



City of Nedlands

Planning and Development Reports

Committee Consideration – 14 September 2021

Council Resolution – 28 September 2021

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PD28.21	Consideration of Development Application for a Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at 29 Carrington Street, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	Hatch Roberts Day
Landowner	Hamlet Properties Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
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	DA21-62959
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	<ol style="list-style-type: none"> 1. Applicant Cover Letter 2. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Development Plans 2. Business Management Plan 3. Submissions

1.0 Executive Summary

The purpose of this report is for Council to determine a Development Application received on 13 April 2021 for a change of use from an ‘Animal Establishment’ to ‘Industry-Light’ at No. 29 Carrington Street, Nedlands.

The overall intent of the application is to utilise the premises for additional space to support the existing operations of ‘Bread in Common Bakery’ (Common Bakery) for the manufacturing and distribution of bread and pastries directly to restaurants.

The proposed ‘Industry-Light’ use is classified as an ‘A’ use by the City of Nedlands Local Planning Scheme No.3 and was advertised to the owners and occupants of premises within a 100m radius of the site in accordance with the City’s Local Planning Policy – Consultation of Planning Proposals. A total of six (6) submissions were received with four (4) of these being objections, one (1) support with modifications

and one support. Consequently, the application has been referred to Council for determination.

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.

Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 13 April 2021 in accordance with the plans date stamped 23 April 2021 (DA21-62959) for the Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at Lot 387 (No. 29) Carrington Street, Nedlands, subject to the following conditions:

- 1. This approval is for a ‘Industry-Light’ 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 of Nedlands.**
- 2. A maximum of 10 staff (inclusive) shall be permitted on the premises at any one time.**
- 3. Prior to the issue of a Building Permit, the Waste Management Plan dated 28 June 2021, is to be updated in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines to include:**
 - a. Detailing of waste generation for the bakery premises; and**
 - b. Inclusion of the SUEZ agreement and waste truck specifications.**

The updated Waste Management Plan is to be implemented prior to occupation and maintained at all times, to the satisfaction of the City of Nedlands.

- 4. The bin enclosure location and construction is to comply with the City’s Health Local Laws 2017 and maintained at all times, to the satisfaction of the City of Nedlands.**
- 5. The premises is required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, to the satisfaction of the City of Nedlands.**
- 6. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 to the satisfaction of the City of Nedlands.**
- 7. Service and/or delivery vehicles must not service the premises before 7.00am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless prior approval from the City of Nedlands is granted.**

8. All staff parking bays and deliveries (drop off and pick up) will be serviced from the rear of the site from Government Road at all times, to the satisfaction of the City of Nedlands.
9. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Service Commercial
R-Code	N/A
Land area	696m ²
Land Use	Existing – Animal Establishment Proposed – Industry Light
Use Class	Proposed – ‘A’ use

2.2 Locality Plan

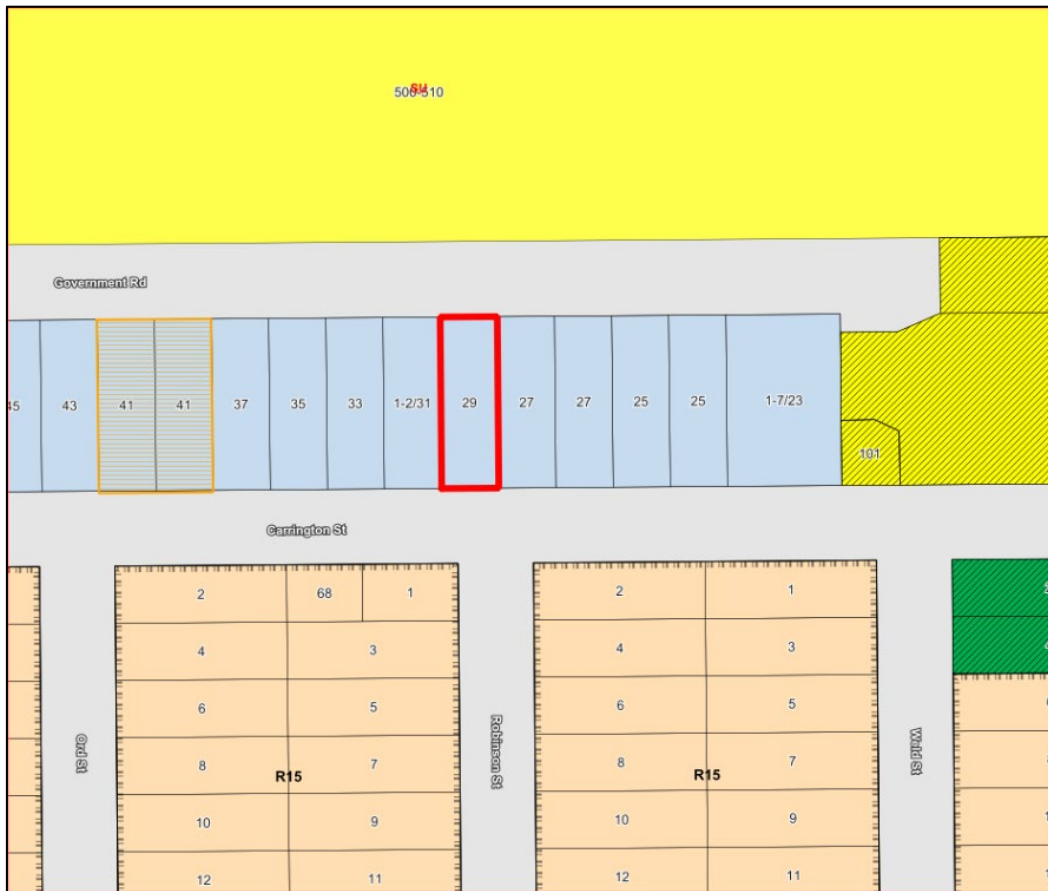
The subject site is located at No. 29 Carrington Street, Nedlands (the site). The site has primary frontage to Carrington Street and secondary frontage to Government Road.

The site is currently used as a “doggy day care” facility called the Canine Lounge. The site was approved as an ‘Animal Establishment’ by Council at the 6 September 2018 Council Meeting.

Currently Common Bakery operates at No. 27 Carrington Street, Nedlands as a Bakery with an incidental shop tenancy. The bakery includes the manufacturing and distribution of bread and pastries to a range of cafés and restaurants. The bakery has been in operation since 2016 since its approval by the City on 27 July 2016.



Within the street block there is a number of business ranging from Lunch Bars (Ginos Orange Lunch Bar) to commercial business, the land to the north is Karrakatta Cemetery and within 100m to the east is the City's Depot facility.



3.0 Application Details

Details of the proposal is as follows:

- The site will be used to predominately for mixing dough, bread storage and pastry moulding.
- A portion of the site will be used for food production which includes the preparation of pickles and preserves.
- No wood fire ovens or baking ovens are proposed at the site and will remain in the existing Common Bakery site at 27 Carrington Street.
- Internal modifications to the existing building include a new Universal Access Toilet, staff change rooms, breakout area and an internal door will be created between 27 and 29 Carrington Street for staff to move back and forth between both sites.
- The existing roller door located at the front elevation of the site will be removed and replaced by a new window and a new ramp located to the rear of the building will be installed.
- No customers will be serviced from the site.
- All deliveries (drop off and pick up) and waste collection will be serviced from the rear of the site from Government Road.
- A total of ten (10) car bays is provided on site. Four (4) existing car bays located at the front of the building will remain and the rear car parking area will be reconfigured to have six (6) car bays.
- Approximately 7 staff members will be working at Common Bakery on both sites at one time as they move back and forth for the business operations depending on demand.
- The hours of operation of the site will match the current bakery operations at 27 Carrington Street as follows:

Current Approved Hours of Operation (No 27 Carrington Street)			
Shop (approved use)	Bakery operations	Pastry operations	Packing operations
<ul style="list-style-type: none"> • Friday – 7am till 3pm • Saturday – 8am to 1pm • Sunday – 8am – 12pm 	<ul style="list-style-type: none"> • 4pm - midnight 	<ul style="list-style-type: none"> • 4am to 12pm 	<ul style="list-style-type: none"> • 4am to 7am

4.0 Consultation

The proposal is an 'A' use under the City's Local Planning Scheme No. 3 (LPS 3). An 'A' use requires consultation in accordance with Clause 64 of the Deemed Provisions and the City's Local Planning Policy – Consultation of Planning Proposals (Consultation Policy).

The development application was advertised in accordance with the Consultation Policy by way of letter for 14 days within a 100m radius of the subject site. The application was advertised to 61 landowners and occupiers, commencing on 6 May 2021 and concluding on 20 May 2021.

At the close of the advertising period, a total of six (6) submissions were received (1 in support, 1 support subject to modifications and 4 objections). The main issues raised in the submissions relate to:

- Car parking / Traffic;
- Vehicles Reversing;
- Car parking reconfiguration;
- Common Bakery takeaway coffee
- Noise;
- Air quality; and
- Operation hours.

Due to the length of submissions, the summary of submissions is presented as a separate attachment to this report. Refer to **Attachment 2** for the submission table which outlines the comments received and Administration's and the applicant's response to each submission.

5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

5.2 Local Planning Scheme No. 3

5.2.1 Land Use Permissibility

The proposed land use of the Common Bakery use on the site is classified as 'Industry-Light' under LPS3.

Industry-Light is defined as:

“means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed”

Industry is defined as:

“means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes”

'Industry-Light' has an 'A' use permissibility within the 'Service Commercial' zone. An 'A' 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 proposal has been advertised in accordance with the City's Consultation Policy.

Considering the proposed land use, the objectives of the Service Commercial zone and the use class permissibility of the proposed land use on the 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.

5.2.2 Objective of Zone

The subject site is zoned 'Service Commercial' by LPS3. A Service Commercial zone has the following objectives under the Scheme:

- To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.
- To provide for a range of uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in centre, commercial or industrial zones.
- To ensure land use is compatible with any adjacent commercial, mixed-use or residential areas and would not have a detrimental effect on the amenity of the locality.
- To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

The proposed land use of a 'Industry-Light' is considered to meet the objectives of the Service Commercial zone for the following reasons:

- The site will accommodate the expansion of a bakery production business (Common Bakery) that currently exists within the Service Commercial zone.
- The proposal does not result changes to the bulk and scale to the existing building. Some minor cosmetic upgrades to the front facade and a new ramp are proposed at the rear of the building.
- The proposed land use promotes a local business within the area and is considered to be compatible with the existing mix of businesses along Carrington Street.

Considering the above, the proposed land use is deemed to satisfy the objectives of the Service Commercial zone.

5.3 Local Planning Strategy

The City's Local Planning Strategy was endorsed by the Western Australian Planning Commission in 2017. The Strategy identifies the Carrington Street semi-industrial area as a future Precinct within the City. The Strategy seeks to facilitate Carrington Street commercial strip as a mixed business area.

This precinct is the only "industrial" area within the City of Nedlands and in more recent times has undergone a minor transition from a service industrial area to a more commercially-orientated precinct characterised by office development at the corner of Carrington and Loch Streets.

The proposed change of use application is consistent with the overall strategic intent of the precinct as the use is characterised as 'Light industry' and this precinct is the only 'industrial' area within the City's jurisdiction.

5.4 Local Planning Policies

5.4.1 Local Planning Policy – Parking

The proposal complies with the car parking requirement for an Industry-Light use for the site as follows:

- Car parking requirement: 9 car bays.
- Proposed car parking on site: 10 car bays.

5.4.2 Traffic Management

The proposal will not service customers from 29 Carrington Street and all staff parking will be accommodated within the site. All deliveries will be collected and delivered from the rear of the site from Government Road as well as waste collection.

Some submissions raised concern in regard to the car parking arrangement located outside both 27 and 29 Carrington Street on the road verge.

The applicant has engaged Uloth and Associates, Consultants in Traffic Engineering and Transport Planning to conduct a parking review of the site. Their findings concluded that the proposed development will reduce the overall traffic and parking generation of the site, while also increasing the existing parking provision (by reinstating the currently unused parking at the rear of the site). They also concluded that the proposed development will improve the existing traffic and parking impacts within the local area.

Current and future traffic volumes along Carrington Street will be considered as part of the strategic traffic modelling planned for the City.

6.0 Conclusion

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

Considering the proposed land use, the property's zoning and the proposed use of the site, it is unlikely that the bakery manufacturing will have a negative impact of the amenity of the immediate locality.

Based on the car parking assessment provided as part of the development application, the proposal will reduce the number of visitors to the site as the site will not service any customers and the car parking meets the City's Parking Policy.

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.



OUR REF: TRI NED

23 April 2021

City of Nedlands
71 Stirling Hwy
PO Box 9
NEDLANDS WA 6909

Dear Sir/Madam,

**RE: DEVELOPMENT APPLICATION - LOT 387 (No 29) CARRINGTON STREET, NEDLANDS
CHANGE OF LAND USE - 'INDUSTRY - LIGHT' + MINOR ALTERNATIONS**

Hatch RobertsDay, act on behalf of Hamlet Properties Pty Ltd, the owners of No 29 Carrington Street, Nedlands in making application for development approval for a change of use, including minor modifications, at No 29 Carrington Street, Nedlands.

In support of the application, please find enclosed:

- Attachment One: Copies of the development application plans including a Site and Floor Plan;
- Attachment Two: A copy of the Certificate of Title;
- Attachment Three: A Business Management Plan;
- Attachment Four: Signed Development Application Form (City of Nedlands Form 1 and MRS Form 1);
- Attachment Five: A Waste Management Plan; and
- Attachment Six: A copy of the ASIC certificate.

The fee associated with this development application will be paid by our client. Please contact Haresh Hirani at hareshh@eurekatrust.com.au

1.0 Overview

The 'Common Bakery' (located at No. 27 Carrington Street) includes the manufacturing and distribution of bread and pastries provided directly to associated cafes/restaurants, including 'Bread in Common' in Fremantle, and 'Coogee Common' in Coogee. In addition, the Common Bakery also provides a service utilized by the local community, creating local produce consumed by local people, located in a suitably zoned 'Service Commercial area'.

No. 29 Carrington Street is currently used as a 'Doggy Day Care'. This application seeks a change of use of No. 29 Carrington Street, allowing the use of premises for additional space required to support the existing operations at 'Common Bakery'.

To support this intention, the proposed activities at No 29 will include dough mixing, storage and a bread molding facility to alleviate space constraints at 27 Carrington Street. The bake rooms at 27

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Carrington St will remain unchanged (noting that there is no additional wood fired ovens or baking ovens).

In addition to these activities, a portion of the area will be used for food production which will include the preparation of a range of pickles and preserves. This process requires basic cooking equipment and there is no requirement for a grease trap to support these activities. Quantities of these products are limited and the operation will be of a small scale.

The main driver for the proposal at No 29 is the improvement of logistics to create a better workplace environment for the Common Bakery team at the current operations; the shifting of the existing logistical movements to the rear onto Government Road; the improved aesthetic of the façade; and the ability for the business at 27 Carrington St to continue.

This additional area is vital to the future operation of the Common Bakery and if the owner cannot utilize the much-needed space at No 29, it risks the entire operation having to relocate.

Given the existing use of the site at No. 29 and its proposed change of use to a food business, the premises will undergo a deep clean to ensure it is free of any hazardous materials and is suitable for the operation of a good business.

2.0 Location

The subject site is located on Carrington Street, near the corner of Robinson Street in Nedlands, legally described as Lot 387 (29) Carrington Street, Nedlands. The premises is a commercial tenancy located in the strip of light industrial and service commercial uses located between Carrington Street and Government Road, situated directly south of Karrakatta Cemetery.

3.0 Background

The subject building was constructed in 1979, and has been used for a variety of commercial and light industrial uses over time, including the most recent use as a ‘Doggy Day Care’ known as the ‘Canine Lounge’, and rock polishing business at the rear of the site.

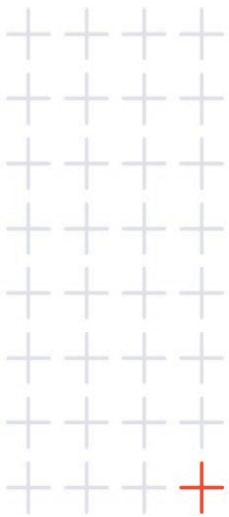
The Local Planning Strategy (‘LPS’) guides the long term planning objectives for the City of Nedlands and implemented via the current Local Planning Scheme No 3, adopted by the Council in August 2017 and endorsed by the WAPC in September 2017.

The subject site forms part of the strip along Carrington Street identified in the LPS as the ‘Carrington Precinct’, adjacent to Karrakatta Cemetery, and bound by Loch and Broome Street. The eastern end comprises the City of Nedlands Depot and the remainder of the precinct is a varied mix of light industry and commercial operations. Residential uses are located further south.

The LPS includes the following strategy in regard to the long-term planning for the Carrington Precinct:

“Strategies:

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



The Carrington Precinct is the only light industrial/ service commercial area in the City of Nedlands and is noted in the LPS to be undergoing a transition from industrial uses to a service commercial / mixed business precinct. This is identified as being a ‘positive’ and ‘appropriate’ trend for the area, considering its location and surrounding development. The change in land use zoning from the previous TPS No 2 of ‘Light Industrial’, to ‘Service Commercial’ under the recently adopted TPS No 3, acknowledges the transition from an industrial precinct to a mixed business precinct .



Figure 1 - No 29 Carrington Street, Nedlands

4.0 Proposal

This application seeks approval for a change of use from ‘Animal Establishment’ to ‘Industry - Light’ land use. The land use categories permitted in the ‘Service Commercial’ zone under TPS No 3 are limited and this land use is considered the most suitable that encompasses the proposed use of the premises, including the production of pastries, bread and preserves for supply at operations at a number of restaurants also owned by the owner and operator of Common Bread, located at No 27 Carrington Street.

The owners of No 29 Carrington Street recently purchased the property to provide additional space for their existing operation at No 27 Carrington Street. The ‘Common Bakery’ at No 27 Carrington supplies and forms part of a broader group of restaurants including ‘Bread in Common’ in Fremantle, and ‘Coogee Common’ in Coogee.

The operations will be serviced from the rear of the property from Government Road, minimizing any impacts on the adjoining residential area, located off Carrington Street.

Works associated with the proposal are largely limited to internal modifications and including:

- the erection of new internal walls to create separate working areas for bread preparation and production; pastry preparation; a sheeting room for the preparation of croissants; and food producton (pickling);
- connection through to the existing operations at No 27 Carrington Street via a new fire door; and

- a wash room, store room, cool room and an universal accessible toilet.

External modifications include replacing the existing roller door fronting Carrington Street, improving the aesthetics and achieving the high-quality development sought for the transition of the Carrington Precinct for service commercial uses. New universal access ramps are also proposed and located at the rear of the premises.

The additional preparation area will enable better management and operation of the existing use at No 27 Carrington Street. It is noted that, notwithstanding the additional preparation area proposed to support the operations at Common Bakery, the number of employees overall will not increase. A maximum of 7 staff are in attendance at the existing Common Bakery at No 27 Carrington Street at any one time.

A total of 10 car bays have been provided on-site, exceeding the requirements of Council’s Local Planning Policy (refer below). The owner is also amenable to further improving the visual amenity of Carrington Street by landscaping the proposed on site parking area, and utilising the on street parking, consistent with the approach of neighbouring properties. We suggest further discussions be undertaken with Council to achieve the suggested improved streetscape outcome, and further detail regarding the possible landscaping of this area can be provided.



Figure 2 - No 29 Carrington Street / 27 Carrington Street, Nedlands

5.0 Statutory Considerations

Zoning and Land Use

The site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Service Commercial’ under the City of Nedlands Local Planning Scheme No. 3 (LPS3).

The objectives of the “Service Commercial Zone” include:

- To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.

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- To provide for a range of uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in centre, commercial or industrial zones.
- To ensure land use is compatible with any adjacent commercial, mixed-use or residential areas and would not have a detrimental effect on the amenity of the locality.
- To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

The proposed use of ‘Industry -Light’ is defined in the LPS No 3 as *“premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed”*. The use class “Industry-Light’ is an ‘A’ use under the provisions of LPS No 3, meaning that the local government needs to exercise discretion by granting development approval after advertising the proposal.

The current use of the premises includes a ‘Doggy Day Care’, approved as a ‘Use Not Listed (Animal Establishment)’ under the previous City of Nedlands Local Planning Scheme No 2 and an “A” use under the current Scheme.

The proposed use is in line and supports the current bakery activity and does not create any additional amenity impacts in the local area.

In relation to waste, A Waste Management Plan has been prepared and is submitted as part of this application, which outlines that:

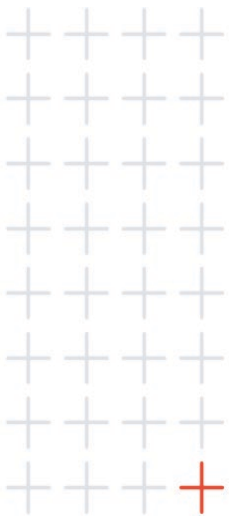
- Waste collection currently occurs fortnightly on Wednesdays and will continue to do so via a private contractor (SUEZ). As per details provided in the Waste Management Plan, collection will not occur before 0700 or after 1900 Monday to Saturday, or before 0900 or after 1900 on Sundays and Public Holidays.

The proposed uses are also entirely consistent with the objectives of the ‘Service Commercial’ zone. The proposal is also consistent with the intent of the Local Planning Strategy in the transition from heavier industrial uses currently located in the Carrington Precinct, including motor vehicle repairs, and the current uses at the subject site of Animal Establishment and the separate rock polishing business.

Local Planning Policy – Parking

Council’s *Local Planning Policy – Parking* aims to ensure development has sufficient parking facilities for cars for specific land uses. The Policy requires that all development provide car parking on-site in accordance with Table 1 of the Policy. For ‘Industry-Light’ uses, the policy requires the following provision of onsite parking.

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Use Class	Permissibility in Service Commercial	Carparking requirements	Proposal requirements
Industry – light	'A' use	2.2 per 100m2 of net lettable area <u>or</u> 1 per employee whichever is greater 1 space in every 3 is to be set aside for employees	29 Carrington Street - 398m2 = 8.756 (9 bays required) Total 8 staff (for No 27 and 29 Carrington Street) = 8 bays

The proposal complies with the requirements of the LPP providing a total of 10 car bays, including 4 bays for staff, and a bay for disabled parking.

The owner is also amenable to exploring whether Council would prefer the provision of landscaping of the on-site parking area fronting Carrington Street to improve the general amenity and aesthetics along Carrington Street. This is in lieu of the provision of on site parking bays fronting Carrington Street. This is consistent with the intent of the LPS No 3 and the Local Planning Strategy to “*facilitate the natural evolution of the Carrington Street commercial strip as a mixed business area and encourage a reasonably high standard of redevelopment.*”



Figure 3 - No 29 Carrington Street / 27 Carrington Street, Nedlands

6.0 Summary

The proposed use of the site will provide the additional space required to support the existing operations at No 27 Carrington Street including the preparation of bread, pastries and preserves for the supply of local restaurants in the ‘Common’ family of restaurants.

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The proposal is consistent with the requirements of the LPS No 3, and the intent of the Local Planning Strategy in the transition of the area to Service Commercial uses, with minimal impact on the immediate locality.

We trust that the information provided is sufficient and look forward to the City's favourable consideration of the application. Should you require any additional information, or wish to discuss the matter further, please contact the undersigned on 0413181282 or via email at cath.evans@hatch.com.

HATCH ROBERTSDAY

A handwritten signature in black ink that reads "C Evans". The signature is written in a cursive, flowing style.

CATHERINE EVANS
PRINCIPAL

Change of Use from ‘Animal Establishment’ to ‘Industry – Light’ at Lot 387 (No. 29) Carrington Street, Nedlands

Summary of Submissions

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
<p>Traffic Management</p> <ol style="list-style-type: none"> 1. The parking and traffic situation around 27 and 29 Carrington Street, as known as Bread in Common Bakery is becoming unsustainable and impacting upon local residents. The traffic situation has continually worsened since the business started selling takeaway coffee and pastries early in 2020 on 27 Carrington Street. 2. Why is there no traffic management plan to manage the increased traffic for this site. 	<p>3, 4, 5, 6</p>	<p><u>In response to Points 1-2</u> Traffic management is further detailed in the Council Report.</p>	<ul style="list-style-type: none"> • Consideration of the current DA by Council is for No 29 Carrington Street only - approval for the operation of the Bakery at No 27 Carrington was previously granted in 2016, and will continue to operate. • The current proposal will alleviate the space constraints at No 27. More space is required for the current operation of the Bakery. There is the need for more room to move equipment such as large baking trolleys around the premises, and to provide temperature controlled areas for storage and logistics – the space is very constrained at No 27 at the present. • The number of staff remains materially the same for the business, and what is being produced from the bakery is the same. This results in the opportunity to utilise and provide more parking (at No 29) for the same operation across the two sites. An additional 11 bays are being provided at No 29 Carrington for the


Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
			<p>Bakery, in addition to the current provision at No 27.</p> <ul style="list-style-type: none"> • The shop component of the business is not being expanded. The business is 90% wholesale and 10% shop. The shop turnover has been stable for the past 12 months. The use and works proposed to be carried out at No 29 Carrington is to support the current wholesale operation, noting that it would be not commercially viable to undertake the proposed works to support the shop component. • The provision of parking is being provided in accordance with the requirements of the City – all required bays are on site. • The existing business at No 29 Carrington (Doggy Day Care) currently have customers visiting the premises throughout the day (morning/midday and evening) – it is noted that the use of No 29 will not generate any visits form customers, rather provide additional parking for the existing business at No 27. • The majority of customers purchasing takeaway coffee are local residents, or those coming to the bakery for to purchase bakery goods. The coffee service is

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
			<p>incidental, and customers have never had an issue with access to parking.</p> <ul style="list-style-type: none"> • Further parking will now be provided as a result of the utilisation of the premises at No 29. Takeaway coffee is only 20-24% of total sales from the shop, and the shop is only 10% of the overall business at Common Bakery. • The parking and traffic situation referred to by the submitter is not a result of the operation of Common Bakery. Often, the current parking in front of No 27 is being used by customers of other businesses, such as the lunch bar next door. Parking and traffic along Carrington Street is one that needs to be holistically considered by the Council, as much of the parking sits on Council owned land. • In the long term, there needs to be a strategic review of the parking and traffic of the Service Commercial area along Carrington Street. The current proposal at No 29 will assist the overall operation of the Bakery by the provision of additional parking. The proposal will not add to the traffic along Carrington Street.

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
			<ul style="list-style-type: none"> The owner is happy to work with Council on any proposals to improve traffic management along Carrington Street.
<p><i>Vehicles Reversing</i></p> <p>Cars reversing out from the parking bays is considered to be:</p> <ol style="list-style-type: none"> Unsafe when reversing on to oncoming traffic along Carrington Street especially during peak hours in the morning. Dangerous when cars have reversed out across both lanes of traffic. All vehicles should be reversing out in forward gear on to Carrington Street. 	3, 4, 5, 6	<p><u>In response to Points 1-3</u></p> <p>Administration has reviewed manoeuvring of the four (4) car bays located at the front of 29 Carrington Street to be in accordance the Australian Standards AS2890.1.</p>	<ul style="list-style-type: none"> The location of the carbays for both 27 and 29 Carrington have been in place prior to the current use as a Bakery. The carbays for the proposed application at No 29 is set back 10.45 metres from the street, ensuring there is adequate area to reverse and exit in a forward direction. The carbays allocated and approved for No 27 are located on Council land. The owner is happy to work with Council on alternative arrangement for parking, and as part of a broader review of parking along Carrington Street.
<p><i>Car Parking Management</i></p> <ol style="list-style-type: none"> Vehicles are parking illegally on the verge and making illegal U-turns which makes driving along Carrington Street unsafe especially when pedestrians are crossing across the road. 	3, 4, 5, 6	<p><u>In response to Point 1</u></p> <p>Noted. Rangers can be called out on site to issue infringements to vehicles parked illegally outside of 29 Carrington Street.</p> <p><u>In response to Points 2 and 3</u></p>	<ul style="list-style-type: none"> Car parking bays have been provided at the rear of No 29 Carrington Street, and all deliveries are proposed to be from the rear, accessed from Government Road. This will result in all deliveries being relocated from the laneway abutting

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
<p>2. During peak hours customers are parked in front of cars already parked in at 29 Carrington Street resulting in congestion.</p> <p>3. Vehicles parked illegally along Carrington Street results in poor visibility when vehicles are trying to turn right on to Carrington Street from Robison Street directly opposite 27 and 29 Carrington Street.</p> <p>4. All car parking should be move to rear of the site and accessed from Government Road and away from Carrington Street.</p> <p>5. Why is car parking approved in front of Bread in Common Bakery which is unsafe.</p>		<p>Traffic management is further detailed in the Council Report.</p> <p><u>In response to Points 4 and 5</u> The four (4) existing car bays located at the front of 29 Carrington Street with vehicle access from Carrington Street was approved previously under the “doggy day care” development application by Council at the 6 September 2018 Council Meeting.</p>	<p>No 27 Carrington, to the rear of the site, adjacent to the cemetery.</p> <ul style="list-style-type: none"> • The proposal at No 29 will improve the operational aspects of the Bakery at No 27, improving logistics for deliveries and pick ups. • It is noted that the parking and traffic situation referred to by the submitter is not a result of the operation of Common Bakery. Refer comments above re: the use of parking bays in front of No 27 being used by customers of other businesses, such as the lunch bar next door. Parking and traffic along Carrington Street is one that needs to be holistically considered by the Council, as much of the parking sits on Council owned land. • In the long term, there needs to be a strategic review of the parking and traffic of the service commercial area along Carrington Street, however, the impact of the current proposal at No 29 will provide the opportunity for additional parking, and will not add to the existing traffic along Carrington Street. • To assist, the owner has instructed all staff and service vehicles to park at the rear.

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
			<ul style="list-style-type: none"> The owner is happy to work with Council on any proposals to improve traffic management along Carrington Street.
<p><i>Car Parking Reconfiguration</i></p> <ol style="list-style-type: none"> The car parking configuration currently along Carrington street is chaotic and confusing for motorists and unsafe for pedestrians. The carparking area within the lot boundaries of 29 Carrington Street and adjoining council road reserve being reconfigured so that the car bays are parallel to Carrington Street. This will enable cars to enter and exit the site in forward gear, which will contribute to the safe operation of parking. Currently the parking configuration requires cars to reverse back into an increasingly busy road. This will require the awning at the front of the building to be removed. The four perpendicular carparking bays in front of 27 Carrington Street being reconfigured to be parallel to the street. As these four car bays are within the council road reserve it is entirely within the power and authority of the council to make / require this change to improve the safety of these bays. Better signage, clearer bay markings and time limits should be applied to reduce the number of vehicles along Carrington Street. 	1, 4, 5	<p><u>In response to Points 1-4</u> Traffic management and kerbing arrangements/reconfiguration is further detailed in the Council Report.</p>	<ul style="list-style-type: none"> The parking and traffic situation referred to by the submitter is primarily located on Council land along Carrington Street, abutting the service commercial zoned land that stretches from Lock Street through to Broome Street. There needs to be a strategic review of the parking and traffic of the service commercial area along Carrington Street by Council, to holistically consider the traffic and parking for all businesses in the Service Commercial area. The current traffic situation referred to by the submitter cannot be resolved by one owner. It is noted that the current proposal at No 29 will only assist in improving the current allocation by the provision of additional parking for the business. The owner is happy to work with Council on any proposals to improve traffic management along Carrington Street, including the orientation of car bays for No 27 located on Council land.

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
			<ul style="list-style-type: none"> The average customer only spends a few minutes at the premises, picking up baked goods – customers are not consuming goods at the premises. Time limits for parking would therefore not impact the operation of the Bakery, however, other businesses along Carrington Street may be affected, and therefore, it is recommended Council holistically address all traffic and parking management along Carrington Street.
<p>Bread in Common Bakery Takeaway Coffee</p> <p>Take away coffee from Bread in Common Bakery was not approved by Council. Why is Common Bakery allowed to operate?</p>	3, 5,	<p>The takeaway drinks approval was issued by the City on August 2020 under the notice of exemptions from planning requirements during the State of emergency under Clause 78H of the Planning and Development (Local Planning Schemes) Regulations 2015 during Covid-19.</p>	<ul style="list-style-type: none"> The business has all the required approvals in place to provide take away coffee. Takeaway coffee is a small proportion of the overall business at Common Bakery. It is common for customers to buy a coffee from a Bakery business.
<p>Local Business Support</p> <p>1. As a proximal resident, I support the proposal for Bread in Common Bakery to expand into the next door premises previously occupied by the Canine Lounge.</p>	2, 5	<p><u>In response to Points 1-2</u> Noted.</p>	<ul style="list-style-type: none"> There needs to be a strategic review of the parking and traffic of the service commercial area along Carrington Street by Council, to holistically consider the traffic and parking for all businesses in the Service Commercial area.

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
<p>2. Supportive of supportive of local business but this proposal does not address car parking and traffic safety.</p>			<ul style="list-style-type: none"> The current traffic situation referred to by the submitter cannot be resolved by one owner. It is noted that the current proposal at No 29 will only assist in improving the current allocation by the provision of additional parking for the business.
<p>Noise</p> <p>The noise as a result of the Bread in Common Bakery business is unacceptable as follows:</p> <ol style="list-style-type: none"> Bread in Common has been able to operate 7 days a week, 24 hours a day there is no reprieve from the noise. Alarms left unattended for extended periods of time or occurring briefly in the early hours of the night/morning. Engines of trucks being left on or excessive revving as employees leave. Reversing alarms from trucks and delivery vans; Delivery vans loading in the early hours of the morning. Loud conversations between employees or from Bread in Common customers at early hours of the morning. 	<p>6</p>	<p><u>In response to Points 1-2</u> The City has not received a complaint regarding alarms from this site based on records so far. Audible security alarms can be deactivated by Police if they have been emitting unreasonable noise for 30 minutes or more. Complaints regarding re-occurring alarms can be lodged with the City's Environmental Health Services to investigate.</p> <p><u>In response to Points 3-5</u> The City has received noise complaints in the past regarding deliveries at the premises prior to 7:00 am. In these instances, the City has requested deliveries occur between the hours of 7:00 am-7:00 pm Monday to Saturday and 9:00 am-7:00 pm Sundays and Public Holidays where there are noise sensitive residences nearby.</p>	<ul style="list-style-type: none"> The owner is happy to discuss the matters raised with the submitter with the aim of addressing any concerns The proposal at No 29 includes the relocation of all deliveries to the rear, accessed from Government Road (currently deliveries are received from the laneway abutting No 27 Carrington) The relocation of deliveries to the rear off Government Road will address the concerns raised in the submission. The business is one of many in the Service Commercial area that operate early in the morning. Note that Common Bakery does not have an audible alarm. Common Bakery does not have any equipment that is noisy beyond the

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
<p>7. The banging sound of the Bread in Common Barista when clearing the coffee beans from their machine.</p>		<p>The development application as proposed includes a new loading bay and staff car parking area to the rear of the property with access from Government Road. The current loading area is understood to be contained within the laneway between Carrington Street and Government Road, and at the front of the property on Carrington Street. The proposed relocation of the loading bay and employee parking to Government Road, is considered to alleviate potential noise concerns from loading/unloading of vehicles at the premises.</p> <p><u>In response to Points 6-7</u> Noted. Not a Planning consideration.</p>	<p>premises, consistent with uses within service commercial areas</p> <ul style="list-style-type: none"> It is noted that the matters raised by the submitter are matters that will be addressed by the proposed works at 29. It is noted that previously, on the very rare occasion in the past that any issue has been brought to the attention of the owners and operators of Common Bakery that they have immediately engaged to resolve. The business has strong local support and considers itself to be part of the local community, and a responsible local citizen.
<p>Air Quality</p> <p>The bakery smoke when there is a lack of wind present impacts upon residents living within the vicinity of Carrington Street and Robinson Street.</p>	<p>6</p>	<p>This Development Application does not propose any increase in the number or use of the wood fired ovens.</p> <p>The Health (Miscellaneous Provisions) Act 1911, and the City of Nedlands Health Local Laws 2017 require an owner or occupier of a premises to prevent the escape of smoke in such a quantity or of such a nature as to be offensive to the public or injurious or dangerous to health. Complaints regarding smoke can be directed to the</p>	<ul style="list-style-type: none"> The owners of Common Bakery note that the business has experience an occasional issue with wood ovens not being lit correctly, resulting in smoke for a short period. This has been addressed through training and maintenance of flumes. The proposal for No 29 does not include increasing the current capacity of the wood ovens, located at No 27. No 29 will be utilised for additional area required for rolling,

Comments Raised	Respondents who raised issue	Planning Response	Applicant Response
		City's Environmental Health Services for investigation.	preparation and storage of pastries and breads only.
<p>Operation Hours</p> <ol style="list-style-type: none"> Why is bakery business allowed to operate before 7am, on weekends and public holidays? The business runs 24 hours a day, 7 days a week. Customers are also arriving earlier and earlier. The business should not operate on public holidays and Sundays. A monitored 7am starting time for the shop component of the Bread in Common Bakery business at 27 Carrington Street should be required by the business. 	6	<p><u>In response to Points 1-4</u></p> <p>The hours of operation are not set by the City.</p> <p>The premises is required to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	<ul style="list-style-type: none"> All bakeries operate before 7am – this is common practice due to preparation requirements Approval for the Bakery was granted in 2016 by the Council and is not the subject of this application. The DA being considered is to enable the utilization of additional space at No 29, to ease space constraints at No 27, and will result in an approved outcome for the logistics of the existing business.

Submissions

	Respondents	Total
Objection	3, 4, 5, 6	4
Support	2	1
Support subject to modifications	1	1
	TOTAL	6

PD29.21	Consideration of Development Application - 6 Grouped Dwellings at 29 Martin Avenue, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	HJ Architect
Landowner	J. Harden Jones
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
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	DA21/64480
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 6 dwellings.
Attachments	<ol style="list-style-type: none"> 1. Aerial Image and Zoning Map 2. Design Review Panel Assessment
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions

1.0 Executive Summary

The purpose of this report is for Council to consider a Development Application for the construction of six grouped dwellings at 29 Martin Avenue Nedlands.

This site is zoned 'Residential' and is coded R160 by City of Nedlands Local Planning Scheme No.3 (the Scheme). The development includes undercroft parking arrangements, two storeys and a rooftop terrace. Each dwelling proposes three bedrooms, study, two bathrooms, provision for a lift and two to three car parking bays.

The application was advertised to neighbouring properties in accordance with Council's Local Planning Policy – Consultation of Planning Proposals due to the need to consider the judgement of merit for building height, visual privacy and lot boundary setbacks. At the close of the advertising period two submissions received.

The proposal was presented to the Design Review Panel (DRP) for consideration against State Planning Policy 7.0, Design of the Built Environment (SPP 7.0) on 12 July 2021. Amended plans were provided 5 August 2021 addressing the Panel's comments. A second review was undertaken by the Chair of the DRP, where the proposal was supported.

As a result of assessment and comments received from the DRP, amended plans were submitted on 5 August 2021, incorporating the following changes to the proposed design and supporting information:

- Increased landscaping to the north, south and east of the development.
- Internal modification to undercroft vehicle manoeuvring and parking layout.
- Modification to the proposed Waste Management Plan.

It is recommended that the application be approved by Council as it has been assessed as satisfying the design principles of the Residential Design Codes (R-Codes) Volume 1. As with this application, if a proposal does not meet the deemed-to-comply provisions of the R-Codes, Council is required to exercise judgement to determine the proposal, against the design principles of the R-Codes. As required by the R-Codes, Council is assessing the proposal against the design principles and should not apply the corresponding deemed-to-comply provisions. It is considered that the development is unlikely to have a significant adverse impact on the local amenity and character of the streetscape and neighbouring properties.

Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 19 May 2021 in accordance with the plans date stamped 5 August 2021 (DA21/61309) for six (6) grouped dwellings at 29 Martin Avenue, Nedlands, subject to the following conditions:

- 1. This approval is for a 'Residential' (Grouped Dwellings) land use and development 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. Prior to occupation of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared at the expense of the owner and registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land of the following matter(s):**

"This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction."

- 3. Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.**

Adjoining landowners shall be notified in writing no less than 14 days prior to construction.

- 4. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.**
- 5. Prior to the lodgement of a building permit, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants. Landscaping shall be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands.**
- 6. Prior to occupation of the development, all communal and private open space areas shall include a water tap for the purpose of irrigation.**
- 7. Prior to the commencement of excavation works, a Dilapidation Report prepared by a practising Structural Engineer should be submitted to the City of Nedlands for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:**
 - a. Lot 423 (No.27) Martin Avenue, Nedlands;**
 - b. Lot 424 (No.31) Martin Avenue, Nedlands;**
 - c. Lot 436 (No.20) Broome St, Nedlands;**
 - d. Lot 435 (No.22) Broome St, Nedlands;**
 - e. Lot 434 (No.24) Broome St, Nedlands;**

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

- 8. Prior to the lodgement of a Building permit a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
- 9. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 10. Prior to occupation of the development, all 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 obscure or translucent glass to a height of 1.6 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 1.6 metres as determined from the internal floor level; or
- d. An alternative method of screening approved by the City.

The required screening shall be thereafter maintained to the satisfaction of the City 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 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, the parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004.
13. A Waste Management plan shall be submitted to the City prior to the lodgement of a Building Permit. The development shall comply with the approved Waste Management Plan to the satisfaction of the City of Nedlands. Any modification to the approved waste management plan will require further approval by the City.
14. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
15. Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, 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.
16. Prior to occupation, each grouped dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place in accordance with the requirements of the Residential Design Codes to the satisfaction of the City of Nedlands.
17. The pergola shall remain with an open-framed roof, permeable to water.
18. 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.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R160
Land area	1,012m ²
Land Use	Existing – Single House Proposed – Residential Grouped Dwellings (6)
Use Class	'P' – Permitted Use

2.2 Locality Plan

The subject lot is located at 29 Martin Avenue, Nedlands and is approximately 100m north of Stirling Highway. The property has an existing single storey house. The land slopes gradually from the south to the north-west by approximately 1m.

The subject site is coded R160 and is considered to be located within a 'transition area' between two differing residential density codes; R60 to the north and west and R160 to the south.

The immediate streetscape is characterised by existing single residential houses, ranging between 1 to 2 stories in height.

3.0 Application Details

The application seeks development approval for the construction of six grouped dwellings on the subject site, details of which are as follows:

- The proposal is for six, two storey grouped dwellings with an undercroft and rooftop terrace.
- All units are proposed are to be serviced by an undercroft carpark, located on the south of the subject site. Each garage has a minimum of two car bays.
- Pedestrian access is via ground level, located south of the site.
- Each unit is proposed to be two storeys in height and include a rooftop terrace.
- Unit 1 proposes a separate pedestrian access addressing Martin Avenue.
- Each unit includes provision for a lift.

4.0 Consultation

Public Consultation

The application is seeking assessment under the design principles of the R-Codes for the following:

- Lot boundary setbacks

- Building Height
- Parking (Visitor Bays)

The application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 8 owners and landowners. The application was advertised for a period of 14 days from 7 July 2021 to 21 July 2021. At the close of the advertising period 2 submissions were received.

The following is a summary of the concerns/comments raised from the neighbour consultation and Administration's response and action taken in relation to each issue.

1. Street Setback
The development meets the 'deemed-to-comply' provisions of the R-Codes in relation to primary street setbacks. Under a R160 density code, the deemed-to-comply street setback is an average 1.0m. The development has provided a minimum 1.0m primary street setback.
2. Visitor Parking
Administration has completed an assessment of the proposal against the design principles where discretion has been sought by the development proposal in relation to Parking (Clause 5.3.3). Please see 6.3.1 below.
3. Sightlines
The development is considered to satisfy all deemed-to-comply provisions of the R-Codes and the City of Nedlands Residential Development Local Planning Policy in relation to sight lines.
4. Building Height
Administration has completed an assessment of the proposal against the 'Design Principles' where discretion has been sought by the development proposal in relation to Building height (Clause 5.1.6). Please see 6.3.1 below.
5. Solar Access
The development meets all deemed-to-comply provisions of the R-Codes in relation to solar access. The deemed-to-comply provisions recommend a maximum 50% shadow cast to the adjoining southern lot. This development proposes a 39% cast and therefore the deemed-to-comply provision has been met.
6. Visual Privacy
The development is considered to satisfy all deemed-to-comply provisions of the R-Codes in relation to visual privacy. Visual privacy compliance of the development proposal has been conditioned as part of Administration's recommendation to Council.
7. Lot Boundary Setbacks
Administration has completed an assessment of the proposal against the 'Design Principles' where discretion has been sought by the development proposal in relation to lot boundary setbacks (Clause 5.1.3). Please see 6.3.1 below.
8. A dilapidation report should be produced prior to works commencing.

Administration's recommendation to Council includes a condition requiring the preparation of a dilapidation report prior to the commencement of works due to the substantial excavations works are proposed. The applicant has been advised of the request for a dilapidation report.

Design Review Panel

This application was referred to the City's Design Review Panel on 12 July 2021. Amended plans were received on 5 August 2021 in order to address the advice and recommendations by the Design Review Panel. The amended plans were referred to the Chair of the Design Review Panel for a second review on 10 August 2021. A copy of the Design Review Panel comments are contained in Attachment 3.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

5.2 State Planning Policy

5.2.1 State Planning Policy 5.4

The subject site is located approximately 100m south of Stirling Highway and is located within State Planning Policy 5.4 trigger distance of 200m. Based on the Acoustic Report prepared, there are no further noise mitigation measures required to be undertaken. However, a Notification on the Title is required as a standard condition. This is to advise prospective purchasers of potential noise that may occur in the future.

5.2.2 State Planning Policy 7.0

The application was assessed in accordance with State Planning Policy 7.0 – Design of the Built Environment by the Design Review Panel. A summary of the review is provided below:

DRP Assessment Summary against SPP 7.0		
3	<i>Supported</i>	
2	<i>Supported with conditions</i>	
1	<i>Not supported</i>	
0	<i>Additional information required</i>	
Design Principles	Original Plans – 19 May 2021	Amended Plans – 5 August 2021
Principle 1 – Context & Character		
Principle 2 – Landscape Quality		
Principle 3 – Built Form & Scale		
Principle 4 – Functionality & Built Quality		
Principle 5 - Sustainability		
Principle 6 – Amenity		

Principle 7 - Legibility		
Principle 8 – Safety		
Principle 9 – Community		
Principle 10 – Aesthetics		

Following receipt of amended plans and additional information received 5 August 2021, Administration referred these materials through to the Chair of the Design Review Panel. As a result of the changes and additional information provided, the Chair supports the revised proposal as the development has:

- Improved the landscape design.
- Improved the entry legibility.
- Provided sections that allow the relationship to neighbours to be assessed.
- Provided compliant screening to the terraces of the centre houses to address the overlooking of the northern neighbour.
- Provided satisfactory justifications in response to DRP suggestions.

5.2.3 State Planning Policy 7.3 - Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design Principle assessment pathway.

The proposed development is seeking a Design Principle assessment pathway for a part of this proposal. An assessment is sought under the Design Principles for the R-Codes for lot boundary setback, building height and parking. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions of the R-Codes.

Clause 5.1.3 – Lot Boundary Setback

The following lot boundary setbacks are required to be assessed under the design principle provisions of the R-Codes:

Units 2 - 6 (Inclusive)

The master bedroom on the first-floor level is setback 3m from the southern lot boundary. The development is considered to meet the Design Principles as:

- The first-floor southern wall is considered to be articulated. The articulation provides a varying setback between 3.0m and 3.7m across its length. The setback is considered to provide sufficient architectural relief to the southern lot boundary to provide satisfactory areas of open space and landscaping. The provided architectural relief helps to mitigate the overall impact of building bulk.
- The southern lot boundary setback is considered to maintain the adjoining property's access to natural light and ventilation. The southern setback meets the deemed-to-comply provisions of clause 5.4.2 – Solar Access to Adjoining Properties. 39% shadow cast is proposed in lieu of a maximum 50% under the deemed-to-comply provisions.
- There are no visual privacy variations as a result of the reduced setbacks. Screening is proposed to the master bedroom.

- The application proposes significant landscaping addressing the southern lot boundary, softening the impact of the proposed development addressing the southern neighbouring lot.

Unit 6

The master bedroom to the dining room located on the first-floor level is setback 1.5m from the western lot boundary. The development is considered to meet the design principles as:

- The western wall is considered to be articulated, being setback far enough from the western lot boundary to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk.
- Highlight windows are proposed to all habitable rooms on the western elevation. As such, there is no overlooking to adjoining properties.
- The western lot boundary setback is considered to maintain the adjoining property's access to natural light and ventilation. Shadow created by the western wall over the western lot. Overall, the development achieves the deemed-to-comply provisions, element 5.4.2 – Solar access to adjoining properties. The proposal makes use of building articulation addressing the western lot boundary to reduce the perceived impact of building bulk on the western landowner and is considered to provide a significant landscaping outcome between the development and the western lot boundary.
- The application proposes significant landscaping addressing the western lot boundary, softening the impact of the proposed development addressing the western neighbouring lot.
- It is noted, no visual privacy impacts are created as a result of the proposed western lot boundary setbacks.

Clause 5.1.6 - Building Height

The proposed rooftop terrace includes a portion of the roof terrace is enclosed which contains stairs, a lift and sliding door to the outdoor roof terrace.

The enclosed portion of the rooftop terrace results in the proposed development having a maximum building height of 11.2m. The development is considered to meet the Design Principles as:

- The development has been designed to maintain solar access to the adjoining lots, with all overshadowing falling within the first 10m of the adjoining southern site.
- Overall, the development achieves full compliance with element 5.4.2 – Solar access to adjoining properties.
- The confined area of overshadowing maintains 33 Martin's access to natural light and ventilation for outdoor living areas.
- All wall heights to the main building are no greater than 8.5m in height. A portion of the enclosed roof terrace is at a maximum height of 11.2m. The rooftop terraces are inset from the adjoining lot boundaries, achieving full lot boundary setback compliance.
- The subject site has a density coding of R160, where multiple dwellings could be proposed at a height of 5 storeys or indicative height of 18m. The proposal for grouped dwellings is considered to maintain an appropriate built form

considering its interface with the R60 coding of the properties immediately to the north of the subject site.

Considering the above, it is considered the development appropriately responds to the subject site in its design. The proposed building height is not considered to have an adverse impact on the amenity of adjoining landowners or the locality, being inset from the adjoining lot boundaries.

Clause 5.3.3 - Parking

The development proposal does not include any allocated visitor parking.

Administration has recommended the proposal does not provide visitor parking within the front setback area. Removal of the 32m² parking spaces and visitor vehicle access will allow for additional landscaping and medium-sized trees to be incorporated into the front setback area. This will contribute towards the 'leafy green' streetscape found along Martin Avenue. Additional soft landscaping is considered to be more consistent with the local context and character than providing paved areas for car parking within the street setback.

It is acknowledged that the development is successfully screening vehicle access and parking arrangements from the streetscape through the provision of an undercroft parking arrangement.

The impact of removal of the visitor parking space is considered to be minimal. Each dwelling on the site will be provided with a minimum three parking spaces (except unit 2, which provides two parking spaces) Restricted (3-hour 8am-5pm Mon-Fri) street parking is available on the eastern side of Martin Avenue to accommodate visitors. The removal of the visitor parking space provides an improved streetscape interface between Martin Avenue and the proposal. Administration will continue to favour positive streetscape outcomes that attempt to better place a development within the 'leafy green' context and character of the locality.

6.0 Local Planning Policies

Residential Development Local Planning Policy

Where relevant, the provisions of the Residential Development Local Planning Policy have been addressed under the SPP 7.3 – R-Codes assessment above.

Waste Management Local Planning Policy

The application was assessed against Local Planning Policy – Waste Management. Waste is proposed to be managed by means of a communal bin store, located within the undercroft. The Waste Management Plan is supported. A condition of the determination of the application requires the development to comply with the approved Waste Management Plan in perpetuity.

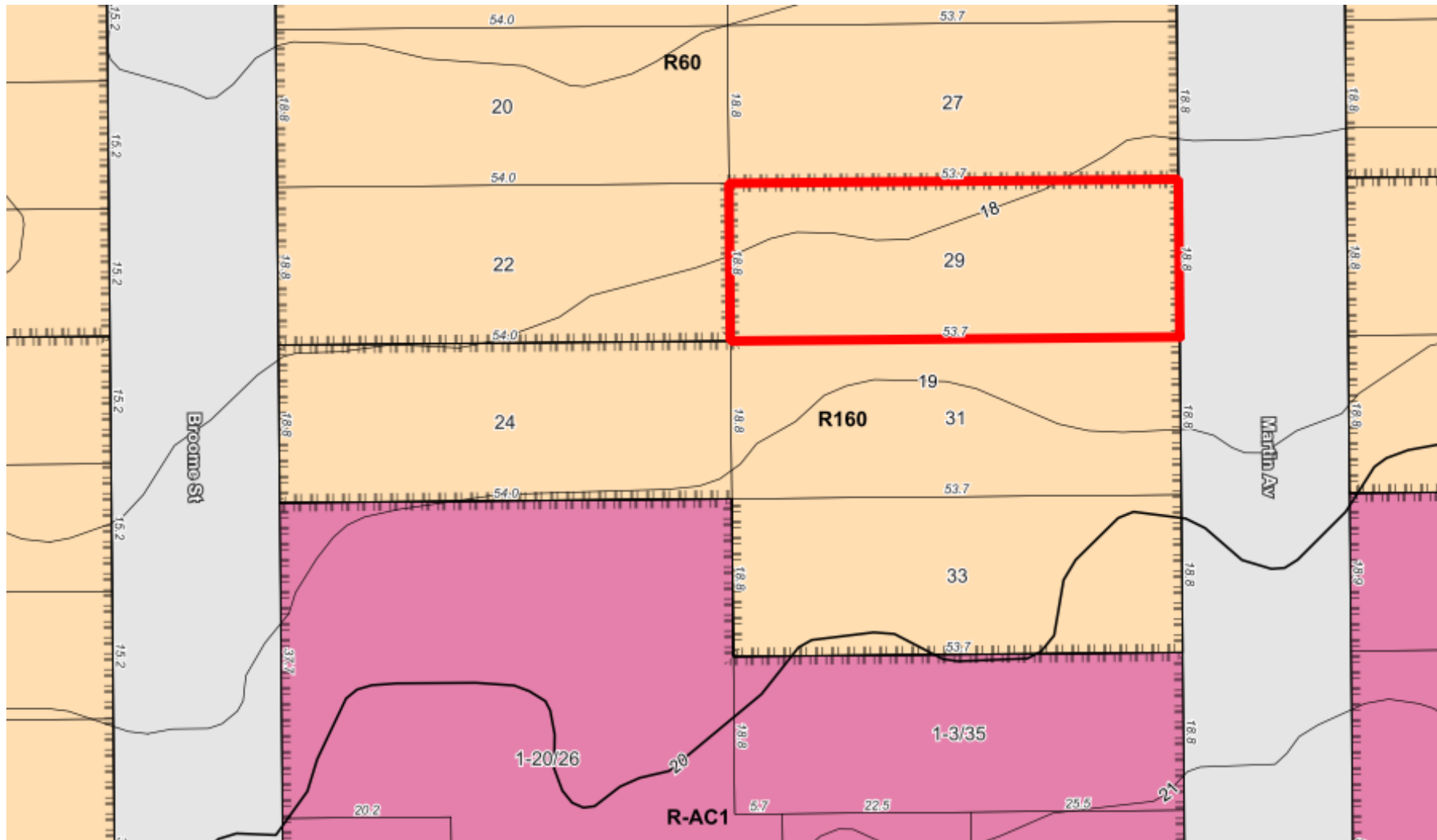
7.0 Conclusion

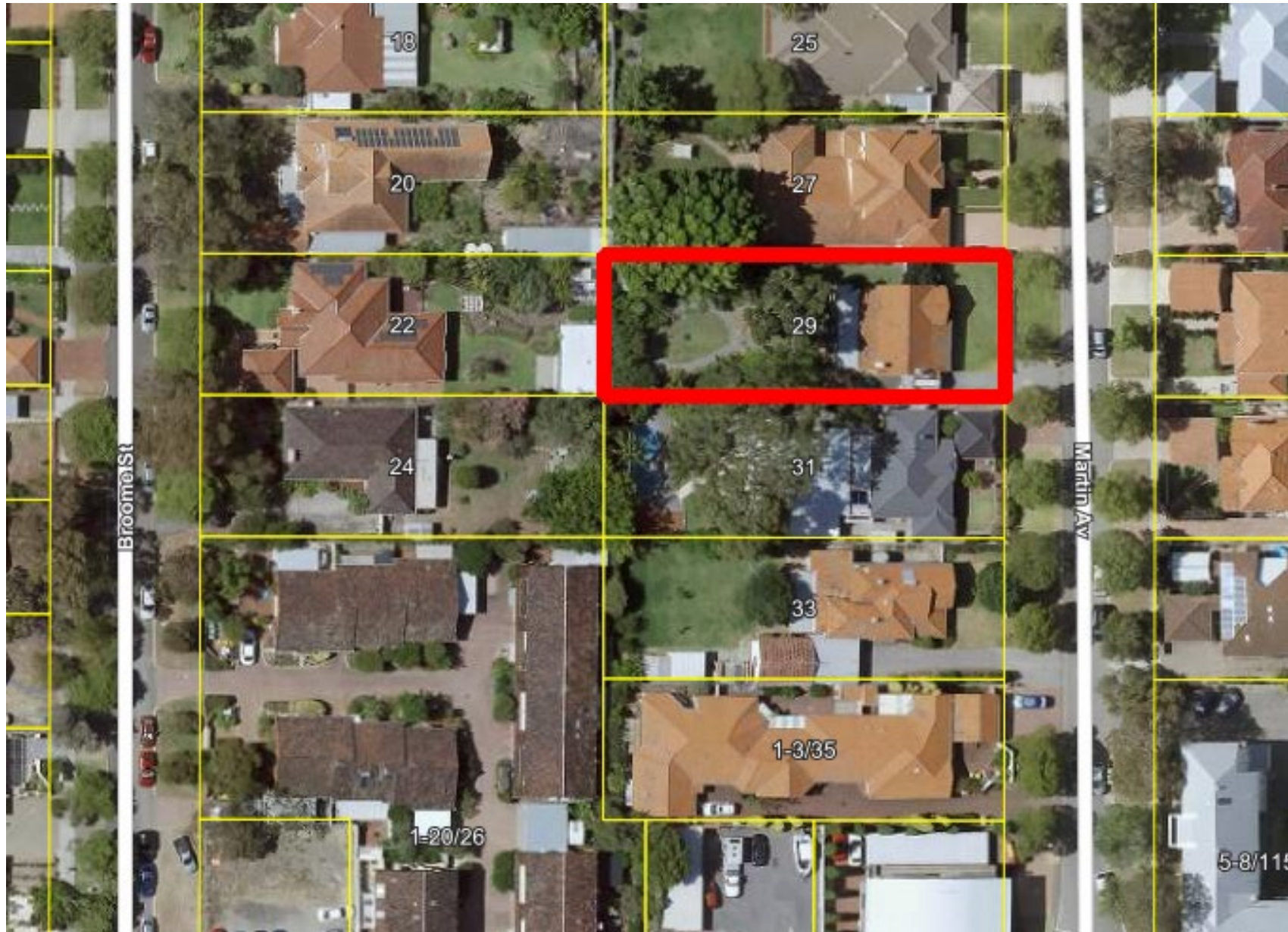
Council is requested to make a decision in accordance with clause 68(2) of the Deemed Provisions. Council may determine to approve the development without

conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

The application for six (6) grouped dwellings has been presented for Council consideration due to Council's Instrument of Delegation, requiring applications which proposed greater than four (4) dwellings or receive objections to be determined by Council. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation (above).





<i>Architectural Design Review Assessment City of Nedlands Design Review Panel</i>	
Design quality evaluation	
29 Martin St, Nedlands – 6 Grouped Dwellings (Three Storey above basement)	
Design Review – 12 July 2021	
Panel: <ul style="list-style-type: none"> • Simon Anderson – Chair • Simon Venturi – Deputy Chair • Emma Williamson • Tony Casella 	
Panel Members:	
Apply the applicable rating to each Design Principle	3 <i>Supported</i>
	2 <i>Further information required</i>
	1 <i>Not supported</i>
	0 <i>Yet to be addressed</i>
Summary	<p>This application is for a proposed six (6) grouped dwelling development at No. 29 Martin Ave, Nedlands.</p> <p>The lot has an area of 1012m² and is predominantly level, with an approximate 1.0m fall running south to north. The site is located approximately 90m north of Stirling Highway. The current land use of the subject site is a single storey single house. The site is located within a street block that is coded R160. To the immediate north and west of the lot, neighboring properties are coded R60.</p> <p>Martin Ave is characterized by mainly single-story single houses with a small volume of two-story dwellings.</p>
Comments Regarding the Development Proposal	
Development Proposal Strengths	<ul style="list-style-type: none"> • Undercroft parking very strong positive. • High level of amenity of rooftop terraces. • Well planned unit floorplan layouts. • Use of a landscape architect. • Passive surveillance of streetscape. • On-structure planting. • Separate pedestrian entry for unit 1. • Generous parking and storage areas. • Strong cross ventilation.
Development Proposal Weaknesses	<ul style="list-style-type: none"> • Streetscape elevation appears commercial - does not represent residential development. Dominance of dark colours and blank surfaces addressing the street. • Lift core visible from primary street. • Generally limited materiality. • Lot of balconies, bedrooms and living areas addressing the northern lot boundary rely heavily on full height visual privacy screening. • Front balcony balustrade transparent glazing – considerer making obscure to allow for privacy (level 1). • ‘Barren’ pedestrian entry and common circulation spine to the development.

	<ul style="list-style-type: none"> • Small laundries comparatively for number of bedrooms proposed. • No annotated clothes drying areas. • Visitor access not considered to be universal access design. Sole reliance on stairs. • Tight vehicle access and manoeuvring areas. Redesign to be considered, especially in relation of front and rear units. • Bins generally not supported within CP driveway. Bins possibly considered within garages. • Rear lot boundary setbacks considered tight. • Greater legibility of front entrance for each dwelling to be considered. • Living/dining rooms of middle houses – full height screening proposed. Generally compromised northern aspect from internal living areas. • Generally lower quality internal living spaces proposed throughout the development partially compensated by roof terrace.
<p>Development Proposal General Comments</p>	<ul style="list-style-type: none"> • Potential to add a courtyard for the front unit (Unit 1). Current area in front of unit 1 is generally 'unusable'. • Generally limited information regarding on structure planting. • Consider greater materiality and lighter colours, especially addressing the primary street elevation. • Consider using landscaping as a 'privacy buffer' looking into the development. • Rooftop terrace may be compromised by future 5 storey development. • Multi-use of terraces to be considered (bar/shading). Cover/shading of part of the terraces should be considered. • General consideration of landscaping (verticality) to be considered.
<p>Principle 1 - Context and character</p>	<p>2 <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <hr/> <p><u>1a. Comments</u></p> <ul style="list-style-type: none"> • Front unit positively contributes to streetscape. (Independent pedestrian access). • Undercroft parking seen as a positive development outcome. <p><u>1b. Recommendations</u></p> <ul style="list-style-type: none"> • Material palate is requested. • Lift core looks blank, minimal canopy and provision of shade. • Staircase appears commercial and could include landscaping and passive screening.
<p>Principle 2 - Landscape quality</p>	<p>2 <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.6, 4.12 and 4.16 as relevant.</i></p> <hr/> <p><u>2a. Comments</u></p> <ul style="list-style-type: none"> • Minimal and narrow deep soil areas proposed. • Additional landscaping to be considered within front setback area.

		<p><u>2b. Recommendations</u></p> <ul style="list-style-type: none"> • Vertical landscaping to be considered. • Additional landscaping within pedestrian access. • Provide section of on structure planting detail. • More detail of planting species and sizes at installation.
Principle 3 - Built form and scale	3	<p><i>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.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 4.10 and 4.11 as relevant.</i></p>
		<p><u>3a. Comments</u></p> <ul style="list-style-type: none"> • Offering a good transition between differing density codes.
		<p><u>3b. Recommendations</u></p> <ul style="list-style-type: none"> • Nil
Principle 4 - Functionality and build quality	2	<p><i>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.</i></p> <p><i>As informed by SPP7.3 Element Objectives 4.3, 4.4, 4.6, 4.7, 4.12, 4.15, 4.17, 4.18 as relevant.</i></p>
		<p><u>4a. Comments</u></p> <ul style="list-style-type: none"> • Well planned. • Poor laundry design and size.
		<p><u>4b. Recommendations</u></p> <ul style="list-style-type: none"> • Provide dedicated drying area. • Reconsider vehicle manoeuvring areas - considered tight. • Transitions for vehicle access ramp to be addressed. • Relocate bins/bin store. Conflict of parking with the bin store area.
Principle 5 - Sustainability	0	<p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.9, 4.1, 4.2, 4.3, 4.11, 4.12, 4.15, 4.16, 4.17 as relevant.</i></p>
		<p><u>5a. Comments</u></p> <ul style="list-style-type: none"> • PVC solar panels are provided. • Additional information required on sustainability initiatives
		<p><u>5b. Recommendations</u></p> <ul style="list-style-type: none"> • Additional information required on sustainability initiatives.
Principle 6 - Amenity		<p><i>Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p>

	<p><i>As informed by SPP7.3 Element Objectives 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3,4.4, 4.5, ,4.7, 4.9, 4.11, 4.12, 4.15, 4.16, 4.17,4.18 as relevant.</i></p>
	<p><u>6a. Comments</u></p> <ul style="list-style-type: none"> • Quality of the living and dining rooms on the rear five units need attention, particularly the fact that living and dining rooms both need privacy screening. • Upper terrace compensates for smaller dining/living space. • Overlooking of southern neighbour from pedestrian access path considered inappropriate. <p><u>6b. Recommendations</u></p> <ul style="list-style-type: none"> • Increase setback of dining room so that it does not require screening for visual privacy. • Provide some shaded areas for rooftop terraces.
Principle 7 - Legibility	<p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4,3.6, 3.7, 3.8, 3.9, 4.5 as relevant.</i></p>
	<p><u>7a. Comments</u></p> <ul style="list-style-type: none"> • Indistinct pedestrian entries for each dwelling from common pedestrian access. • Limited universal access arrangements for visitors. <p><u>7b. Recommendations</u></p> <ul style="list-style-type: none"> • Improve quality of pedestrian entrance sequence. • Improve quality of private open space for Unit 1 – via a courtyard or a low fence which will make the space more usable.
Principle 8 - Safety	<p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1,3.4, 3.6, 3.7, 3.8,3.9, 4.5 as relevant.</i></p>
	<p><u>8a. Comments</u></p> <ul style="list-style-type: none"> • Little landscaping along pedestrian walkway. <p><u>8b. Recommendations</u></p> <ul style="list-style-type: none"> • Recommend a security gate on the pedestrian walkway. • Recommend landscaping as a screening initiative along the pedestrian walkway for privacy and security to the southern neighbour.
Principle 9 - Community	<p><i>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.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 4.5,</i></p>

	<p>4.9,4.18 as relevant.</p>
	<p><u>9a. Comments</u></p> <ul style="list-style-type: none"> • Provides another type of dwelling product to the area. • Open space is incorporated into the rooftop terrace. • No contribution to the community but no negative impact is imposed upon the community. <p><u>9b. Recommendations</u></p> <ul style="list-style-type: none"> • Improve the front setback area to generate a useable space through landscaping and low height visually permeable fencing.
<p>Principle 10 Aesthetics</p>	<p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p> <p><i>As informed by SPP7.3 Element Objectives 3.1, 3.4, 4.8 as relevant.</i></p>
	<p><u>10a. Comments</u></p> <ul style="list-style-type: none"> • Commercial appearance in nature as opposed to a residential design. • Colour and materials schedule required. • Lift core is currently blank. <p><u>10b. Recommendations</u></p> <ul style="list-style-type: none"> • Introduce landscaping to pedestrian staircase entry path. • Provide colours and materials schedule. • Refer to comments in Principle 1.

PD30.21	Consideration of Development Application - Single House at 67 Dalkeith Road, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	Residential Building WA Pty Ltd
Landowner	L & D Marshall
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
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	DA21/62397
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Aerial image and zoning plan
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 29 March 2021 for a single house at 67 Dalkeith Road, Nedlands.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to the need to consider design principles for lot boundary setbacks, open space, garage setback and visual privacy. At the close of the advertising period, two submissions were received, one in support and one objecting to the development proposal. As an objection has been received, this application is presented to Council for determination.

It is recommended that the application be approved by Council as it has been assessed as satisfying the design principles of the Residential Design Codes (R-Codes) Volume 1. As with this application, if a proposal does not meet the deemed-to-comply provisions of the R-Codes, Council is required to exercise judgement to determine the proposal, against the design principles of the R-Codes. As required by

the R-Codes, Council is assessing the proposal against the design principles and should not apply the corresponding deemed-to-comply provisions. It is also considered that the development is unlikely to have a significant adverse impact on the local amenity and character of the streetscape and neighbouring properties.

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 29 March 2021 in accordance with amended plans date stamped 20 August 2021 for a Single House at 67 Dalkeith Road, Nedlands, subject to the following conditions:

- 1. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.**
- 2. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.**
- 3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 4. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development 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.

- 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 6. 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.**

Voting Requirement

Simple Majority.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
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Local Planning Scheme Zone	Residential
R-Code	R60
Land area	250m ²
Land Use	Existing – Vacant land Proposed – Single House
Use Class	'P' Permitted Use

2.2 Locality Plan

The subject lot is located at No.67 Dalkeith Road, Nedlands and is approximately 150m south of Stirling Highway. The site is located at the intersection of Dalkeith Road and Edward Street, with the Dalkeith Road Church of Christ located south-east.

The site has a lot area of 250m² following a recent subdivision. The site is currently vacant and has a minor slope of 1.0m from west to east. The area is surrounded by existing single residential houses, ranging between 1-2 storeys in height. The properties in this area are coded R60 (Attachment 1).

3.0 Application Details

The application seeks development approval for the construction of a two-storey single house with a direct frontage to Dalkeith Road.

4.0 Consultation

The applicant is seeking assessment in accordance with the Design Principles of the R-Codes for the following:

- Lot Boundary Setback
- Open Space
- Garage Setback
- Visual Privacy

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 4 adjoining landowners. The application was advertised for a period of 14 days from 7 July to 21 July 2021. At the close of the advertising period, 1 objection and 1 submission of support was received. The main concerns raised within the submissions were:

- The development will devalue the street;
- The house looks unpleasant and unattractive in its design; and
- The house is too large for the lot.

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

- i. The development will devalue the street.
Property values are not considered under the *Planning and Development Act 2005* and not a consideration in the determination of the development proposal. No action required.

- ii. The house looks unpleasant and unattractive in its design.
The City of Nedlands has no planning controls governing the materiality or aesthetic design of a single house. An assessment is considered against the provisions of State Planning Policy 7.3, Residential Design Codes (Volume 1). Architectural design and aesthetic considerations are at the discretion of the landowner to which the property relates.
- iii. The house is too large for the lot.
The R-Codes set out the design principles and deemed to comply provisions for a range of matters that establish the acceptable 'building envelope' for a dwelling. The development proposal is seeking discretion for lot boundary setbacks. Administration has completed a 'design principle' assessment of the areas seeking departure from the deemed to comply provisions. This can be found under point 6.3.1 of this report (below).

As part of Administration's assessment of the submission received, Administration had offered to meet with the objector to discuss concerns, however, this offer was declined.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

Schedule 2, Clause 67(2) (*Consideration of application by Local Government*) – identifies 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. Overall, the development is considered to meet these objectives, particularly in regards to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 - Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design Principle assessment pathway.

The proposed development is seeking a Design Principle assessment pathway for a part of this proposal. An assessment is sought under the design principles for the R-Codes for lot boundary setback, open space, garage setback and visual privacy. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setback

The development proposal includes three boundary walls addressing the north, south and west lot boundaries.

The boundary walls are considered to meet the Design Principles as:

- The northern elevation proposes appropriate articulation to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk and prioritise access to northern light for the dwelling.
- The wall to the garage is located to the northern lot boundary, with the remainder of the wall to the alfresco and master suite setback 2.1m. This enables open space and landscaping to utilise the northern aspect of the site and reduces the impact of building bulk.
- The proposed boundary walls are considered to maintain the adjoining property's access to natural light and ventilation. Shadow created by the development is confined to a vehicle access leg (being a non-habitable space) of the adjoining lot. Overall, the development meets the deemed-to-comply provisions of element 5.4.2 – Solar access to adjoining properties.
- When assessed individually, each boundary wall satisfies the 'deemed to comply' development criteria for boundary walls under the R60 coding.

A revised landscaping plan has been prepared which includes two 'small'/'medium' trees within the front setback area to help soften the dwelling's interface to the street.

In order to minimise associated building bulk of the development, Administration has conditioned that a landscaping is to be submitted prior to the lodgement of a building permit. This landscaping plan requires the inclusion of 2 trees within the front setback area and a minimum 1 tree between the dwelling and the northern lot boundary.

Clause 5.1.4 – Open Space

The development proposes 29% open space. Open Space is considered to meet the design principles as:

- The scale of the development proposal is consistent with the existing established streetscape character of the immediate streetscape, reflecting an established two storey precedent.
- The proposed dwelling is considered to maximise access to natural light through the northern aspect of the site through windows and openings to habitable rooms and outdoor living areas.
- The dwelling satisfies the deemed-to-comply provisions of building height and solar access.
- The proposal is considered constant with the expectations of the R60 density code in regard to height, setbacks and site coverage.
- The primary street frontage is conditioned to be appropriately landscaped through tree plantings and 'soft' area forward of the dwelling alignment. The development proposes additional landscaping than is set out in the deemed-to-comply provisions of the R-Codes and is considered to provide an attractive setting for the building and streetscape.
- The proposed outdoor living areas provides opportunities for residents to use external space for outdoor pursuits, including a covered entertaining area and balcony facilitating future BBQ areas and gardening opportunities.

Clause 5.2.1 – Setback of Garages and Carports

The garage is proposed to be setback 2.5m from the primary. The development is considered to meet the design principles as:

- The proposed garage is setback to maintain clear sight lines along the street, providing unobstructed views of both the dwelling and street.
- The development provides suitable sightlines to facilitate safe ingress and egress of vehicles from the site.
- The proposed garage has been designed in a complementary style and material palette to match the proposed dwelling.
- The garage is considered to appropriately interface with the street, proposing a 2.5m street setback, whereas R60 requires a minimum 2.0m primary street setback.
- The location and setback of the proposed garage is such that no existing path is jeopardised by vehicle parking.
- It is noted that a separate application is required to be lodged with the City for the installation of a vehicle crossover. Installation of a crossover is not approved under a development application.

Clause 5.4.1 – Visual Privacy

The first-floor balcony addressing the southern elevation proposes a minimum 5.4m visual privacy setback. The development is considered to meet the design principles as:

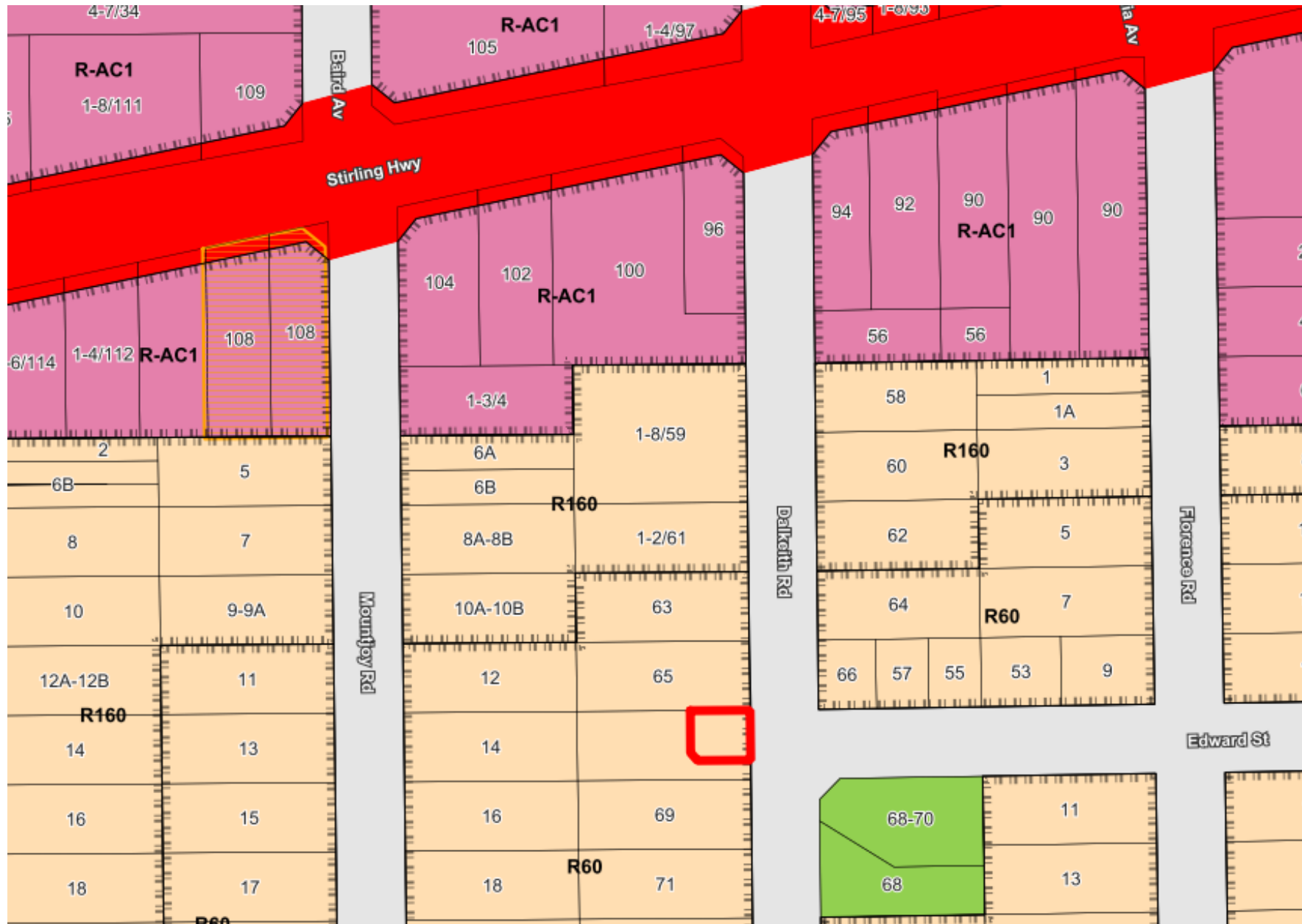
- The proposed visual privacy intrusion results in indirect overlooking only of the southern lot, falling within the vehicle access leg.
- The proposed visual privacy intrusion falls wholly within the adjoining lot's vehicle access leg and does not extend into any habitable spaces of the neighbouring lot.
- All major openings/raised outdoor living areas are appropriately setback or screened to achieve the 'deemed-to-comply' visual privacy provisions of the R-Codes.

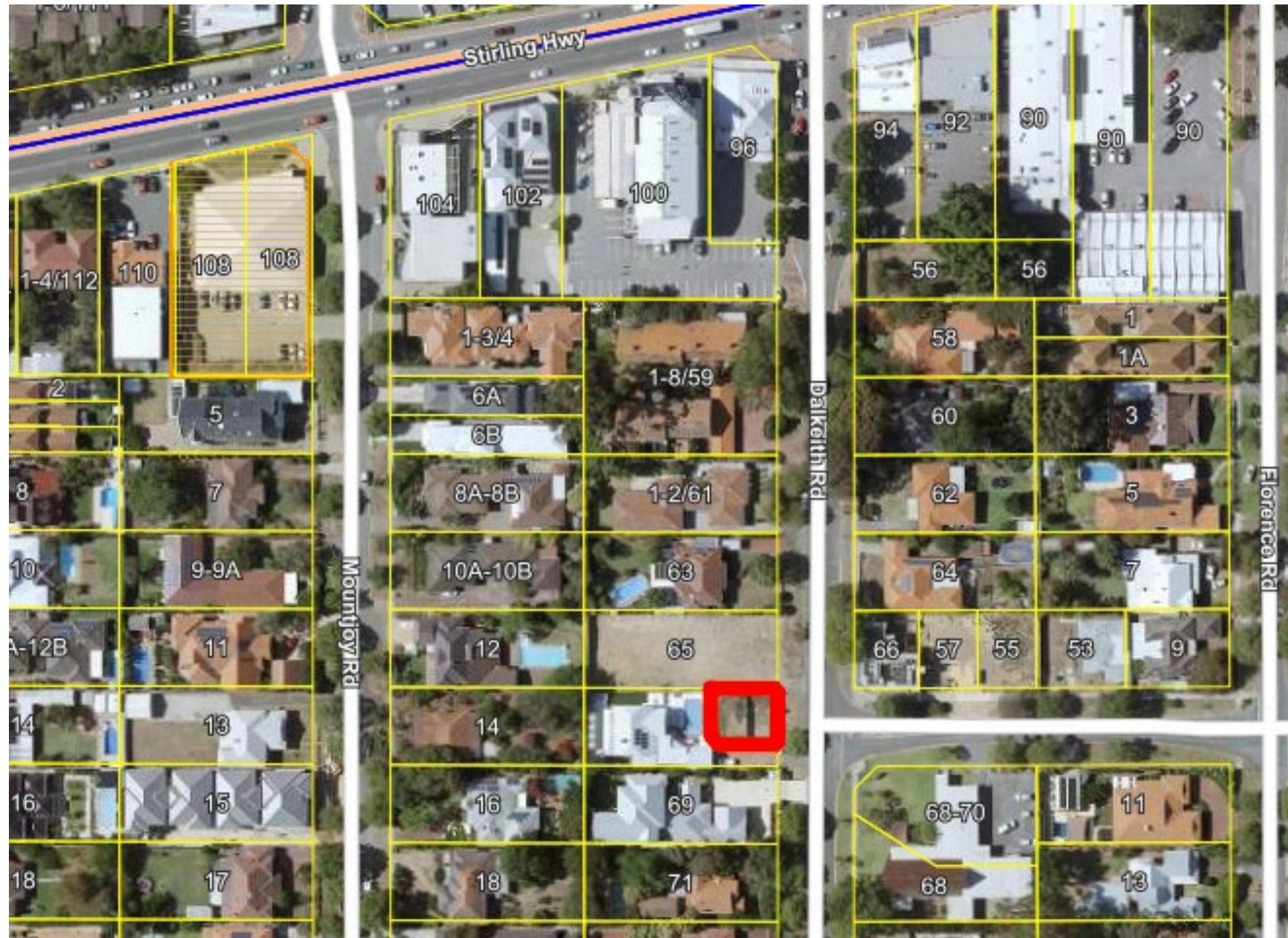
6.0 Conclusion

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

The application for a single house has been presented for Council consideration due to objections being received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.





PD31.21	Consideration of Development Application - Single House at 92 Kingsway, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	R. L. Cumace
Landowner	Y Qiu
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
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	DA21/64480
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. Aerial image and zoning plan
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 19 May 2021 for a single house at 92 Kingsway, Nedlands.

The application was advertised to adjoining neighbours in accordance with the Council's Local Planning Policy (LPP) – Consultation of Planning Proposals. This was required due to the need to consider the judgement of merit for lot boundary setbacks, open space, garage width and site works under the Residential Design Codes (R-Codes). At the close of the advertising period two submissions were received objecting to the proposal. Due to objections being received, this application is presented to Council for determination.

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

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 17 May 2021 in accordance with amended plans date stamped 27 July 2021 for a Single House at Lot 31 (No.92) Kingsway, Nedlands:

1. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.
2. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development 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.

5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
6. 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.

Voting Requirement

Simple Majority.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	431m ²

Land Use	Existing – Vacant land Proposed – Residential Single House
Use Class	'P' Permitted Use

2.2 Locality Plan

The subject lot is located at 92 Kingsway, Nedlands and is approximately 350m south-west of Broadway.

The site has a lot area of 431m² following a recent subdivision. The site is currently vacant and has an approximate 3.0m slope, running down from west to east. The area is surrounded by existing single residential houses, ranging between 1-2 storeys in height. The properties in this area are coded R60 (Attachment 1).

3.0 Application Details

The application seeks development approval for the construction of a two-storey single house, having a direct street frontage to Kingsway.

4.0 Consultation

The applicant is seeking a design principle (judgement of merit) assessment under part 2 of the R-Codes for the following:

- Lot Boundary Setback
- Open Space
- Garage Width
- Site Works

The application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 8 adjoining landowners. The application was advertised for a period of 14 days from 30 July to 13 August 2021. At the close of the advertising period 2 objections were received.

- The proposed amount of fill is excessive
- The development will negatively affect privacy, particularly from the alfresco.
- The proposed dividing fence is not supported in terms of height and location.
- Open space compliance should be adhered to
- The garage width is excessive
- The garage should be setback further from the street
- The dwelling's design is unappealing

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

- i. Finished Levels (Fill)
The development proposal is seeking discretion for site works. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).

- ii. **Visual Privacy**
The development meets the deemed-to-comply development provisions of the R-Codes in relation to visual privacy through the implementation of appropriate setbacks and screening. Visual privacy compliance of the development proposal has been conditioned as part of Administration's recommendation to Council.
- iii. **Open Space**
The development proposal is seeking discretion for open space. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).
- iv. **Garage Width**
The development proposal meets for garage width. Administration has completed a 'design principle' assessment of the areas seeking discretion. This can be found under point 5.2.1 of this report (below).
- v. **Garage Setback**
The development meets the deemed-to-comply development criteria for street setback and garage setbacks outlined within the R-Codes. Under a R60 density code, an average 2.0m primary street setback is provided for. The development has provided a minimum 4.5m primary street setback in all instances.
- vi. **The dwelling's design is unappealing**
The City of Nedlands has no planning controls governing the materiality or aesthetic design of a dwelling. An assessment is considered against the provisions of State Planning Policy 7.3, Residential Design Codes (Volume 1). Architectural design and aesthetic considerations are at the discretion of the landowner to which the property relates.
- vii. **Dividing Fencing**
The applicant has been advised that the proposed dividing fencing is not supported by the adjoining landowners. The landowner is encouraged to discuss any modification to dividing fencing with their neighbours. Neither the Residential Design Codes nor the City's Local Planning Policies regulate dividing fencing. As a result, it is not a condition or consideration of Administration's recommendation.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies 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. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 - Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design Principle assessment pathway.

The proposed development is seeking a Design Principle assessment pathway for a part of this proposal. An assessment is sought under the Design Principles for the R-Codes for lot boundary setback, building height and parking. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas meet the deemed-to-comply provisions of the R-Codes.

Clause 5.1.3 – Lot Boundary Setback

The following lot boundary setbacks are assessed against the design principles provisions of the R-Codes:

- i. Ground Floor North – Alfresco – 1.2m setback.
 - ii. Ground Floor South – Dining – 1.2m setback.
 - iii. Ground Floor South – Family to Study and Guest – 3.6m maximum boundary wall height.
 - iv. First Floor South – Stairs – 2.1m setback.
-
- i. The alfresco ground floor northern wall is proposed to be setback a minimum 1.2m. The development is considered to meet the design principles as:
 - The applicant has proposed a minimum 1.2m northern lot boundary setback for the alfresco portion of wall, with the remainder of the northern ground floor wall being setback between 1.7m and 1.2m.
 - The northern articulated wall is considered to be setback far enough from the northern lot boundary to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk.
 - The northern lot boundary setback is considered to maintain the adjoining property's access to natural light and ventilation. Shadow created by the northern wall is contained wholly within the confines of the subject site. Overall, the development meets the deemed-to-comply provisions of element 5.4.2 – Solar access to adjoining properties.
 - The application is considered to have made a significant effort in minimising the proposed building bulk addressing the northern lot boundary. The proposal makes use of building articulation addressing the northern lot boundary to reduce the perceived impact of building bulk on the northern landowner.
 - ii. The dining room ground floor southern wall is proposed to be setback a minimum 1.2m. The development is considered to meet the design principles as:
 - The proposed dining room setback of 1.2m is considered to reduce perceived building bulk addressing the southern lot, by providing an articulated ground floor interface.
 - The development proposal is assessed as providing adequate solar access and ventilation to the southern lot. The development proposal

provides solar access which meets with the deemed-to-comply provisions of the R-Codes.

- The proposed 1.2m lot boundary setback does not create overlooking of adjoining property. Visual privacy from the dining room to the southern lot meets the deemed-to-comply provisions of the R-Codes.
- iii. The boundary wall on the south elevation is proposed to have a maximum height of 3.6m. The development is considered to meet the design principles as:
- The southern boundary wall includes articulations along its length, setting back the dwelling 1.2m from the southern lot boundary. This enables open space and landscaping to utilise the northern aspect of the site and reduces the impact of building bulk.
 - The southern elevation proposes appropriate articulation to provide satisfactory areas of open space and landscaping which help to reduce the overall impact of building bulk and prioritise access to northern light for the dwelling.
 - The proposed boundary wall is considered to maintain the adjoining property's access to natural light and ventilation. Overall, the development meets the deemed-to-comply provisions of element 5.4.2 – Solar access to adjoining properties.
 - Due to the design of the ground floor and location of openings, there is appropriate sun and ventilation into the building. Shadow cast by the proposed southern boundary wall is confined towards the front of the lot, protecting the expected outdoor living areas on the currently vacant southern lot.
- iv. The stairs on the first-floor southern wall are proposed to be setback a minimum 2.1m. The development is considered to meet the design principles as:
- The proposed stair setback of 2.1m is considered to reduce perceived building bulk addressing the southern lot, by providing an articulated first floor interface.
 - The development proposal is considered to provide adequate solar access and ventilation to the southern lot. It is noted that the development proposal provides solar access which meets with the deemed-to-comply provisions of the R-Codes.
 - The proposed 2.1m lot boundary setback does not negatively impact the adjoining property's right to visual privacy. Visual privacy addressing the southern lot meets the deemed-to-comply provisions of the R-Codes.

Clause 5.1.4 – Open Space

The development proposes 37% open space. Open Space is considered to meet the design principles as:

- The proposed dwelling is considered to maximise access to natural light through the northern aspect of the site through windows and openings to habitable rooms and outdoor living areas.
- The dwelling meets the deemed-to-comply provisions of building height and solar access.

- The scale of the development proposal is consistent with the existing established streetscape character of the immediate streetscape, reflecting an established 2 storey precedent, except on a smaller lot and narrower street frontage.
- The proposed outdoor living areas provides opportunities for residents to use external space for outdoor pursuits, including a covered entertaining area, balcony and swimming pool.
- The primary street frontage is conditioned to be appropriately landscaped through tree plantings and 'soft' area forward of the dwelling alignment. It is noted, the development proposes additional landscaping than is set out in the 'deemed-to-comply' provisions of the R-Codes.

Clause 5.2.2 – Garage Width

The development proposes a garage width of 68%. The development is considered to meet the design principles as:

- The dwelling has a habitable room on the ground floor (study nook) and first floor (bedroom) which provide passive surveillance to the street. The habitable rooms provide visual connectivity between the dwelling and the streetscape.
- To reduce the visual impact of the garage door, the first floor of the dwelling cantilevers forward over the garage, so as to provide visual interest and reduce the bulk of the garage door.
- The first-floor cantilever is considered to provide a more attractive façade to the dwelling and detracts the eye from the garage.
- The garage is noted to be setback a minimum 4.5m from the primary street, where as the 'deemed-to-comply' provisions are for an average 2.0m primary street setback.
- The interface of the garage addressing the streetscape is softened by the provision of a tree planted at the front of the dwelling within the front setback area.
- It is noted that, the proposed additional garage width is to facilitate disabled access arrangements for the landowners and any reduction to the garage width would infringe on wheelchair and disability access in and out of vehicles within the garage.

Clause 5.3.7 – Site Works

The development is considered to meet the design principles as the proposed development is located upon a site with significant site constraints, namely an approximate 3.0m fall located at the rear of the lot.

Northern Fill/Retaining

- The modification of natural ground level is proposed to provide a level outdoor living area surrounding a future pool.
- The modification of natural ground level is considered to provide a more effective use of the subject site and the adjoining eastern site, through creating a level outdoor living area and facilitating developable land.
- The proposed earthworks do not modify natural ground level at the street boundary. Natural ground level at the street boundary has been respected.
- The proposed modification of natural ground level does not result in any overlooking of neighbouring properties or contribute to a loss of visual privacy,

access to natural light and ventilation or impose additional building bulk on adjoining lots.

Southern Fill/Retaining

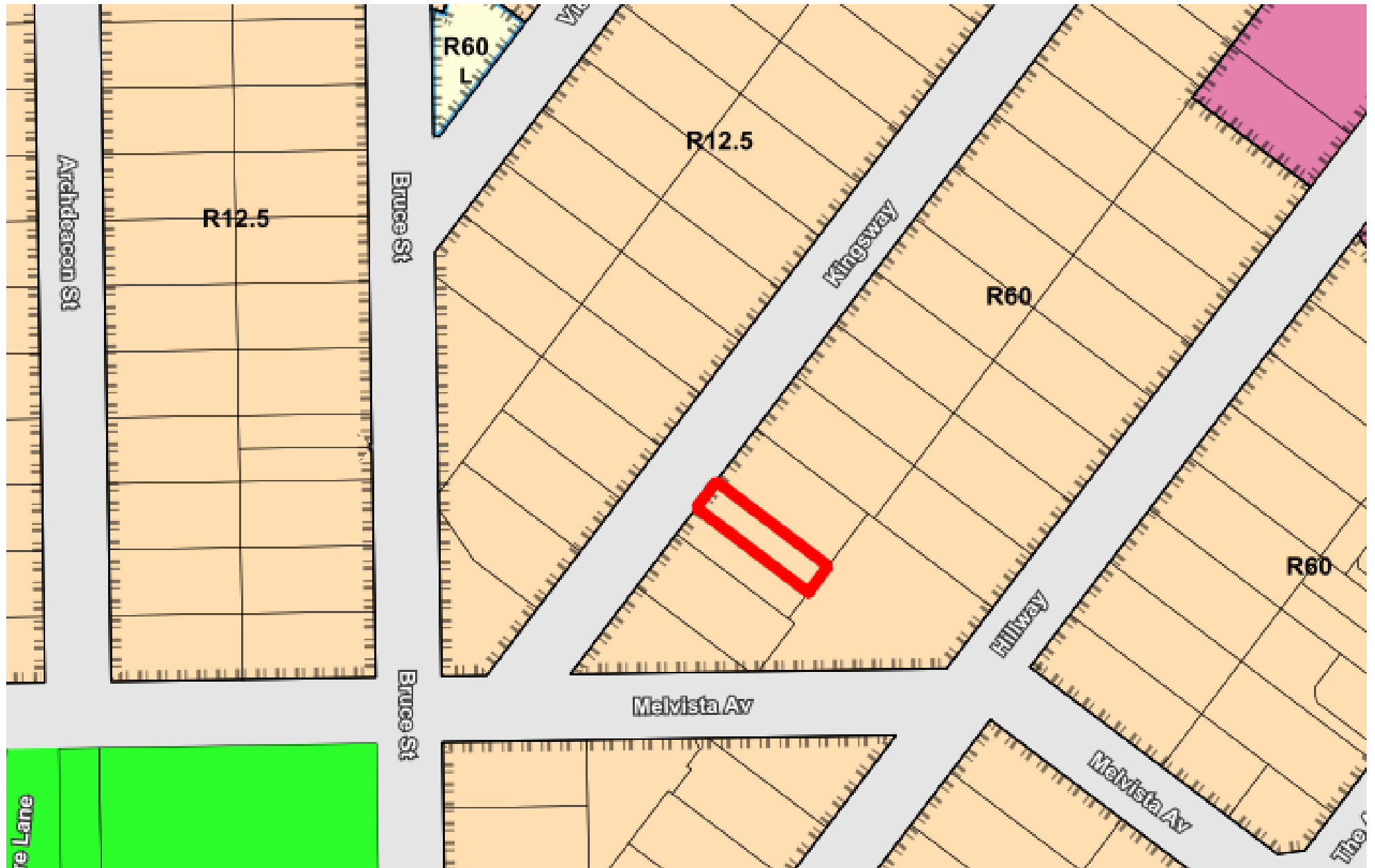
- The modification of natural ground level is considered to provide a more effective use of the subject site, appropriately integrating with the site's outdoor living area.
- The proposed earthworks do not modify natural ground level addressing the street. Natural ground level at the street boundaries has been respected.
- The proposed modification of natural ground level does not result in any overlooking of neighbouring properties or contribute to a loss of visual privacy, access to natural light and ventilation or impose additional building bulk on adjoining lots.

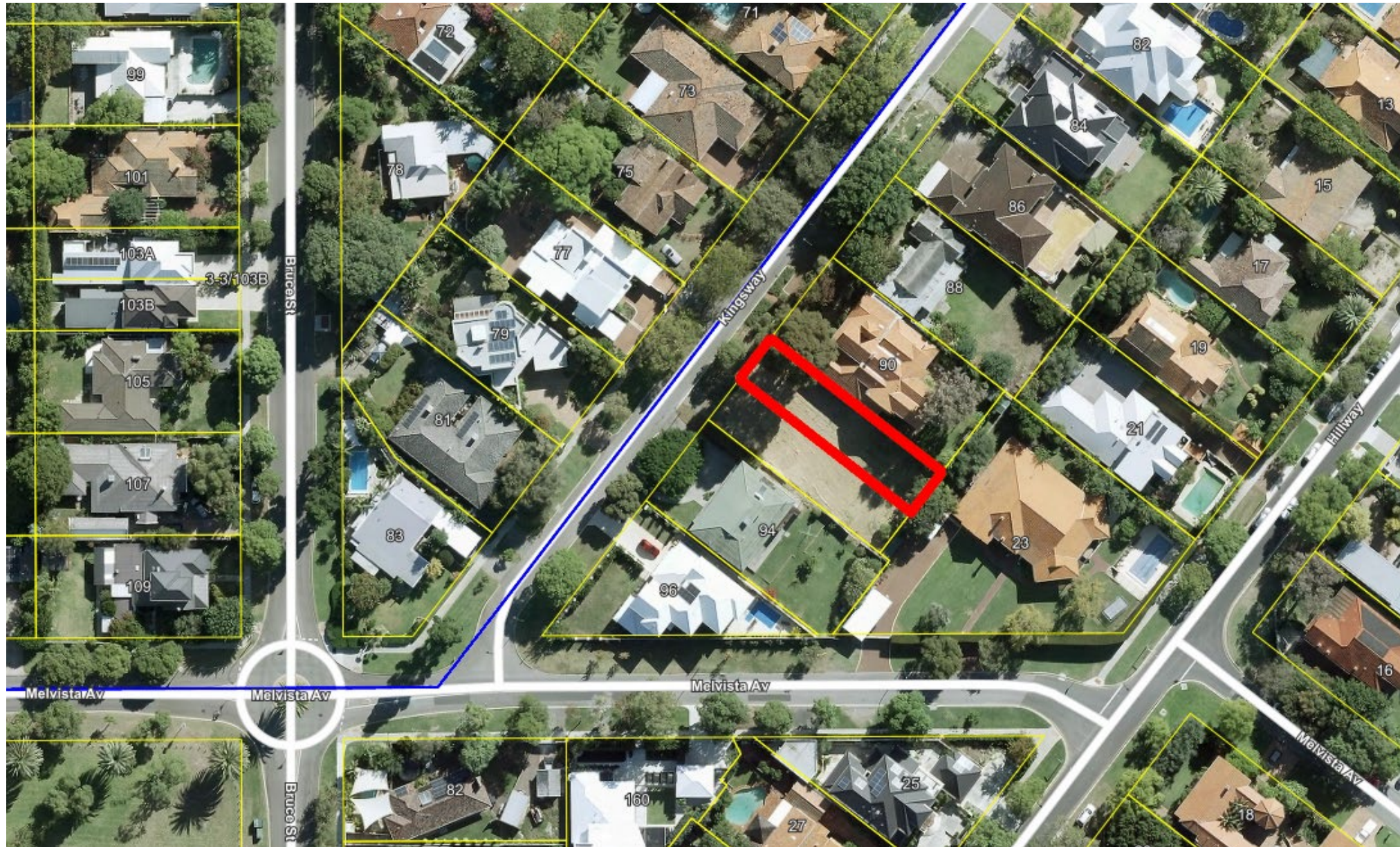
6.0 Conclusion

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

The application for a single house has been presented for Council consideration due to objections having been received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.





PD32.21	Consideration of Development Application (Single House) at 20A Vincent Street, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	Broadway Homes Pty Ltd
Landowner	S Boughton and A Basu
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
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	DA21/64295
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. Aerial Image and Zoning Map
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 13 May 2021 for a single house at 20A Vincent Street, Nedlands.

The application was advertised to adjoining neighbours in accordance with the City of Nedlands Local Planning Policy (LPP) – Consultation of Planning Proposals due to departures from deemed-to-comply provisions for, lot boundary setbacks, open space, garage width, site works, visual privacy and solar access. At the close of the advertising period one submission was received objecting to the development proposal.

Amended plans were submitted on 13 August 2021 incorporating the following changes to the proposed design:

- Additional landscaping at the front and rear of the development.
- Increase of northern first floor boundary wall setback from nil to 0.13m.
- Changes to the materials and colour palette of the dwelling.

It is recommended that Council grants approval as the dwelling 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 and character of the locality.

Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 13 May 2021 in accordance with amended plans date stamped 13 August 2021 for a Residential - Single House at 20A Vincent Street, Nedlands, subject to the following conditions:

1. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the subject lot.
2. 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.
3. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
4. In the event that the windows to the upper storey stairwell and landing are deleted to meet Building Code requirements, an alternative façade treatment that provides visual articulation to the northern boundary wall is to be submitted and approved by the City of Nedlands prior to construction commencing.
5. 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.

Voting Requirement

Simple Majority

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	174m ²

Land Use	Existing – Residential (Vacant Land) Proposed – Residential (Single House)
Use Class	'P' Permitted Use

2.2 Locality Plan

The subject lot is located at 20A Vincent Street, Nedlands and is approximately 200m south of Stirling Highway. The property is currently vacant, having been cleared following a subdivision. Creation of the new lot is currently underway, with conditional approval having been granted by the Western Australian Planning Commission (WAPC). The land slopes upwards from the street by approximately 1-1.5m.

The subject site is considered to be a 'transition site' between two differing residential density codes, R60 and R160. The subject site is coded R60, with the immediate northern neighbouring lots being coded R160. To the south of the subject site is Jenkins Avenue. To the north of the subject site is the Peace Memorial Rose Gardens.

The immediate streetscape is surrounded by existing single houses, ranging between 1 to 2 storeys in height. To the immediate south of the subject site five two storey town houses have been approved by Council fronting Jenkins Avenue.

3.0 Application Details

The application seeks development approval for the construction of a three-bedroom, 2-bathroom single house. The dwelling is two storeys and includes a garage with frontage to Vincent Street.

The subject site has been created through the subdivision of 20 Vincent Street into three lots. The subject site and a new lot to the south (20B Vincent Street) will be 174m². Both lots have direct frontage to Vincent Street. A larger 666m² lot (20 Vincent Street) is created to the rear of the two smaller lots with an access leg onto Vincent Street.

4.0 Consultation

The applicant is seeking assessment under the design principles of the R-Codes for the following elements:

- Lot Boundary Setback
- Open Space
- Garage Width
- Site Works
- Visual Privacy
- Solar Access

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 11 adjoining landowners, for a period of 14 days from 13 July to 27 July 2021. At the close of the advertising period one objection was received. This objection asks for the development to be made to comply with the deemed-to-comply provisions of the R-Codes in relation to lot

boundary setbacks, northern boundary wall height garage setback, open space and site works. The R-Codes do not provide a hard 'limit', rather developments proposing a departure from the deemed-to-comply provisions are assessed against the design principles using a 'judgement of merit' approach. This approach is outlined in the assessment section below.

In relation to garage setback, this has been assessed as deemed-to-comply. All other matters raised in the submission are outlined in the planning assessment below.

5.0 Assessment of Statutory Provisions

5.1 Local Planning Scheme No.3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies 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. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

5.2 State Planning Policy

5.2.1 State Planning Policy 7.3 Residential Design Codes – Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design Principle assessment pathway.

The proposed development is seeking a Design Principle assessment pathway for a part of this proposal. An assessment is sought under the design principles for the R-Codes for lot boundary setbacks, open space, garage width, site works, visual privacy and solar access. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas are considered to be fully compliant with the deemed-to-comply provisions.

Clause 5.1.3 – Lot Boundary Setback (Boundary wall)

The setbacks proposed for the dwelling meet the deemed-to-comply provisions of the R-Codes with the exception of the northern boundary wall. This wall is proposed at a maximum height of 5.8m (two storeys), whilst the deemed-to-comply provision is a single storey wall with a maximum height of 3.5m. Although the wall is setback from the northern boundary by 0.13m, it is considered a 'boundary wall' by the R-Codes. The length of the boundary wall is 11.5m and meets the deemed-to-comply provision of being less than two-thirds of the length of the boundary behind the street setback. The two storey portion of the wall is 7.9m.

The boundary wall is located on the northern boundary. Immediately abutting this wall will be the access leg to the lot located at the rear of 20 Vincent Street. The access leg is 4m wide and effectively separates the boundary wall from the northern neighbouring dwelling. This area cannot be developed as it will provide driveway access only.

Notwithstanding the presence of the access leg, the boundary wall has been assessed against the design principle P3.2 and is assessed as appropriate as follows:

- Locating the boundary wall on the northern side makes the most effective use of the limited space available on the site. Placing the bulk of the building on the northern boundary to an access leg reduces the need for bulk on the southern side of the property. The east-west orientation of the relatively small lot means that overshadowing of the southern neighbour is a challenge to be addressed. The northern boundary wall is a direct response to this.
- The building bulk will be focused away from the southern neighbour and against the access leg to the lot at the rear. The boundary wall is separated from the northern neighbour by the 4m access leg, thereby reducing the impact on both northern and southern neighbours.
- By bulking the dwelling to the north boundary against the access leg, this allows for greater setbacks to the southern boundary. This in turn reduces the overshadowing onto the southern neighbour.
- The boundary wall includes obscure glazed windows to the stairwell. This treatment meets the visual privacy requirements of the R-Codes.
- The location of the boundary wall on the northern boundary will not impact on the amenity of the adjoining lot. The access leg to the rear lot is unable to be developed and will remain open space into the foreseeable future. Due to the slope of the access leg, the height of the wall reduces from 5.8m at the street to 5.4m at the rear end of the two-storey portion of the wall. The single storey remainder of the wall reduces from 2.5m to 2.2m.
- To reduce the visual impact of the wall, it is proposed to include windows in the upper storey, as well as a contrasting render colour. It is noted that the windows will be required to meet building code requirements for fire separation. This may require the windows to be deleted at the building certification stage. Should this occur, it is recommended that there is additional articulation of the boundary wall to compensate. In the event of approval of the application, it is recommended a condition is included requiring this occur.

The above assessment demonstrates that the design principles for lot boundary setback (boundary wall) have been appropriately addressed by the development.

Clause 5.1.4 Open Space

The subject site is 174m² in area. The open space for the development has been calculated as 35% (61m²). A design principle assessment has been conducted as outlined below:

- The R-Codes requires the development to reflect the existing and/or desired streetscape character of the area. The locality in which the subject site is located is residential in nature with a density code of R60 or R160 to the north of Jenkins Avenue and R10 to the south. The immediate locality of the site is currently undergoing significant change. In addition to the subdivision of 20 Vincent Street, the properties at 21 and 22 Vincent Street have been subdivided into 5 lots each and are subject to development. The bulk and form of the resultant development will be similar to that proposed by this current application. Similar street setbacks, heights and scale are proposed. An

application for the lot immediately south of the subject site has been lodged and presents a similar built form.

- The development is required to provide access to natural sunlight for the dwelling. The dwelling includes an outdoor living area in the north-eastern corner of the site. This will provide solar access into the rear yard and indoor living areas. On the upper storey, there are north-facing windows to Beds 2 and 3 and a west-facing window to Bed 1.
- The development is to reduce building bulk on the site, consistent with the expectations of the applicable density code. As discussed in the section relating to the boundary wall, the bulk of the building has been pushed towards the northern boundary away from the southern neighbour. This has been achieved without undue impact on the northern neighbour due to the presence of an access leg to the rear lot.
- The R-Codes require the development to provide an attractive setting for buildings, landscape, vegetation and streetscape. The development includes landscaped areas in the front and rear areas of the site. Sufficient space has been provided for landscaping in the front setback to reduce the visual impact of the dwelling on the streetscape. There is also a 2m x 2m space in the rear yard to accommodate a tree planting area as required by the deemed-to-comply provisions of the R-Codes. A detailed landscaping plan has been provided detailing the proposed planting regime.
- The development is required to provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site. A 20m² outdoor living area is proposed on the north-eastern corner of the site. This will be 70% un-roofed and have a minimum dimension of 4m. This exceeds the deemed-to-comply provisions for outdoor living areas. In addition to the outdoor living area, there is a 4.8m x 1.6m landscaped rear yard and a 9.8m x 1.1m southern side setback area. These areas combine to provide access to the rear, southern side and front of the dwelling.
- The development is to provide space for external fixtures and essential facilities. The development provides a 1.1m wide side setback on the southern elevation. This will accommodate an air conditioner unit, hot water system and rubbish bins. This area is accessed from the street via the garage and rear door. This area allows for all 'back-of-house' facilities to be located out of public view.

The above assessment demonstrates that the design principles for open space have been appropriately addressed by the development.

Clause 5.2.2 Garage Width

The subject site is 8.8m wide at the street setback line. The development proposes a garage width of 67% of the frontage (5.9m). The garage width has been assessed against the design principles of visual connectivity between the dwelling and the streetscape being maintained and the effect of the garage door on the streetscape being minimised so that the streetscape is not dominated by garage doors.

In order to reduce the visual impact of the garage door on the streetscape, the development proposes:

- The front door of the dwelling will be located in front of the garage door line;
- Landscaping will be planted in the front setback area on both sides of the driveway; and
- The upper floor above the garage cantilevers in front of the garage door line to provide articulation and reduce the dominance of the garage door.

The above assessment demonstrates that the design principle for garage width has been appropriately addressed by the development.

Clause 5.3.7 Site Works

Due to the subject site sloping upwards from the street, the rear of the lot will be cut and retaining installed on the north, east and south boundaries. This retaining will have a maximum height of 1.3m below natural ground level. Due to the topography of the site, no filling is required to increase finished floor levels above natural ground level.

An assessment under the design principle has been conducted as follows:

- The R-Codes require the development to consider and respond to the natural features of the site and require minimal excavation or fill. The development proposes cutting into the natural slope so that the finished floor level is 0.1m higher than the driveway level. At the rear of the site, this will require cut (excavation) of up to 1.3m. This is considered appropriate as it allows for the effective building height to be reduced when viewed from the properties to the south and east. It will also provide for a greater level of privacy for the outdoor living area as it will be lower than the neighbouring ground level and screened by standard residential fencing.
- The development is required to respect the natural ground level at the lot boundary as viewed from the street. The development achieves this by setting the 'datum' level as the level at the front boundary and extending this through to the rear of the site. This will ensure the dwelling does not 'tower' over the street or a future dwelling on the property to the south.
- The development is to have retaining walls that do not detrimentally affect adjoining properties. The development achieves this as the finished levels are lower than the levels of the adjoining properties. Building requirements will ensure that adjoining properties are retained to prevent subsidence. There will be no visual privacy concerns as fill is not proposed. Given the adjoining property to the south has a similar topography, it is likely that the maximum height of retaining on the southern boundary may be lower once this property is developed.

The above assessment demonstrates that the design principles for site works have been appropriately addressed by the development.

Clause 5.4.1 Visual Privacy

The development is required to consider visual privacy for the upper storey. The proposed windows on the northern elevation to Bed 2 provides a 2.8m visual privacy setback, whilst Bed 3 provides 0.6m. These windows face the northern boundary, overlooking a future vehicle access area. The effective visual privacy setback to the northern neighbour inclusive of the width of the access leg is 4.6m for Bed 3 and 6.8m for Bed 2.

As the access leg cannot be developed or screened from public view, the overlooking of the windows from Beds 2 and 3 is considered to meet the design principles. Appropriate levels of privacy will be maintained to the property to the north and the future property to the east. Given the future use of the adjoining leg for vehicle access only, there is no need to protect the privacy of this area. Further, providing passive surveillance of this area is considered to be appropriate from a crime prevention through environmental design (CPTED) perspective.

Clause 5.4.2 Solar Access for Adjoining Sites

The property to the south of the subject site is a similarly-sized and dimensioned lot created as part of the same subdivision. It is currently vacant, although an application has been lodged for the construction of a two-storey single house. The current development proposes 57% (98m²) of the neighbouring lot (20B Vincent Street) to be overshadowed at 12pm on 21 June (winter solstice).

The proposed dwelling attempts to reduce overshadowing by shifting the bulk to the northern boundary, with the design principle assessment being as follows:

- The development is required to provide effective solar access for the development and protection of solar access to the south. As discussed above, this has been achieved in part by shifting the bulk to the north side. Also assisting is the effective reduction of building height by cutting into the natural slope. This reduces the height of the dwelling the further into the rear of the site it is located.
- The development is required to protect solar access for neighbouring properties taking into account existing outdoor living areas, north facing major openings and roof-mounted solar collectors. In this case, there is no development on the property to the south. However, a development application has been received. This proposed an outdoor living area in the north-western corner of the site. The shadow will provide partial sunlight to this outdoor living area on 21 June. The proposed neighbouring dwelling will also avoid major openings in the northern elevation, reducing the impact of the overshadowing.

The above assessment demonstrates that the design principles for solar access have been appropriately addressed by the development.

6.0 Conclusion

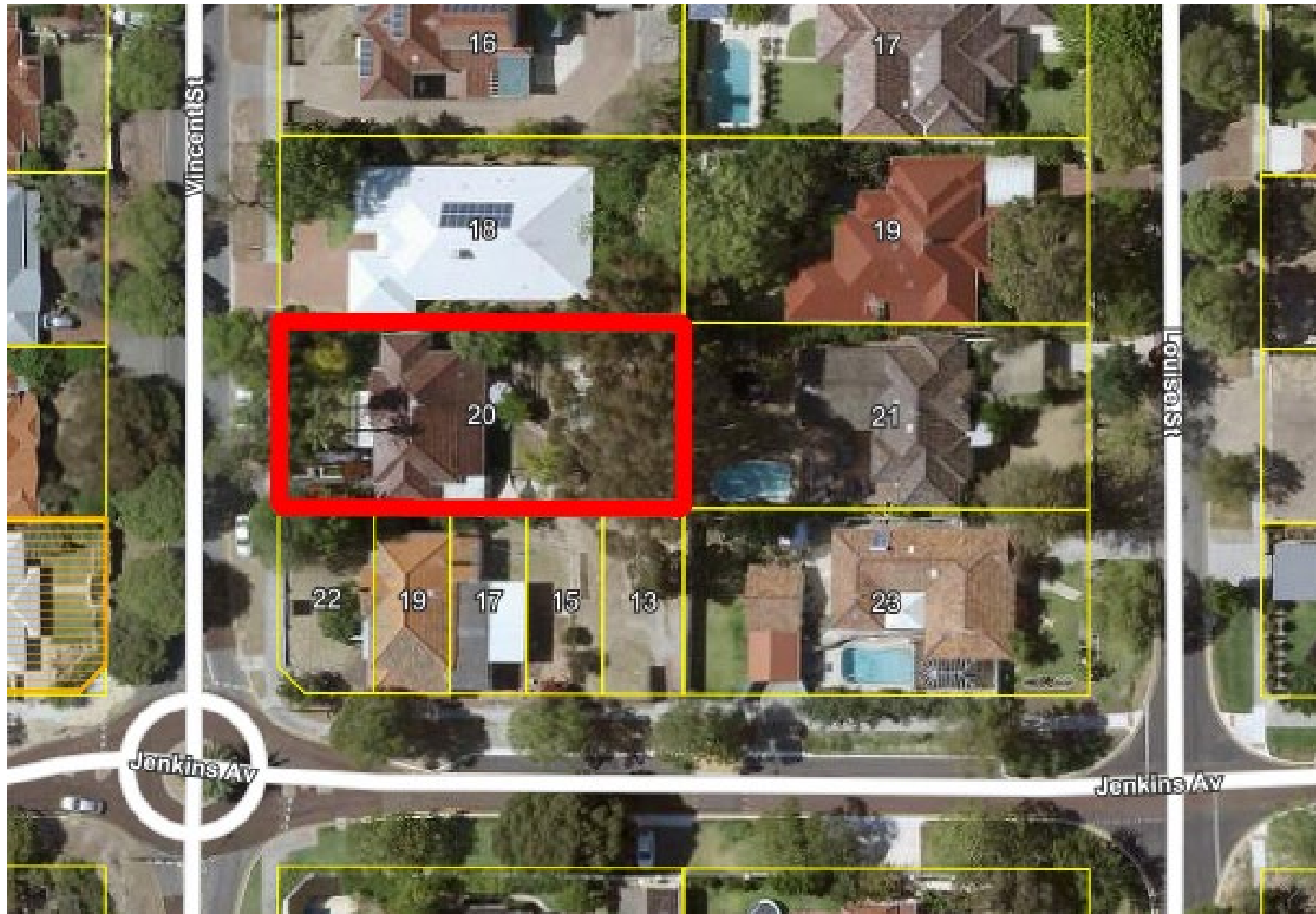
Council is requested to make a decision in accordance with clause 68(2) of the Deemed Provisions. Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

The application for a single house has been presented for Council consideration due to objections having been received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the Residential Design Codes.

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.



Aerial Image – 20 Vincent St, Nedlands



PD33.21	Consideration of Development Application – 5 Grouped Dwellings at 25 Mountjoy Road, Nedlands
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Committee	14 September 2021
Council	28 September 2021
Applicant	CF Town Planning and Development
Landowner	Willem Investments One Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia</p>
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	DA21-65012
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 5 dwellings.
Attachments	1. Aerial Image & Zoning Map
Confidential Attachments	1. Plans

1.0 Executive Summary

The purpose of this report is for Council to consider a Development Application for the construction of five grouped dwellings at 25 Mountjoy Road, Nedlands.

The site is zoned 'Residential' and is coded R60 by the City of Nedlands Local Planning Scheme No.3. The development comprises of three-bedrooms, two bathrooms and the provision of two car parking bays in a garage, provided at grade.

It is recommended that the application be approved by Council as it has been assessed as satisfying the design principles of the Residential Design Codes (R-Codes) Volume 1. It is also considered that the development is unlikely to have a significant adverse impact on the local amenity and character of the streetscape and neighbouring properties.

Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 4 June 2021 in accordance with the amended plans date stamped 25 August 2021 for five (5) Grouped Dwellings at Lot 225 (No.25) Mountjoy Road, Nedlands, subject to the following conditions:

- 1. Prior to the issue of a Building Permit, a revised Waste Management Plan shall be submitted and approved to satisfaction of the City. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.**
- 2. The Acoustic Report dated 6 May 2021 prepared by Lloyd George Acoustics forms part of this development approval and shall be complied with at all times to the satisfaction of the City. 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.**
- 3. The Landscaping Plan forms part of this approval. Landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by Propagule dated 18 August 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 4. Prior to occupation, the applicant is to install a one (1) x 500 L tree located on Mountjoy Road verge, at the expense of the applicant and to the satisfaction of the City of Nedlands.**
- 5. Prior to occupation, the parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS2890.1:2004.**
- 6. Prior to the issue of a Demolition Permit or Building Permit, a Demolition and Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.**
- 7. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**
- 8. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**
- 9. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of**

more than 0.5m above natural ground level located behind the street setback area shall satisfy the deemed to comply criteria of element 5.4.1 of the Residential Design Codes Volume 1. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of;

- a. Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
- b. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
- c. A minimum sill height of 1.60 metres as determined from the internal floor level; or
- d. An alternative method of screening approved by the City of Nedlands.

The required setbacks and/or screening shall be thereafter maintained to the satisfaction of the City 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 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, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.
12. 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.

2.0 Background

2.1 Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	1,012m ²
Land Use	Existing – ‘Residential’ use for a Single House Proposed – ‘Residential’ use for Grouped Dwellings
Use Class	Permitted (P)

2.2 Locality Plan

The subject site currently comprises one lot at 25 Mountjoy Road, Nedlands which is currently vacant. The site slopes downwards from the north eastern corner to the south western corner of the lot. The land slopes gradually from north-eastern to south-west by approximately 1m.

The site is oriented west-east and has its frontage to Mountjoy Road and is bound by residential lots to the northern, eastern and southern lot boundaries. The subject site is zoned R60. All lots to the north of Jenkins Avenue are coded R60 and above. All lots to the south of Jenkins Avenue are coded R12.5 and R10.

As shown in Attachment 1, the subject property is surrounded by a mix of single and grouped dwellings. To date, there are no recent approvals for similar developments in Mountjoy Road, however in adjacent Louise Street, the Metro-Inner North Joint Development Assessment Panel (JDAP) recently approved 37 multiple dwellings at 17-19 Louise Street and 6 multiple and 7 grouped dwellings at 21-23 Louise Street.

The Western Australian Planning Commission have approved a 5 lot survey strata subdivision for this site.

3.0 Application Details

The application seeks development approval to construct 5 grouped dwellings, details of each are as follows:

- Two-storey grouped dwellings comprising three bedrooms, two bathrooms, a double garage, kitchen, living area, dining area, sitting room and an outdoor living area facing north;
- A communal bin store along the southern lot boundary for general waste bins and recycling bins to be located within the garages of the units; and
- Vehicle access is proposed on the southern boundary. In order to accommodate the driveway, it is proposed to remove an existing Queensland Box Tree.

4.0 Consultation

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

- Street Setback
- Lot boundary Setback
- Open Space
- Parking

The variations were considered to not require advertising due to the variations occurring internal to the development and was not considered to have an undue impact on the surrounding lots.

5.0 Assessment of Statutory Provisions

5.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67(2) (Consideration of application by local government) identifies those matters that are required to be given due regard to the extent relevant to the application. Administration considers that the development meets these objectives, particularly in relation to height, scale and landscaping and overall amenity.

5.2 State Planning Policy 7.3 – Residential Design Codes - Volume 1

State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a Design Principle assessment pathway.

The proposed development is seeking a Design Principle assessment pathway for a part of this proposal. An assessment is sought under the Design Principles for the R-Codes for street setback, lot boundary setback, open space and parking. As required by the R-Codes, Council in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions. All other areas are considered to be fully compliant with the deemed-to-comply provisions of the R-Codes.

Clause 5.1.2 – Street Setback

Units 1 – 4 are setback a minimum nil setback to the internal common property driveway. The development is considered to meet the Design Principles as:

- The setback variations face the internal common property driveway and do not directly face the primary street. The reduced setbacks to an internal common property driveway are not considered to have an adverse impact to the street.
- The design of the development incorporates various articulations of the wall lengths on the ground and upper floors so as to ensure the building mass and form is not excessive. It further provides for a range of materials and architectural treatments such as timber cladding, render facebrick minimise the perception of bulk as viewed from the street.
- The proposed landscaping plan is supported as and contributes to the leafy-green streetscape.
- The two-storey bulk is predominately massed towards the common property driveway as a means to increase side lot boundary setbacks to adjoining landowners. This in turn facilitates more efficient use of a useable outdoor living space for internal residents, whilst maintaining the amenity and privacy of adjoining sites. Collectively, this approach is considered more desirable.
- Provision has been made for windows to face the common property driveway which is considered to make a positive contribution to the internal private street in terms of public surveillance and activity. Whilst the major openings facing the common property driveway provide for passive surveillance, they are also

setback in accordance with the deemed-to-comply setbacks for Clause 5.4.1 – Visual Privacy.

- Each site can accommodate parking, landscaping and utilities and there are no easements or essential service corridors to apply.

Clause 5.1.3 – Lot boundary setback

The development proposes a boundary wall for the communal bin store (south), which is located within the street setback at 1m. The development is considered to meet the Design Principles as:

- The width of the bin store facing Mountjoy Road is 1m with additional landscaping directly in front. This will assist in reducing the impacts on building bulk, facing the street.
- The total length of the boundary wall is 7.2% along the southern lot boundary. It further has a maximum height of 1.8m which means is the same height as the existing boundary fence. Thereby reducing impact of building bulk on adjoining properties and not impacting on extent of shadow cast.
- It is considered that having a communal bin store is more desirable as a means to reduce the total number of bins on verge at any one time (i.e. no more than 8 bins in lieu of 10 if every household had their own bin).

Clause 5.1.4 – Open Space

Units 1 proposes 35% open space, with Units 2 – 4 proposing 37% open space. Open Space is considered to meet the Design Principles as:

- Overall, the proposal achieves 44% open space for the site.
- A large variety of trees proposed in the open spaces of the site will reflect and enhance the streetscape character of Mountjoy Road as a leafy green locality by providing a green vista when viewed from the street.

All outdoor living areas and principal living spaces are orientated to take advantage of the northern aspect of the site which will improve the living amenity of the future residents. It is also noted that the site is within close proximity of the Peace Memorial Rose Gardens, where future residents will have access to open space for outdoor pursuits.

- The design of the development utilises multiple articulations at ground and upper floor so as to reduce the building bulk of the site onto adjoining properties. The setbacks of the development are meet the deemed to comply provisions outlined under Clause 5.1.3.

Clause 5.3.3 – Parking

No visitor car parking spaces are proposed. The parking is considered to meet the Design Principles as:

- There is considered to be ample off-site street parking for the development. To the east of Mountjoy Road there are timed 2 hour parking bays available from 8:00 am – 6:00pm Monday – Friday. There are no parking restriction outside of these times. On street parking is therefore available and have capacity to accommodate visitors to the development.
- The development originally proposed a visitor bay in the front setback adjacent to Unit 1. The exclusion of a visitor bay to the development has allowed further landscaping within the front setback of the lot which will produce a more desired leafy green streetscape outcome.

5.3 Local Planning Policy

Waste Management

A Waste Management Plan has been prepared by Talis Consultants which proposes a communal bin store for refuse and FOGO and individual recycling bins to each unit. This would result in no more than 8 bins to be collected on the verge at any one time. This is supported. A condition of the determination of the application requires the development to comply with the approved Waste Management Plan in perpetuity and to make some minor revisions before the issue of a Building Permit.

Street Trees

The proposal includes the removal of an existing 11 year old Queensland Box tree which is 4m in height (Asset ID 9441). This is in order to accommodate a new crossover and driveway to the development. It is noted that the driveway location has been determined by the WAPC approval of the survey strata subdivision.

A recent site visit undertaken shows that this tree in a poor condition and in decline. Administration consider that the condition of the tree is likely to further deteriorate, as it is or is entering, post maturity and has a lifespan of approximately 10 years. It is recommended that the tree be replaced with a new 500L tree at the expense of the applicant and to the satisfaction of the City. This has been included as a recommended condition.

6.0 Conclusion

Whilst the proposal is a more intense form of development than what currently exists, it is compatible with the built form and scale of the redeveloped homes that predominate Mountjoy Road and is consistent with the emerging streetscape character. The proposal is seen to be an appropriate type of development in a transitional zone between high density on Stirling Highway and lower density in Dalkeith.

The proposal meets the key amenity related elements of R-Codes Volume 1 and as such is unlikely to have a significant adverse impact on the local amenity of the area. The five grouped dwellings proposed at the subject site are considered to be consistent with the Residential R60 density code. The proposal has been assessed and satisfies the Design Principles of the Residential Design Codes and is not considered to prejudice the intent of the zone or objectives of the Scheme.

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



