

Local Planning Policy

- ***Peace Memorial Rose Garden Precinct,***
- ***Nedlands***



September 2020

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1. PREAMBLE

This Local Planning Policy (*LPP*) is consistent with the purpose, objectives and design guidance of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (*SPP7.3 Vol 2*) and refines that policy.

Under SPP7.3 Vol 2 complementary or supplementary LPPs can be made by local government (with WA Planning Commission approval where required) to:

- vary the Acceptable Outcomes of Part 2 Primary Controls to respond to local character and context;
- amend or replace the Acceptable Outcomes of the Parts 3 and 4 Primary Controls in certain sections; and
- augment the SPP regarding additional aspects required by the local context, subject to being consistent with the Element Objectives of the SPP.

The role and benefit of an LPP, therefore, is to provide tailor-made and fine-grain measures to suit the circumstances of an area. In relation to SPP7.3 Vol 2, an LPP and/or Local Development Plan (*LDP*) can elaborate upon and fine-tune development parameters and design requirements for apartment proposals. An LPP is to be regarded together with SPP7.3 Vol 2 and other applicable instruments, in the preparation, assessment and determination of development applications.

2. INTRODUCTION

The gazettal of the City of Nedlands Local Planning Scheme No. 3 (*LPS3*) on 16 April 2019 increased the potential for substantially higher density, taller and more intensive development throughout rezoned parts of the City. Given the need to manage this change, the City has commenced preparing a suite of precinct plans and LPPs for comprehensive local area development control, including density transition areas. There is presently no LPP in place to recognise the specific requirements of developments that may occur in the area surrounding this heritage-listed location.

A key purpose of this LPP is to ensure that the character of the well-established precinct is sustained and evolved as new development occurs.

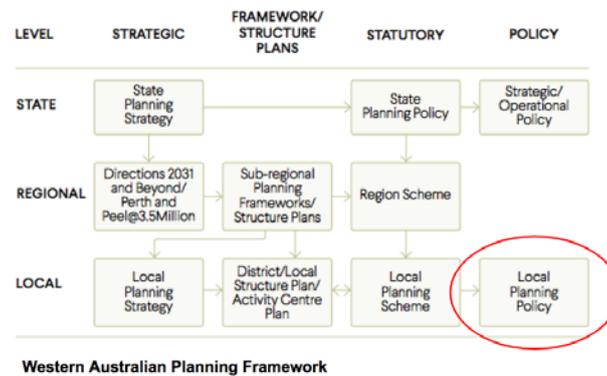
In this respect SPP7.3 Vol 2 provides that:

‘...Understanding character is essential to define an appropriate style, scale and form for new development that retains and enhances character in an existing area or contributes to the desired character in a renewing area...’

This LPP aims to manage development with reference to the existing character and historical and heritage context of the area. It has been devised taking into account lot sizes, building typologies, building envelopes and the related detailed design aspects that together will influence the urban character of the precinct.

The preparation and adoption of LPPs accords with the State Government’s approach that local planning schemes contain the basic zones, densities and provisions, while local planning policies contain the more detailed design and development requirements.

The diagram below shows where this LPP fits within the Western Australian State Planning Framework:



LPPs in existence or being prepared by the City that relate to this LPP are:

- The Nedlands Town Centre Precinct Plan, for which the study area extends along Stirling Highway as far Louise Street: It aims to ensure new buildings complement each other and the neighbouring residences in adjoining streets. It addresses movement of people and vehicles, land use activity, buildings and infrastructure.
- The Transition Area – Rose Garden Precinct LPP, from Dalkeith Road to Rockton Road bounded by Jenkins Road to address built form design, laneway locations and character related streetscape response for the larger catchment area.
- Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements, setting out requirements for the establishment of a laneways between 16 and 18 Doonan Rd through to 19 and 21 Vincent St on an east-west axis.
- Residential Development: Single and Grouped Dwellings, to provide guidance and supplementary requirements to LPS 3 and SPP 7.3 Volume 1 in relation to single and grouped dwelling developments.
- The Jenkins Road Laneway LPP, to provide laneway requirements for the establishment of an east-west laneway between Taylor Road and Dalkeith Road.
- Waste Management and Guidelines, to providing design and operational requirements for any proposed development.
- Parking, to define standards for car parking for residential and non-residential developments.

3. APPLICATION OF POLICY

This LPP applies to all planning proposals for new development within the Rose Garden Precinct (excluding minor additions or extensions to existing developments).

In accordance with section 1.2 of SPP7.3 Vol 2, this LPP contains provisions that amend or replace Acceptable Outcomes set out in of SPP7.3 Vol 2. If an element in SPP7.3 Vol 2

is not amended or replaced by this LPP, the applicable Acceptable Outcomes in SPP7.3 Vol 2 remain and apply. The Element Objectives of SPP7.3 Vol 2 remain unchanged and apply. This LPP also introduces additional aspects of development control for the Precinct and all changes made by this LPP prevail over development in the Precinct.

4. OBJECTIVES

The objectives of this LPP are to ensure that development in the Precinct:

- Is consistent with and appropriate to the **context and character** of the precinct.
- Respects and protects the **cultural heritage significance** and ambience of the State and local heritage-classified Peace Memorial Rose Garden (*PMRG*).
- Achieves **sympathetic transitions** between zones of different type, density and height limits and between each development site and existing surrounding properties.
- Has controlled **building height, bulk, form**, consistent with the character of the precinct, and related design parameters.
- Is of **architectural style and materials** compatible and cohesive with the traditional garden-suburb character and heritage memorial garden setting.
- Supports **sustainable design** throughout the precinct.
- Preserves or improves the **amenity** of streetscapes and surrounding properties, including **trees**.
- Fosters the retention and sharing of **views** available from properties and attractive views to and from the Memorial Rose Garden.

5. PRECINCT

Draft State Planning Policy 7.2 Precinct Design aims for precinct planning to achieve good design quality and built form outcomes. It provides for heritage-based precincts, includes design review and has supporting guidelines. Precinct outcomes include *ensuring sense of place, integrated landscape, comfortable public spaces, coherent identity, cultural relevance and development responding to context and character*.

The Nedlands locality is the result of past planning and development to create garden suburbs in metropolitan Perth, which have matured to exhibit their distinctive contexts and characters.

The Rose Garden Precinct to which this LPP applies covers the area as shown on the map below (Figure 1). It is centred on the PMRG and extends from Stirling Highway on the north to Jenkins Avenue on the south, and from the east side of Doonan Road to the west side of Mountjoy Road. The Rose Garden Precinct embraces the proximity to the PMRG and recognises that away from Stirling Highway the area is zoned residential with the need to manage the interrelationships between abutting lots and zonings.

Aiming to maintain a residential feel within this Precinct is consistent with the draft Town Centre Precinct Plan which proposes a residential transition area on the Stirling Highway and Louise Street corner opposite the PMRG.

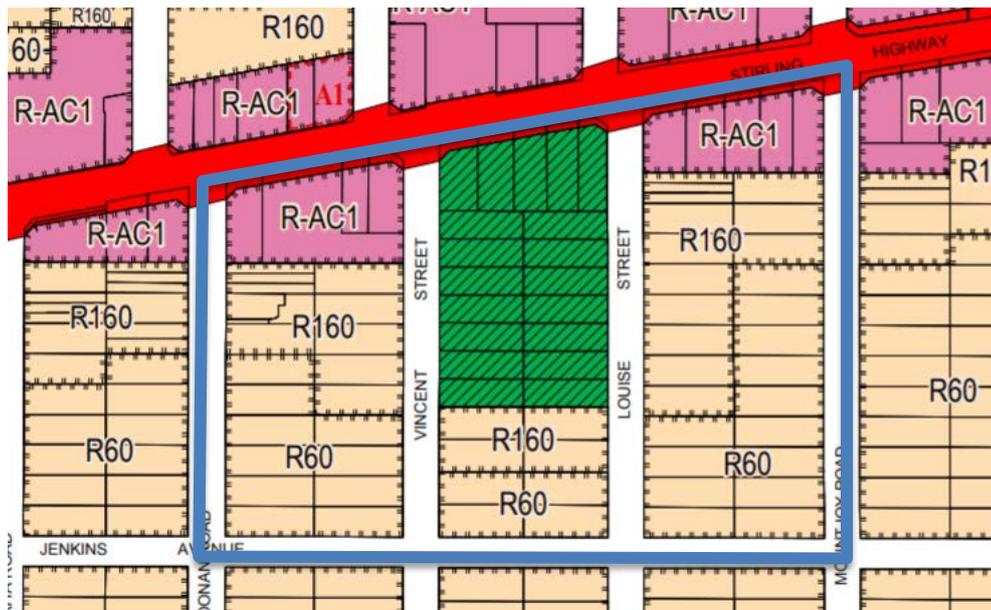


Figure 1 Rose Garden Precinct.

Under LPS3 the PMRG is reserved Local Open Space, while the zones and density codings over lots in the precinct comprise Mixed Use R-AC1 along the highway (except for the Memorial garden frontage) which is the most intensive, followed by Residential R160 extending southward partway along the local streets, then Residential R60 extending to the northern side of Jenkins Avenue. The southern side of Jenkins Avenue is outside the precinct area and is zoned low density Residential R10.

These zones and density codings allow higher density and taller mixed-use buildings and residential apartments, whereby there is a need to manage development in terms of the transitions between the zones/density codings and the effects on adjoining/surrounding properties (both new and existing), streetscapes and the PMRG (which is bordered entirely by Mixed Use RAC1 and Residential R160).

The Precinct is bounded on the north by Stirling Highway which is a main road. The southern side is bounded by Jenkins Avenue which is a traffic-calmed Safe Active Street. Vincent Street is the local route for north-south traffic with Doonan Road, Louise Street, and Mountjoy Road used predominantly for local residents only. Development in the Rose Garden Precinct, the Town Centre Precinct and along the highway will have significant traffic implications for the locality.

In addition to the specific heritage aspects outlined below the Precinct has many of the Nedlands characteristics including large street setbacks, a leafy character with large mature trees both as street trees and on private property and is predominantly single residential, low rise houses and with many retained art-deco Californian bungalows.

6. HERITAGE

The PMRG is on the State Register of Heritage Places and the City's Heritage List, as one of the most significant places in the City. It is also recognised by Monument Australia and shares its significance with peace memorials across Australia and around the world as a place dedicated to humanity. At the heart of the PMRG's heritage significance is that it is much more than a pretty park with the second largest rose collection in WA. In addition to its functional and visual attributes of open space, greenery and beauty, the PMRG embodies historical, social, cultural, scientific/horticultural and rarity values – in essence, it is a spiritual place.

Also in the precinct is the Art Deco style Greenough Home Units at 114 Stirling Highway corner of Louise Street, which is on the City's Municipal Inventory, and the Tudor style Renkema Building at 134 Stirling Highway corner of Doonan Road, which is identified for State-level heritage classification assessment (Figure 2). Several other properties nearby, notably along the highway, are either State or local heritage-classified.

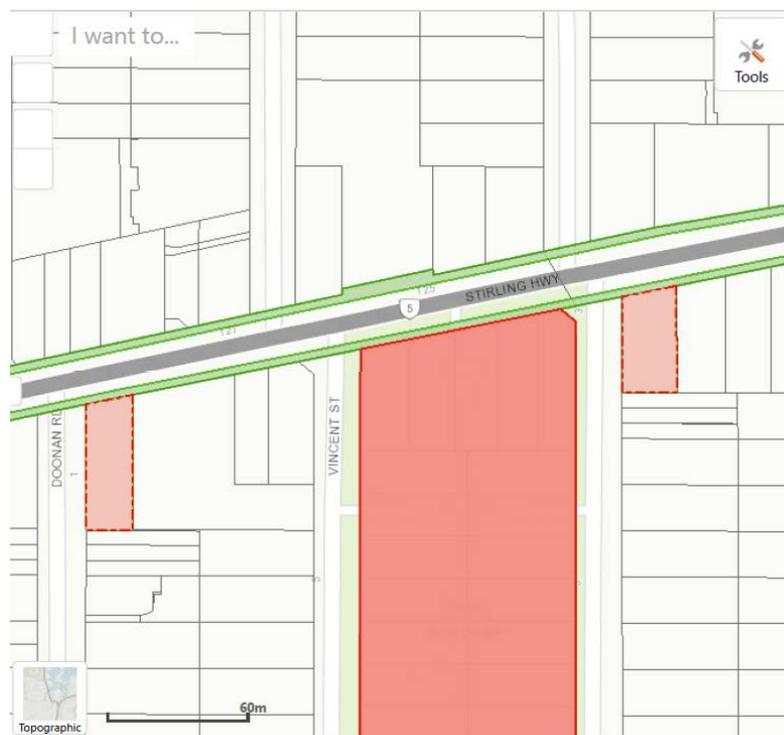


Figure 2 Heritage areas as identified from Department of Lands, Planning and Heritage Database

In WA, heritage protection permeates planning instruments and practice from State down to local level and is especially applicable to the PMRG and related precinct. State planning legislation and policies, and the City's Local Planning Strategy (*Strategy*) and LPS3, supported by State heritage legislation and governance, all address the heritage dimension of planning and development. Directly relevant provisions include:

City's Strategy:

Protect and promote places of heritage significance throughout the City, including civic, commercial and residential buildings, parks and gardens.

Local Planning Schemes Regulations:

In considering an application for development approval the local government is to have due regard to the following matters: (1) the effect of the proposal on the cultural heritage significance of the area in which the development is located.

State Planning Policy 3.5 Historic Heritage Conservation:

Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.

The WAPC and local governments should have regard to heritage places and areas in formulating planning schemes and strategies. Care should be taken to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.

State Planning Policy 7.0 Design of the Built Environment:

Describes the core design principle of context and character, with reference to heritage and related aspects:

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place. Good design responds intelligently and sensitively to these factors in order to positively contribute to the identity of an area including adjacent sites, streetscapes and the surrounding neighbourhood. New development should integrate into its landscape/townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development. Consideration of local context is particularly important for sites in established areas that are undergoing change or identified for change.

SPP7.3 Vol 2 policy objectives for multiple dwellings:

To encourage design that considers and respects local heritage and culture.

Heritage Council of WA Development Assessment Framework:

Adjacent development should:

*Not negatively impact on the identified significance of a culturally significant garden or park and should not endanger the ecological equilibrium of the place.
Recognise and respond sympathetically to the predominant scale of the setting and the adjacent heritage place.*

The PMRG is the defining feature and focus of the Rose Garden Precinct contributing to its context and character. Density developments surrounding the PMRG are individually and collectively likely to have substantial adverse impacts on the character of the precinct and the heritage values and integrity of the Memorial Garden. The weight of the planning and heritage framework relating to the PMRG and the control of development affecting it warrants a strong approach to limiting detrimental impacts on the PMRG. In the formulation, assessment and determination of proposals affecting the PMRG, applicants, consultants, consultees and decision-makers are all obligated to have particular regard to the heritage imperatives, implications and impacts involved.

7. SUMMARY OF POLICY MEASURES

This LPP prescribes a number of control measures for the Rose Garden Precinct. It does not address all of the design outcomes but has focused on the key issues. In particular, it aims to reduce building bulk and visual and acoustic impacts of new development on land which directly abuts sites with a lower density coding.

In support of the objectives, this LPP seeks to amend or replace the Acceptable Outcomes of the following R-Code Volume 2 elements:

- Building height;
- Street setbacks;
- Side and rear setbacks;
- Plot ratio;
- Façade design.

Brief descriptions of the changes are outlined below with a summary provided in Table 1.

7.1 Building Height

In accordance with the R-Codes Volume 2, five-storey buildings are an Acceptable Outcome for areas coded R160. This is of a substantially larger scale than the existing streetscape in the zone, which is typically comprised of one to two-storey residential buildings. Larger-scale development around the Rose Garden has the potential to impose building bulk and overshadowing impacts on adjoining properties with a lower density coding and surrounding streets. New developments which abut sites with a lower density coding should therefore be carefully designed to mitigate these impacts and provide an appropriate transition to lower-density areas.

In order to manage the transition to lower density surrounding properties this LPP defines a maximum height of 5 storeys (18m) for R160 reducing to 4 storeys (15m) for R160 sites which have not already been redeveloped or subdivided and abut sites with a lower density coding. A maximum height of 3 storeys (12m) applies for R60.

Consistent with the definition of SPP 7.3 Volume 2 maximum height is taken from natural ground level. In order to deal with the sloping topography of the area at no point on the

site shall any part of the building exceed the maximum heights outlined above taken from natural ground level.

7.2 Street Setbacks

This LPP requires that the lower levels of development in Residential zones (R60 and R160) are setback 4m from the primary and secondary streets, with upper storeys being progressively stepped back from the street. The intent of these moderate street setback requirements at lower levels is to preserve the character of streetscape and to manage the transition between existing residential properties that have been built under a 9m setback provision. Progressively increasing upper storey setbacks from the street will ensure that new developments do not impose excessive building bulk and overshadowing over the public domain. For building widths greater than 16m the minimum average primary street setback is 6m.

7.3 Side and Rear Setbacks

For the third storey and above, this LPP requires greater setbacks to the southern side boundary than the northern side. As the majority of the blocks are aligned east -west, and the topography of the local area slopes to the south west, the intent of this provision is to minimise overshadowing of adjacent properties.

7.4 Plot Ratio

In order to control bulk and scale of new developments and ensure they are appropriate for the streetscape and desired character of the area, this LPP reduces the maximum plot ratios to 2 for R-AC1 land which has not already been redeveloped or subdivided and abuts a lower density coded site, 1.5 for R160 and 0.8 for R60.

7.5 Façade Design

Compared to the existing development within the Rose Garden Precinct, larger-scale new developments are likely to be more prominent from surrounding properties and the public realm. It is therefore important that the façade design of new development is designed to enhance the visual interest and amenity of surrounding properties and the public realm. The LPP therefore requires that building facades at all levels are articulated and detailed wherever they are visible from these areas.

It is recognised that any new developments should not try to be a replica of the art-deco architecture which dominates the precinct. However, any new development should actively address the manner in which it aligns with the existing context and character of the location. This may include the materials used, the building design and the landscape design.

Table 1 Summary of policy changes with reference to R-Codes

R-codes Element	Applicable Clause of this Policy	Applicable Acceptable Outcome
2.2 Building height	8.1	A 2.2.1 of the R-codes Volume 2 is replaced by Clause 8.1 of this Policy
2.3 Street setbacks	8.2	A 2.3.1 of the R-codes Volume 2 is replaced by Clause 8.2 of this Policy
2.4 Side and rear setbacks	8.3	A 2.4.1 of the R-codes Volume 2 is replaced by Clause 8.3 of this Policy.
2.5 Plot ratio	8.4	A 2.5.1 of the R-codes is replaced by Clause 8.4 of this Policy
4.10 Façade design	8.5	A 4.10.1 of the R-codes Volume 2 is augmented to also include Clause 8.5 of this Policy.

7.6 Mixed Use controls

This LPP covers some controls related to Mixed Use (R-AC1), however, it is recognised these will need to be further developed, especially as the City completes studies on Stirling Highway.

8. POLICY CONTROLS

8.1 Building Height

Development shall comply with the building height limit (storeys) set out in Table 2 and the maximums shall not be exceeded.

Table 2 Building Height.

Zoning	Maximum Building Height (storeys)	Maximum Height* (m)
R160	5	18
R160 ¹ adjacent to lower density coded site	4	15
R60	3	12
<i>1 Applies for sites which have not already been redeveloped or subdivided.</i>		
<i>*Maximum height at natural ground level.</i>		

8.2 Street Setback

Development shall comply with the street sets backs as set out in Table 3.

Table 3 Street Setbacks

Zoning	Minimum Primary and Secondary Street setbacks
RAC1	2m or Nil*
R160	4m ¹
R60	4m ¹
¹ Minimum average primary street setback where building width >16m is 6m	
*Nil setback applicable if commercial use at ground floor.	

8.3 Side and Rear Setbacks

8.3.1 Side Setbacks

Development shall comply with the setbacks set out in Table 4.

Table 4 Side Setbacks (for R160 and R60 as applicable)

Storey	Side ¹ (minimum)**	
	South	North
1	3m	
2		
3	4.5m	3m
4	4.5m	3m
5	6m	4.5m

** Or in accordance with clause 3.5 Visual Privacy of SPP7.3 Vol 2 (whichever is the greater setback requirement).
¹ Average side set back where building length exceeds 16m increases from a) 3m to 3.5m for R60, b) 3m to 4m on R160 for levels one and two.

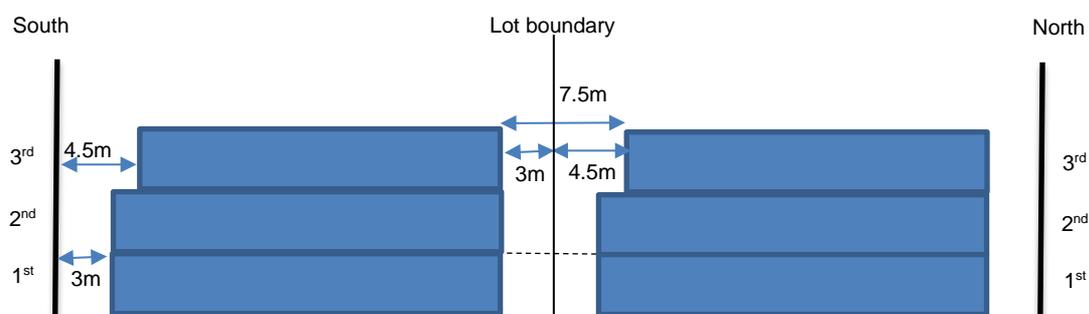


Figure 3 Example of R60 side building setback. Front view showing side setback (where building length is less than 16m).

8.3.2 Rear Setbacks

Development shall comply with the setbacks set out in Table 5.

Table 5 Minimum Rear Setbacks.

Storey	Rear Setbacks		
	R60	R160	RAC1 ¹
1	5m	6m	4m
2			
3	9m	9m	
4*	n/a		6m
5*			

¹ Only applies to RAC1 properties that abut lower density coded blocks.
 * Where a building exceeds the number of storeys due to the site topography the maximum height from natural ground level outlined in Table 2 applies.

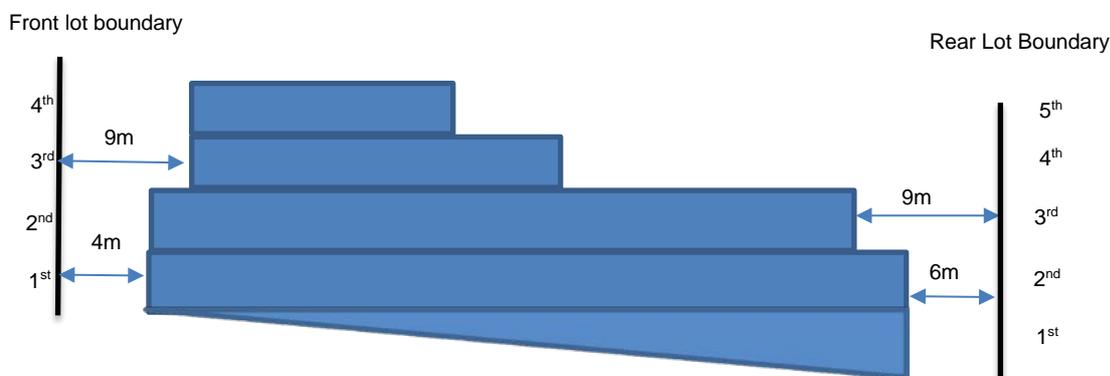


Figure 4 Example of front and rear setbacks for an R160 site adjacent to a lower density coded site. Where the slope results in a fifth storey this storey to be set back to where it meets the maximum height restriction from natural ground level as set out in Table 2.

8.4 Plot Ratio

Development shall comply with the plot ratio as set out in Table 6.

Table 6 Plot Ratio

Zoning	R60	R160	RAC1 ¹
Plot ratio	0.8	1.5	2

¹ Only applies to RAC1 land adjoining lower density coded sites.

8.5 Façade Design

Development shall comply with the following requirements:

Building facades at all levels shall be articulated and detailed (broken into distinct visual elements) wherever they are visible from an adjoining property, or from the street.

8.6 Additional Items

It is recognised that these proposed amendments are not exhaustive however they have been proposed to provide some initial controls. This document was developed by residents in the area and following community feedback was first brought to Council in February 2020. It was approved by the City of Nedlands for public comment in April 2020 and was brought to Council for approval in September 2020.

Additional items from SPP7.3 Volume 2, Part 3 and Part 4 may be relevant and while they have not been included here it is expected that they would be developed as part of comprehensive urban form guidelines.

APPENDIX I – ROSE GARDEN PRECINCT PRIMARY CONTROLS TABLE

	Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments				Applicable where designated by local government in local planning scheme, activity centre plan, structure plan, local development plan, local planning policy	
Streetscape contexts and character, Refer A2	Medium-rise	LPP - City of Nedlands - Rose Garden Precinct	Higher density residential	LPP - City of Nedlands - Rose Garden Precinct	High density urban centres	LPP - City of Nedlands - Rose Garden Precinct
Site R-coding	R60	R60	R160	R160	R-AC1	R-AC1
Building Height (storeys) <i>Refer 2.2</i>	(3)	(3) 12m	(5)	(5) 18m⁹	(9)	.. ¹⁰
Boundary wall height (storeys) ^{1,2} <i>Refer 2.4</i>	(1) ³	(1) ³	(2) ³	(2) ³	(4)	(4)
Minimum primary and secondary street setbacks <i>Refer 2.3</i>	2m	4m	2m	4m	2m or Nil ⁴	2m or Nil ⁴
Minimum average primary street setback where building width >16m	-	6m	-	6m	-	-
Minimum side setbacks ⁵ <i>Refer 2.4</i>	3m	3m ⁶	3m	3m ⁶	Nil	Nil
Minimum rear setbacks ⁷ , <i>Refer 2.4</i>	3m	5m	6m	6m	Nil	4m¹¹
Average side setback where building length exceeds 16m, <i>Refer 2.4</i>	3.5m	3.5m	4.0m	4.0m	NA	4.0m
Plot ratio ⁸ <i>Refer 2.5</i>	0.8	0.8	2	1.5	3	2¹¹
Notes	<p>1 Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions</p> <p>2 Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code</p> <p>3 Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.</p> <p>4 Nil setback applicable if commercial use at ground floor on primary street</p> <p>5 Boundary setbacks will also be determined by provisions for building separation and visual privacy within SPP 7.0 and building separation provisions of the NCC</p> <p>6 Above 2 storeys minimum side setback is as per Table 4 of this document.</p> <p>7 Above 2 storeys minimum rear setback as per Table 5 of this document</p> <p>8 Refer to Definitions for calculation of plot ratio.</p> <p>9 Where an R160 lot abuts a lower density coded site the lower height limit of 15m and 4 storeys applies.</p> <p>10. Height controls as per Scheme Text</p> <p>11 Only applies where an RAC1 lot abuts a lower density coded site</p>					