surrounding the nearest noise sensitive receiver (NSR), and the volume and composition of road traffic in the vicinity of 450m (outer) and 100m (inner) boundary areas surrounding the designated NSR.

3.1.2 Determination of Land Use

The land use determinations surrounding the proposed development site and NSR(s) is of an established residential suburb, with some Industrial Land Use, as classified under *Schedule 1* of the *Regulations* for land use associated with the provision of *"passenger transport"*. The image below presents an overview of the calculation of surrounding land use area in the "Inner" and "Outer" calculation radii in the vicinity of the site and nearest NSRs. ANL limits were calculated on the basis of 20% Commercial (C) Land Use in the "Inner" circle calculation radius, and 1% Commercial Use in the "Outer" circle; No Industrial Land Use or nearby "Major" or "Secondary" road transport infrastructure have been identified which affect the site in terms of ANL calculation - as classified under the *Regulations' Prescribed Methodology*.

Where residential-only land uses are determined, the land use remains neutral in the calculation of the Assigned Noise Level.

3.1.3 Identification of Nearest Noise-Sensitive Receiver (NSR)

When calculating an Assigned Noise Level (ANL) limit, one must consider the nearest existing noise-sensitive receiver(s), NSR(s), as prescribed under *Schedule 1 Part C, Environmental Protection (Noise) Regulations 1997*, as the defining receiving location for noise emissions from a new development. The nearest NSRs have been identified as the established residential property(s) of No. 33 The Avenue to the immediate north-east; And of No. 37 The Avenue to the immediate south-west;

The image below presents the development plan superimposed over aerial imagery of the existing area, showing the NSR location adjacent to the site:

3.1.4 Separation Distance to NSRs

Given the layout of the site, an estimated separation distance of approximately 6m exists between the façade of the identified NSR No 33 The Avenue, and the nearest-located Air Conditioning Condenser Unit AC-CU.

For the purposes of our noise emission compliance assessment, manufacturer noise data from Air Conditioning Condenser Unit (AC CU) models is applied at these specific locations to calculate the expected Sound Pressure Level at the NSR using this minimum distance, in accordance with inverse square law, and any influencing building geometry.

3.1.5 Calculated Noise Emission Limits

ANL limits were calculated on the basis of 20% Commercial (C) Land Use in the "Inner" circle, and 1% Commercial Land Use in the "Outer" circle calculation radii, with no identified Industrial Land Use or nearby "Major" or "Secondary" road transport infrastructure, as classified under the *Regulations' Prescribed Methodology*. Based upon this calculation methodology, an Influencing Factor (IF) has been calculated as 1.

The Table below presents the resultant Assigned Noise Level limits, applicable at the nearest NSR(s):

Part of Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L_{A10}	L_{A1}	L_{Amax}
Noise sensitive premises at locations within 15m of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	**46**	**56**	**66**
	0900 to 1900 hours Sundays and public holidays	**41**	**51**	**66**
	1900 to 2200 hours all days	**41**	**51**	**56**
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	**36**	**46**	**56**
Noise sensitive premises at locations further than 15m of a building directly associated with a noise sensitive use	All hours	**60**	**75**	**80**
Commercial premises	All hours	**60**	**75**	**80**
Industrial and Utility premises	All hours	**65**	**80**	**90**

Appendix B presents the calculation methodology and assumptions used in our assessment.

3.1.6 Noise Source Character

In addition to the ANL limits, particular noise sources can attract additional punitive dB levies based upon the noise source characteristics. *Regulation 7* prescribes that the noise character must be "free" of annoying characteristics - specifically:

(i) tonality (e.g. whining, droning)
(ii) modulation (e.g. cyclical change in character, such as a siren)
(iii) impulsiveness (e.g. banging, thumping)

Penalties apply up to a maximum of +15dB, for tonality (+5dB), modulation (+5dB) and impulsiveness (+10dB), where the noise source is NOT music.

3.2 Identified Noise Emission Sources

3.2.1 Individual Dwelling A/C Condenser Units – Noise Source Definition

Each individual residential dwelling is anticipated to be heated and cooled by internal Fan Coil Units (FCUs) connected to external Condenser Units (CUs) - Niche Living Pty Ltd have provided preliminary condenser unit selections supplied via Mechanical Contractor Allied Air – details supplied are included in Appendix A.2.

Noise data from various manufacturers is often presented in a range of formats, with quoted numbers referring to of Sound Power Level (SWL) or measured Sound Pressure Levels at alternate distances/conditions; Hence a firm grasp of noise data format is essential to ensure accurate and reliable predictions. To avoid any ambiguity in the referenced terms, and homogenise the assessment (and any dependent calculations), we have presented the source data and adjustments for clarity – acoustic data used in our assessment(s) is highlighted orange as follows:

Preliminary CU - Make | Model	dB(A)	Octave Band Centre Frequency (Hz)							
Details		63	125	250	500	1k	2k	4k	8k
Daikin | RZQS140AV1 (CU)[1]									
Cooling Mode[2]									
Manufacturer single figure Sound Pressure Level dB(A)	**54dB(A)**								
Quoted Octave Band Sound Pressure Level, measured at1m in anechoic conditions[3];		56	53	53	53	49	45	39	31
Adjusted to reference Sound Power Level, SWL (dB(A)) using First Principles	**65dB(A)**	66.8	63.8	63.8	63.8	59.8	55.8	49.8	41.8
Heating Mode[4]									
Manufacturer single figure Sound Pressure Level dB(A)	**56dB(A)**								
Not Provided – *Assumed*[5] Octave Band Sound Pressure Level, spectrally adjusted based upon single figure value;		58	55	55	55	51	47	41	33
Adjusted to reference Sound Power Level, SWL (dB(A)) using First Principles	**67dB(A)**	68.8	65.8	65.8	65.8	61.8	57.8	51.8	43.8
Panasonic S140 PE1R5B[6] (CU)									
Cooling Mode									
Manufacturer single figure Sound Pressure Level dB(A)	**54dB(A)**								
Quoted Octave Band Sound Pressure Level, measured at1m in anechoic conditions;		52	54	51	50	50	48	39	31
Adjusted to reference Sound Power Level, SWL using First Principles	**65.1dB(A)**	62.8	64.8	61.8	60.8	60.8	58.8	49.8	41.8
Heating Mode									
Manufacturer single figure Sound Pressure Level dB(A)	**55dB(A)**								
Quoted Octave Band Sound Pressure Level, measured at1m in anechoic conditions;		56	54	53	52	50	49	41	33
Adjusted to reference Sound Power Level, SWL using First Principles	**66dB(A)**	66.8	64.8	63.8	62.8	60.8	59.8	51.8	43.8

[1] NOTE – Manufacturer data quotes "EPA SWL" at 69dB for a 53/55 unit, indicating a drop of 14-16dB(A) between measured SPL and reference SWL in anechoic chamber tests;
[2] Cooling mode generally emits lower sound pressure levels at low frequency due to the physics relating to condenser operation to generate cold coil conditions;
[3] "Anechoic" conditions describes acoustic test chambers which are heavily insulated, and devoid of any reflected sound; The resulting measurement is not influenced by reflections, as occurs in the installed environment;
[4] Heating mode generally emits slightly higher sound pressure levels at low frequency relating to condenser operation whining generate heated coil conditions;
[5] *Assumed* spectrum applies spectral characteristics of the condenser unit to the slightly increased sound pressure level quoted for Heating mode, to generate a spectrum for analysis;
[6] Note, octave band spectral data supplied is for "S140 PE1RB5A" not "B" – exact model designation TBC during Detailed Design, prior to procurement to allow checking and verification;

3.2.2 Schematic CU Locations

ANL limits apply to all noise emissions – identified herein as x4 twin residential Air Conditioning Condenser Units, (AC CU) anticipated to be located on the Northern façade roofed area(s) over Ground Floor, Kitchen, Pantry, Store or Living areas, as per each individual Unit layout on the development Lot.

For absolute clarity we have generated a 3-dimensional geometry and AC CU location schematic presented below, as visual representation of those used in our noise emissions assessment – existing AC CU locations shown red at approx. 4m roof height:

3.2.3 Condenser Unit Compliance Summary

Our assessment uses "Heating Mode" (highest noise emission) in all case, emanating from 2x CU units per dwelling, as indicated on the supplied drawings; Assessments are calculated at 6m (nearest) distance to assess the worst case:

Using twin Daikin RZQS140AV1CU units, the predicted Sound Pressure Level received at NSR 33 The Avenue at a distance of 6m is 43.9dB(A), and accounting for zero screening of the supporting lower roof building geometry. This result would comply with the Assigned Noise Level limit of 46dB L_{A10} during daytime hours (0700-2200) only.

Using the alternative twin Panasonic S140 PE1R5B AC CU units, the predicted Sound Pressure Level is 43dB(A), accounting for zero screening of the supporting lower roof building geometry. This result also complies during daytime hours (0700-2200) only;

3 NOISE EMISSIONS TO ENVIRONMENT

To comply during the evening time (41dB L_{A10} during 1900 – 2200), and night-time (36dB LA10 during 2200 – 0700) period, four preliminary options are presented:

(i) Reselect a single CU unit, with lower Sound Power Level (SWL) ratings, and equipped with "night-mode" reduced duty operating mode. In order to comply at 6m during the night time, any alternative AC CU model specification would need to exhibit a Sound Power Level rating of ≤59dB SWL to comply;

(ii) Modify the location of the CUs to incorporate a barrier screen wall of min. 1.6m height above roof Lower level - screen construction would comprise 6mm thick FC sheet on steel frame with the outer face clad with profile metal sheeting to appear as a parapet wall as part of the existing roof;

An indicative intent is illustrated in the schematic diagram(s) below – yellow indicates the parapet/screen wall intent as viewed from 33 The Avenue facade; Green (shown lower image) indicates the revised AC CU unit locations behind screening parapet wall(s) to suit, as viewed from the new development shared driveway facade:

(iii) Retaining current AC CU unit selections and locations, a louvered enclosure could be constructed, in combination with "night mode" operation after 10pm; A basic enclosure design would consist of a 6mm thick FC sheet "box", with appropriate internal dimension to allow for mechanical airflow; The outer face of the enclosure would then be clad with profile metal sheeting to appear as part of the existing roof;

Louvered (exhaust airflow) side of the enclosure to face away from NSR at 33 The Avenue; OR,

(iv) Relocate units to an alternative position such as inside the enclosed car garage of each Unit;

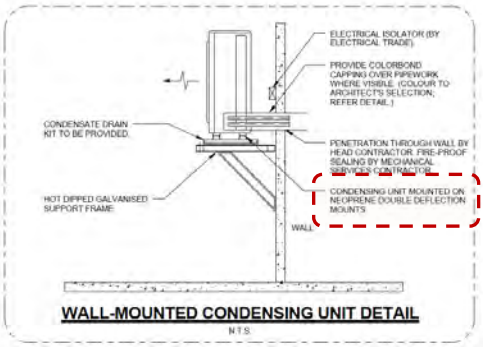
Our recommendation at this stage is that to comply with the Regulations at all times of the day, evening and night-time, the current AC CU unit specification be retained, and the screening arrangement indicated in the schematic be carried through to Building Permit and construction documentation. NB – where any changes outside of these recommendations are proposed, assessment to confirm compliance is the responsibility of the developer.

3.2.4 Note on Tonality

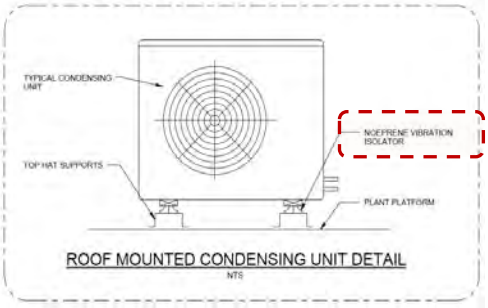
Residential CU units are typically broadband and steady-state in nature, hence tonality, modulation and impulsive penalties are not anticipated. Sealhurst recommend the final selections for procurement be reviewed prior to installation, in terms of octave band sound levels, to determine and any additional noise emissions sources not yet identified, be assessed to ensure the building is able to comply with the limits at all times.

3.2.1 Anti Vibration Mountings

For the avoidance of doubt, where any Condenser Units (CU) or building mechanical plant is mounted on ground or on framed stand(s), all units are to be mounted on anti-vibration mounts, or isolation hangers, or using neoprene double deflection footing mountings, as per schematic detail (right).



WALL-MOUNTED CONDENSING UNIT DETAIL
N.T.S.



ROOF MOUNTED CONDENSING UNIT DETAIL
NTS

Where CU units are anticipated to be fixed directly to the floor slab or underside of the concrete slab above or mounted in steel frame trusses, FCUs must be installed to include a neoprene or rubber anti vibration mounts on hanging mechanism to avoid direct transmission of fan operating motion into the structure.

It is essential these or equivalent anti vibration mounting system(s) such as those nominated by the manufacurer of the ACC units, are installed and checked on site during the construction phase. Failure to install anti vibration or isolation mountings will introduce structural vibration into the roof frame and sheeting and any connected structural elements. Loose laid waffle pad is not sufficient.

3.2.2 Waste/Refuse Collection

Regards waste/deliveries, the collection of refuse by public service vehicles is deemed exempt from noise emissions compliance under the Regulations Clause 14A, hence no treatments or additional mitigation is required/appropriate to be included in the development in this case.

We understand the refuse/bin collection point is not enclosed, hence no exhaust fans are anticipated. Additionally, as the area is already served by weekly refuse collection, no additional impact upon local noise amenity is anticipated due to existing bin pick-up services.

3.3 Additional Notes on Predicted vs Completed Noise Amenity

3.3.1 Detailed Design Process

The project is at pre-DA stage, therefore this report sets out design compliance(s) for the DA stage and appropriate level of detail. It is expected that this report will inform a subsequent Detailed Design process, to a greater level of detail such as is required to demonstrate compliance and approval to proceed to Building Permit stage.

3.3.2 Installation Detailing

It is important to note that beyond design phase, and at the time of completion, noise levels measured following building completion will be a combination of the CUs installed for procurement, external noise sources, building services operation noise and noise from adjacent units.

Internal ambient conditions will ultimately depend on the quality of workmanship conducted during construction phase and adherence to the advice and specific detailing requirements at window frame, between window frame and facade concrete walls, and at junctions between external wall elements as set out in this report, and the anticipated Detailed Design works to follow.

3.3.3 Design Review, Inspection and QA

Effective site inspections and QA/checking procedures on site during construction phase are critical in ensuring the design acoustic performances are not compromised by omissions, incomplete detailing, poorly sealed junctions and interstitial spaces in construction elements or other voids gaps introduced due to site tolerances and the like.

Sealhurst recommend early site inspections be carried out during construction phase to coincide with acoustically critical installations of separating walls, floor/ceiling construction installations, glazing and window frame installations and roof construction sealing to establish and advise site staff of the standard of detailing to seek in regular day-to-day QA checks.

3.4 Noise & Vibration during Construction Stage

The project will necessarily undertake a schedule of demolition and forward works to prepare the site for the new construction. This phase of works will inherently cause a period of potentially intrusive noise and vibration to the adjacent (retained) commercial building, and to offsite commercial neighbours.

Strictly speaking, all environmental noise emissions must demonstrate compliance with *Regulation 7* of the *WA Environmental Protection (Noise) Regulations 1997 (inc amendments)* which sets out the prescribed standard for calculating Assigned Noise Level limits for noise emissions, when received at the nearest noise sensitive neighbour.

3.4.1 Extract from Sub-Regulation 13, Clause (6)

In practice, and especially with particular temporary noise sources such as construction works, limits applicable under the *Regulations* can present an impractical target - for such purposes, the legislation affords alternative guidance under *Regulation 13* whereby a noise management plan is to be established to manage and control noise Extract from Regulation 13 Clause (6)

Construction noise and vibration to surrounding residents is usually a condition of Building Permit approvals, and is satisfied by the creation of a suitable noise management plan to outline appropriate mitigation and administrative conditions to control construction noise, to the satisfaction of the approving local Council.

Clause (6) of Regulation 13 sets out the requirements for a Noise Management Plan, which are as follows:

> *....(6) A noise management plan prepared under sub regulation (3) (c) or (4) is to include, but is not limited to -*
>
> *(a) details of, and reasons for, construction work on the construction site that is likely to be carried out other than between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday;*
> *(b) details of, and the duration of, activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7;*
> *(c) predictions of noise emissions on the construction site;*
> *(d) details of measures to be implemented to control noise (including vibration) emissions;*
> *(e) procedures to be adopted for monitoring noise (including vibration) emissions;*
> *(f) complaint response procedures to be adopted.*

3.4.2 Noise & Vibration Management Plan

Noise management plans engage the Contractor and affected nearby residents in an agreed plan which sets out a responsible and practical route to controlling or preparing for construction noise. A noise management plan can be extremely effective in maintaining good relations with neighbouring properties during potentially disruptive construction phases.

To address the issue of noise and vibration during construction phase, Sealhurst recommend a detailed noise management plan be established in accordance with *Regulation 13*, *Clause (6)* and in conjunction with the Contractor's demolition, forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach has been considered by the D&C team in terms of noise management.

In the event that Council require a more detailed noise management plan during construction phase, Sealhurst are able to prepare detailed noise and vibration management plan documentation for the planning, control and mitigation of noise and vibration during the Forward Works phase of the project.

A noise management plan (NMP) and vibration management plan (VMP) can be established in accordance with *Regulation 13*, *Clause (6)* and in conjunction with the Contractor's forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach will be considered by the D&C team in terms of noise and vibration management.

3.4.3 AS 2436:2010 Guidelines

In lieu of Council request or requirement for a detailed construction noise and vibration management plan, to assist the developer and/or Main Contractor, we refer Section 4.6 of *AS 2436:2010 Guide to noise and vibration control on construction, demolition and maintenance sites*. Contained therein are generic practical approaches to be employed during construction which will allow compliance with the Standard.

The application of the principles in Section 4.6 of *AS 2436:2010* coupled with a public information service such as flyers to local residents and businesses setting out the extent and duration of potential works is often sufficient to limit potential complaint.

3.4.4 Detailed Noise & Vibration Management Plan

In circumstances where noise and vibration is a particular concern, and practical compliance with the Assigned Noise Level limits is not possible, the legislation affords alternative guidance under *Regulation 13* whereby a noise management plan is to be established to manage and control noise emissions as much as is reasonably practicable, where potential exceedences are identified

In the event that Council require a more detailed noise management plan during construction phase, Sealhurst are able to prepare detailed noise and vibration management plan documentation for the planning, control and mitigation of noise and vibration during the Forward Works phase of the project.

A noise management plan (NMP) and vibration management plan (VMP) can be established in accordance with *Regulation 13*, *Clause (6)* and in conjunction with the Contractor's forward works and construction schedules, to demonstrate that as much as practicable, a responsible and practical approach will be considered by the D&C team in terms of noise and vibration management.

4 ASSESSMENT OF NOISE IMISSIONS RECEIVED ON-SITE

4.1 Applicable Criteria

4.1.1 City of Nedlands' Development Application Checklist: Item 16 - Acoustic Report Criteria for DA

The City provide the following advice regarding the nature and details of what an acoustic report must cover (where applicable) in order to satisfy item 16 at DA stage, as follows:

(i) *Projected sound power levels of likely noisy equipment and activities and how they will be managed (i.e. early/late deliveries/collections (particularly waste), plant room design, location and orientation, roof or wall mounted air conditioner and venting units (location, design and projected sound power levels – including some indication of what could be expected at noise sensitive premises). This would need to be modelled on appropriate noise modelling software. ;*

(ii) *Details and requirement for any acoustic shrouding and /or walls surrounding the development generally (including all significant plant and noise generating equipment, such as the lifts).;*

(iii) *L_{A10} figures to be used for noise sensitive premises by the acoustic consultant, in addition to L_{A1} figures;*

(iv) *Projected noise levels for deliveries and collections need to be modelled and a comparison made of noise received at neighbouring noise sensitive premises (including reversing beepers and the like);*

(v) *Detail on plant, in terms of fans and whether timed or variable speed fans etc will be used to minimise noise impacts on noise sensitive receivers.*

These matters were addressed in our previous report, Ref: SEA-2020-002-RPT001_Rev1 DA, dated 10 FEB 2020.

4.1.2 City of Nedlands' Request for Additional Assessment

Subsequently, the Principal Client received feedback from Council as follows:

> *"Steve's Hotel (one of the City's largest entertainment facilities and bars) is located within 100m of the proposed development. This was highlighted in my previous comments in late February. There have been several protracted and difficult noise issues that the City's Health Service have recently been managing, relating to alleged excessive noise from Steve's Hotel.*
>
> *The impacts of potential excessive noise from Steve's Hotel on the proposed development need to be considered and assessed for potential compliance with the Environmental Protection (Noise) Regulations 1997 assigned noise levels. This will assist the developer in determining if noise attenuating design control measures such as double glazing or appropriately rated seals and sound absorptive materials and surfaces are required to be used during construction."*

Further comment was received from the City's Coordinator of Health Services:

> *"Whilst I appreciate and understand the comments from the Applicant () I must point out that when the Cities of Perth, Vincent and other high density jurisdictions that get DA's in entertainment precincts and the like, certainly highlight this fact to developers and project managers, that their respective developments are likely to be impacted by neighbouring significant noise generating premises (and sources) .*
>
> *I have copied a link to a City of Vincent Planning and Building Policy (that is publicly available) that highlights this issue and explains how noise from premises such as pubs and nightclubs and pubs [sic] that are likely to generate significant levels of noise must be considered when Acoustic Reports are constructed for developments within 100m of these type of premises (as is the case for this development), with due respect."*

4.1.3 Overview of "Steve's Hotel"

Steve's Hotel (http://www.steves.com.au/) is a commercial bar, restaurant and wine merchant occupying the Ground Floor of a three-storey building, with 4 x substantial residential apartments on the upper two floors. The building is located opposite the proposed development site, (Lot 740) #35 The Avenue approx. 30m from the Hotel façade to the nearest property boundary point; And approx. 77m from the nearest Al Fresco seated areas, which are partially screened from direct line-of-sight by the building's north corner.

The schematic diagram below demonstrates the location, site geometry and distances relevant to noise calculations:

Historically, Steve's Hotel was a popular destination at the end of the former tramline and was one of a number of attractions for visitors that included the jetty and baths, tearooms and foreshore, with views over the Swan River. We understand as part of the redevelopment of Steve' Hotel to incorporate the higher density residential apartments to the site, a conservation plan was prepared together with a development plan (Ref: *http://www.griffithsarchitects.com.au/perth/steves-hotel-apartments*) to adapt the hotel for alternative use.

The place was entered with a high level of protection status on the City of Nedlands Municipal Inventory in 1999.

In terms of noise emissions, the *WA Regulations* apply to all noise emissions at all venues, and are not determined by precedence – that is, unless the venue has "Approved Venue" status under the *Regulations Clauses 17, 18 or 19:* OR is otherwise protected under the City of Nedlands Municipal Inventory, where Steve's Hotel may be (allegedly) exceeding the applicable noise *Regulations'* Assigned Noise Level limits, the venue is responsible for controlling it's noise emissions, to the Satisfaction of the *Regulations*' clauses *7* and *9*.

Notwithstanding a venue-specific exemption, City of Nedlands' request cites City of Vincent's *Sound Attenuation Policy 7.5.21* as means to assess the new development – a summary of the principles relating to existing venues and required internal noise criteria in new development in the vicinity of noise emitting venues under City of Vincent jurisdiction is presented below.

4.1.4 Application of City of Vincent's Sound Attenuation Policy 7.5.21 – Implied Clauses

The following clauses are taken direct from City of Vincent's *Sound Attenuation Policy 7.5.21* for reference:

(i) Extract from City of Vincent's *Policy Section* ***3.3.2 (a) Inbound Noise (Residential Development)***, *Clause (i)* states:

> *"Residential buildings are to be designed to achieve the following sound levels:*
> *i.* ***Leq 35dB(A) in sleeping areas (bedrooms);***
> *and*
> *ii.* ***Leq 40dB(A) in living/work areas and other habitable rooms"***

(ii) Extract from City of Vincent's *Policy Section* ***4.2 Residual Breakout Noise from Lifestyle uses and Entertainment Venues*** states:

> *"Developments that accommodate or reside in close proximity to lifestyle uses including cafes, restaurants, shops, hotels and entertainment venues such as nightclubs, are integral to the vitality and enjoyment of mixed-use localities and District Centres. Outdoor Eating Areas associated with hotels, cafes and restaurants can also be a major source of breakout noise.*
>
> ***Outcome 3***
> *The Applicant is to:*
> *a) Identify all breakout noise sources that have a noticeable impact on sound levels received at the subject property, and in particular, those noise sources within a 100m radius;*
> *b) Specify sound levels recorded at the property during time periods that correspond to related breakout noise sources; for example:*
> - *Nightclubs to be monitored during hours of operation after 10:00pm at night on a Friday or Saturday;*
> - *Cafes and Outdoor Eating Areas to be monitored during peak trade periods; and*
> - *Locations near sports grounds and stadiums to be monitored during periods of normal use; particularly when used at capacity (where practicable).*
>
> ***IMPORTANT NOTE***
> *Standardised theoretical sound level limits should not be used for calculation purposes, unless such use is absolutely necessary due to noise sources (to be modelled), occurring so infrequently, that performing measurements on-site are impractical.*

(iii) Extract from City of Vincent's *Policy Section* ***5.2.1 Noise Insulation (protection against noise intrusion)*** *states:*

> *a)* ***Overriding Principle***
> *(i) A Class 1, 2, 3 or Class 4 building or portion of a building must be constructed so that sound attenuation of 25dB in the 63 Hertz octave between the exterior of the building and any habitable room via all sound pathways. Consideration of windows, ventilation ducts and ceilings shall be undertaken to achieve the required decibel rating;*
> *And*
> *(ii) The external walls and roofs of a Class 1, 2, 3 or 4 building or portion of a building are constructed such that:*
> - *The overall density of the construction is greater than 66 kg/sq.m.*

(iii) A sleeping room shall be designed to achieve Leq 30db(A) [sic] consistent with WHO Night Noise Guidelines for Europe where the Leq night outside levels for an area exceed 40db(A) [sic].

*b) **Windows***

(i) Size and location
(ii) Selection of fixed panels or operable windows;
(iii) Heavyweight / thicker glass;
(iv) Double glazing and laminated glazing;
(v) Special acoustic requirements for window frames (such as, frame type and window seal construction; and
(vi) Specific acoustic performance requirements – laboratory tests [sic] data (i.e. to control high frequency noise intrusion).

*c) **Walls***

(i) Construction/product detail for walls requiring higher acoustic performance – brick, tud, concrete tilt panel, rammed earth;
(ii) For brick walls detail:
- *Recommended brick selection (concrete, solid brick, clay etc); and*
- *Construction method (fast-walls, complete mortar joins, brick weight/density)*

(iii) For stud frame walls detail:
- *The construction method (timber or steel frame);*
- *Applicable cavity treatment (nil, packed with high density fire resistant wool etc); and*
- *Acoustic performance rating*

*d) **Roof and Ceiling***

(i) Selection of roof construction (timber or steel frame; iron or tiled roof; concrete or clay tiles
(ii) Specific acoustic requirements for sealing of roof (such as use of sark or anticon insulation);
(iii) Upgraded acoustic performance for ceilings;
(iv) Closing, sealing or elimination of eaves; and
(v) Insulation of ceiling voids (insulation batts).

*e) **Ventilation***

(i) Baffling of ducts to walls and ceilings;
(ii) Attenuation of service duct, particularly for commercial exhaust systems which pass through residential dwellings;
and
(iii) All air paths, such as through ducts to the exterior, achieve a sound reduction of 25 dB in the 63 Hertz octave band.

4.2 Response to Additional Request

4.2.1 Acknowledgements re: Applicable Clauses for DA Assessment

Regards City of Vincent's Sound Attenuation Policy 7.5.21, the following must be acknowledged:

(i) the City of Vincent *Sound Attenuation Policy 7.5.21* lists a number of possible details relating to built-form, where external noise survey and subsequent engineering assessment demonstrates that the prevailing acoustic conditions warrant each element – it is not a list of requirements for all buildings in all conditions;

(ii) the City of Vincent's *Policy* requirements apply at Building Permit application stage, at which time the project design has undergone several iterations and integration of design from the primary building services design disciplines – e.g. architectural design, structural engineering, mechanical/hydraulic/engineering and the like;

(iii) At the current stage (pre-DA) therefore such levels of detail (e.g. ventilation routes, final selection of AC CUs and the like) are not yet determined, as is appropriate for a project at this stage in the development cycle.

It is expected that this report will inform a subsequent Detailed Design process, to a greater level of detail such as is required to demonstrate compliance and approval to proceed to Building Permit stage.

4.2.2 Limitations under Current "Partial Lockdown" Conditions

Under normal conditions in the jurisdiction of the City of Vincent, typical assessment would be undertaken to demonstrate noise-sensitive (residential) development as able to achieve the cumulative conditions set out under *Sound Attenuation Policy 7.5.21* at Building Permit and proceed to construction phase, as follows:

- Noise monitoring survey station deployed at development site over 3 – 7 days to acquire prevailing acoustic conditions from all sources;
- Identification of noise sources, character and sound pressure levels in octave bands to allow assessment of noise ingress via calculation;
- Subsequent engineering design of building façade (walls/glazing/roof/ventilation openings and the like) to satisfy the criteria for Indoor Noise

However, partial lockdown restrictions currently imposed by the State Government at the time of writing limit "Steve's Hotel" to takeaway operations only which imply that any noise survey conditions are not representative of the venue under "normal" conditions.

4.2.3 Revised Practical Interim Assessment Methodology for DA

In order to provide a practical response to Council's additional request(s) under the current conditions, a calculated assessment of noise emissions from the Steve's Hotel venue has been undertaken using assumptions and Sound Pressure Level values taken from similar licensed venues with outdoor (Al Fresco) areas. Resulting noise propagation to the receiving building is calculated and the incident sound levels applied to the nearest exposed residential building areas sufficient to proof "**Inbound Noise**" criteria/conditions compliant with the City of Vincent's standard.

NB - Citing *Clause 4.2* of City of Vincent's Policy regarding calculation, it is important to acknowledge the calculated approach is required to complete any practical assessment during this time.

> *"Standardised theoretical sound level limits should not be used for calculation purposes, unless such use is absolutely necessary due to noise sources (to be modelled), occurring so infrequently, that performing measurements on-site are impractical."*

Under these conditions, DA-level drawing details for building envelope have been extracted, sufficient to formulate noise ingress calculations in accordance with the relevant parts of British and European Standard *BS EN 12354:2000 Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements Part 3: Airborne sound insulation against outdoor sound*, (See Appendix C.1);

Detailed calculation results are presented in Appendix C.2

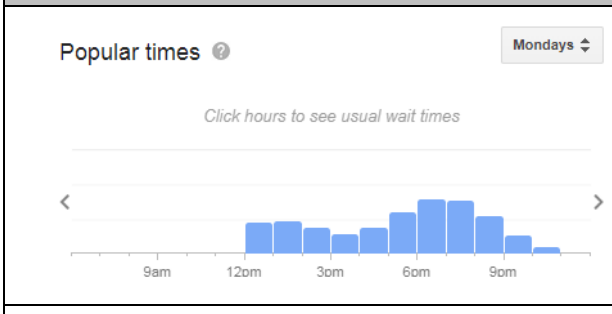
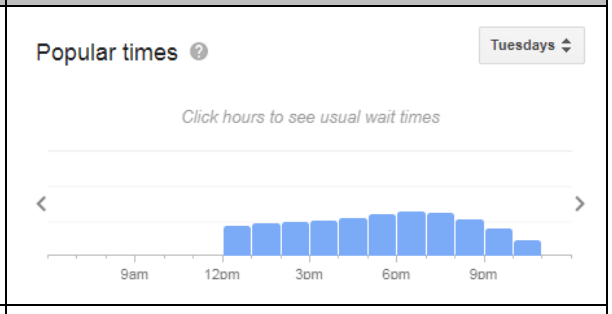
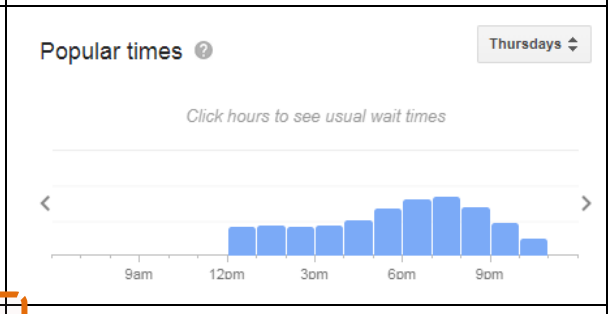
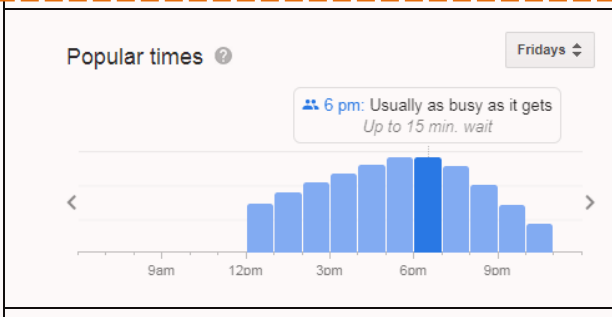
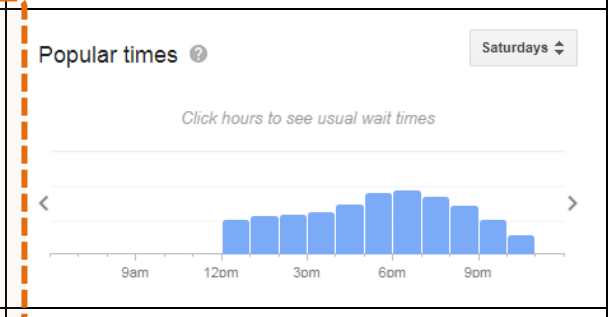
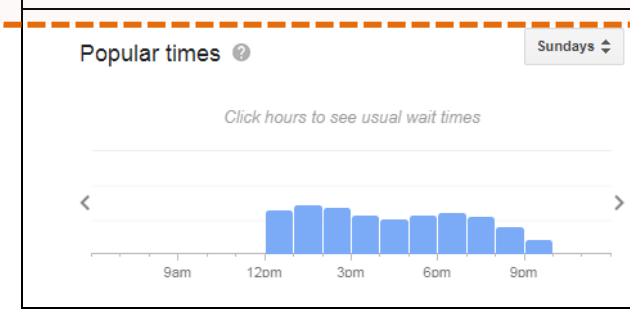
4.2.4 Calculation Assumptions

(i) Hours of Expected Peak Operations

Citing City of Vincent Clause 4.2 (b):

> *" Specify sound levels recorded at the property during time periods that correspond to related breakout noise sources; for example:*
> - *Cafes and Outdoor Eating Areas to be monitored during peak trade periods;"*

The table below presents peak patronage/activity levels at Steve's Hotel, sourced from Google. Friday evenings between 4 – 8pm clearly represent the busiest times of operations:

Weekly Patronage Times	*Source, Google
	
	
	
	

(ii) Source-Receiver Distances

The venue's street frontage facing the development site at 35 The Avenue is fully enclosed in a glazed facade. During moderate occupancy it is assumed internal sound levels will be adequately acoustically enclosed by virtue of the glazed façade which is assumed to be a minimum specification of 10mm thickness or greater due to (non-acoustic) public safety specifications required at commercial Ground Floor level. The nearest AL Fresco areas (i.e. Outdoor Eating and activity areas) are located at the northern corner of the building, some 77m from the nearest property boundary (source, Google Maps).

(iii) Source Sound – Spectra & Levels

In terms of example sound spectra, a busy venue of this type operating at moderate capacity may have internal sound pressure levels of around $L_{p,Rev}$ 76dB(A), requiring raised voices for conversation, some degree of background music, and general activity noise. Following commentary from Council regards anticipated events at Steve's Hotel, (including potential for amplified music) the following scenarios were also included in our Revision 3 (this report) assessment, using reference A-Weighted Sound Power Levels (SWL, dB(A)) calculated from measured reverberant Sound Pressure Level spectra (SPL, $L_{P,Rev}$) recorded in similar sized venues under various internal and external sound scenarios – source details as follows:

Source Description	Estimated Al Fresco Activity Sound Power Level, SWL, dBlin								
	SWL dB(A)	Octave Band Sound Pressure Levels							
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Group of 4 x Seated Al Fresco Patrons	**73**	58	61	64	66	68	67	65	57
Cumulative Sound Power Level of 8 * groups of 4 seated patrons, raised voice conversations with background music present ***Assessed in our previous Rev2 report**	**81.4**	66.5	69.5	72.5	74.5	76.5	75.5	73.5	65.5
Report Rev 3 Additional Source Spectra									
Enclosed, "**unlimited**" Sound Pressure Level measurements of amplified music, taken in a small nightclub-style venue	**>95**	90.5	98.8	89.3	79.6	77.7	78.0	74.6	73.4
Enclosed Sound Pressure Level measurements of amplified music, limited to **83dB(A)** taken in a small nightclub-style venue	**90**	86.6	94.9	85.4	75.7	73.8	74.1	70.7	69.5
External Courtyard Venue - Background Music, 20% Occupancy, Customer conversation, frequent birdsong;	**72**	67.6	64.6	59.4	57.8	56.1	56.5	62.6	53.7

Additional Noise Source Notes:

- Al Fresco café-style weather screens are assumed to be in the open position;
- An allowance for "background music" is included in the cumulative sound power level for Patrons, based upon the venue type, as a family-friendly community restaurant, wine merchant and bar;
  For the purposes of this calculation, "background music" refers to a distributed low level loudspeaker system set to a level such to permit comfortable conversation at tables, with no discernible tonal or impulsive characteristics);
- Restaurant commercial kitchen exhaust fan noise is assumed to be able to meet *Regulations* limits Assigned Noise Level limits, as applicable at the new development property boundary;

4.2.5 City of Vincent *"Inbound Noise"* Calculation Results

The following table presents the results of calculated scenarios, with key results identified as:

(i) Predicted "External" Sound Pressure Level (dB(A)) due to the assumed noise scenario at the Al Fresco area of Steve's Hotel, propagating to successive distances from the Al Fresco area, assuming point source propagation behaviour at distances over 20m (far field); And,

(ii) The right-hand column demonstrates the results of corresponding *"Inbound Noise"* calculations in Unit 1 (nearest to Steve's Hotel) based upon a standard residential envelope of glazing/frame combination rated at Rw 30dB and cavity masonry envelope construction - the predicted internal levels are based upon the corresponding external level at a distance of 77m from the Al Fresco area;

Noise Emission Scenario	Ref. SWL dB(A) (for Calculation)	Dist. to Receiver (m)	Predicted External SPL, dB(A)	WA Env (Noise) Regulations 1997 "L_{A10}" Limits (No Penalties Applied)	*"Inbound Noise"* Level, Unit 1 35 The Avenue
Enclosed, "**unrestricted**" Sound Pressure Level measurements of amplified music, taken in a small nightclub-style venue	**>95dB(A)**	20m	53.3dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	
		30m	49.8dB(A)		
		40m	47.3dB(A)		
		50m	45.4dB(A)		
		77m	**41.6dB(A)**		**24.5dB(A)**
Enclosed Sound Pressure Level measurements of amplified music, limited to **83dB(A)** taken in a small nightclub-style venue	**90dB(A)**	20m	49.4dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	
		30m	45.9dB(A)		
		40m	43.4dB(A)		
		50m	41.5dB(A)		
		77m	**37.7dB(A)**		**20.6dB(A)**
Cumulative Sound Power Level of 8 * groups of 4 seated patrons, raised voice conversations with background music present ***As assessed in our previous Rev2 report**	**82dB(A)**	20m	47.9dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	
		30m	44.4dB(A)		
		40m	41.9dB(A)		
		50m	40.0dB(A)		
		77m	**36.2dB(A)**		**19.8dB(A)**
External Courtyard Venue - Background Music, 20% Occupancy, Customer conversation, frequent birdsong;	**72dB(A)**	20m	32.0dB(A)	46dB L_{A10} (0700-1900) 41dB L_{A10} (1900 – 2200) 36dB L_{A10} (2200 – 0700)	
		30m	28.4dB(A)		
		40m	25.9dB(A)		
		50m	24.0dB(A)		
		77m	**20.2dB(A)**		**inaudible**

Note, in all cases, City of Vincent's target criteria is $<L_{Aeq}$ 35dB Bedrooms at night time (2200 – 0700), and $<L_{Aeq}$ 40dB Living Spaces during the day (0700 – 2200). Appendix C includes the methodology and detailed calculation sheet for a typical scenario;

4.2.6 Application of Additional Penalties for "Amplified Music" from Steve's Hotel under *The Regulations*

From the perspective of statutory legislation, where a noise emission is considered as "amplified music" *the Regulations* apply a special case under which significant additional penalties are applied to the allowable ANL relating to *"Tonality"* and *"Impulsiveness"*. **Note, this is an entirely separate case to the ANL limits calculated and applied to 35 The Avenue, which correspond to AC CUs only as per Section 3 of this report.**

When applied to noise emissions limits for Steve's Hotel, the effect of the additional *"Tonality"* and *"Impulsiveness"* penalties reduces the effective (i.e. allowable) Assigned Noise Level limit by 15dB(A) L_{A10} at all times of the day, evening and night. Revised limits for Steve's Hotel would therefore be:

- 31dB L_{A10} (External) during Day time hours (0700 – 1900);
- 26dB L_{A10} (External) during Evening hours (1900 – 2200); and
- 21dB L_{A10} (External) during Night-time (2200 – 0700);

Considering that a quiet residential neighbourhood with wind, tree rustle, birdsong and occasional incidental activity noise could be expected to be of the order 50- 55dB(A) during the day, it follows that achieving compliance with the revised ANL limits (inclusive of the additional penalties) under *the Regulations* at any NSR would require Steve's Hotel noise emissions to be "inaudible" externally, which is impractical for the venue to achieve;

One alternative (for Steve's Hotel) is to undertake a noise emissions compliance assessment based upon a calculated internal noise level result at the nearest NSR, with the nearest NSR receiving property windows closed – this assessment case applies a further 15dB(A) reduction to account for "closed windows". The allowable ANL limits under this scenario are therefore:

- 16dB L_{A10} (Internal) during Day time, with NSR windows closed;
- 11dB L_{A10} (internal) during Evening hours), with NSR windows closed; and
- 6dB L_{A10} (internal) during Night-time (2200 – 0700), with NSR windows closed;

In this case, considering the nominated target under *City of Vincent's Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria of <35dB(A) represents a low level of background sound, the physical ability to observe and measure sound levels below 20dB(A) is extremely difficult in any urban area, including in unoccupied residential dwellings with no services operating.

Even in this case, achieving compliance (of Steve's Hotel noise emissions including amplified music) in this scenario is entirely impractical. The best-case outcome for Steve's is to obtain an "inaudible" result – that is, noise emissions from Steve's Hotel are not heard in the new development above the ambient room sound, but may well be above the severely onerous L_{A10} 16dB, where assessment were physically practical.

Whilst it is the responsibility of Steve's Hotel to ensure compliance with the *WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments),* the predictive assessments undertaken in this report to satisfy Council's requests suggest that generally speaking, the venue would be unable to comply with the applicable "Daytime" (i.e. least stringent) noise levels at distances below 40m where amplified music at "events" is regularly occurring, before the applicable penalties associated with amplified music are added.

In practice there exists no immediately practical means for Steve's Hotel to operate amplified music levels in the Al Fresco areas and comply with its obligations under the *WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments),* at immediately-adjacent and nearby residences, without either detailed assessment of operations and subsequent study, OR through a venue exemption approved by the Minister, or similar exemption "per event".

4.2.7 Important Notes Re: Compliance Assessment of 35 The Avenue

Detailed assessment of Steve's Hotel operational noise emissions under the *WA Environmental Protection (Noise) Regulations 1997 (Incl. Amendments)* is outside of our appointed scope under this study, which is expressly limited to the assessment of "35 The Avenue" development.

The range of potential noise emissions scenarios from Steve's is presented for assessment of 35 The Avenue only; Specifically any relation or inference of "compliance" or "exceedance" of *the Regulations* as applied to Steve's Hotel is incidental and used exclusively to illustrate the adequacy of the new development's façade design in meeting the City of Vincent's *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria for Bedrooms and Living Spaces.

In all cases the predicted internal noise levels at Unit 1, 35 The Avenue use the prescribed assessment procedure outlined in *BS EN 12354:2000 Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements Part 3: Airborne sound insulation against outdoor sound* as the prevalent calculation methodology – with the corresponding results compared to City of Vincent's *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria to determine "compliance" of the new development.

We expect that where predicted *"Inbound Noise"* results are lower than 20dB(A), as is the case at Unit 1 35 The Avenue, that such levels will be "barely audible" and resulting internal acoustic amenity will be unaffected in terms of compliance with the City of Vincent's *Sound Attenuation Policy 7.5.21* standard, as referenced by City of Nedlands.

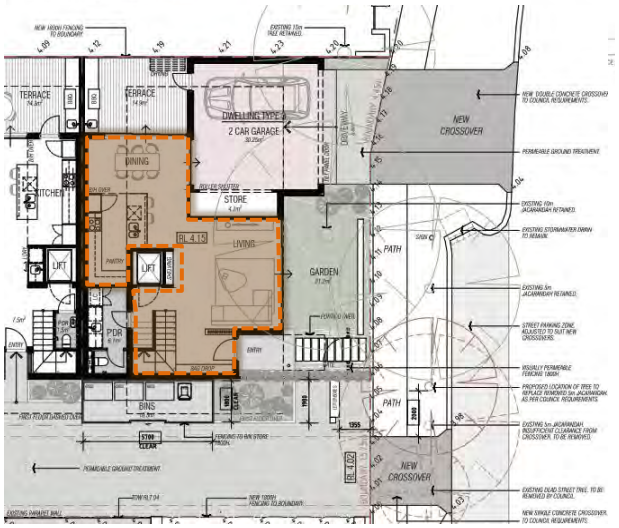
4.2.8 Glazing/Façade Specification

Under the calculation scenarios derived from high sound levels representative of contemporary amplified music or DJs/bands/performances, these calculation scenarios are illustrative only. All calculation scenarios demonstrate the facade construction at 35 The Avenue incorporating glazing/frame combination rated at Rw30dB will be sufficient under each case to comply with the City of Vincent's *Sound Attenuation Policy 7.5.21 "Inbound Noise"* criteria.

Rw30dB glazing can be of the form 6mm single glazing or a double-glazed alternative with equivalent rating. Note, double glazing does not imply "high acoustic ratings" – single glazed and double glazed systems are able to achieve essentially equivalent acoustic ratings in residential settings of up to Rw 37dB before specialist framing requirements become apparent. Section 4.4.1 provides the developer with an overview and advice to maximise sound insulation performance of the building facade using practical installation and detailing, to ensure internal acoustic amenity is preserved from design to the as-built construction.

4.3 Application of Proofing Methodology

4.3.1 Living Areas - <40dB(A) during daytime



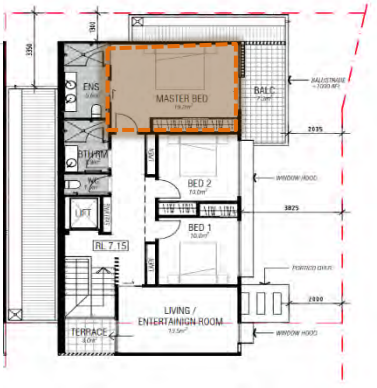
The Ground Floor is assumed to be constructed from:

- Standard 90/70/90 cavity masonry walls, with ties, and no insulation, rated at Rw 58dB;
- Glazing/frame combination is to be rated at min. Rw 30dB;
- Roof construction is Concrete slab over;

The predicted internal level in the Ground Floor Living Room area of Lot 1 (closest to street frontage) emanating from Steve's Hotel Al Fresco patrons on Friday night at between 4pm and 8pm is expected to be <20dB(A) with windows and doors closed. This level is very low and expected to be inaudible, hence fully complies with the City of Vincent's assessment criteria for Inbound Noise.

On the basis of the calculated assessment there is significant headroom of >20dB(A) to allow for increases in estimated patron noise level. No additional noise control means are "required" at this stage.

4.3.2 Bedroom Areas - <35dB(A) after 10pm



The First Floor is assumed to be constructed from:

- Standard 90/70/90 cavity masonry walls, with ties, and no insulation, rated at Rw 58dB;
- Glazing/frame combination is to be rated at min. Rw 30dB;
- Roof construction is assumed to be profile metal roof sheet over timber truss frame, insulated with anticon (fibrous) insulation quilt with perforated foil face over to pitched roof sheet void depth of min 180mm to 1 x 10mm standard plasterboard ceiling, rated at Rw 40dB;

The predicted internal level in the First Floor Master Bedroom of Lot 1 (closest to street frontage) emanating from Steve's Hotel Al Fresco patrons on Friday night at between 4pm and 8pm is also expected to be <20dB(A) with windows and doors closed. This level is very low and expected to be inaudible, hence fully complies with the City of Vincent's assessment criteria for Inbound Noise.

On the basis of the calculated assessment there is significant headroom of >20dB(A) to allow for increases in estimated patron noise level. No additional noise control means are "required" at this stage.

Detailed prediction calculation sheets are included in Appendix C.2 for reference.

4.4 Building Envelope Design Considerations

4.4.1 Notes on Glazing Installation

The determination of laboratory data (R_w) for standard glazing elements includes the performance of the frame. For a large group of glazing elements, particularly domestic glazing and non-specialist applications with R_w ratings below 37dB, the sound transmission of the window frame can be considered as equal to that of the glazing panel, (assuming adequate seals) except in the case of sliding window arrangements, which exhibit significantly lower R_w performance ratings due to poor sealing around the sliding mechanism at the frame perimeter.

In order to maintain the predicted acoustic amenity, all operable windows must be fitted with good quality seals to minimize transmission of noise through the facade. Very small air gaps can be severely detrimental to the aggregate window/façade performance, resulting in non-compliant internal noise levels.

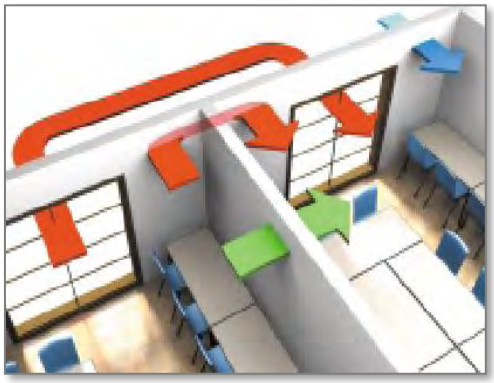
Special attention must be taken during installation of any sliding door set to ensure they are well fitted with a robust closing mechanism to avoid introducing acoustically weak transmission paths for noise to enter through the façade. Balcony door sets and frames must be supplemented with compressible neoprene seals at both jambs, and a continuous double brush seal at the threshold and head to minimise transmission of noise into living areas.

The use of Bi-Fold or sliding operable glazed systems introduces inherent gaps and mechanically operated sealing systems may be required to achieve/maintain glazing Rw ratings in practice. We recommend the glazing suite supplier provide as a minimum, compressible neoprene seals between all Bi-Fold/sliding operable closing jambs, at perimeter edges and at threshold – supplemented by double brush seal at head track and floor track to support best-practical means.

At the junction between the window sub-frame and glazing frame proper, **ALL** voids must be fully sealed, or the full extent of the sound transmission performance will not be realised. Any voids between concrete and frame must be packed with fibreglass insulation and fully sealed with dense mastic.

4.4.2 Flanking Transmission

Certain types of construction such as architectural cladding systems, cavity block work and particular lightweight constructions are susceptible to the excess ingress of noise through poor junction detailing and voids between sound attenuating elements, known as **flanking transmission paths**.



The preferred building methodology for this project is understood to be composed of concrete and glazed wall elements in a composite system, and is considered to be able to provide robust resistance to the passage of sound when fully sealed and properly detailed during construction.

In order to ensure that this performance is not compromised at junctions with building penetrations, and at junctions with external cladding elements, the following measures must be taken:

- Junction detailing at window frames are stuffed with glass wool insulation off cuts and sealed with a dense mastic bead of minimum depth 10mm;
- ALL voids between building penetrations and wall systems must be packed/stuffed glass wool insulation off cuts and sealed with a dense mastic bead of minimum depth 10mm;

- Where external wall elements meet perpendicular internal and party walls, all voids/gaps must be packed/stuffed glass wool insulation off cuts and sealed with a dense mastic bead of minimum depth 10mm;
- Any structural movement joints are to be fully sealed with a flexible sealant.

It is anticipated that there will be no degradation of acoustic performance of the facade at wall/floor slab junctions.

4.4.3 Notes for Glazing Schedule and Drawings

Sealhurst recommend the project architect annotate building plans with the following notes regarding glazed elements installation notes to allow the builder to follow the necessary detailing.

Installing Contractor to Ensure:

1. Chosen glazing/frame combination can achieve minimum acoustic R_w rating(s);
2. All operable windows to be fitted with good quality seals, with no air gaps;
3. All glazed door sets be fitted with compressible neoprene seals at both jambs, and a continuous double brush seal at the threshold and head; and
4. All voids between cavity masonry and glazing sub-frame must be packed with dense fibreglass insulation and fully sealed with dense mastic.

Failure to correctly install and seal glazed elements, in particular glazed sliding door sets is likely to weaken the building façade design sound resistance such that it cannot achieve the specified performance, and as a result *AS2107:2000* internal design sound levels may not be met in the completed building.

4.4.4 Ventilation Openings

In some instances, ventilation grilles exhausting air to atmosphere create paths for external noise to enter the building which can negate the engineered glazing/façade wall performance if not appropriately considered during design. Ventilation openings should be located away from sensitive spaces where practicable. Where ventilation openings enter bedrooms or living spaces, internal ductwork linings, acoustically absorptive baffles or attenuating louvre grilles may be used to ensure the building faced retains its design resistance to noise ingress.

4.5 Roof Construction

4.5.1 Noise from Falling Rain

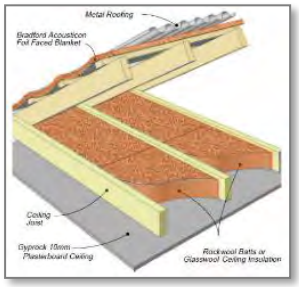
The roof and ceiling construction(s) are anticipated as profile metal roof sheet on timber truss with insulated void space over plasterboard suspended ceiling. A common issue with lightweight profile steel roof sheeting systems over framing is the acoustic response to excitation from falling rain.

Droplets of water impacting upon the sheet cause it to vibrate in a manner analogous to a drum membrane. Unconstrained membranic excitation of the roof sheeting can cause high levels of intrusive noise in top floor apartment units during downpours, causing nuisance/annoyance and a reduction in acoustic amenity and perceived quality.

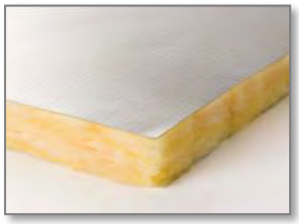
Generally speaking, rain noise is excluded from any standard classifications for environmental noise and its transitory nature and difficulty in field testing implies no fixed criteria to be achieved. However, levels as high as 70 to 80 dB L_{Aeq} can be generated during downpours - to give some context, 80dB(A) is as high as roadside noise levels, measured from the Kwinana Freeway.

4.5.2 Mitigation of Rain Noise

Where lightweight roof sheeting is installed, the issue of rain noise can be mitigated at nominal additional cost by the appropriate consideration during design of the installation of acoustic and thermal insulation layers usually already present, between critically connected roof elements.



An acoustically absorptive quilt must be installed to be laid in the ceiling void to absorb reverberant noise within roof cavities, therefore this insulation quilt is anticipated to be coordinated into the roof construction already, providing a quietening function assisting in rain noise mitigation.



As an additional measure, resilient hangers can be used to suspend the plasterboard ceiling layer for maximum rain noise attenuation in the detail shown. The roof sheeting and steel I-beams must be installed such to incorporate any thermal and acoustic insulation to underside of roof sheet. It is assumed that a combination of insulation in the roof space will be installed to provide the required energy efficiency/thermal rating, typically around R2.5 - 3.0.

NB It should be noted that **thermal** R values do not consider sound insulation performance, however a denser insulating blanket should have a positive effect on the roof construction's ability to resist the passage of sound.

Pending final roof construction specification, appropriate detailing notes should be incorporated into the architectural Tender drawing set to ensure inclusion in both the documentation set and the pricing for Tender. During construction phase, this detailing should be subject to QA and inspection procedures to ensure the installed detail is able to perform in-situ.

4.6 Additional Notes on Predicted vs Completed Noise Amenity

4.6.1 Detailed Design Process

The project is at pre-DA stage, therefore this report sets out design compliance(s) for the DA stage and appropriate level of detail. It is expected that this report will inform a subsequent Detailed Design process, to a greater level of detail such as is required to demonstrate compliance and approval to proceed to Building Permit stage.

4.6.2 Installation Detailing

It is important to note that beyond design phase, and at the time of completion, noise levels measured following building completion will be a combination of the CUs installed for procurement, external noise sources, building services operation noise and noise from adjacent units.

Internal ambient conditions will ultimately depend on the quality of workmanship conducted during construction phase and adherence to the advice and specific detailing requirements at window frame, between window frame and facade concrete walls, and at junctions between external wall elements as set out in this report, and the anticipated Detailed Design works to follow.

A. SCHEDULES OF INFORMATION

A.1 Architectural Drawings

The assessment has been carried out based upon milestone design architectural drawings supplied by via Taylor Burrell Barnett planning application documentation report, *Ref: 19/071 JD*, dated 10 December 2019.

This application package has been used for our assessment – acoustic design compliance and advice is based upon the information contained therein;

A.2 Mechanical Equipment Data

FDYQ60D FDYQ160LB

INDOOR UNIT		FDYQ50DV1	FDYQ60DV1	FDYQ71LBV1	FDYQ100LBV1	FDYQ125LBV1	FDYQ140LCV1	FDYQ160LBV1
OUTDOOR UNIT		RZQS50AV1	RZQS60AV1	RZQS71AV1	RZQS100AV1	RZQS125AV1	RZQS140AV1	RZQS160AV1
Rated Capacity	Cool (kW)	5.1	6.0	7.1	10.0	12.5	14.0	16.0
	Heat (kW)	6.0	7.0	7.5	12.5	15.0	16.5	18.0
Capacity Range	Cool (kW)	3.2-5.6	3.2-6.0	3.2-8.0	5.0-11.2	5.7-14.0	6.2-15.5	7.3-16.3
	Heat (kW)	3.5-7.0	3.5-8.0	3.5-9.0	5.1-12.8	6.0-16.2	6.2-18.0	7.3-18.2
Power Input (Rated)	Cool (kW)	1.5	1.71	2.05	2.69	3.68	4.13	4.92
	Heat (kW)	1.62	2.09	1.89	3.02	3.79	4.29	4.72
E.E.R./C.O.P	Cool/Heat	3.40/3.70	3.51/3.35	3.46/3.96	3.72/4.14	3.40/3.96	3.39/3.85	3.25/3.81
Airflow Rate (Rated)	l/s	370	400	566	800	840	1000	1120
Indoor Sound Level (H) @ 1.5m	dBA	44.4	45.2	41	44	45.5	46	48
Piping Length	(m)	50			75			
Indoor Fan Speeds		H/M/L						
Dimensions (HxWxD)	Indoor (mm)	300x1015x851		300x1090x863	360x1157x899	360x1400x899	430x1400x943	
	Outdoor (mm)	770x900x320		990x940x320	1438x940x320			
Weight	Indoor (kg)	35	35	40	44	59	62	62
	Outdoor (kg)	64	64	75	108	108	108	117
Power Supply	V/Hz	1 Phase, 220-240V, 50Hz						
Compressor Type		Hermetically Sealed Swing Type			Hermetically Sealed Scroll Type			
Refrigerant		R410A						
Pipe Sizes	Liquid (mm)	6.4 (Flared)		9.5 (Flared)				
	Gas (mm)	12.7 (Flared)		15.9 (Flared)				
	Drain (mm)	ID 25 / OD 32						
Supply Air Opening	mm (HxW, Flange)	202x762		185x852	245x852	245x1152	315x1152	
Return Air Opening	mm (Oval)	1x400 (Oval)			2x400 (Oval)			
Outdoor Operating Range	Cool (°CDB)	-5 to 46						
	Heat (°CWB)	-15 to 16						
EPA Sound Power Level	dBA	66	66	69	69	-	-	-
Outdoor Sound Level (H) @ 1m	Pressure dBA (C/H)	48/50		50/52	53/55	54/56		57/59

Notes:

i. The Rated Capacity, Power Input and Running Current are measured in accordance with AS/NZS 3823.1.2
Cooling: Indoor temp: 27°CDB/19°CWB, Outdoor temp: 35°CDB/24°CWB
Heating: Indoor temp: 20°CDB/15°CWB, Outdoor temp: 7°CDB/6°CWB

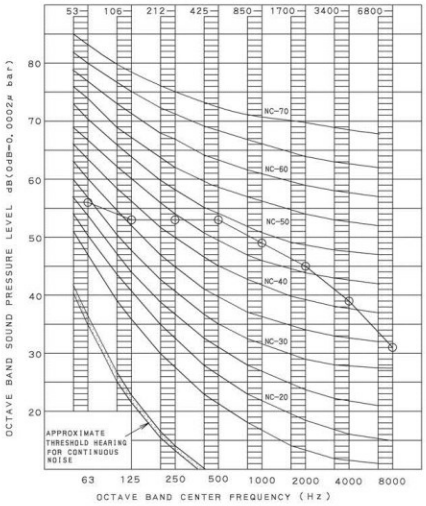
ii. Indoor and outdoor sound levels are determined in an anechoic chamber and may differ once the unit is installed due to ambient conditions

FDYQ125LB

FDYQ140LC
FDYQ160LB

FDYQ100LBV1	FDYQ125LBV1	FDYQ140LCV1	FDYQ160LBV1
RZQS100AV1	RZQS125AV1	RZQS140AV1	RZQS160AV1
10.0	12.5	14.0	16.0
12.5	15.0	16.5	18.0
5.0-11.2	5.7-14.0	6.2-15.5	7.3-16.3
5.1-12.8	6.0-16.2	6.2-18.0	7.3-18.2
2.69	3.68	4.13	4.92
3.02	3.79	4.29	4.72
3.72/4.14	3.40/3.96	3.39/3.85	3.25/3.81
800	840	1000	1120
44	45.5	46	48
75			
H/M/L			
360x1157x899	360x1400x899	430x1400x943	
1430x940x320			
44	59	62	62
108	108	108	117
se, 220-240V, 50Hz			
Hermetically Sealed Scroll Type			
R410A			
9.5 (Flared)			
15.9 (Flared)			
ID 25 / OD 32			
245x852	245x1152	315x1152	
2x400 (Oval)			
-5 to 46			
-15 to 16			
69	-	-	-
53/55	54/56		57/59

RZQS125 - 140AV1, RZQS125 - 140AY1



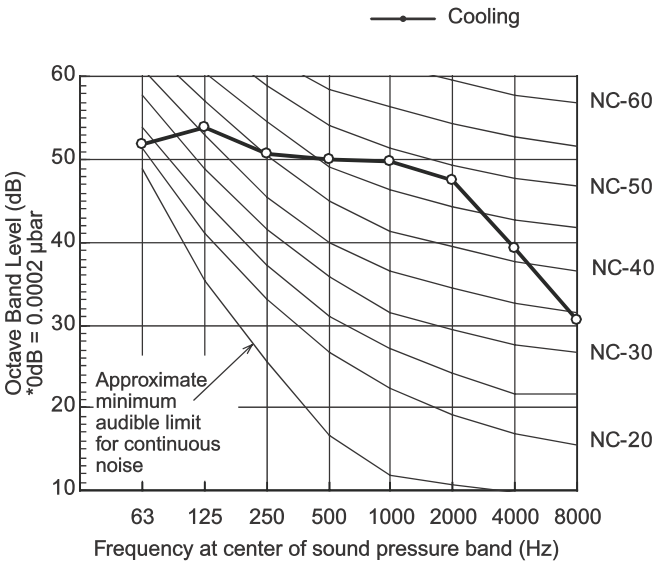
	14.0kW	
R5B	S-140PE1R5B	S-140PE1R5B
R8	U-140PZ2R5	U-140PZ2R8
13.5) 15.0)	14.0 (3.3 - 15.0) 14.0 (3.4 - 16.0)	14.0 (3.3 - 15.0) 14.0 (3.4 - 16.0)
900 - 46,100) 300 - 51,200)	47,800 (11,300 - 51,200) 47,800 (11,600 - 54,600)	47,800 (11,300 - 5 47,800 (11,600 - 5
| 3.30 : 4.00	3.15 : 3.66 | 3.15 : 3.66	3.15 : 3.66 | 3.15
5	4.44 : 3.825	4.44 : 3.825
0Hz	1 Phase/ 50Hz	1 Phase/ 50Hz
V	230V | 240V	230V | 240V
| 1.84 : 1.84	2.62 : 2.62 | 2.70 : 2.70	2.62 : 2.62 | 2.70
+100)×700	430×1,100(+100)×700	430×1,100(+100)×
	53	53
	1,000 : 1,000	1,000 : 1,000
50)	100 (10 - 150)	100 (10 - 150)
: 49 / 47 / 45	51 / 49 / 47 : 51 / 49 / 47	51 / 49 / 47 : 51 /
: 71 / 69 / 67	73 / 71 / 69 : 73 / 71 / 69	73 / 71 / 69 : 73 /
	3	3
	VP-25	VP-25
0Hz	1 Phase/ 50Hz	3 Phase/ 50Hz
V	230V | 240V	400V | 415V
| 4.95 : 4.00	18.2 : 15.0 | 17.2 : 14.1	5.05 : 4.95 | 5.75
: 370	996 x 980 x 370	996 x 980 x 370
	94	94
02	1,486 : 1,386	1,486 : 1,386
(53)	56 (54) : 56 (54)	56 (54) : 56 (54)
(68)	71 (69) : 71 (69)	71 (69) : 71 (69)
5.88	Ø9.52 / Ø15.88	Ø9.52 / Ø15.88
	5 - 50	5 - 50
	15, 30	15, 30
	30	30
45 (g/m)	R32, 2,980, 45 (g/m)	R32, 2,980, 45 (g/
-15 to 24	-10 to 43 : -15 to 24	-10 to 43 : -15 to

*Tubing size may differ depending on pipe

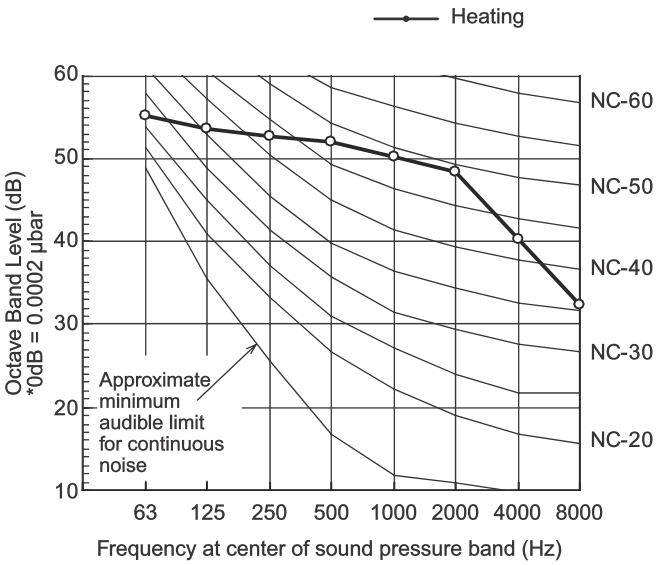
1-6. Noise Criterion Curves

(B) Outdoor Units

MODEL	: U-140PE1R5A, U-140PE1R8A
SOUND LEVEL	: Cooling 54 dB(A)
CONDITION	: 1 m in front at height of 1.5 m
SOURCE	: 230-240V, 1 phase, 50Hz



MODEL	: U-140PE1R5A, U-140PE1R8A
SOUND LEVEL	: Heating 55 dB(A)
CONDITION	: 1 m in front at height of 1.5 m
SOURCE	: 230-240V, 1 phase, 50Hz



B. CALCULATION OF NOISE EMISSIONS LIMITS

An Assigned Noise Level is calculated for each noise sensitive receiver using a combination of environmental factors local to the receiver. A standard set of ANL's exist to provide a base level of acoustic amenity, as shown in the Table below. These levels are modified by an Influencing Factor (IF) to reflect noise sensitivity in the specific environment relative to the subject development.

To calculate the additional Influencing Factor (IF), concentric circles are drawn around the nearest noise-sensitive reception point; one at 450m radius and one at 100m radius. Percentages are calculated for the amount of land area within the circles used for noise emitting purposes (e.g. industrial or commercial uses) which are compared to the total area encompassed by the concentric circles.

Traffic volume is taken into account in order to reach an acceptable ANL, or noise reception level, appropriate for the area in which the receiver is to be situated.

Part of Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L_{A10}	L_{A1}	L_{Amax}
Noise sensitive premises at locations within 15m of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sundays and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises at locations further than 15m of a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and Utility premises	All hours	65	80	90

Calculation of Influencing Factor (IF)

The Influencing Factor (IF) is calculated using the following equation:

Influencing Factor (IF) = I + C + TF

Where;

I = (% of industrial land usage within 100m + %industrial land usage within 450m) x 1 / 10

C = (% of commercial land usage within 100m + %commercial land usage within 450m) x 1 / 20

TF = +6 if there is a major road within 100m of the development
+2 if there is a major road within 450 m of the development
+ 2 if there is a secondary road within 100m of the development

The maximum value the transport factor (TF) can reach is 6;

A major road is defined as having Annual Average Weekday Traffic (AAWT) flows in excess of 15,000 vehicle movements per day. A secondary road is defined as having Annual Average Weekday Traffic (AAWT) flows in excess of 6,000 vehicle movements per day.

Identification of Land Use

The image below presents review and classification of surrounding Commercial (C) and Industrial (I) land use in the inner and outer radii in the vicinity of the site and nearest NSR. ANL limits were calculated on the basis of 20% Commercial (C) Land Use in the Inner Circle and 1% in the surrounding Outer Circle calculation radius only. The calculated ANL limits are applicable to all noise emissions:

ASSIGNED NOISE LEVEL LIMITS – SUMMARY CALCULATION TABLE

Land Use Type & IF Calculation					
Industrial					"I"
% Area in Inner Circle	0%				0.0
% Area in Outer Circle	0%				
Commercial					"C"
% Area in Inner Circle	20%				+1.06
% Area in Outer Circle	1%				
Roads	**Location**	**Estimated vehicle Movements per day**	**Classification**	**Result**	"TF"
Not Applicable					0
INFLUENCING FACTOR					+1.06

The resultant IF therefore equals **1**, determining the applicable Assigned Noise Level limits at the NSR.

C. BUILDING FACADE ASSESSMENT METHODOLOGY

C.1 Building Façade Noise Ingress - Calculation Principles

Noise data obtained during the documented survey period and presented herein will provide the basis against which predicted internal noise levels can be calculated and compared against the referenced Australian Standard *AS2107:2016* criteria to assess internal noise amenity and compliance. The process of this evaluation assesses the composite acoustic performance of each façade element (e.g. glazing/frame, building envelope, ventilation opening etc) is calculated and the measured external sound field is said to impinge upon it as direct sound. As all measured noise levels were recorded under 'free-field' conditions, a correction of 2.5dB is applied to linear spectral noise levels when calculating façade performance to account for the façade incidence effect.

From the layouts and elevation drawings the building envelope there are typically three material element(s) capable of transmitting sound into the internal space; Concrete, lightweight infill panels (or other main building structure construction), and a range of framed and sliding glazing elements. Airborne sound transmission through the building structural element is less critical than sound transmission through glazed panels, therefore various acoustic performances of glazing types and thicknesses will be assessed and adjusted in design calculation to affect the most cost-effective design solution, whilst ensuring design compliance is demonstrated.

Corresponding internal noise levels are then predicted using these detailed sound transmission loss calculations through the calculated composite façade performance, with resultant internal levels corrected for radiating (exposed) façade area and internal energy 'losses' associated with transmitted sound undergoing absorption from (proposed) internal room finishes. This assessment is generally conservative to allow for unforeseen variation in eventual performance.

Each façade is also assessed for flanking transmission paths. This includes, but is not limited to, transmission through junctions between structural elements, aperture seals, and transmission through inter-connected elements such as mechanical systems.

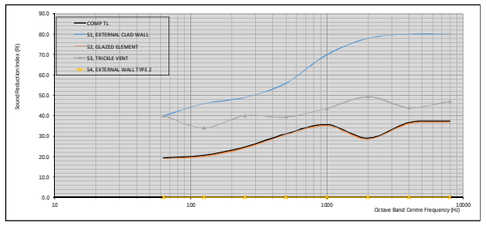
In order that an acoustically-robust façade design is achieved, building façade assessment calculations are undertaken using 'worst case' (i.e. highest measured) external noise levels, unless otherwise noted. Calculations are carried out on the most sensitive internal spaces – generally those with the largest glazed area and a low internal absorptive area. This methodology provides an efficient review ensuring all spaces meet or exceed the required standard.

All façade ingress calculations are carried out in accordance with the relevant parts of British and European Standard *BS EN 12354:2000 Building Acoustics – Estimation of acoustic performance of buildings from the performance of elements Part 3: Airborne sound insulation against outdoor sound*, which is the most prevalent calculation methodology in the absence of an equivalent Australian Standard.

C.2 Building Façade Acoustic Design - Noise Ingress Proofing Calculation Sheets

	Façade Element	AREA (m^2)		63	125	250	500	1000	2000	4000	8000	R_w	R_w+C_{tr}
		S_{TOT}	13.5										
CAVBRICK2	MIDLAND BRICK 90/70/90 No cavity insulation, No ties {ALA 05/082-2 May 2005}	$S_{1,\ EXTERNAL\ CLAD\ WALL}$	4.00	40.0	46.0	49.0	56.0	70.0	78.0	80.0	80.0	61.0	56.0
GLAZ4	Single 6mm	$S_{2,\ GLAZED\ ELEMENT}$	12.00	19.0	20.2	24.2	30.7	35.2	28.6	36.2	37.0	32.0	29.0
TRKL_G9	Passivent A11 dB Ventilator with TVAG4 Canopy	$S_{3,\ TRICKLE\ VENT}$	0.5	40.1	34.1	40.1	39.4	43.7	49.4	44.0	47.0	45.0	42.0
AFS5	AFS120 plus 20mm air gap w/13mm p/board on stud w/lining	$S_{4,\ EXTERNAL\ WALL\ TYPE\ 2}$		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0
				19.5	20.7	24.7	31.2	35.7	29.1	36.7	37.5	32.0	29.0

Composite TL
$= -10 * \log \sum S_x * 10^{\wedge -R/10} \ / \ S_{TOT}$



INPUT SPECTRUM
1

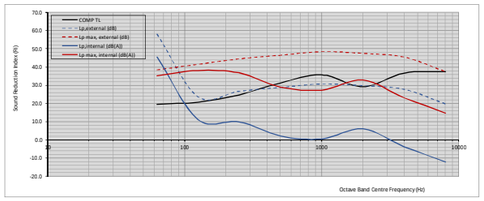
STATISTICAL INDICES		
L1	#REF!	dB(A)
L10	#REF!	dB(A)
L50	#REF!	dB(A)
L90	#REF!	dB(A)
L99	#REF!	dB(A)

SPECTRA REF. No. 1 n/a
Audio File: 0
Details: Steve's Hotel Al Fresco Patrons, Froiday night occupancy levels
\

$L_{p,Oct\ internal} = L_{p,external}$ - composite TL
$L_{p,Rev\ internal} = L_{p,external}$ - composite TL + 10LOG S_{TOT} -

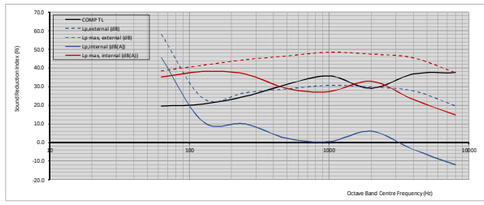
		63	125	250	500	1000	2000	4000	8000		
$L_{p,external}$	(dB)	58.0	23.7	26.7	28.7	30.7	29.7	27.7	19.7	37.1	dB(A)
Comp TL		19.5	20.7	24.7	31.2	35.7	29.1	36.7	37.5	32.0	Rw
$L_{p,Rev\ internal}$		45.5	11.2	9.9	2.1	0.5	6.0	-3.8	-12.1	19.8	dB(A)
		-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1		
A-Weighted		19.3	-4.9	1.3	-1.1	0.5	7.2	-2.8	-13.2	19.8	dB(A) (Logsum check)

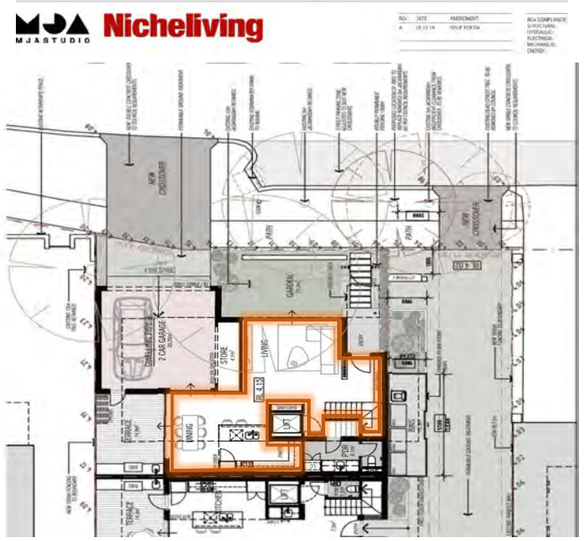
≤ 40 dB(A) Target Criteria



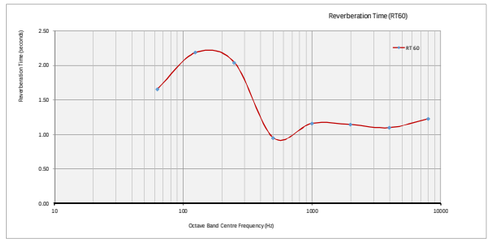
REF. No.	DATE/TIME
1	n/a
Location	0
Details	Steve's Hotel Al Fresco Patrons, Froiday night occupancy levels

		63	125	250	500	1000	2000	4000	8000		
$L_{p,external}$	(dB)	38.5	41.5	44.5	46.5	48.5	47.5	45.5	37.5	53.4	dB(A)
Comp TL		19.5	20.7	24.7	31.2	35.7	29.1	36.7	37.5	32.0	Rw
$L_{p,Rev\ internal}$		35.1	38.1	36.8	29.0	27.3	32.8	23.1	14.8	36.6	dB(A)
		-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1		
A-Weighted		8.9	22.0	28.2	25.8	27.3	34.0	24.1	13.7	36.6	dB(A)





INTERNAL VOLUME (m^3) 110



Receiving Room Alpha (α)

	Material	Area (m^2)	63	125	250	500	1000	2000	4000	8000
	Octave Band Centre Frequency (Hz)									
	Floor covering									
FLO3	Carpet, Medium pile on foam rubber underlay (NCD, 1976)	25	0.05	0.05	0.15	0.55	0.5	0.5	0.5	0.5
	Resultant metric Sabins		1.25	1.25	3.75	13.75	12.5	12.5	12.5	12.5
	Ceiling									
CEI2	Plasterboard as suspended ceiling 9mm (NCD, 1976)	25	0.25	0.2	0.15	0.15	0.05	0.05	0.05	0.05
	Resultant metric Sabins		6.25	5	3.75	3.75	1.25	1.25	1.25	1.25
	Wall 1									
WAL3	Concrete plain (NCD, Woods, 1976,1988)	14	0.1	0.01	0.01	0.01	0.02	0.02	0.03	0.03
	Resultant metric Sabins		1.4	0.14	0.14	0.14	0.28	0.28	0.42	0.42
	Glazing									
GLA5	greater than 6mm (WSA, 1990)	12.00	0.15	0.13	0.07	0.04	0.02	0.02	0.02	0.02
	Resultant metric Sabins		1.8	1.56	0.84	0.48	0.24	0.24	0.24	0.24
	Floor covering 2									
FLO30	Hard floor coverings on concrete floor (e.g. lino, parquet) (App Doc E, 2000)	0	0.03	0.03	0.03	0.04	0.05	0.05	0.06	0.08
	Resultant metric Sabins		0	0	0	0	0	0	0	0
CON14	Lightweight hung straight (NCD, 1976)	5	0	0.03	0.04	0.1	0.2	0.25	0.35	0
	*Accounts for bedding	Resultant metric Sabins	0	0.15	0.2	0.5	1	1.25	1.75	0
	REVERBERATION TIME		1.66	2.19	2.04	0.95	1.16	1.14	1.10	1.23 Tmf

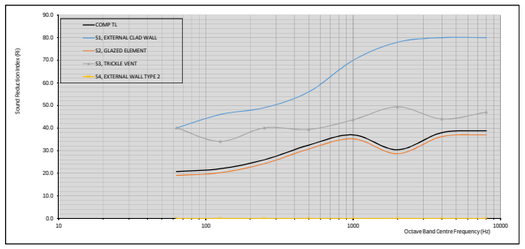
1.08 seconds

sabine
Norris Eyring

Total metric Sabins (A) 10.7 8.1 8.68 18.62 15.27 15.52 16.16 14.41

	AREA (m^2)		Sound Reduction Index (R) Octave Band Centre Frequency (Hz) 63	125	250	500	1000	2000	4000	8000	R_w	R_w+C_{Tr}
		S_{TOT}	13.5									
	Façade Element											
CAVBRICK2	MIDLAND BRICK 90/70/90 No cavity insulation, No ties [ALA 05/082-2 May 2005]	$S_{1,\ EXTERNAL\ CLAD\ WALL}$	6.00	40.0	46.0	49.0	56.0	70.0	78.0	80.0	80.0	61.0	56.0
GLAZ4	Single 6mm	$S_{2,\ GLAZED\ ELEMENT}$	9.00	19.0	20.2	24.2	30.7	35.2	28.6	36.2	37.0	32.0	29.0
TRKL_G9	Passivent A11 dB Ventilator with TVAG4 Canopy	$S_{3,\ TRICKLE\ VENT}$	0.5	40.1	34.1	40.1	39.4	43.7	49.4	44.0	47.0	45.0	42.0
AFS5	AFS120 plus 20mm air gap w/13mm p/board on stud w/lining	$S_{4,\ EXTERNAL\ WALL\ TYPE\ 2}$		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0
				20.7	22.0	26.0	32.5	37.0	30.4	38.0	38.8	33.0	30.0

Composite TL
= $-10 * \log \sum S_i * 10^{\wedge -R_i/10} / S_{TOT}$



$L_{p,Div\ internal} = L_{p,\ external}$ - composite TL

$L_{p,Rev\ internal} = L_{p,\ external}$ - composite TL + 10LOG S_{TOT} - 10LOG

STATISTICAL INDICES		
	SPECTRA REF. No.	1
L1	#REF!	dB(A)
L10	#REF!	dB(A)
L50	#REF!	dB(A)
L90	#REF!	dB(A)
L99	#REF!	dB(A)

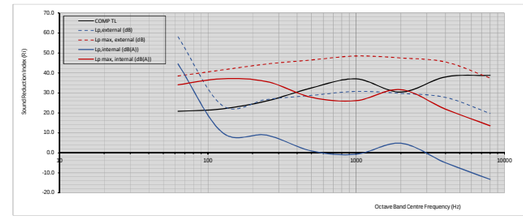
	Noise Ingress Octave Band Centre Frequency (Hz) 63	125	250	500	1000	2000	4000	8000		
DATE/TIME										
$L_{p,external}$ (dB)	58.0	23.7	26.7	28.7	30.7	29.7	27.7	19.7	37.1	dB(A)
Comp TL	20.7	22.0	26.0	32.5	37.0	30.4	38.0	38.8	33.0	Rw
$L_{p,\ Rev\ internal}$	44.5	10.2	8.8	0.9	-0.8	4.8	-5.0	-13.3	18.7	dB(A)
	-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1		
A-Weighted	18.3	-5.9	0.2	-2.3	-0.8	6.0	-4.0	-14.4	18.7	dB(A) (Logsum check)

Audio File: 0

Details: Steve's Hotel Al Fresco Patrons, Froiday night occupancy levels

\

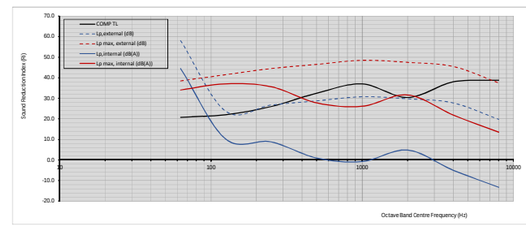
≤ 35 dB(A) Target Criteria



REF. No.	DATE/TIME	Noise Ingress Octave Band Centre Frequency (Hz) 63	125	250	500	1000	2000	4000	8000		
1	0										
	$L_{p,external}$ (dB)	38.5	41.5	44.5	46.5	48.5	47.5	45.5	37.5	53.4	dB(A)
Comp TL		20.7	22.0	26.0	32.5	37.0	30.4	38.0	38.8	33.0	Rw
$L_{p,\ Rev\ internal}$		34.0	37.0	35.6	27.7	26.1	31.6	21.8	13.5	35.4	dB(A)
		-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1		
A-Weighted		7.8	20.9	27.0	24.5	26.1	32.8	22.8	12.4	35.4	dB(A)

Location 0

Details: Steve's Hotel Al Fresco Patrons, Froiday night occupancy levels

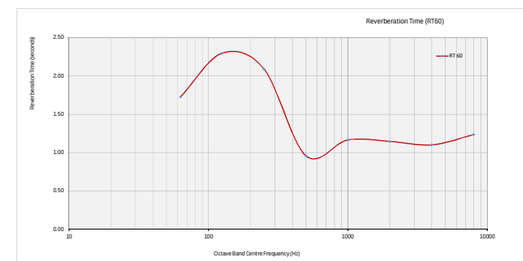


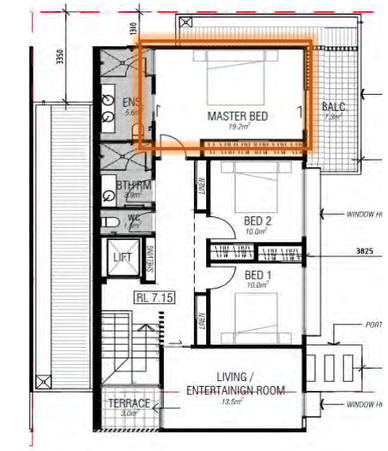
INTERNAL VOLUME (m^3) 110

		Receiving Room Alpha (a) Material	Area (m^2)	Octave Band Centre Frequency (Hz) 63	125	250	500	1000	2000	4000	8000
		Floor covering									
FLO3	Carpet, Medium pile on foam rubber underlay (NCD, 1976)		25	0.05	0.05	0.15	0.55	0.5	0.5	0.5	0.5
		Resultant metric Sabins		1.25	1.25	3.75	13.75	12.5	12.5	12.5	12.5
		Ceiling									
CEI2	Plasterboard as suspended ceiling 9mm (NCD, 1976)		25	0.25	0.2	0.15	0.15	0.05	0.05	0.05	0.05
		Resultant metric Sabins		6.25	5	3.75	3.75	1.25	1.25	1.25	1.25
		Wall 1									
WAL3	Concrete plain (NCD, Woods, 1976,1988)		14	0.1	0.01	0.01	0.01	0.02	0.02	0.03	0.03
		Resultant metric Sabins		1.4	0.14	0.14	0.14	0.28	0.28	0.42	0.42
		Glazing									
GLA5	greater than 6mm (WSA, 1990)		9.00	0.15	0.13	0.07	0.04	0.02	0.02	0.02	0.02
		Resultant metric Sabins		1.35	1.17	0.63	0.36	0.18	0.18	0.18	0.18
		Floor covering 2									
FLO30	Hard floor coverings on concrete floor (e.g. lino, parquet) (App Doc E, 2000)		0	0.03	0.03	0.03	0.04	0.05	0.05	0.06	0.08
		Resultant metric Sabins		0	0	0	0	0	0	0	0
CON14	Lightweight hung straight (NCD, 1976)		5	0	0.03	0.04	0.1	0.2	0.25	0.35	0
	*Accounts for bedding	Resultant metric Sabins		0	0.15	0.2	0.5	1	1.25	1.75	0
	REVERBERATION TIME			1.73	2.30	2.09	0.96	1.16	1.15	1.10	1.23 Tmf
		Total metric Sabins (A)		10.25	7.71	8.47	18.5	15.21	15.46	16.1	14.35

1.09 seconds

sabine
Norris Eyring





D. ACOUSTIC GLOSSARY

Acoustic Measurement Parameter Definitions

dB

Decibel: a logarithmic scale applied to acoustic units such as sound pressure and sound power. Decibels are always the ratio between two numbers. Sound Pressure in Pascals becomes "Sound Pressure Level re $2x10^{-5}$Pa" in decibels. Sound Power in watts becomes "Sound Power Level re 10^{-12}W" in decibels. It is also used for sound reduction or sound insulation and is the ratio of the amount of sound energy incident upon a partition and the proportion of that energy which passes through the partition. The result is stated as a "decibel reduction".

dB(A)

A-weighting: This is an electronic filter which attenuates sound levels at some frequencies relative to the sound levels at other frequencies. The weighting is designed to produce the relative response of a human ear to sound at different frequencies. The A-weighted sound level is therefore a measure of the subjective loudness of sound rather than physical amplitude. A-weighting is used extensively and is denoted by the subscript A as in L_{A10}, L_{Aeq} etc. (Levels given without the subscript 'A', are linear sound levels without the A-weighting applied, e. g. L_{10}, L_{eq} etc.).

Sound Power Level, (SWL)

Sound power level refers to the reference value of acoustic power (of a noise source, e.g. building services plant unit). Given a well-defined operation condition, (i.e. steady state), the sound power level of a machine is a fixed value and describes the rate at which sound energy is emitted, reflected, transmitted or received, per unit time. The SI unit of sound power is the watt (W), and is expressed as a logarithmic ratio of sound power versus reference sound power, re 10^{-12}W" in decibels (dB), or A-Weighted decibels, dB(A);

Sound power level (SWL) is the acoustic energy emitted by a source which produces a resulting Sound Pressure Level (SPL) at some distance. While the Sound Power Level (SWL) of a given source is fixed, the resultant Sound Pressure Level (SPL) at a given receiver location depends upon the distance and angle from the noise source, and the acoustic characteristics of the area in which the receiver is located;

Sound Pressure Level, (SPL)

Sound Pressure Level (SPL) is a measure for the resulting effect of the energy (Sound Power Level, SWL) of an acoustic source (or a collection of sources) and is dependent upon the distance and angle between the source(s) and receiver location, the acoustic properties of the surrounding geometry and influencing surface finishes between the source-receiver path;

Sound Pressure Level (SPL) is always depends on position and environment.

$L_{Aeq,T}$

The "A" weighted equivalent continuous sound pressure level. This may be thought of as the "average" sound level over a given time "T". It is used for assessing noise from various sources: industrial and commercial premises, construction sites, railways and other intermittent noises.

$L_{A90,T}$

The "A" weighted sound pressure level that is exceeded for 90% of the time T. It reflects the quiet periods during that time and is often referred to as the "background noise level". It is used for setting noise emission limits for industrial and commercial premises.

L_{Amax}

The maximum "A" weighted sound pressure level during a given time on fast or slow response.

L_{pA}

The "A" weighted sound pressure Level. The sound pressure level is filtered through a standard frequency weighting known as A-weighting. This filter copies the frequency response of the human ear, so that the resulting sound level closely represents what people actually hear.

R

Is the sound reduction index of a construction element in octave or 1/3 octave bands and can only be measured in a laboratory. There must be no flanking transmission.

R'

Is the sound reduction index of a construction element in octave or 1/3 octave bands measured on site, and normally includes flanking transmission (i.e. where sound travels via paths other than straight through the element being tested, such as columns, ducts, along external walls, etc.).

R_w

To get the weighted sound reduction index (R_w) of a construction, the R values are measured in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. The curve is adjusted so that the unfavourable deviation (or shortfall of the actual measurements below this standard curve) averaged over all the octave or 1/3 octave bands is not greater than 2dB. The value of the curve at 500Hz is the R_w.

R'_w

The apparent sound reduction index, which is determined in exactly the same way as the R_w but on site where there is likely to be some flanking transmission.

D

This is the "level difference". It is determined by placing a noise source in one room and measuring the noise levels in that room (the "source room") and an adjacent room (the "receiver room"). The level difference is calculated by simply deducting the "receiver" noise level (dB) from the "source" noise level (dB).

D_w

This is the weighted level difference. D is measured on site in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. The D values are compared to a standard weighting curve. The curve is adjusted so that the "unfavourable deviation" (or shortfall of the actual measurements below this standard curve) averaged over all the octave or 1/3 octave bands is not greater than 2dB. The D_w is then the value of the curve at 500Hz.

D_{nw}

This is the weighted normalised level difference. D is measured on site in octave or 1/3 octave bands covering the range of 100Hz to 3150Hz. As the level difference is affected by the area of the common wall/ floor and the volume of the receiving room, as well as the amount of absorption in the receiving room, in the case of the $D_{nT,w}$, the results are "normalised" by a mathematical correction to 10m^2 of absorption (D_n). The same weighting curve as for D_w is used to obtain the single figure: D_{nw}.


Sealhurst
Acoustic Design
& Engineering

WASTE MANAGEMENT PLAN

Residential Grouped Dwellings Development

35 The Avenue
Nedlands

June 2020

Prepared by Dallywater Consulting
For Nicheliving

DALLYWATER CONSULTING

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TABLE OF CONTENTS

1 EXECUTIVE SUMMARY

Nicheliving is applying to the City of Nedlands (the "City") to develop a property at 35 The Avenue, Nedlands. The development is proposed to consist of 5 grouped dwellings.

As part of the Development Approval process, the developer is required to submit a Waste Management Plan (WMP) for the development to the City. Nicheliving employed the services of waste management specialists Dallywater Consulting to investigate the City's requirements in this regards and to develop this WMP.

Based on the City's requirements, it is proposed that the following initiatives will be implemented for the waste servicing at 35 The Avenue, Nedlands;

- Use of 240 litre receptacles for waste and recycling;
- Weekly collection of the residential waste and fortnightly collections for the recycling material.

These initiatives will result in the following requirements for receptacles to be presented for servicing;

- Waste – three 240 litre bins collected weekly; and
- Recycling – five 240 litre bins collected fortnightly.

In addition, a greenwaste bin will be available for as-required presentation on alternating weeks to the recycling bins.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required would be four MGBs, one FOGO bin and five MRBs, with a maximum of 6 bins being presented on any one collection day (i.e. recycling week – five MRBs and one FOGO bin).

Review

All of the above-mentioned waste servicing arrangements will be reviewed as a matter of course on an ongoing basis to ensure that the most efficient arrangements to manage the waste and recycling material generated by all aspects of the facility are in place and are maintained.

DEFINITIONS

120: A 120 litre waste or recycling receptacle

240: A 240 litre waste or recycling receptacle.

FOGO (service): Food Organics and Garden Organics - a local government kerbside collection service for food and garden organic material.

Greenwaste: Includes leaves, twigs, small branches, grass, tree trimming and garden trimmings.

Mobile Garbage Bin (MGB): A wheeled receptacle used by domestic residences and commercial premises within a local government municipality to deposit waste materials for emptying by the local government or a collection contractor.

Mobile Recycling Bin (MRB): A wheeled receptacle used by domestic residences and commercial premises within a local government municipality to deposit recycling materials for emptying by the local government or a collection contractor.

Mobile Greenwaste Bin (MGWB): A wheeled receptacle used by domestic residences within a local government municipality to deposit greenwaste material for emptying by the local government or a collection contractor.

Recycling: Any material accepted by the local government's recycling collection contract or the State's container deposit scheme.

Strata Management: For the purposes of this document, the selected legal entity charged with managing the soft services of the built structure (i.e. waste management, cleaning, landscaping, security and other similar human-sourced services) on behalf of the owners and tenants of the building.

Waste: Any recyclable and non-recyclable discarded solid, semi-solid, liquid or contained gaseous materials not accepted by the local government's recycling collection contract.

Waste Minimisation: A process to minimise the amount of waste requiring disposal via hierarchical activities such as behaviour and product modification, waste avoidance, reduction, reuse and recycling.

Total Waste Stream: The combined waste, recyclables and compostables.

2 INTRODUCTION

2.1 The Development

Nicheliving is applying to the City of Nedlands (the "City") to develop a property at 35 The Avenue, Nedlands. The development is proposed to consist of 5 grouped dwellings.

As part of the Development Approval process, the developer is required to submit a Waste Management Plan (WMP) for the development to the City. Nicheliving employed the services of waste management specialists Dallywater Consulting to investigate the City's requirements in this regards and to develop this WMP.

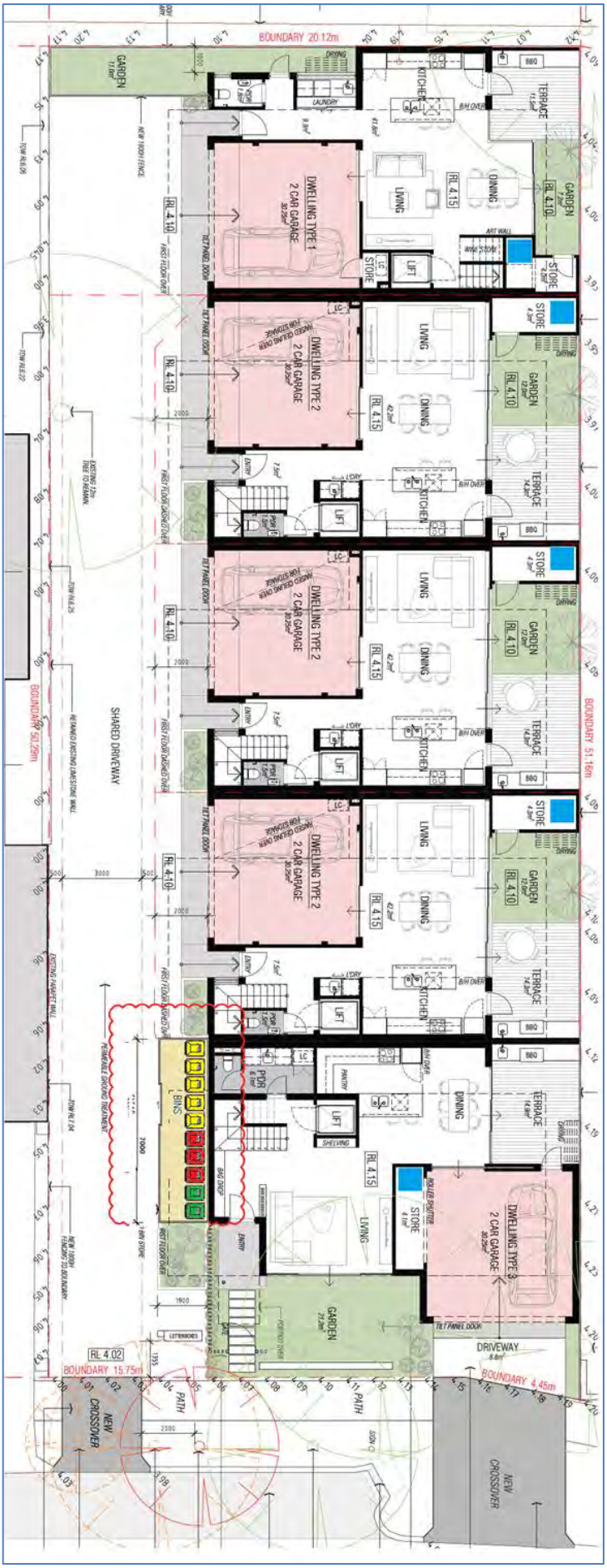
Figure 1: Location Plan

The following table details the number of grouped dwellings proposed for the development.

Table 1: Number and Type of Grouped Dwellings

UNIT TYPE	Number
RESIDENTIAL GROUPED DWELLINGS	
3 Bed	5
Total Residential Grouped Dwellings	**5**

Figure 2: Site Plan



2.2 WMP Variation to Guideline

The City's Guidelines require 5m^2 of bulky/hard waste storage for this development. This space is usually allocated in the bin store.

Variation

Rather than providing 5m^2 of hard waste storage area in the bin store, space for this purpose is identified in the residents' garages (See area marked in blue in Stores on Site Plan – Figure 2). There is adequate space within the garages for this purpose and residents are required to organise the removal of their own bulky or hard waste items.

Substantiation

Placement of hard waste items in a shared bin store for this size of development can be problematic, both from a space perspective (additional floor space and thus larger store required) and also from a management perspective (coordinating multiple requests for storage of items, tidiness of storage, type of hardwaste, amenity impacts etc).

For developments such as these, where storage capacity is available in individual garages, responsibility should be allocated to residents to manage and dispose of their own hard waste. This is in contrast to a development with shared car parking facilities, where separate hard waste storage needs to be allocated.

The management practices detailed above are to be incorporated into the Strata Management arrangements for this development.

3 ONSITE WASTE MANAGEMENT

The following provisions have been made for waste and recycling on the site:

- **Dwellings**
  - Each resident will dispose of their waste and recycling material into 240 litre receptacles located in the shared bin store adjacent to the front unit.
  - The strata management will organise for the 240L MGBs to be presented for collection.
  - Because of the limit on numbers of bins able to be presented to the verge and the current frequency of recycling collections, residents of this development will not be able to take up the City's second recycling bin option.
- **Hardwaste/Bulky Items**
  - Residents will be required to organise their own immediate disposal of large or bulky items not suitable for disposal to the bins. There is adequate room in their individual garages to temporarily store these items prior to their collection/removal.
  - The management of deposit of hardwaste material on the verge for the City's annual collections would be negotiated with the City.
  - No hard or bulky waste can be stored external to the buildings.
- **Greenwaste/FOGO**
  - Greenwaste will be removed offsite by gardening contractors employed to manage the common garden areas around the development. One greenwaste bin is provided for other smaller amounts of green organics.
  - In the future, food organics may also be collected in a combined food organics and garden organics or FOGO bin.
- **Waste Collection**
  - The City provides various services for the collection of waste, recycling and greenwaste bins.
  - The City sets the specifications for acceptable collection parameters (e.g. number of bins, frequency of collections, maximum bin weights, etc).
  - The collection of waste and recycling would be from the kerbside.
- **Bulk Waste Collection**
  - The City provides a service for the collection of bulk waste.
  - The front verge of this development is unsuitable for the placement of bulk waste material as it would significantly restrict the pedestrian access on The Avenue in front of this property. In this regard, residents will be required to remove their own items of bulk waste directly to a disposal option (e.g. themselves, or via a contractor, to a transfer station, landfill, reuse centre etc). The alternative, with the City's approval, is for the temporary (e.g. 24 or 48 hour) placement of a bulk bin in a marked car bay in front of the premises.

4 LOCAL GOVERNMENT WASTE MANAGEMENT REQUIREMENTS

4.1 Waste Management Guidelines

The following provisions have been sourced from the City's Waste Minimisation Coordinator and the City's latest *Waste Management Guidelines (2020)* which have also been used as the basis for waste generation calculations here-in.

4.2 Waste Generation

The Waste Minimisation Coordinator advised that the City's requirements for the provision of waste storage for this type of development are as follows:

- While 660 litre receptacles are the preferred receptacle size for waste and recycling material in multi-unit developments with more than 4 units, waste and recycling material can be collected in smaller receptacles (i.e. waste - 120 and 240 litre; recycling - 240 litre) for this development;
- Using the smaller bins and the kerbside collection service, waste is collected weekly and recycling fortnightly; and
- Waste and recycling receptacles are to be provided in sufficient numbers to cater for the waste generation requirements detailed in the following tables.

4.2.1 Residential Dwellings

Based on the above-mentioned guidelines, the waste generation rates for the development are as detailed in the following table.

Table 2: Waste Generation Rates

Residential Dwellings	Number	Weekly Waste/Dwelling (m3)	Weekly Recycling/Dwelling (m3)
Grouped Dwellings	5	0.12	0.24

4.3 Bin Storage

The shared 240 litre MGBs and MRBs and the greenwaste bin used for presentation on collection days will be stored in a bin store located alongside the front unit. The bin store will meet or exceed the following requirements:

- be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager Health and Compliance;
- have walls not less than 1.8 metres in height and have an access way of not less than 1 metre in width and be fitted with a self closing gate;
- be fitted with a tap attached to the scheme supply;
- contain a smooth and impervious floor –
  - of not less than 75 millimetres in thickness;
  - which is evenly graded to an approved liquid refuse disposal system; and
  - which is easily accessible to allow for the removal of the receptacles.

4.4 Bin Presentation

- Because there are more than four dwellings on the site, the City's guidelines stipulate that bins should be shared, that a bin store is required and that the development is serviced internally. However, the City's Waste Minimisation Coordinator has indicated that, if no more than eight bins are presented to the kerb on any one collection day, 240 litre bins can be used for kerbside presentation.
- No bins should be left outside the garages other than on collection day.

4.5 Waste Capacity

Based on the above requirements, the weekly storage capacity required by the City for waste and recycling from the proposed development is detailed in the following table.

Table 3: Estimated Weekly Volumes

Residential	No. of Dwellings	Waste Generation Rate (m3/week)	Recycling Generation Rate (m3/fortnight)	Waste/Week (m3)	Recycling/Fortnight (m3)
3 Bed	5	0.12	0.24	0.60	1.20
Total	**5**			**0.60**	**1.20**

4.6 Number of Bins

Existing Kerbside Service

The City's Waste Minimisation Coordinator has indicated that the use of the standard 120 litre waste bins and 240 litre recycling bins would be acceptable for the development, however no more than eight bins can be presented on any one collection day.

To enable this, a bin store containing shared 240 litre waste bins will be located along the side of the front unit. The store will contain three waste bins and five recycling bins and has capacity for two additional FOGO bins once the service is implemented.

FOGO Servicing

The City is working towards the implementation of a Food Organics Green Organics (FOGO) service which will see the separation of organic material from the general waste stream. The City considers that 40% of the current waste MGBs by weight is made up of this type of organic material and that if separated, the FOGO material would be collected weekly and the waste and recycling material would be collected on alternating fortnights. Therefore, if that organic material was diverted from the waste bins into FOGO bins, the greenwaste bin would be removed and the number of receptacles required for this development would be:

- One 240 litre FOGO bin collected weekly;
- Four 240 litre waste MGBs collected fortnightly; and
- Five 240 litre MRBs collected fortnightly.

Additional Recycling MRBs

The City offers residents the opportunity to have a second recycling bin however, for this development, that opportunity is not able to be exercised due to the City's restriction on the maximum number of bins that can be presented to the kerb and the current collection frequency.

4.7 Summary

Based on the above and on weekly waste and fortnightly recycling collections, the number of receptacles required for this development would be three shared 240 litre waste MGBs and five 240 litre recycling MRBs. The total number of bins to be presented on a combined waste and recycling collection day therefore will be eight bins.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required for the development will be four MGBs and one FOGO bin. This will result in a maximum of 6 bins being presented on any one collection day (i.e. recycling week - five MRBs and one FOGO bin).

5 REQUIRED CAPACITY

Considering the preceding tables and the space which has been provided for residential bin storage within the individual garages and the external bin store, it is evident that sufficient capacity exists in the bin store for the requisite number of receptacles at the City's usual collection frequencies.

In addition, space has been allowed in the bin store to accommodate the future implementation of FOGO which will require four MGBs, one FOGO bin and five MRBs.

5.1 Servicing Rates

The residential material is required to be collected by the City and the current servicing rates are weekly waste collections and fortnightly recycling collections.

5.2 Bin Sizes

240 litre bins will be provided by the City for residents for their waste and recycling material.

A 240 litre greenwaste bin will be provided by the City for small amounts of garden organics and will also be stored in the bin store. This bin will be replaced with a FOGO bin once that service is offered.

5.3 Summation

It is proposed that the following initiatives will be implemented for the waste servicing at 35 The Avenue, Nedlands;

- Use of 240 litre receptacles for waste and recycling;
- Weekly collection of the residential waste and fortnightly collections for the recycling material.

These initiatives will result in the following requirements for receptacles to be presented for servicing;

- Waste – three 240 litre bins collected weekly; and
- Recycling – five 240 litre bins collected fortnightly.

In addition, a greenwaste bin will be available for as-required presentation on alternating weeks to the recycling bins.

If the FOGO system is implemented with weekly FOGO collections and waste and recycling collections on alternating fortnights, the total number of shared 240 litre bins required would be four MGBs, one FOGO bin and five MRBs, with a maximum of 6 bins being presented on any one collection day (i.e. recycling week – five MRBs and one FOGO bin).

Review

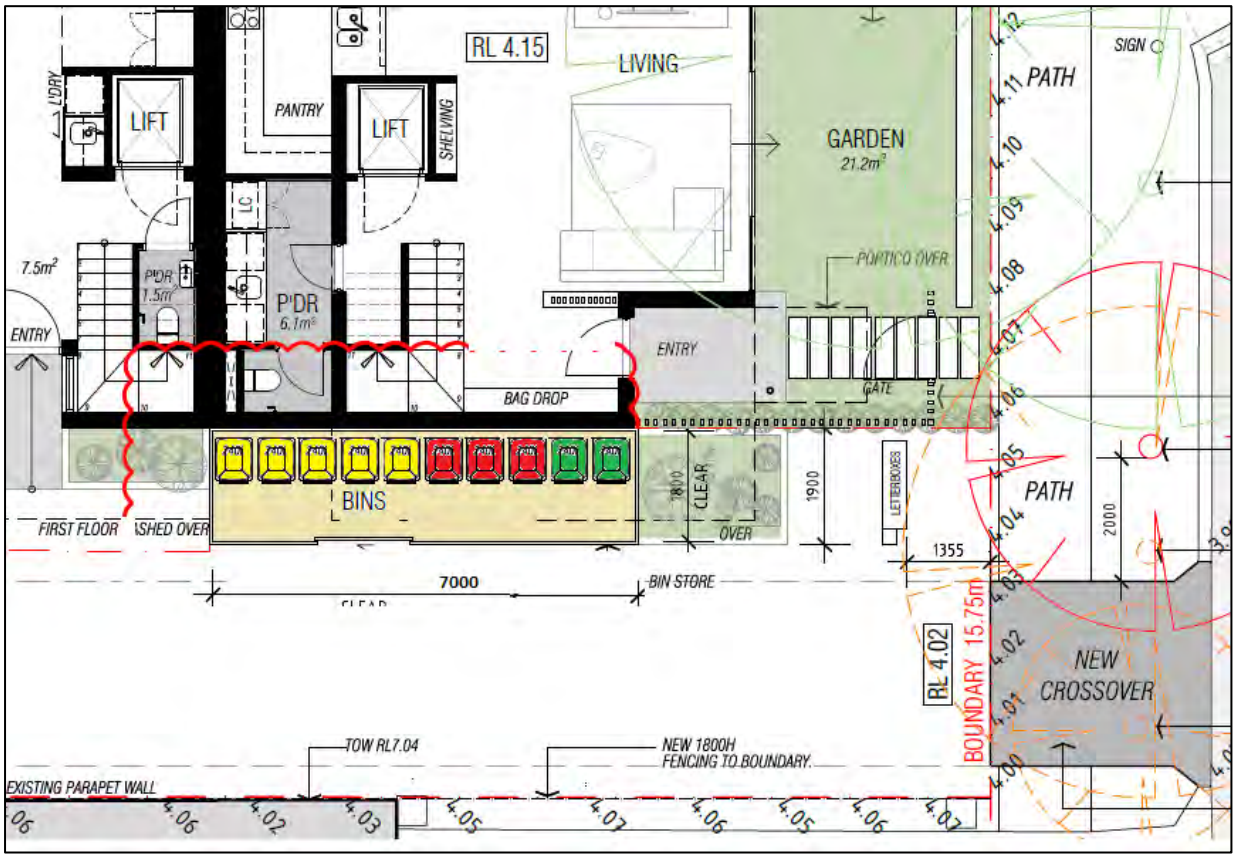
All of the above-mentioned waste servicing arrangements will be reviewed as a matter of course on an ongoing basis to ensure that the most efficient arrangements to manage the waste and recycling material generated by all aspects of the facility are in place and are maintained.

6 BIN STORAGE AND MANAGEMENT

The 240 litre MGBs, MRBs and greenwaste MGWB will be stored in a discreet bin store located alongside the front unit.

Capacity is available in each garage or store for the temporary storage of larger hard or bulky items (e.g. fridges, furniture etc) prior to removal or collection.

Figure 3: Residential Bin Storage



6.1 Bin Management

Residents will be required to bag all waste material prior to it being placed in the shared 240 litre waste bins.

The management of the shared bins will be coordinated by the Strata Management and written into the strata management arrangements. A cleaner or similar personnel is to be either employed or contracted directly by the Strata Management to supervise waste management throughout the facility and as such, will be made aware of the expectations regarding presentation and collection arrangements.

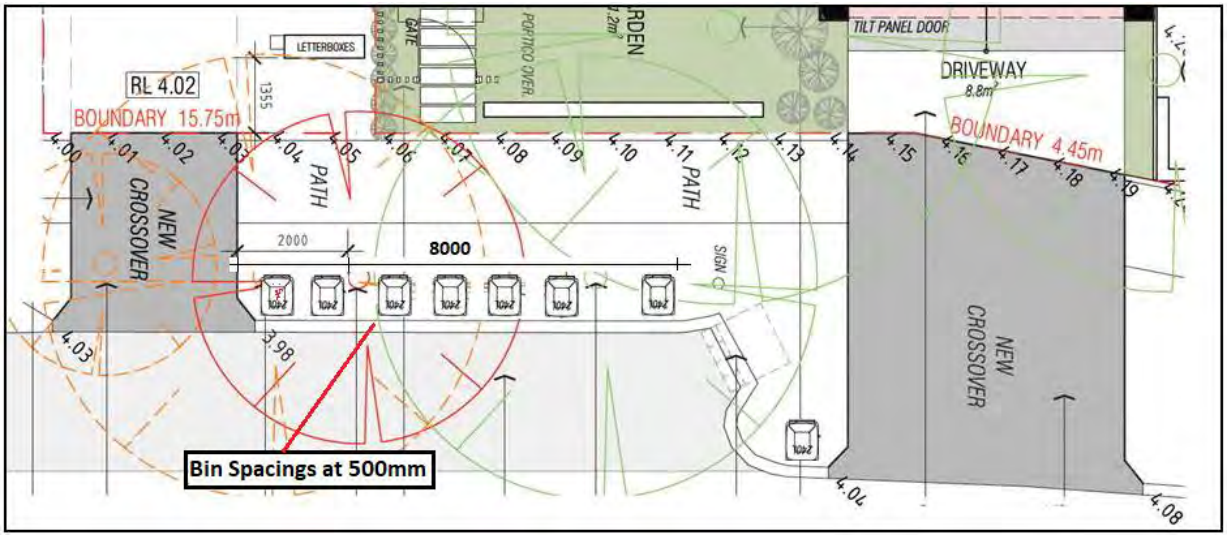
Those personnel will be responsible for ensuring that the bins are presented to the collection vehicle on collection days and are returned to the store once they have been emptied.

6.2 Bin Presentation and Collection

The arrangements will be as follows:

- Prior to collection time, the waste person will present the MGBs and MRBs to the verge.
- As soon as practicable after collection has occurred, the waste person will retrieve and return the bins to the bin store.

Figure 4: Bin Placement for Collection



7 WASTE MANAGEMENT RESPONSIBILITIES

7.1 Building Owners/Strata Management

The Strata Management body will have responsibility for ensuring that the residential waste management activities are appropriately conducted and that residents meet their waste management responsibilities. To enable this, this document and the responsibilities here-in will be adopted into the strata management bylaws or other suitable enabling document.

The strata management will allocate responsibility for all waste management activities to either a Building Caretaker or Cleaner (Waste Personnel). This position will be responsible for the management of waste throughout the complex and they will be trained in all facets of the role.

The Strata Management will be responsible for ensuring that the arrangements in this WMP are incorporated into the strata arrangements or bylaws.

7.2 Building Caretaker/Cleaner/Waste Person

At a minimum, the person or entity employed or contracted by the strata body to act as waste personnel will undertake the following bin servicing and waste management functions on behalf of the strata management;

- Check that residents are correctly disposing of material into the right bins;
- Consolidate bagged waste material in the three 240 litre waste MGBs in the bin store;
- Present and retrieve the bins on collection day;
- Cleaning of bins and the bin store; and
- Coordination of bulk and hard waste management where requested.

In addition, the education of existing and new residents will be a responsibility for these staff including promotion of the City's various waste minimisation services.

7.3 Residents

All residents would be instructed via the strata management of the various waste requirements. This would include direction on the expectations of the managing body with regards to management of bulky or problematic waste (e.g. from renovations or building activities, for annual kerbside collections etc).

Residents will be required to;

- store all bulky and hard waste within their garages until they have organised for it to be collected or removed;
- bag all their waste and organic material before placing it in the shared 240 litre waste bins; and
- Observe any other requirements or waste minimisation practices prescribed in the strata bylaws.

In the absence of any other individual arrangement with the waste person, residents (and their contractors) would be responsible for the immediate removal and disposal off-site of any waste unsuitable for placement in the residential bins. This would include large bulky waste and electronic items and waste from any building maintenance activities.

8 COMPLIANCE WITH LEGISLATION/GUIDELINES

The following table provides WMP commentary against the relevant waste management criteria drawn from the City's Local Laws, LPP and Guidelines.

Table 4: Compliance with Legislation and Guidelines

HEALTH LOCAL LAW		
Section/Bylaw	**Requirement**	**Comment**
35. Suitable Enclosure	1) An owner or occupier of premises— (a) consisting of more than 3 dwellings; or (b) used for commercial, industrial purposes, or as a food premises; shall if required by the Manager Health and Compliance provide a suitable enclosure for the storage and cleaning of receptacles on the premises.	Bin Enclosure provided for waste MGBs,MRBs, greenwaste MGWB and future FOGO bins
	2) An owner or occupier of premises required to provide a suitable enclosure under this Division shall keep the enclosure thoroughly clean and disinfected.	Written into responsibilities of onsite waste person.
	(3) For the purposes of this Division, a "suitable enclosure" means an enclosure—	
	(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Health and Compliance;	Complies
	(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager Health and Compliance	Complies
	(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;	Complies
	(d) containing a smooth and impervious floor—	Complies
	(i) of not less than 75 millimetres in thickness; and	Complies
	(ii) which is evenly graded to an approved liquid refuse disposal system;	Complies
	(e) which is easily accessible to allow for the removal of the receptacles;	Complies
	(f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the Manager Health and Compliance	n/a
LOCAL PLANNING POLICY – WASTE MANAGEMENT		
4.1 Waste Management Plans		
4.1.1	A Waste Management Plan shall be submitted as part of the following categories of Development Application: (a) Residential (i) 5 or more multiple dwellings; (ii) 5 or more grouped dwellings;	This document
4.1.2	Waste Management Plan (WMP) must include details but not limited to -	
	(a) Land use type and Built Form (including but not limited to number of dwellings, bedrooms and storeys, size of commercial tenancy);	Complies
	(b) Bin Access and Storage;	Complies
	(c) Waste generation/Capacity;	Complies
	(d) Truck accessibility and manoeuvring;	n/a
	(e) Internal service collection arrangements (including swept path analysis where applicable);	n/a
	(f) Waste systems;	Complies
	(g) Signage;	Complies
	(h) Collection/placement options; and	Complies
	(i) Additional waste requirements.	Complies
4.1.3	The development shall be undertaken and operate in conformity with the Waste Management Plan approved by the City. This will be	Waste Management Plan and its arrangements will be

	ensured in perpetuity via an appropriate condition of the development approval.	referenced in the Strata Management arrangements/bylaws and supported in legislation via a condition referencing the WMP in the development approval for the development.
WASTE MANAGEMENT GUIDELINES		
3.0 WASTE AND RECYCLING GENERATION		
3.1.2	The City's minimum residential waste and recycling allocation per rateable property is 1 x 120 litres per week for waste and 1 x 240 litres per fortnight for recycling. The waste and recycling requirements for residents in multi-unit dwellings are as shown in Table 1.	The required waste generation rates have been observed in the preparation of the WMP
3.1.3	The City provides second recycling bins to residents free of charge. Therefore, developers should consider extra space for storage of additional recycling bins. Also, green waste will also need to be catered for onsite, depending on the scale and nature of the development. The Waste Management Plan will also need to take this into consideration.	WMP notes that, because of the limit on numbers of bins able to be presented to the verge and the current frequency of recycling collections, residents of this development will not be able to avail themselves of this service at this time.
3.1.4	The City may introduce Food organic and Garden organic (FOGO) bin in the future. Bin allocation for (FOGO) 240L bin will also needs to be catered for onsite. The minimum of 40L waste generation rate allocation per property per week is acceptable.	Consideration has been given to the proposed FOGO service throughout the WMP.
3.1.5	The City will allow for a maximum of 4 x 240L waste bins and 4 x 240L recycle bins to be placed on the verge for kerbside collection. More than 8 bins will require internal service arrangements.	Complies
4.0 BIN SIZE AND COLOUR		
4.1	The Waste Management Plan must provide details on the proposed bin sizes. The City's available bin sizes and dimensions are shown in Table 2 and 3.....	Standard City-issued bins will be used.
7.0 WASTE TRUCK ACCESSIBILITY AND MANOEUVRING-		
7.1	Any development of 5 or more dwellings shall require waste trucks to service all waste from within the property as verge presentation is not permitted. The design shall demonstrate the City's minimum compliance requirement of: -.....	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
9.0 BIN STORAGE AREA		
9.1	Depending on the number of dwellings residents may have individual bin areas or shared communal bin areas shown in Table 4 (.....)	Complies
9.2	Developments with shared bins must include an easily accessible communal bin storage area within the development. In the case of mixed-use developments separate residential and commercial bin storage areas are required.	Complies
9.3	A bin storage area (or enclosure) must be provided on the premises where bins are stored and collected from as per the following requirements:	
	(a) Easily accessible to allow for the removal of the receptacles;	Complies
	(b) Adequate circulation space for manoeuvring bins within the storage area must be allowed;	Complies
	(c) Provide for collection that limits pedestrian and vehicle disruption;	Kerbside collection – bins do not obstruct pathway
	(d) The bin storage area is to be provided with a permanent water supply and drainage facility; for washdown. The bin area is to be screened by a gate, brick walls or other suitable materials to a height not less than 1.8m;	Complies
	(e) Each waste stream must be separated and clearly labelled;	Complies
	(f) Residential waste needs to have a separate area from commercial waste;	n/a
	(g) Developments that include residential dwellings shall include a dedicated area for the temporary storage of large bulky items awaiting disposal	Sufficient area exists within each resident's garage for this purpose – no storage of bulky waste is to occur outside the garages.
	(h) Design should not encourage the emission of odour outside the bin enclosure area;	Onsite waste management supervision, bagging of waste material and bin type will control any odours
	(i) Bin storage areas shall be located within the building (not on the verge), so they are not visible from the public realm, or screened	Complies

	from public view with a quality material compatible with the building design	
	(j) The bin area is to be accessible via a suitably constructed service road that will allow waste truck vehicle movement;	n/a
	(k) Provided with a ramp into the bin storage area having a gradient of no steeper than 1:8 unless otherwise approved by the City; and	n/a
	(l) Where a mixed-use development is proposed (residential and any other use), the residential waste and recycling bin storage areas are to be self-contained and separate from commercial bin storage areas.	n/a
	(m) For all properties that have lockable waste presentation point, the City requires relevant access i.e. key or remote device.	n/a
10.0 COLLECTION OF BINS		
10.1	Bins, ready for collection, shall be presented in a manner that has minimal impact on the public realm.	Bins will be presented to the kerb with sufficient space between the bins to facilitate emptying.
10.2	Where it cannot be demonstrated that the required number of bins for 4 dwellings or less can be practically accommodated on the verge for collection, bin storage areas shall be designed to allow for collection of waste from within the private site.	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
10.3	Any development of 5 or more dwellings, a bin storage area shall be designed to allow collection of all waste bins from within the site. All waste bins shall not be placed on the verge area for collection.	The City's Waste Minimisation Coordinator has approved a variation to this guideline (i.e. kerbside presentation) subject to no more than 8 bins being presented on any one collection day.
11.0 WASTE SYSTEMS FOR MULTI-UNIT DWELLINGS		
11.1	A detailed description of the waste system proposed must be provided, which shall include in-apartment source separation systems, chutes, carousels, in chute compaction equipment, transportable compactors, bin lifters and tugs or towing devices. Developers must ensure that it is as easy to dispose of recyclable materials as a waste streamand that there is an adequate provision for the segregation of waste streams without contamination. Hard waste and charity goods should be taken to an easily accessible, secure and safe drop-off point on-site.	n/a
11.2	The following waste options exist for multiunit developments: (a) Option 1: Use 660L bins for waste and 660L bins for recycling with bins stored in communal storage area(s). Residents may be required to transfer all waste and recycling from their dwelling direct to the bin storage area(s). (b) Option 2: A dual chute system for waste and recycling leading to a central waste and recycling collection area in the basement or ground level.....	n/a
14.0 SIGNAGE		
14.1	Signs within the bin storage area must demonstrate correct recycling and reduce contamination.	Signage will be provided by the Strata Management detailing correct material disposal behaviour and the use of the City's various waste minimisation opportunities.
14.2	Clear signage and coloured bins (red for waste) and (yellow for recycling) to be placed in each bin storage area on each level.	Complies
15.0 BULK WASTE (Residential properties only)-		
15.1	Development plans shall indicate the allocation of a dedicated area to place bulk bins (twice a year) for bulk rubbish collections. The City offers two hard waste collections and two green waste collections for residents.	The front verge of this development is unsuitable for the placement of bulk waste material as it would significantly restrict the pedestrian access on The Avenue in front of this property. In this regard, residents will be required to remove their own items of bulk waste directly to a disposal option (e.g. themselves, or via a contractor, to a transfer station, landfill, reuse centre etc). The alternative, with the City's approval, is for the temporary (e.g. 24 or 48 hour) placement of a bulk bin in a marked car bay in front of the premises.
15.2	The City's bulk collection contractor will provide a 10m2 bulk bin during the bulk collection (twice per annum). Hard waste items from	As above

	multi-unit developments are not permitted to be placed on the verge area for collection.	
15.3	On-site hard waste storage must be provided as follows: (a) 1 to 55 apartments = Minimum area of 5m2 (b) 56 - 200 apartments = Minimum are of 10m2	Complies - Sufficient area exists within each resident's garage for this purpose – no storage of hard waste is to occur outside the garages.
15.4	A hard waste collection area must be provided for collection contractors that is immediate to the truck collection location.	Complies – will be conducted, with the approval of the City, from a parking bay immediately to the front of the property on an as-required (and negotiated) basis.
16.0 COLLECTION AND CONTRACTORS		
16.1	All residential properties must utilise the City's waste service. However, commercial properties can engage private contractors for the services.	Complies
17.0 COMPLIANCE WITH WASTE MANAGEMENT PLAN		
17.1	Responsibility for ensuring compliance with the Waste Management Plan and the cleaning of the bin storage area/s and facilities must be allocated to a person of appropriate authority (i.e. property manager, strata manager, caretaker).	Complies – Responsibility arrangements allocate this responsibility to an onsite waste person employed by the Strata Management.
19.0 ADDITIONAL INFORMATION REQUIRED		
19.1	Please ensure that all plans included in the Waste Management Plan are drawn to either a 1:100 or 1:200 to assist with the assessment process with information below:	
	(a) Typical commercial floor showing waste and recycling drop-off points;	n/a
	(b) Bin rooms including any bins and compactors;	Complies
	(c) Bin presentation location (on-site) with bin alignment shown;	Complies
	(d) Residential and commercial floor levels illustrating waste and recycling storage;	n/a
	(e) Bin storage areas including any chutes, carousels and bins;	Complies
	(f) Bin numbers and size of bins;	Complies
	(g) Bin presentation location with bin alignment (verge presentation - if applicable) shown;	Complies
	(h) Ramp grades;	n/a
	(i) Access to bin storage area and/or chutes; and	Complies
	(j) Swept path analysis illustrating sufficient access to collect bins	n/a

9 REFERENCES

- City of Nedlands: Health Local Law 2017
- City of Nedlands: Local Planning Policy – Waste Management 2020
- City of Nedlands: Waste Management Guidelines (2020)

PLANT SCHEDULE

Code	Botanic Name	Spacings plants/m2	Size	QTS
Shrubs, groundcovers & grasses				
	Bamboo 'MULTIPLEX'	AS SHOWN	8 LT	4
Crs	Crassula CAMPFIRE	4	200mm	6
	Dracaena marginata 'TRICOLOR'	AS SHOWN	12 LT	24
Egl	Eremophila glabra	4	140mm	6
	Lomandra 'TANIKA'	4	140mm	56
	Liriope muscari	4	140mm	23
Trch	Trachelospermum jasminoides	500mm APART	200mm	25
	Viburnum odoratissum	AS SHOWN	200mm	21
Trees				
	Jacaranda mimosa	AS SHOWN	100 lt	1
	Lemon MYER (dwarf)	AS SHOWN	100 lt	4
	Lime TAHITIAN (dwarf)	AS SHOWN	100 lt	3
	Magnolia 'LITTLE GEM'	AS SHOWN	100 lt	2
	Existing tree to remain	AS SHOWN		3


TRACHELOSPERMUM


VIBURNUM


DRACAENA MARGINATA


CRASSULA


LIRIOPE


EREMOPHILA

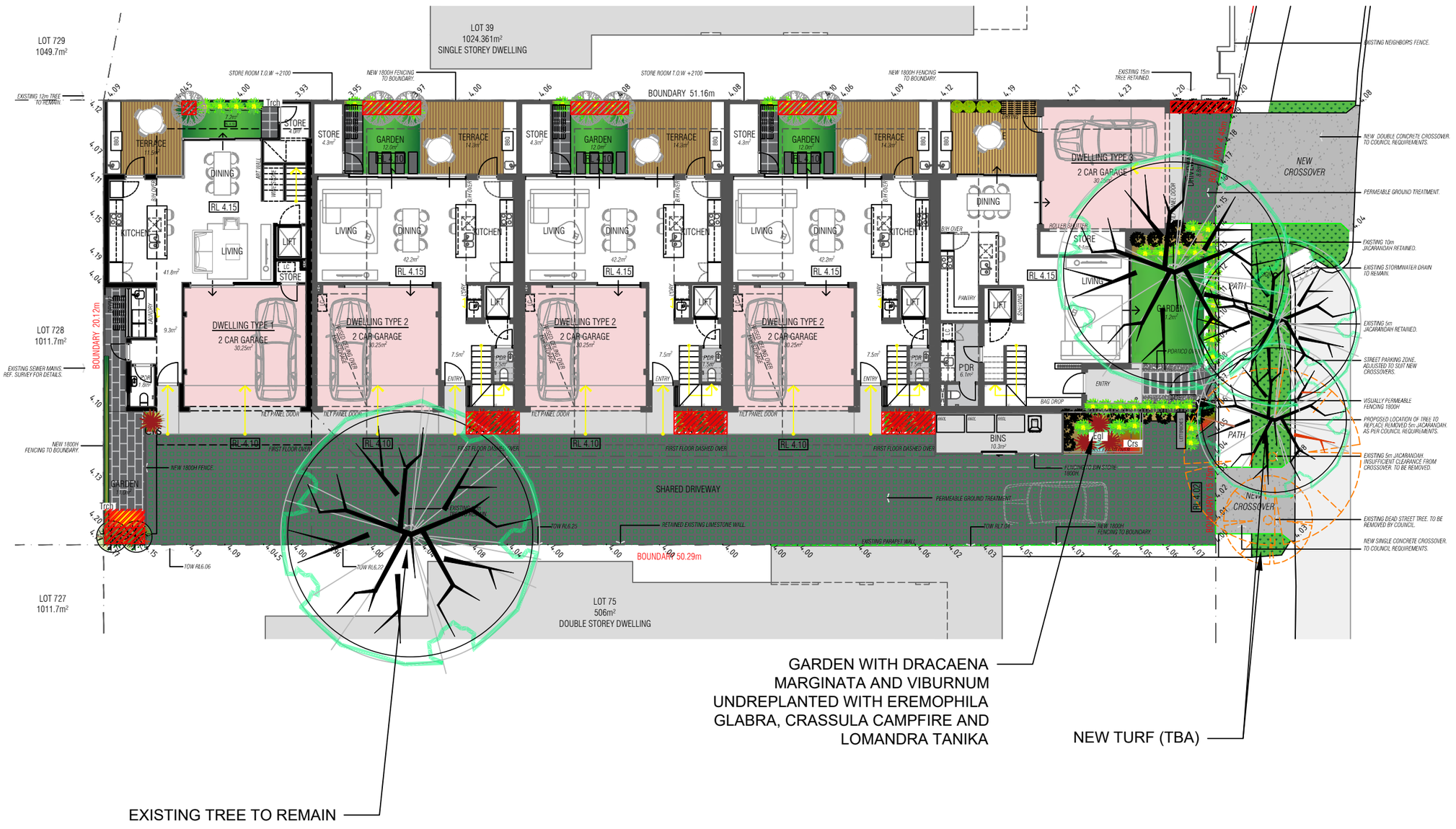

MAGNOLIA LITTLE GEM

NOTES

- 75mm depth organic mulch to all garden beds
- 100mm depth soil conditioner mixed 200mm into the existing soil site
- Drip irrigation to all garden beds

LEGEND

- Decking (TBA)
- Turf (TBA)
- Artificial turf
- Garden bed - Forrest Mulch
- Bluestones stepping stones
- Paving (TBA)
- Permeable paving to driveway with of turf or sagina subrata (TBA)
- Loose stone mulch (TBA)
- Areas of deep soil planting



deep green landscaping
23 colray avenue, osborne park
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julian@dgls.com.au
www.deepgreenlandscaping.com.au

PROJECT	DRAWING	ISSUE
THE AVENUE APPARTMENTS	LANDSCAPE PLAN	FOR APPROVAL

ADDRESS	DRAWING N0	SCALE	SHEET	REVISION	DRAWN	CHECKED	DATE
35 The Avenue NEDLANDS	1 OF 2	1:200	A2	3	JG	JR	02.04.2020

REVISIONS

No	DATE	DRAWN	DETAILS
0	21/02/20	JG	FOR APPROVAL
1	25/02/20	JG	FOR APPROVAL
2	28/02/20	JG	FOR APPROVAL
3	02/04/20	JG	FOR APPROVAL

Nicheliving®

PD34.20	No. 92 Smyth Road, Nedlands - 5 Two Storey Grouped Dwellings

Committee	14 July 2020
Council	28 July 2020
Applicant	Peter Fryer Design
Landowner	Allure Property Group WA
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under *section 5.70 Local Government Act 1995*	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20-44804
Previous Item	PD29.20 – 23 June 2020 - Local Planning Policy: Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the number of dwellings and an objection being received
Attachments	Nil
Confidential Attachments	1. Plans 2. Landscaping Plan 3. Waste Management Plan 4. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received on the 10 February 2020, for the proposed development of five two-storey grouped dwellings with a laneway located at No.92 Smyth Road, Nedlands.

The subject property is located within the area affected by the recently adopted Local Planning Policy: Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements. This has been created as a mechanism to enable the ceding of land and construction of a laneway, in order to avoid undesirable development of a multiple crossovers and vehicular dominated streetscapes. The applicant has proposed five grouped dwellings with a laneway which responds to this Policy.

The application was also advertised to adjoining land owners and occupiers in accordance with the City's Local Planning Policy – Consultation of Planning Proposals due to the need to consider the application against the design principles for site works, landscaping and visitor car parking bays. At the close of the advertising period 2 submissions had been received objecting to the development with respect to height, bulk and scale and visual privacy.

It is recommended that the application be approved by Council as it is considered to satisfy both the design principles of the Residential Design Codes (R-Codes) and is in line with Council's recently adopted Local Planning Policy which is considered to set a desirable precedent within the locality.

2.0 Recommendation to Committee

Council approves the development application received 10 February 2020 with amended plans dated 28 April 2020 and 15 June 2020 for five (5) two storey grouped dwellings at Lot 17 (No.92) Smyth Road, Nedlands, subject to the following conditions and advice notes:

1. **This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**

2. **Pursuant to clause 32.3 of the City's Local Planning Scheme No. 3, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded to the local government free of cost and constructed to the satisfaction of the local government, prior to the occupation of the development.**

3. **The laneway shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to the occupation of the development.**

4. **The laneway shall include the installation of lighting infrastructure at the cost of the owner, to the specification and satisfaction of the City.**

5. **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) are to be planted in the laneway to the satisfaction of the City and maintained by the owner for a minimum of 2 years from the commencement of occupation.. Where a tree dies within the two-year establishment period, the tree shall be replaced at the owner's cost.**

6. **Prior to the issue of a Building Permit, a revised Waste Management Plan for the development shall be submitted to and approved by the City. Waste Management for the development to comply with the approved Waste Management Plan to the satisfaction of the City.**

7. **Prior to the issue of a Building Permit, a revised Landscaping Plan for the development shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

8. **All stormwater generated from the development shall be contained on site.**

9. **All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

10. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;

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 of Nedlands.

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

11. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:

a) Face brick;
b) Painted render;
c) Painted brickwork; or
d) Other clean material as specified on the approved plans;

And maintained thereafter to the satisfaction of the City of Nedlands

12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing ventes and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.

13. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.

14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.

15. 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.

16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

a) The owner and the applicant is advised that in relation to Condition 2, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded free of cost pursuant to Section *152* of *the Planning and Development Act 2005*.

b) The owner and applicant is advised that in relation to Condition 6, a revised Waste Management Plan is required to address:

i. Waste management in the event that through-access is achieved between No.92 Smyth Road and No.33 Langham Street, Nedlands.

c) The owner and applicant is advised that in relation to Condition 7, a revised Landscaping Plan is required to:

i. Relocate plant type number 4 (Pyrus Calleryana Pear) to within the laneway, to the satisfaction of the City.

d) The owner and the applicant is advised that in relation to Condition 13 the Construction Management Plan is to address but is not limited to the following matters:

i. Construction operating hours;
ii. Contact details of essential site personnel;
iii. Noise control and vibration management;
iv. Dust, sand and sediment management;
v. Stormwater and sediment control;
vi. Traffic and access management;
vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;
viii. Dilapidation report of adjoining properties;
ix. Security fencing around construction sites;
x. Site deliveries;
xi. Waste management and materials re-use;
xii. Parking arrangements for contractors and subcontractors;
xiii. Consultation plan with nearby properties; and
xiv. Complaint procedure.

e) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.

f) 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.

g) Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

3.0 Background

3.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	908m^2
Additional Use	No
Special Use	No
Local Development Plan	No
Structure Plan	No
Land Use	Residential (Grouped Dwelling)
Use Class	Residential (Grouped Dwelling) – "P" use

3.2 Locality Plan

The subject lot is located at the corner of Smyth Road to the west and Gordon Street to the north, in the suburb of Nedlands. The subject property is located within a transitional density area (R60) which interfaces with lower coded (R12.5) residential properties located on the northern side of Gordon Street.

It is noted that No.92 & 94 Smyth Road and No.33 & 35 Langham Road is located within an area which has been identified to cede and construct a laneway in accordance with the Scheme provisions and recently adopted Local Planning Policy –

Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements.

4.0 Application Details

The City received a development application in February 2020 for four (4) Grouped Dwellings at No.92 Smyth Road, Nedlands comprising of individual crossovers to each dwelling via Gordon Street. Significant concerns were raised by Administration at lodgement as the application would pose an undesirable streetscape outcome on Gordon Street and at the time, not in line with the draft Policy.

Administration has been working with the applicant to amend their plans to address the adopted Local Planning Policy which has been created as a mechanism to enable the ceding of land and construction of a laneway, in order to avoid undesirable development of a number of crossovers. The proposal now been modified to include:

- Five (5) two storey terraced styled dwellings which have a northern orientation to Gordon Street;
- Vehicle access is consolidated and provided via Smyth Road which includes the ceding and construction of a laneway to the rear of the site;
- A new pedestrian pathway to the dwellings are proposed which delineate the entry to each dwelling, with an additional entry via the rear laneway; and
- Landscaping proposed within the front and rear setbacks

5.0 Consultation

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

- Landscaping;
- Visitor Parking; and
- Site Works & Retaining Walls.

Consequently, the development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 5 occupiers/landowners. At the close of the advertising period 2 submissions had been received.

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

Submission	Officer Response
Visual Privacy and overlooking **2 submissions**	**Not Supported** All windows from habitable rooms are appropriately designed to be setback from the lot boundaries in a manner compliant with the deemed-to-comply provisions of clause 5.4.1 of the R-Codes, without the need for permanent screening or high sill heights. As the visual privacy arrangements for the development meeting the deemed-to-comply provisions of the R-Codes, the application cannot be refused on visual privacy grounds.
The design of the development is considered basic and will reduce	**Not Supported**

the overall appearance of Smyth Road.	Contrasting renders and materials, multiple openings facing the street and varying roof heights add visual interest to the design which is complementary to the locality.
Minimal landscaping contributed by the number of dwellings and laneway	**Not Supported** On average, the development proposes in excess of 20% landscaping and is in line with the location and type of species recommended under the Smyth Road, Gordon Street and Langham Street Laneway and Built Form Policy requirements. This includes species within the primary street and the rear. In addition, the removal of 5 crossovers, with the implementation of a rear laneway is on balance considered a desirable precedent for the locality.
The number and type of units is not line with the single family dwelling character of Smyth Road.	**Not Supported** The built form is considered to be sympathetic to its surrounding development and consistent with an R60 coded area. It is noted that the 908m² site could accommodate up to 6 grouped dwellings or 8-10 multiple dwellings in accordance with the requirements for R60.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

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

6.2 Scheme Provisions

6.2.1 Current Local Planning Scheme Provisions

The trigger to cede and construct a laneway is clause 32.3 (1) of the City's Local Planning Scheme No.3 which requires -

'the owner of land affected by a right of way or laneway identified by the Scheme or, a 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

Each landowner is required to construct the portion of the laneway in accordance with clause 32.3(1)(b) that is ceded from the parent lot and is to be constructed and drained to the City's specifications, prior to the creation of new titles (as a result of subdivision) or the occupation of the new development (as a result of development approval).

As there is also an adopted local planning policy (Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements), this provides the City the ability under clause 32.3 (1) and (2) to require the ceding and construction of the right-of-way (laneway) at the applicant's expense and maintained by the City. As such, Conditions 2-4 is recommended to be included as a condition of planning approval to facilitate this process.

6.2.2 Proposed Scheme Amendment No.6

Council on 26 May 2020 initiated, for the purposes of advertising, a proposed standard scheme amendment, which aims to amend clause 32.3 by modifying clause (1) and adding a new clause (3).

The initiated Scheme Amendment No.6 is informed by legal advice and reinforces the City's desire to consolidate access where the land identified by the Scheme, structure plan, local development plan, activity centre plan or local planning policy is affected by and benefits from the provision of a right-of-way or laneway. The modified wording provides more clarity and consistency to the existing scheme provision. It seeks to strengthen the connection between the requirement for the ceding of land free of cost to create a laneway and the public benefit derived from the laneway in a fair and reasonable manner.

6.3 Policy Consideration

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

Design Principle	Officer Comment
1. Context and Character	The built form is considered to be sympathetic to its surrounding development and the expectation for an R60 coded area. The removal of 5 crossovers, with the implementation of a rear laneway is considered a desirable precedent for the locality.
2. Landscape Quality	This development guided by the adopted Policy encourages landscaping throughout the site both within the primary street setback area and the rear of the site. Particularly within the front setback area the type of vegetation proposed includes a number of mature feature trees (such as Capital Pear, Chinese Tallow and Crepe Myrtle) which is considered to be sympathetic and enhances the area. These are in line with the selection of species provided by the City.
3. Built Form and Scale	The proposed grouped dwellings built form is not considered to negatively impact the surrounding properties by way of overshadowing, under-provision of open space or being over height. As such, its built

	form and scale is considered acceptable in its context.
4. Functionality and Build Quality	The level of finish of the build proposes a mix of materials and provides a well detailed build and well-designed living spaces.
5. Sustainability	North facing outdoor living areas and design is supported as it maximises the northern aspect of the site.
6. Amenity	Based on the design elements, the landscaping quality, built form and scale provides for an improved built form to that of the existing dwelling which is in a poor condition. The design of the dwellings, with landscaping to soften the built form and consolidated access to the rear is considered to enhance the amenity of the locality and is not considered to negatively impact the public realm.
7. Legibility	The design provides for a clear and definable pedestrian path to the primary street boundary and the rear of the laneway. A combination of lifts and stairs have been provided to the site.
8. Safety	Major openings face the public realm and are designed to offer passive surveillance of the street and laneway.
9. Community	This development seeks to avoid the construction of up to 5 double crossovers to Gordon Street, in the absence of a ceded and constructed laneway. It is considered the design of this development is in line with the adopted Policy which therefore would implement a desirable built form outcome for the community as a whole.
10. Aesthetics	Contrasting renders and materials, multiple openings facing the street and varying roof heights add visual interest to the design which is complementary to the locality.

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

The applicant is seeking assessment under the Design Principles of the R-Codes for, Parking, Site Works and Landscaping as addressed in the below tables:

Parking (5.3.3)

Design Principles
P3.1 Adequate car parking is to be provided on-site in accordance with projected need related to: • the type, number, and size of dwellings; • the available of on-street and other off-street parking; and • the proximity of the proposed development to public transport and other facilities P3.2 Consideration may be given to a reduction in the minimum number of on-site car parking spaces for grouped and multiple dwellings provided: • available street parking in the vicinity is controlled by the local government; and • the decision maker is of the opinion that a sufficient equivalent number of on-street spaces are available near the development

Deemed-to-Comply Requirement
C3.2 – On-site visitor car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings served by a common access.
Proposed
The application seeks assessment under the design principles which are as follows: • No visitor bays have been provided
Administration Assessment
Administration consider that this provision meets the Design Principles as - • The closest parking embayment's to the site is approximately 150m south. Whilst there are no embayment car parking bays directly in front of the property or parking permitted along Gordon Street or Smyth Road, the subject site is located within 250m from a high frequency bus route directly south of the subject site; • No objections have been received by residents within the locality or the City's Technical Services Department; • The original plans provided by the applicant for 4 grouped dwellings with individual crossovers, which would have not required a visitor car parking bay. As a result of the ceding of the land, all access is via the rear with the inability to provide a usual tandem bay arrangement on a crossover; • At the time of subdivision, these lots will ultimately become green title lots and therefore, under this provision do not need an additional visitor car parking bay. As such, the Design Principles are considered to be satisfactorily met.

Site Works (5.3.7) & Retaining Walls (5.3.8)

Design Principles
The application seeks assessment under the design principles which are as follows: **Site Works** P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street. **Retaining Walls** P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered, and landscaped having regard to clauses 5.3.7 Deemed
Deemed-to-Comply Requirement
Site Works C7.1 - Excavation and filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling. **Retaining Walls** C8 – Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1 at 2m from the primary street boundary.
Proposed
The application seeks assessment under the design principles which are as follows: • Fill and retaining within the primary street boundary of proposed Units B-E which range from a height between 0.55m – 0.88m

Administration Assessment
Administration consider that the proposed site works meets the Design Principles as: • The retaining walls and fill have been designed to appropriately respond to the natural topography when viewed from the street and to facilitate the rear laneway. The land slopes approximately 2m from the west (27AHD) to the east (25AHD) and each dwelling proposes a 'stepped' retaining level to reduce fill/retaining. • The retaining walls and fill have been designed to provide for additional mature landscaping treatments which is considered to benefit both internal residents and the public realm and maintain the existing character. Accordingly, the fill and retaining is considered minor in its context and appropriately responds to the site's typography. As such, the Design Principles are considered to be satisfactorily met.

Landscaping

Policy Objective
R-Codes P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that: • contribute to the appearance and amenity of the development for the residents; • contribute to the streetscape; • enhances security and safety for residents; • provide for microclimate; and • retain existing trees to maintain a local sense of place. **Policy Objective** • 3.1 - to enhance the amenity and aesthetics of areas within the City; • 3.2 - to provide for residential development that is consistent with established or desired streetscapes; • 3.3 - to reduce the dominance (scale, mass, and bulk) of buildings as viewed from the street; • 3.4 - to provide for building heights which are consistent with the character of the area and the topography of the site; and • 3.5 - to prevent inappropriate buildings within rear setback areas in order to protect the amenity of surrounding properties and maintain the spacious green character of the City's Policy.
Policy Requirement
4.8.1 Clause 5.3.2 of the R-Codes is modified to include the following additional deemed-to comply requirement: • C3 - Single and grouped dwelling developments require a minimum of 20% of the site area as landscaping, measured in accordance with clause 7.2 of this policy.
Proposed
• Unit B proposes 15.4% landscaping • Unit C proposes 15.3% landscaping • Unit D proposes 15.1% landscaping It is noted that Unit A proposes 27% landscaping and Unit E proposes 30% landscaping and therefore is has not been listed.

Administration Assessment
The Residential Development Policy represents a Council adopted policy position. This clause does not apply as a deemed-to-comply provision under the Residential Design Codes (Volume 1) until the Western Australian Planning Commission (WAPC) have granted approval. The City is giving due regard to this requirement but at present contains limited weighting due to the lack of WAPC approval. It is noted that the intent of this provision, included as an amendment to Administration's recommendation to Council is to ensure that the 'leafy green' neighbourhood is maintained as this represents a sense of place to residents within the locality. Collectively on average there is 20.5% landscaping provided across the site which excludes the landscaping area south of the laneway. Whilst the physical area has not been provided in Units B-D individually, representative of a percentage, it is Administration's view that the siting, selection and design of plant species still maintains the objective and intent of this provision. Particularly within the front setback area the type of vegetation proposes a number of mature feature trees (such as Capital Pear, Chinese Tallow and Crepe Myrtle) and low hedging to ensure that passive surveillance is still maintained in order to enhance the security and safety for residents. The types of trees proposed require limited maintenance which satisfies providing for a microclimate and are consistent with the locations and treatments identified within the recently adopted Local Planning Policy – Smyth Road, Gordon Street, Langham Street Laneway and Built Form Requirements. Due to the design, there is the inability to retain existing trees on site. Notwithstanding, it is pertinent to note that there no local law which prohibits the removal of these trees within the subject site. The applicant has provided additional landscaping that is mostly reflective or complementary of the local character to maintain a local sense of place which is supported. Furthermore, the landscaping provision applied under this Residential Policy is an additional provision to the deemed-to-comply and has not yet been approved by the WAPC and is therefore not certain nor imminent having limited weight in decision making. On balance, Administration considers that the landscaping proposed satisfies the objectives of this Policy which this provision has been given due regard and considered on the merits of this application.

6.3.3 Local Planning Policy - Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements

This Policy details the requirements for the proposed laneway between Smyth Road and Langham Street which was recently adopted by Council on the 23 June 2020. This Policy sets out the land identified to be ceded for the creation of a laneway and the requirements for the ceding and subsequent construction. This will mean that although its primary purpose is providing vehicle access to dwellings, the laneway will avoid potential multiple crossovers to Gordon Street, as well as maintaining the character of Nedlands' traditional streetscape, being pedestrian friendly, green, landscaped and a tree lined.

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 in order to create a 7m wide laneway in the ultimate scenario. City's specifications including being sealed, drained, and provided with lighting and landscaping. The ceded land will then become a public road to be maintained by the City of Nedlands which will be created and constructed to the City's specifications which is determined through detailed design stage.

In line with the Policy, the applicant has proposed a 4m wide ceded portion of the laneway which includes a 0.5m landscape strip to the southern portion of the site in the event that the ultimate scenario never eventuates. However, it is noted that the specific location and types of landscaping species proposed will be reviewed at the detailed design stage to ensure there are no conflicts with essential services or the manoeuvrability of vehicles.

It is noted that as the ceding of the laneway would become a public road under the *Land Administration Act 1997*, a 6x6m temporary turnaround to the rear eastern portion of the laneway would usually be required. However, Council can use discretion to deviate from the accepted road design standards. Administration recommend deviating on the basis that the laneway will be limited to serving 5 dwellings in the immediate term. Further, the proposed access arrangements will allow for vehicles to enter and exit in forward gear in a manner consistent with the R-Codes.

6.3.4 Local Planning Policy – Waste Management

A revised Waste Management Plan has been prepared by the applicant dated 15 June 2020 which proposes 2 bins for each dwelling. As such, a total of 10 x 240L bins comprising of 5 waste and 5 recycling bins are proposed and would be collected from Smyth Road and Gordon Street.

Section 3.1.5 of the Waste Management Guidelines recommends a maximum of 4 x 240L waste bins and 4 x 240L recycle bins to be placed on the verge for kerbside collection. Where more than 8 bins are provided, the Guidelines recommend internal service arrangements. Although the proposal includes an additional 2 bins, it is considered on the merits of this application to be considered acceptable. This is because there are two street frontages to the site, which on aggregate provides in excess of 50m in frontage thereby proportionally distributing the placement of bins. Furthermore, in the ultimate scenario, if No.33 Langham were to develop, bins would be likely be placed and collected via the rear laneway when the entire length of lane eventuates.

On balance, it is considered consistent with the intent of the Policy and has been supported by Technical Services. It is further noted that there is sufficient capacity on the verge to accommodate the maximum number of bins and on alternative weeks, there will be 4 bins on Smyth Road and 1 bin on Gordon Street.

7.0 Conclusion

This application proposes five two-storey grouped dwellings with a rear laneway located at No.92 Smyth Road, Nedlands. The site is coded R60 and is located within an area identified to cede and construct a laneway in accordance with the Scheme and recently adopted Policy provisions.

This application has been referred to Council for a decision by virtue of the number of grouped dwellings proposed (being five or greater) and two (2) objections having been received.

The application was also advertised to adjoining neighbours in accordance with the City's Local Planning Policy – Consultation of Planning Proposals due to site works, landscaping, and visitor car parking bays. At the close of the advertising period 2

submissions had been received objecting to the development with respect to height, bulk and scale and visual privacy.

It is recommended that the application be approved by Council as it is considered to satisfy both the design principles of the Residential Design Codes (R-Codes) and is in line with Council's recently adopted Local Planning Policy, which is considered to set a desirable precedent within the locality.

PD35.20	Local Planning Scheme 3 – Local Planning Policy: Removal of Occupancy Restrictions

Committee	14 July 2020
Council	28 July 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	OCM 24 March 2020 – PD07.20
Attachments	1. Draft Removal of Occupancy Restrictions LPP 2. Draft Planning Information Sheet – Removal of Notifications on Title – Over 55's Accommodation/Ancillary Dwelling

1.0 Executive Summary

The purpose of this report is for Council to adopt the Removal of Occupancy Restrictions Local Planning Policy, post advertising. It is proposed that the policy be adopted without modification. A copy of the draft Removal of Occupancy Restrictions Local Planning Policy is included as Attachment 1.

The purpose of this policy is to provide guidance and provisions for operators seeking to remove occupancy restrictions on residential properties.

Once Council adopts this Local Planning Policy (LPP) it must be taken into consideration by the decision maker in determining a Development Application. The information sheet, as per Attachment 2, is also provided as guidance for both the City and the applicant when considering the removals of caveats and other occupancy restrictions that the City is a party to.

The Removal of Occupancy Restrictions Local Planning Policy adopted as part of this report will have effect once the notification of adoption is published in a local newspaper.

2.0 Recommendation to Committee

Council proceeds to adopt the Removal of Occupancy Restrictions Local Planning Policy, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i).

3.0 Background

Under Town Planning Scheme No. 2 (TPS2), a number of single residential properties were granted additional land use rights to build two Aged and Dependent Persons Dwellings in place of a single house on a single lot (colloquially known as over 55's accommodation). A condition of the Development Approval for these sites

required a notification to be placed on the Certificate of Title for the property, restricting occupation of the dwelling to those aged 55 years and over.

As a result of the gazettal of LPS 3 in April 2019, the additional land use rights allocated for Aged and Dependent Persons Dwellings (Over 55's accommodation) are no longer in effect. However, the individual restrictions on occupation of the dwelling are still in effect and will be until the process to remove them from the property's Certificate of Title has been completed.

The R-Codes defines an Aged Person as 'a person who is aged 55 years or over', and Dependent Person as 'a person with a recognised form of disability requiring special accommodation for independent living or special care'. The R-Codes and LPS3 do not provide a definition for Aged and Dependent Persons Dwellings (over 55's accommodation). However, for the purposes of this LPP it is considered to be accommodation for those persons aged 55 years and over in accordance with the definition of the R-Codes, and these dwellings are bound by the deemed to comply requirements and design principles of clause 5.2.5 Aged or dependent persons dwellings of the R-Codes Volume 1.

Additionally, under TPS2 several single residential properties were granted Development Approval to build an Ancillary Dwelling on the site, with occupation of the Ancillary Dwelling restricted to members of the property owner's family via a condition of Development Approval.

Ancillary Dwellings are defined in State Planning Policy 7.3 – Residential Design Codes Volume 1 as,

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

In response to LPS3, Administration has resolved to prepare a Local Planning Policy and associated planning information sheet to outline the requirements for amending and/or removing conditions from a Development Approval, and for removing notifications from Certificates of Title.

At the Council Meeting of 24 March 2020, Council resolved to prepare and advertise the draft Occupancy Restrictions Local Planning Policy for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

4.0 Detail

This policy applies to all occupancy restriction removals related to Aged and Dependent Persons Dwellings (over 55's accommodation) and Ancillary Dwellings within the City of Nedlands.

The purpose of this policy is to provide guidance and development provisions for owners seeking to remove occupancy restrictions from their Certificate of Title and remove or amend conditions of development approval in relation to these restrictions. This policy is also intended to provide guidance to assist officers in assessing applications for the removal and amendment of conditions of development approval in line with Council's position.

The draft LPP is accompanied by an attachment, the Planning Information Sheet – Removal of Notifications on Title – Over 55's Accommodation/Ancillary Dwelling. This information sheet provides guidance for property owners on the steps they will be required to undertake to remove notifications from their Certificates of Title. It is noted that these processes are under the jurisdiction of the state agency Landgate, and the City is not permitted to undertake these processes on behalf of the property owner.

5.0 Consultation

This policy was advertised from the 25 April 2020 until the 16 May 2020 in accordance with the City's Consultation Local Planning Policy and the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4. A notice was published in the newspaper, and details were included on the City's Your Voice engagement portal and the City's social media accounts.

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 without modification as proposed in Attachment 1.

As per Residential Design Codes Volume 1 2019 Clause 7.3.2, this policy may be adopted by the Council without further consent from the WAPC, as it proposes no variations to the built form requirements of the Residential Design Codes.

6.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

Administration recommends that Council resolves to proceed with the Occupancy Restrictions Local Planning Policy without modifications, having been advertised from the 25 April 2020 until the 16 May 2020.

7.0 Strategic Implications

How well does it fit with our strategic direction?

The City's Local Planning Strategy establishes urban growth areas and transition areas within the City, which have been reflected in rezoning and up-coding through LPS 3. This Local Planning Policy will allow properties burdened by over 55's occupancy restrictions to realise their full potential through their zoning and density codes.

Who benefits?
The City and its residents will benefit from this Local Planning Policy. The removal of caveats will decrease the involvement of the City in properties where they are no longer required to limit occupancy. The Policy will allow residents to remove occupancy restrictions from their site, and their properties will no longer be limited to occupancy by those 55 and over.

Does it involve a tolerable risk?
The removal of over 55's caveats is not considered to pose a strategic planning risk to the City.

Do we have the information we need?
Yes.

8.0 Budget/Financial Implications

Can we afford it?
The costs associated with this Local Planning Policy are only in relation to advertising.

How does the option impact upon rates?
As above.

9.0 Conclusion

The Removal of Occupancy Restrictions Local Planning Policy is the best mechanism to guide decision making and advise the community of the Council's position in relation to the removal of occupancy restrictions on current Aged and Dependent Persons Dwelling (over 55's accommodation) and Ancillary Dwellings.

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

LOCAL PLANNING POLICY – REMOVAL OF OCCUPANCY RESTRICTIONS

1.0 PURPOSE

1.1 The purpose of this policy is to provide guidance and provisions relating to the removal of occupancy restrictions on residential properties and ancillary dwellings.

2.0 APPLICATION OF POLICY

2.1 This policy applies to all applications for the removal of occupancy restrictions related to residential dwellings including ancillary dwellings within all zones in the City of Nedlands.

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

3.0 OBJECTIVES

3.1 To ensure the removal of occupancy restrictions results in residential development that is compatible with the surrounding area.

3.2 To maintain a high standard of amenity for the surrounding neighbourhood through statutory planning controls.

3.3 To establish a clear framework for the assessment and determination of the removal of occupancy restrictions on residential lots.

4.0 POLICY MEASURES

Occupancy Restrictions – Aged and Dependant Persons Dwellings (Over 55's Dwellings)

4.1 All properties restricted to Aged and Dependant Persons (over 55's) Dwellings through the provision of an Additional Use and associated Development Approval issued under Town Planning Scheme No 2 (TPS2) shall no longer be required to maintain this occupancy restriction under Local Planning Scheme No 3 (LPS3).

4.2 The properties shall remain burdened by the occupancy restriction mechanism imposed over the site via a condition of development approval or notification on the Certificate of Title until the owner of the subject property completes the process for removal of the occupancy restriction mechanism.

4.3 In accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations, the owner of the affected property shall submit a Development Application to the City of Nedlands to request the amendment or removal of the condition of Development Approval related to the occupancy restriction of the Aged and Dependent Persons Dwelling (over 55's).

4.4 As per the Register of Delegations, if the original decision resulting in Development Approval for the Aged and Dependent Persons Dwelling(s) (over 55's) was made by Council, the application to remove a condition/s of approval shall also be required to be determined by Council.

4.5 Where the City approves the removal of the occupancy restriction from an Aged and Dependant Persons Dwelling (over 55's), it is the responsibility of the landowner to have the notification on their Certificate of Title removed. The property shall continue to be burdened by the occupancy restriction until the process for the removal of the notification on the Certificate of Title has been completed.

Occupancy Restrictions - Ancillary Dwellings

4.6 All ancillary dwellings that were previously restricted to occupancy by family members through a condition of a Development Approval shall be eligible to apply for the amendment or removal of this occupancy restriction under LPS3. Restrictions relating to occupancy by a family member were removed from the Residential Design Codes in 2013 and SPP 7.3 – Residential Design Codes Volume 1 was adopted into Local Planning Scheme No.3 in April 2019.

4.7 In accordance with Clause 77 of the Planning and Development (Local Planning Schemes) Regulations, the owner of the affected property shall be required to submit a Development Application to the City of Nedlands to request the amendment or removal of the condition of Development Approval related to the occupancy restriction of the ancillary dwelling.

4.8 As per the Register of Delegations at the City of Nedlands, if the original decision resulting in Development Approval of the ancillary dwelling was made at a Council meeting for the original development / use, then the removal of the subject condition/s of approval shall also require a decision of Council.

Notes: *For guidance on the process of removing notification on a Certificate of Title in relation to occupancy restrictions, refer to the Procedure for removing notifications on title – over 55's.*

5.0 CAR PARKING

5.1 Car parking is to be in accordance with the requirements of the Parking Local Planning Policy and the Residential Design Codes where these provisions are not augmented by the Parking Local Planning Policy.

6.0 CONSULTATION

6.1 Consultation with affected landowners will be undertaken in accordance with the City's Consultation of Planning Proposals Local Planning Policy.

7.0 OTHER CONSIDERATIONS – HEALTH AND BUILDING APPROVAL

7.1 The applicant is advised to consult with the City's Building Services & Environmental Health Services to determine if a Building or Health approval is required.

8.0 VARIATIONS TO POLICY

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

9.0 RELATED LEGISLATION

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

9.2 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

10.0 DEFINITIONS

10.1 For this policy the following definitions apply:

Definition	Meaning
Additional Use	A class of use for specified land that are additional to the classes of use permissible in the zone in which the land is located.
Aged Person	A person who is aged 55 years or over.
Ancillary Dwelling	Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.
Dependent Person	A person with a recognised form of disability requiring special accommodation for independent living or special care.
Caveat	A caveat is a form of registration which is noted on a property's Certificate of Title for the purpose of providing notification of an interest in that property.
Over 55's Dwellings	Residential dwellings where only persons 55 years of age or over are permitted to reside, as per the specifications of clause 5.5.2 of the Residential Design Codes Volume 1. Occupancy restrictions on the Certificate of Title or Strata Plan are often used as mechanisms to enforce this occupancy restriction.
Restrictive Covenant	A restrictive covenant is an agreement between two parties that restricts the use or enjoyment of land owned by one of those parties, for the benefit of another party. A restrictive covenant is noted on a Certificate of Title for the land.
Section 70A	A Section 70A is a section of the Transfer of Land Act 1893 that allows notifications to be placed on a property's Certificate of Title. The notifications advise of potential circumstances that might impact the enjoyment of that property.
Strata Titles Act	The governing legislation for the operation of strata titles within Western Australia.

Council Resolution Number	PDXX.XX
Adoption Date	
Date Reviewed/Modified	

REMOVAL OF NOTIFICATIONS ON TITLE (OVER 55's ACCOMMODATION / ANCILLARY DWELLINGS)

Development Approval and Additional Use under TPS2

Under Town Planning Scheme No. 2 (TPS2), a number of single residential properties were granted additional land use rights to build two Aged and Dependent Persons Dwellings in place of a single house on a single lot. These dwellings are colloquially known as over 55's accommodation, and are restricted to occupation by people aged 55 years and over. These dwellings are classified as Aged and Dependent Persons Dwellings in accordance with clause 5.5.2 of State Planning Policy 7.3 R Codes Volume 1, and through a condition of development approval and/or a notification on the Certificate of Title.

Under TPS2, a number of single residential properties were granted Development Approval to build an ancillary dwelling on the site, with occupation of this dwelling restricted to members of the property owners family via a condition of Development Approval and/or a notification on the Certificate of Title.

Different forms of restrictions

There are several different ways in which a restriction may have been placed on a property's Certificate of Title to ensure the dwellings were occupied as per the requirements of their development approval. The most common mechanisms are:

- Section 70A notification on the certificate of title;
- Restrictive covenant on the certificate of title; and
- Restriction on the strata plan under the Strata Titles Act.

What will happen to these occupancy restrictions under Local Planning Scheme No. 3?

Under Local Planning Scheme No. 3 (LPS3), the additional uses on these properties are no longer in effect.

However, the properties will still have restrictions on occupancy under the mechanism, which was originally chosen as per the original development approval granted.

Not all properties with the additional use provisions under TPS2 have been upcoded under LPS3, however Council has resolved to remove the occupancy restrictions on all Aged and Dependent Persons (over 55's dwellings) and ancillary accommodation.

How do I remove the restrictions from my property?

Generally, there will be three restrictions in place to manage occupancy for Aged and Dependent Persons accommodation:

a) TPS 2 Additional Use;
b) Planning Approval issued by the City will be for a specific land use (i.e. Aged and Dependent Persons dwellings) and will contain specific conditions related to the approval that relates to the land; and
c) Notification placed on the title and/or strata plan.

Ancillary Dwellings will generally have two restrictions in place to manage occupancy:

a) Planning Approval issued by the City will be for a specific land use (i.e. Ancillary Dwelling) and will contain specific conditions related to the approval that relates to the land; and
b) Notification placed on the title and/or strata plan.

The TPS 2 Additional Use

With the gazettal of LPS 3, the TPS 2 Additional Use was automatically removed and the standard zone and land use permissibility in LPS 3 will apply.

The Development Approval

As per Clause 77 of the Planning and Development (Local Planning Schemes) Regulations, a new development approval will need to be applied for and granted to remove or amend any conditions restricting the dwellings use.

Aged and Dependent Persons (Over 55's) accommodation owners will need to apply for a Change of Use and receive Development Approval for the dwelling/s to be 'Residential land use' without age restriction conditions. It is important to note that in order to receive development approval, the dwellings will need to comply with all of the built form requirements for a single house, grouped dwelling or multiple dwelling as per the State Planning Policy 7.3 – Residential Design Codes Volume 1 or Volume 2, dependant on the type of dwelling.

Ancillary Dwellings owners will need to apply for an amendment to their conditions of approval, removing the condition requiring the occupants of the ancillary dwelling to be family members of the landowners.

1) Notification on Certificate of Title

The Notification will need to be removed from the Certificate of Title.

This process will require landowners to liaise with the City and Landgate in order to remove the notification from the title.

The process to be followed is dependant upon the type of notification on the Certificate of Title:

Section 70A Notification

a) The owner is to print, complete and sign Landgate *Form N2: Removal or Modification of Notification under Section 70A*.
b) The completed form is to be sent or delivered to the City of Nedlands for the CEO's signature and for completion of the Local Government/Public Authority Attestation. Please allow at least 5 business days for this section to be completed.
c) The owner then collects the completed *Form N2: Removal or Modification of Notification under Section 70A* from the City of Nedlands and posts or delivers the Form to Landgate. Landgate will then liaise with the owner as required to complete the removal of the Section 70A from the Certificate of Title.

Caveat

a) The owner is to print, complete and sign Landgate *Form W1: Withdrawal of Caveat.*
b) The completed form is to be sent or delivered to the City of Nedlands for the CEO's signature and for completion of the Local Government/Public Authority Attestation. Please allow at least 5 business days for this section to be completed.
c) The owner then collects the completed *Form WI: Withdrawal of Caveat* from the City of Nedlands and posts or delivers the Form to Landgate. Landgate will then liaise with the owner as required to complete the removal of the caveat from the Certificate of Title.

Restriction on the strata plan under the Strata Titles Act

a) The removal of a restriction on a strata plan requires a resolution without dissent (or a unanimous resolution in the case of a two-lot scheme) from the Strata Company and it will take effect from the date of registration of the resolution at Landgate.

   Registration is achieved through the following process:

   The owner must print and complete a Landgate *Application Form* that is accompanied by:

   - a certificate from the Strata Company in the manner of Form 19 from the Strata Titles General Regulations (with a sketch attached, if necessary, to define the portion of the parcel affected by the addition or variation of a restriction as to use);
   - the written consent of the Local Government to the resolution (not required for survey-strata plans);
   - the written consent of the Western Australian Planning Commission to the resolution.

Need guidance on how to complete and lodge Landgate forms?
Landgate is the government body responsible for removing notifications from Certificates of Title and Strata Plans. All forms can be downloaded from their website, www.landgate.wa.gov.au and all fees must be paid directly to Landgate.

For further information, please contact Landgate:

T: (08) 9273 7373
E: customerservice@landgate.wa.gov.au
Or visit their office at 1 Midland Square, Midland

Please note that the property owner must lodge the original copy of Landgate documents, signed by themselves and the Local Government, at Landgate. The Local Government is not permitted to do this on behalf of the property owner.

All forms can be lodged in person at 1 Midland Square, Midland, or via post to:

P.O Box 2222
MIDLAND WA 6936

PD36.20	Built Form Modelling, Broadway, Waratah Village and Nedlands Town Centre

Committee	14 July 2020
Council	28 July 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	SCM 30 January 2020 - Item 6 OCM 26 May 2020 - PD18.20 – Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone
Attachments	Nil

1.0 Executive Summary

This report is presented to Council to provide an update on the built form modelling work currently being undertaken to inform precinct planning for the Nedlands Town Centre, Broadway and Waratah Village precincts.

2.0 Recommendation to Committee

Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and be presented back to Council as soon as possible

3.0 Background

Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone (Interim Broadway LPP) was presented to the 26 May 2020 Ordinary Council Meeting for adoption following advertising. In addition to adopting the Interim Broadway LPP, Council also resolved as follows:

b. present to Council for adoption at the July Council Meeting, a report on Deliverables 1 and 2, as part of the work Hassell Consultants are undertaking for the Broadway Precinct, to assist decision-makers in assessing Development Applications in the Precinct.

The purpose of this report is to update Council on the progress of the work which Hassell is currently undertaking.

4.0 Discussion

The City has engaged Hassell to undertake built form modelling for the Broadway Activity and Transition Areas. This work is comprised of the following deliverables:

1. **Local character and distinctiveness study**
   - Includes a block-by-block, on-the-ground survey of the existing built form within the precinct.
   - Reviews the characteristics of the existing built form that informs the character of place.

2. **Context analysis**
   - Identifies the key physical, community and governance considerations relevant to the precinct.
   - Reviews the existing location and quality of the public realm within the precinct.

3. **Built form modelling**
   - Assess the most appropriate massing, typology and building height for each street block within the precinct.
   - Built form controls based on modelling.
   - A suite of diagrams and text to illustrate the most appropriate building envelope for each street block, which can be used to inform community engagement (community engagement itself is not included in this deliverable).

The built form modelling will test three different development intensity scenarios for each precinct: low, medium and high. The details of the three scenarios are unique to each precinct, based on the existing zoning under LPS 3, and existing policy work undertaken. By basing modelling around these scenarios, the consultants will be able to test different forms of development in each precinct and derive the most appropriate building envelope for each street block.

This work is intended to inform the development of local planning policies for each precinct as detailed 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 advertised March - April 2020; and Detailed context analysis and built form modelling currently being undertaken to inform revision of the draft local planning policy.
Broadway Activity and Transition Areas	Interim Broadway LPP adopted by Council for advertising January 2020 (Mixed Use-zoned portion only); Interim Draft LPP advertised February – March 2020; Interim Broadway LPP adopted by Council May 2020; Detailed context analysis and built form modelling currently being undertaken to inform revision of the Interim Broadway LPP; and Community engagement still required to inform preparation of revised Interim Broadway LPP.

Waratah Village Activity and Transition Area	Community engagement undertaken November 2019; and Detailed context analysis and built form modelling currently being undertaken to inform preparation of the draft local planning policy.

The built form modelling body of work was intended to be complete by June 2020 but has experienced delays due to the COVID-19 pandemic and contractual issues, which have now been resolved. The intended completion date for this work is now August 2020. Draft local planning policies (Precinct Plans) for each precinct are tentatively scheduled to be presented to Council for adoption to advertise at the September, October, and November Council Meetings.

Further to the above, Deliverables 1 and 2 (local character and distinctiveness study and context analysis) are still in draft form at the time of writing this report. Consequently, these are not ready to be adopted by Council as resolved at the 26 May 2020 Council Meeting. Therefore, Administration recommends that Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that this work informs the development of the Draft Precinct Local Plans and that they be brought to Council as soon as possible.

5.0 Consultation

Each precinct has its own community engagement strategy, as noted in the Discussion section above and the community will continue to be consulted as the Precinct Plans are developed into a logical draft.

6.0 Strategic Implications

How well does it fit with our strategic direction?
The built form modelling work, once complete, will inform the development of local planning policies for areas which have been rezoned and up coded under Local Planning Scheme No. 3.

Who benefits?
The community within and surrounding the precinct areas will benefit once the local planning policies are in place.

Does it involve a tolerable risk?
The built form modelling work is considered to reduce the risk of developing policies which are not based on sound town planning principles.

Do we have the information we need?
As identified in the comment section above, Deliverables 1 and 2 of the built form modelling body of work are not yet ready to be adopted by Council.

7.0 Budget/Financial Implications

Can we afford it?
Funding for the built form modelling work has already been approved.

How does the option impact upon rates?
There will be no impact on rates as the work is covered by the approved budget.

8.0 Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Following completion of the built form modelling body of work, the resultant local planning policies for each precinct will be prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

9.0 Conclusion

This report is presented to provide Council with an update on the built form modelling work currently being undertaken to inform precinct planning for the Nedlands Town Centre, Broadway, and Waratah Village precincts. Noting some delays with this work, there are no components ready to be adopted by Council. As such, Administration recommends that Council resolve to instruct the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway, and Waratah Village precincts.