Metro Inner Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 9 May 2024; 9.30am
Meeting Number: MIDAP/11
Meeting Venue: 140 William Street, Perth
Public Observing: Online

A live stream will be available at the time of the meeting, via the following link:
MIDAP/11 - 9 May 2024 - City of Nedlands - City of Stirling

PART A – INTRODUCTION

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2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

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2. Disclosure of Interests
3. Form 1 DAP Applications
   - 3.1 1A (Lot 2) Thomas Street, Nedlands - 29 Multiple Dwellings DAP/24/02627
4. Form 2 DAP Applications
   - 4.1a 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651
   - 4.1b 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651
5. Section 31 SAT Reconsiderations

PART C – CITY OF STIRLING

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3. Form 1 DAP Applications
   - 3.1 Lot 201 (House No.39) Chester Avenue, Dianella - 35 Multiple Dwellings – DAP/23/02548
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Please note, presentations for each item will be invited prior to the items noted on the agenda and the presentation details will be contained within the additional information documentation

ATTENDANCE

DAP Members

Francesca Lefante (Presiding Member)
Lee O'Donohue (Deputy Presiding Member)
John Syme (Specialist Member)

Part B – City of Nedlands
Cr Kerry Smyth (Local Government Member, City of Nedlands)
Cr Rebecca Coghlan (Local Government Member, City of Nedlands)

Part C – City of Stirling
Cr Suzanne Migdale (Local Government Member, City of Stirling)
Cr Teresa Olow (Local Government Member, City of Stirling)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Officers in Attendance

Zoe Hendry (DAP Secretariat)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Cr Fergus Bennett (Local Government Member, City of Nedlands)
Cr Blane Brackenridge (Local Government Member, City of Nedlands)
Cr Michael Dudek (Local Government Member, City of Stirling)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the DAP website.

PART B – CITY OF NEDLANDS

1. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 1A (Lot 2) Thomas Street, Nedlands - 29 Multiple Dwellings DAP/24/02627

4. Form 2 DAP Applications

4.1a 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651

4.1b 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands - Shopping Centre – DAP/19/01651

5. Section 31 SAT Reconsiderations

Nil.

1A (LOT 2) THOMAS STREET, NEDLANDS – 29 MULTIPLE DWELLINGS

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner DAP
Local Government Area:	City of Nedlands
Applicant:	RAD Architecture
Owner:	C&N Unit Trust
Value of Development:	$16 million
Responsible Authority:	City of Nedlands
Authorising Officer:	Roy Winslow, A/Director Planning & Development
LG Reference:	DA23-91692
DAP File No:	DAP/24/02627
Application Received Date:	21 December 2023
Report Due Date:	26 April 2024
Application Statutory Process Timeframe:	90 Days
Attachment(s):	1. Location Plan 2. Amended Development Plans and Landscaping Plan received 25 March 2024 3. Schedule of Submissions 4. Design Review Panel Minutes 5. R-Codes Volume 2 Assessment 6. Applicants Planning Report received 21 December 2023 and response to Request for Information received 25 March 2024 7. Waste Management Plan received 25 March 2024 8. Traffic Impact Statement received 25 March 2024 9. Sustainability Design Report received 21 December 2023 10. Acoustic Report received 21 December 2023

Responsible Authority Recommendation

It is recommended that the Metro Inner DAP resolves to:

1. Defer DAP Application reference DAP/24/02627 and accompanying plans (attachment 2) for 120 days in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015,* and the provisions of City of Nedlands Local Planning Scheme No. 3, to address the following matters:

i. Reduce the building height and plot ratio to make the scale of development more consistent with the desired future scale of the area.
ii. Amend the vehicle access ramps to meet AS/NZS 2890.1, thereby reducing vehicle conflicts with cyclists and pedestrians.

Reasons for Responsible Authority Recommendation

The development is inconsistent with the desired bulk and scale of the area as set out in the NSAHC Strategy and the R-Codes, and does not meet AS2890.1 for the vehicle ramps, which may cause pedestrian safety issues.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Nedlands Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Mixed use (R-AC1)
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Residential ("P" Use)
Lot Size:	1014m^2
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Proposed Land Use	Residential
Proposed Net Lettable Area	N/A
Proposed Plot Ratio	3.85
Proposed No. Storeys	11
Proposed No. Dwellings	29

The application seeks approval for a residential development containing 29 multiple dwellings at 1A Thomas Street, Nedlands. The development consists of:

- 10 x two bedroom, two bathroom apartments;
- 19 x three bedroom, two bathroom apartments;
- Ground floor communal co-working space;

- Three levels of basement containing 58 residential bays and five visitor bays; and
- Rooftop communal facilities including fitness rooms, games/karaoke room and cooking and lounge areas.

Assessment of the proposal is based on:

- Amended Development Plans and Landscaping Plan received 25 March 2024 (**Attachment 2**)
- Applicant's Planning Report received 21 December 2023 and response to Request for Information received 25 March 2024 (**Attachment 6**)
- Waste Management Plan received 25 March 2024 (**Attachment 7**)
- Traffic Impact Statement received 25 March 2024 (**Attachment 8**)
- Sustainability Design Report received 21 December 2023 (**Attachment 9**)
- Acoustic Report received 21 December 2023 (**Attachment 10**)

Background:

The site is located one lot south of Stirling Highway on the western side of Thomas Street (**Attachment 1**). The natural ground level of the site slopes downwards 1.5m from northwest to southeast. The lot is irregular in shape, resembling a rectangle with the northwest corner removed, and is currently vacant.

The site is zoned Mixed Use R-AC1, as are the three sites surrounding it. Of the two lots located directly across Thomas Street to the east, one is zoned Mixed Use R-AC1 and the other is zoned Residential R160 (see **Attachment 1**). The immediate streetscape comprises predominantly one and two storey single houses. The lot to the west (rear) contains the City of Nedlands Library and Drabble House and is also zoned Mixed Use R-AC1.

Legislation and Policy:

<u>Legislation</u>

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations)
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Metropolitan Region Scheme*
- City of Nedlands Local Planning Scheme No.3 (LPS 3)

<u>State Government Policies</u>

- State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)
- State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)
- State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes Volume 1)
- State Planning Policy 7.3 – Residential Design Codes - Apartments (R-Codes Volume 2)

<u>Local Policies</u>

- Local Planning Policy 1.3 Sustainable Design (LPP 1.3)
- Local Planning Policy 3.2 Waste Management (LPP 3.2)
- Local Planning Policy 5.9 Primary Controls for Apartment Development (LPP 5.9)
- Local Planning Policy 7.2 Design Review Panel (LPP 7.2)
- Local Planning Policy 7.3 Consultation of Planning Proposals (LPP 7.3)

Strategies

- City of Nedlands Local Planning Strategy
- Nedlands Stirling Highway Activity Corridor Strategy (NSHAC Strategy)

Consultation:

Public Consultation

In accordance with the City's Local Planning Policy 7.3 Consultation of Planning Proposals (LPP 7.3), the original plans received 21 December 2023 were advertised for a period of 28 days, from 19 January 2024 to 16 February 2024, in the following manner:

- Letters sent to all City of Nedlands and City of Perth landowners and occupiers within a 200m radius of the site;
- A sign on site was installed at the site's street frontage for the duration of the advertising period;
- An advertisement was published on the City's website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in The Post newspaper published on 19 January 2024; and
- A community information session was held by City Officers on 1 February 2024, which was attended by three community members.

At the close of the advertising period, the City received 20 submissions, 11 in support and nine objecting to the proposal. A full schedule of submissions and applicant responses are provided at **Attachment 3**. A summary of the objections is provided in **Table 1**. All submissions on this proposal have been given due regard in this assessment in accordance with Clause 67(y) of the *Planning and Development (Local Planning Schemes Regulations) 2015.*

Table 1: Public Consultation	
Issue Raised	**Officer Comment**
Height	Height is not supported - Refer to discussion on *Building Height* within this RAR.
Plot Ratio	Plot ratio is not supported - Refer to discussion on *Plot Ratio* within this RAR.
Traffic	The local road network is considered capable of accommodating the increase in traffic expected as a result of the development proposed without adversely impacting safety. Refer to discussion on Traffic within this RAR.
Visual Privacy	Refer to discussion on *Visual Privacy* within this RAR.

Overshadowing	The proposal is generally considered to meet the Objectives of *Element 3.2 Orientation* except with regard to overshadowing to adjoining properties related to the additional height of the development. The building is sited centrally to the lot with a larger rear setback and areas of landscaping abutting the north, south and west boundaries. The siting and landscaping allow areas of buffer to the existing single houses to the north and south. Notwithstanding that the southern site is also zoned R-AC1, the building allows sunlight to the front and rear yards during midwinter.
Lack of landscaping	Amended landscaping plans have been submitted to increase the amount of landscaping and deep soil on site. The proposal has been supported by the City's Design Review Panel in relation to Design Principle 2 'Landscape Quality'. Refer to discussion on Tree Canopy and Deep Soil within this RAR.
Concerns with construction management	A Construction Management Plan will be required to be provided to and approved by the City prior to the issue of a building permit. This will address any construction related issues including but not limited to parking, dust, and noise.
Sustainability	Refer to discussion on *Energy Efficiency* within this RAR.

Amended plans were provided on 25 March 2024 which included the following changes:

- Revision of basement levels to increase deep soil zones and tree planting areas.
- Revision of Landscape concept plans.
- Alterations to the design and materiality of the boundary walls in response to DRP1 comments.
- Amended Waste Management Plan and Traffic Impact Statement to address comments from the City.

The amendments were minor in nature and did not trigger the need for formal re-advertising of the proposal.

<u>Design Review Panel Advice</u>

The development was reviewed by the City's Design Review Panel on two occasions. Full DRP Minutes are provided at **Attachment 4**. A summary of the Panel's evaluation of the proposal at each stage of the review process is provided in **Table 2** below.

Table 2: DRP Design Quality Evaluation		
	Supported	
	Further Information / Condition Required	
	Not supported	
SPP 7.0 Principles	22 January 2024	8 April 2024
1. Context and Character		
2. Landscape Quality		
3. Built Form and Scale		
4. Functionality and Built Quality		

5. Sustainability		
6. Amenity		
7. Legibility		
8. Safety		
9. Community		
10. Aesthetics		

Built Form and Scale

The DRP had outstanding Built Form and Scale concerns regarding the proposed plot ratio and building height as it fits within the adopted NSHAC Strategy and Scheme Amendment 13. These items are further discussed below.

Amenity

The DRP had outstanding Amenity concerns regarding the visual privacy from bedroom three of apartment G03, solar access to bedroom three of apartment 201 and bedroom two of apartment 401. These matters are considered minor and resolvable via a condition of approval. The DRP also had outstanding concerns relating to the reliance on vegetative screening only to the apartment 302, 303 and 401 balconies. A condition of approval is recommended to ensure these balconies are provided with permanent fixed screening up to 1.6m in addition to the vegetative screening. The development is considered capable of satisfying this design principle subject to conditions.

Planning Assessment:

The proposal has been assessed against all relevant legislative requirements of LPS 3, and State and Local Planning Policies as outlined above. The matters below have been identified as considerations for the determination of this application. While most of these items are supported by the City, there remain key concerns regarding plot ratio and building height. These two items are not consistent with the desired future scale and character of the area and are the main items of concern.

<u>State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments</u>

The proposal has been assessed against all relevant Design Elements of the Residential Design Codes Volume 2 – Apartments (R-Codes) which provides a comprehensive basis for the control of residential development. A full R-Code assessment is provided in **Attachment 5.** Those elements which require key consideration are detailed below.

- Building Height
- Street Setback
- Plot Ratio
- Tree Canopy and Deep Soil
- Visual Privacy
- Energy Efficiency

Element 2.2 – Building Height

The application proposes a maximum height of 11 storeys and 35.45m. The R-Codes building height Acceptable Outcome is replaced by Clause 26(3) of LPS3, as follows:

In relation to land coded R-AC1, Clause A2.2.1 in the building height element of the primary controls in the R-Codes Vol.2 is replaced by:

(a) The default Acceptable Requirement for building height limit (storeys) as set out in Table 2.1: Primary Controls Table does not apply

The City is currently progressing Scheme Amendment 13 to LPS 3. Scheme Amendment 13 would delete LPS 3 clause 26(3) Modification of R-Codes and see this lot rezoned from 'Mixed Use' to 'Residential' R-AC1, thereby reverting the Acceptable Outcome for height to 9 storeys in line with the R-Codes. Scheme Amendment 13 was presented to Council at its meeting of 26 March 2024 where Council resolved to support the Scheme Amendment subject to modifications. The proposed Scheme Amendment has now been referred to the Western Australian Planning Commission which will make a recommendation to the Minister for Planning who has the final decision. There is no predicted timeframe by which the Minister may make a final decision, and thereby proposed Scheme Amendment 13 is not considered to be certain nor imminent at this stage. In this regard limited weight has been given to the consideration of Scheme Amendment 13 within this assessment.

At the Council Meeting of 26 March 2024, Council also endorsed the Nedlands Stirling Highway Activity Corridor Strategy (NSHAC Strategy). The NSHAC Strategy sets broad objectives for the area based on the vision and values created by community reference groups. It also incorporates a range of contextual built form analysis and background work carried out by the City over a number of years. The NSHAC Strategy provides a desired building height of 6 to 8 storeys for the Stirling Highway 'Residential Zone, in which the subject site is located.

All of the sites adjoining Stirling Highway are currently zoned Mixed Use. The NSHAC Strategy broadly sets out a desire that Stirling Highway will be developed into three mixed use nodes with purely residential nodes in between. The Mixed-Use nodes are to have the greatest intensity of built form and scale, and step down towards the Residential nodes on either side. Building heights are also desired to step down as one moves away from Stirling Highway. The objectives of the Residential zones within the strategy are that they provide gradual built form and scale transitions between zones.

The subject site is located one lot south of Stirling Highway in an area that is proposed to be located in one of the Residential zones under Amendment 13 and the NSHAC Strategy. The lot immediately to the west is occupied by the City's library and is to remain Mixed Use to continue and potentially expand the City's services in the future while allowing for more intense development (see Figure 1 below).

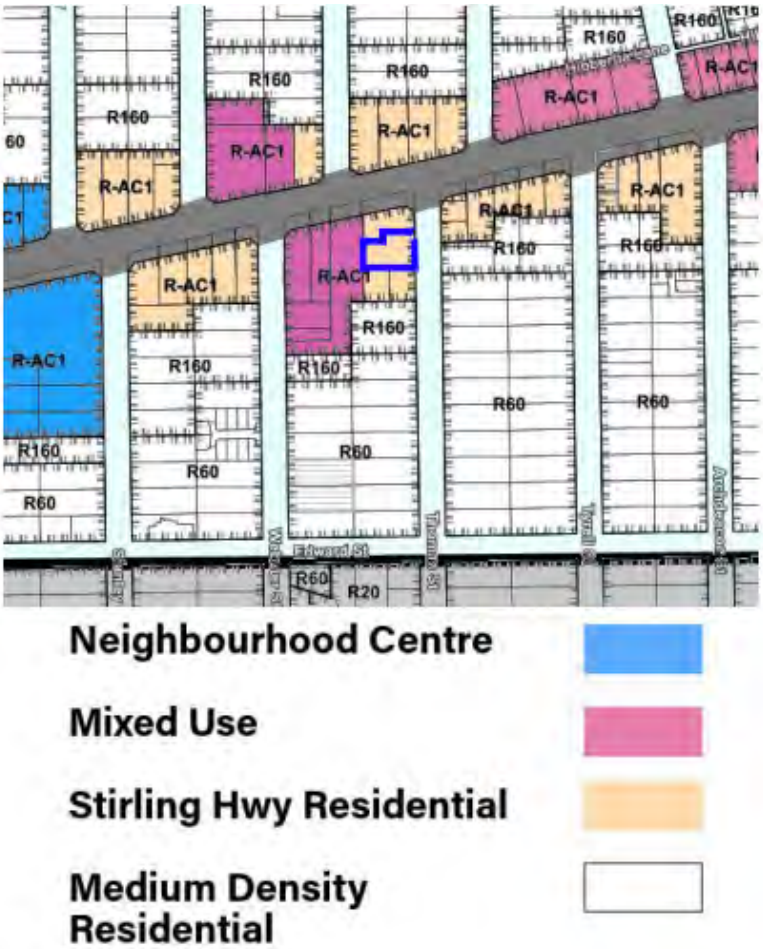


Figure 1: Proposed zoning in Amendment 13 and NSHAC Strategy (1A Thomas St outlined in dark blue)

In regard to height, the NSHAC Strategy desires a maximum of 8 storeys on this lot, and a maximum of 10 storeys on the adjoining western lot (see Figure 2 below).

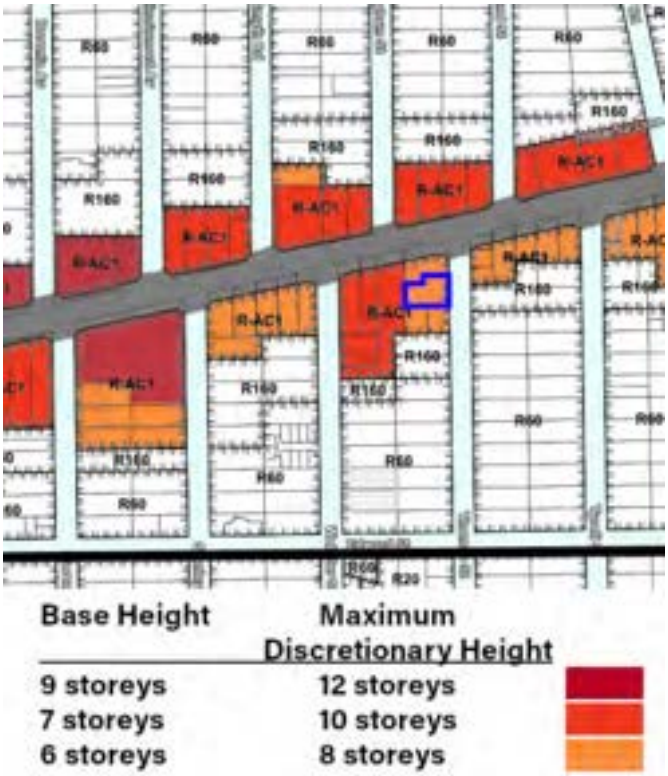


Figure 2: Heights within NSHAC Strategy (1A Thomas outlined in dark blue)

At 11 storeys, the proposed development does not provide an adequate transition from Stirling Highway towards the R160 coded land to the south. It is also proposed to be one storey higher than the more significant Mixed-Use zone adjacent to the west. The proposed development will therefore increase the overall heights within the area by setting a higher number of storeys towards which adjoining lots would transition.

In effect, the subject site will be more prominent than the adjoining higher-intensity site to the west while also encouraging the site to the north (which is closer to Stirling Highway) to exceed even 11 storeys. As this is the first substantial development in the immediate locality, the height (combined with the plot ratio – see below) will set the benchmark for bulk and scale of future development and should therefore be more consistent with the desired bulk and scale of the area set out within the NSHAC Strategy.

Given the zoning of the area and the pace of redevelopment, it is anticipated that once one lot is developed with a substantial building, it will create a 'tipping point' for other lots to redevelop. Nearby buildings are low in scale and, while none currently have proposals for substantial development, it is expected that these lots will redevelop into higher-scale development in the medium to long term. This fact makes it that much more important to ensure that the subject development adheres more closely to the desired heights set out within the strategy.

Reducing the height of the development would also aid in improving daylight and solar access to adjoining properties by reducing the extent of overshadowing, which currently extends across the majority of the R160 sites to the south.

The top floor of the development consists of a communal area which is set back from the roof on all sides, which reduces the prominence of the top floor. Given this, it is

suggested that only 1 or 2 storeys may need to be removed to be consistent with the strategy, noting that more analysis of any such proposal would be needed to come to a final conclusion. Such a change would make the building more consistent with the desired heights within the NSHAC Strategy. It is recommended that the application be deferred to address this.

Element 2.3 – Street Setback

The main wall of the building is set back a minimum of 2m for all levels, consistent with the Acceptable Outcomes.

Portions of the Levels 1-6 balconies come forward of the 2m setback line to a minimum street setback of 1.4m. These are minor incursions that are primarily unenclosed and that give interest to the streetscape appearance without impacting the amenity or expected future built form of the streetscape. The balcony overhangs at upper floors adds for weather protection to the ground floor entry to promote walkability and residential amenity. The building is designed at an angle to the front boundary and with an articulated facade such that the majority of the building exceeds the Acceptable Outcomes. The varying setbacks at ground level aid in transitioning between the Mixed-Use zone to the north to the residential areas to the south.

In considering the above, the street setback achieves the element objectives, and complements the landscape character of the street.

Element 2.5 – Plot Ratio

The application results in a plot ratio of 3.85. As described in the Element Intent of the R-Codes, plot ratio is one method of establishing a volume of development within the 'container' of a building envelope.

In the case of the subject site, the additional plot ratio exceeds the anticipated building envelope 'container' by proposing additional height beyond that set out as being consistent with the desired future scale of the area. Furthermore, the plot ratio results in increased overshadowing to southern lots (refer to *Building Height* above).

The proposal is detrimental to the overall vision and objectives of the NSHAC Strategy by being the first such substantial development and therefore setting a baseline for height and plot ratio well above that planned for the area. The current proposal does not achieve transitional scale with the adjoining areas and is likely to be remain 'out of place'.

The proposal does not fit in with the anticipated future scale of the area, nor the current planning framework set out for R-AC1 within Volume 2 of the R-Codes. A plot ratio of 3.0 is the default baseline. Whilst height is modified by clause 26 of the Scheme, plot ratio is not. Planning guidance (PG2.5.1) suggests testing the desired built form outcome against the plot ratio to ensure it is coordinated with the building envelope, height, depth, setbacks and other site requirements, and further, indicates the allowable plot ratio should fit comfortably within the building envelope.

The development does not meet element objective O2.5.1 for Plot Ratio as the proposal does not fit comfortably within the building envelope (to the extent this can be determined). The massing of the development is not suitable, and as such the proposal is considered to represent overdevelopment of the site. Consequently, it is

considered that the overall bulk and scale of development is not appropriate for the existing or planned character of the area.

Element 3.2 – Orientation

The building is sited centrally to the lot with a larger rear setback and areas of landscaping abutting the north, south and west boundaries. The siting and landscaping allow areas of buffer to the existing single houses to the north and south. Notwithstanding that the southern site is also zoned R-AC1, the building allows sunlight to the front and rear yards during midwinter.

The proposal is generally considered to meet the Objectives of *Element 3.2 Orientation* except with regard to overshadowing to adjoining properties related to the additional height of the development, which extends the area of overshadowing well into the R160 lots located 2-3 lots to the south.

Element 3.3 – Tree Canopy and Deep Soil Areas

The development proposes 57m2 / 5.6% of true deep soil, as per the definition in the R-Codes requiring no impending structure below. An additional 45m2 / 4.4% planting area is provided above basement two to a depth of approximately 3.5m. This depth is considered sufficient to support the growth of large trees and has been supported by the City's DRP in terms of providing effective deep soil planting. In total the development results in 10% of the lot area which can achieve significant deep planting. This is considered to meet the intent of the Acceptable Outcome.

In addition to deep planting, the development includes 228m2 / 22.5% of on structure planting which is effectively collocated with private outdoor areas and communal spaces to provide additional amenity to residents. The proposal also includes the planting of an additional verge tree to contribute to the streetscape. In the event of approval, a condition would be recommended for the above.

Element 3.5 – Visual Privacy

The Level 3 and 4 podium landscaped terraces, and the communal open space on the rooftop, have deep landscaped areas (landscaped planters) to lessen direct overlooking to adjoining properties. The deep planters are proposed to be 1m high above the balcony finished floor level with screening species above anticipated to grow to 600mm above the top-of-soil line. Notwithstanding, it is acknowledged that concerns relating to visual privacy have been raised in both public submissions and DRP comments. Specifically, the DRP raised concerns with the unreliability of relying on vegetative screening for the purposes of visual privacy. In this regard, should DAP approve the development, it is recommended that a condition be imposed to ensure these balconies are provided with permanent fixed screening up to 1.6m in addition to the vegetative screening proposed.

All other windows and balconies meet the Acceptable Outcome setbacks and/or are provided with nib walls and deep window reveals to limit direct overlooking to adjoining properties. It is considered that the proposed building is separated sufficiently to ensure amenity for residents and respect the need for visual privacy of adjacent properties.

Element 4.15 Energy Efficiency

The City's Local Planning Policy 1.3 Sustainable Design (LPP 1.3) augments the Design Guidance of Element 4.15 by providing local objectives for housing design and development, and the City's preferred methods of achieving the Element Objectives. The LPP 1.3 Preferred outcome for multiple dwellings over $15 million is for a 5-star green star certification.

Whilst the applicant has not committed to a 5 star green star certification, a Sustainable Design report has been prepared by Emergen (**Attachment 9**) which demonstrates that the development achieves the R-Codes acceptable outcome by the lowest performing apartment achieving a NaTHERS rating of 6.5 stars and the overall development achieving an average of 7.5 stars. In addition, the development proposes a 25kW Solar PV system, installation of infrastructure to allow for future installation of EV charging stations, water efficient water fixtures, and products for internal finishes with low volatile organic compounds (VOC) and formaldehyde ratings. In the event of approval, a condition would be recommended for the above.

<u>Local Planning Scheme No.3</u>

Clause 32.4(2) states:

> *Residential uses are not permitted on the ground floor facing primary or secondary streets, except where the use faces a right-of-way or laneway in the Mixed Use zone, or where identified in an approved local planning policy.*

The proposal includes a ground floor residential unit facing the primary street.

Variations to the above are permitted under clause 34(5), which states:

> *The local government may only approve an application for development approval under this clause if the local government is satisfied that -*
>
> > *(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
> > *(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

The ground floor street-facing residential unit is supported for the following reasons:

- Scheme Amendment 13 and the NSHAC Strategy desire that the subject lot be rezoned Residential, which is consistent with the current proposal.
- The unit has a higher floor to floor height to allow for adaptive reuse in the future, and the interior and exterior of the unit can be reconfigured to allow street front access.
- The departure from Clause 32.4(2) is only for a single unit that takes up less than 29% of the ground floor façade.
- The remainder of the street front facade consists of the entryway, a communal working space, fire utilities, and a garage. The presence of a single ground floor

residence in lieu of a non-residential use will not adversely affect the occupiers or users of the development.
- The lot fronts a street comprising entirely residential development, which will result in the ground floor residence fitting into the existing street context.
- The lot is one lot south of Stirling Highway, where a non-residential development would be more appropriate given the location on a busy road.

Given the above, the ground floor residential unit would not prejudice future development, nor have an adverse impact on the amenity of adjoining lots.

State Planning Policy 5.4 Road and Rail Noise

The provisions of State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) are applicable given the site's proximity to Stirling Highway. The applicant has provided an Acoustic report prepared by Stantec (**Attachment 10**) which states that noise measurements and modelling are generally in accordance with the requirements of SPP 5.4, or otherwise noise mitigation measures can be implemented to achieve acceptable noise levels. In the event of an approval, appropriate conditions could be required ensuring that the recommendations contained within the Acoustic Report are implemented, and that a notification is put on title to inform future residents of the existence of transport noise in accordance with SPP 5.4.

Local Planning Policy 5.9 Primary Controls for Apartment Developments

The City's Primary Controls for Apartment Developments Local Planning Policy has not been used to assess this development application as the policy attempts to fetter the exercise of discretion in a manner contrary to the R-Codes and the broader discretion available in clause 67(2) of the Deemed Provisions. A policy instrument that seeks to fetter the exercise of discretion as provided by the Deemed Provisions and R-Codes cannot be considered to be based upon sound town planning principles. Clause 3(3) of the Deemed Provisions requires a local planning policy be based on sound town planning principles.

Traffic

The City is developing an Integrated Transport Strategy to address traffic management across the whole of the local government area, working in conjunction with Main Roads WA, which control Stirling Highway.

This development is consistent with the density of the lot and the future planning for the area. It is noted that larger developments will necessarily increase the trip generation rate along Thomas Street. However, the applicant's Traffic Impact Statement (**Attachment 8**) indicates the traffic generated is capable of being accommodated within the existing road network.

The parking provided is consistent with the Element Objectives and enables functionality of the development with minimal impact to the parking along Thomas Street.

The vehicle ramps do not conform to AS/NZS2890.1 in that the ramp gradient of the first 6 metres of the driveway from the footpath is steeper than 5%. This will lead to vehicle and pedestrian conflicts and raise the risk of accidents. Given that the site is currently vacant and there is an overabundance of proposed parking bays, achieving

AS/NZS2890.1 should be possible. The secondary reason for deferral is to fix this issue, as it may result in level changes to other areas of the building and should not just be added as a condition of approval.

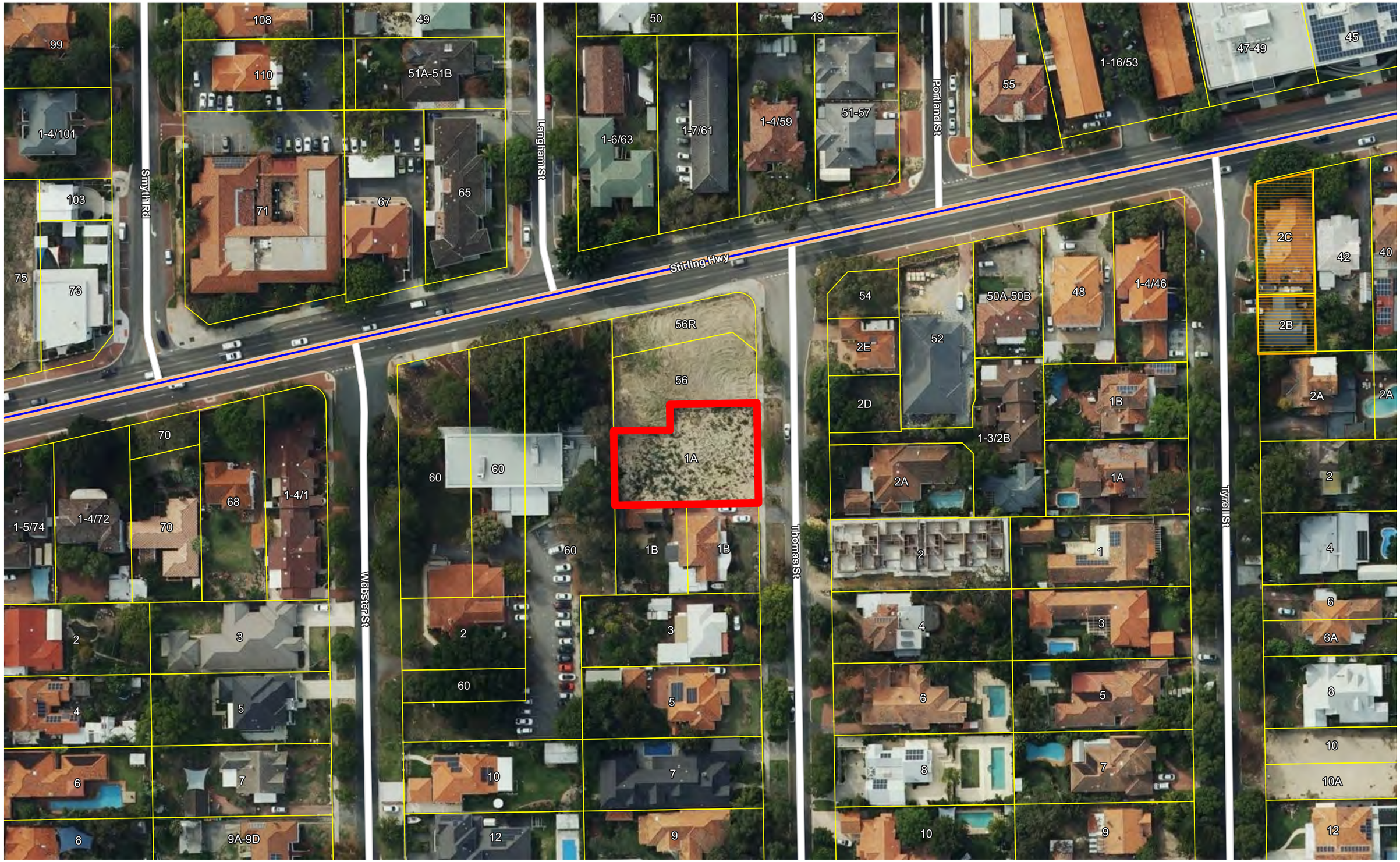
Construction Management

Concerns have been raised during the submission period relating to potential traffic and parking difficulties during the construction phase. Any approval will require that a Construction Management Plan be submitted detailing how traffic, parking, deliveries, etc. will be managed during the construction phase. This document is to be approved and enforced by the City. The City has allocated resources to construction compliance including traffic and parking management.

Conclusion:

The application for an 11 storey multiple dwelling development is not consistent with the R-Codes or the City's current planning framework, particularly the NSHAC Strategy, in regard to building height and plot ratio (and Orientation only as it relates to the height) and requires modifications before it can be supported. There are also vehicle access and safety issues relating to the gradient of the vehicle ramps not meeting Australian Standards. All other Element Objectives of the R-Codes have been addressed satisfactorily.

For the above reasons, it is recommended Council adopt the Officer Recommendation contained in the RAR to defer the application to allow the proponent to address bulk, scale and vehicle access issues.



City of Nedlands

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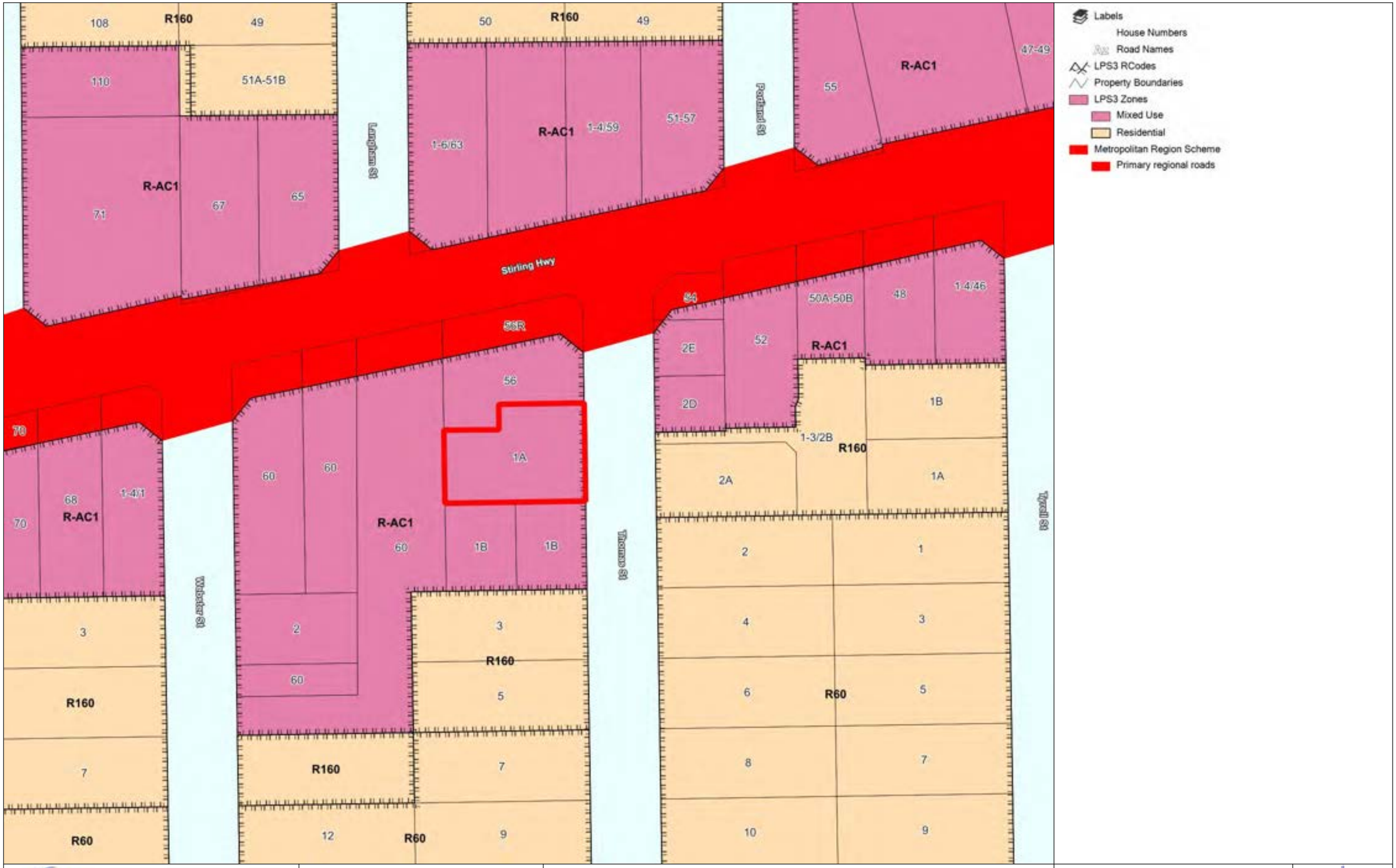
Aerial Map

11/04/2024

1:1000



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Zoning Map

11/04/2024

1:1000

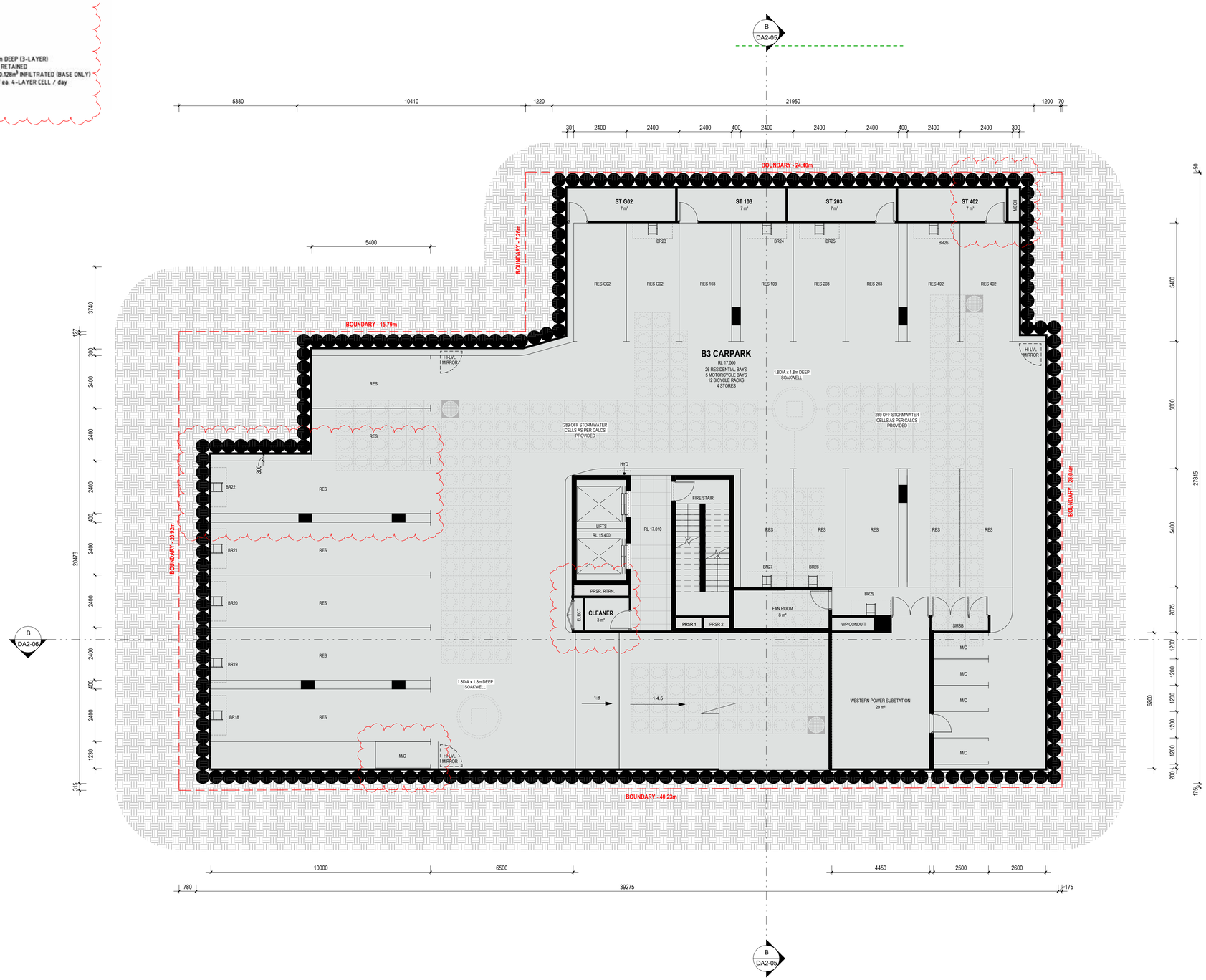
City of Nedlands
Received
25 March 2024

STORMWATER CALCULATION

LOCAL CONSENT AUTHORITY:	CITY OF NEDLANDS	
CATCHMENTS:	SITE AREA:	1,012m²
	50% OF 2 FACADE AREA:	663m²
	LANDSCAPE AREA:	0m²
E.I.A. CALCULATION:	1,012 + 663 - 0 =	1,675m²

DRAINAGE OF A 1:100 YEAR / 24 HOUR DURATION EVENT.

E.I.A. (CATCHMENT):	1,675m²
RAINFALL INTENSITY:	5.77mm
RUNOFF COEFFICIENT:	0.95
CALCULATION:	CIA/3600 = 2.55 l/sec
RAINWATER GENERATED:	220,320-LITRES (24hrs)
GEOTECHNICAL REMARKS:	FINE SAND - 0.2m/day
GRAF EcoBloc Inspect FLEX CELLS:	0.8m LONG x 0.8m WIDE x 1.08m DEEP (3-LAYER) 0.2216-LITRES x 3 = 0.6346m³ RETAINED 0.8 x 0.8 = 0.64 x 0.2m/day = 0.128m³ INFILTRATED (BASE ONLY) 0.6346m³ + 0.128m³ = 0.7626m³ ea. 4-LAYER CELL / day
CALCULATION:	220.32 / 0.7626 = 289 CELLS



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CLIENT

CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

BASEMENT 3

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA1-01	F
	DRAWN BY	AB

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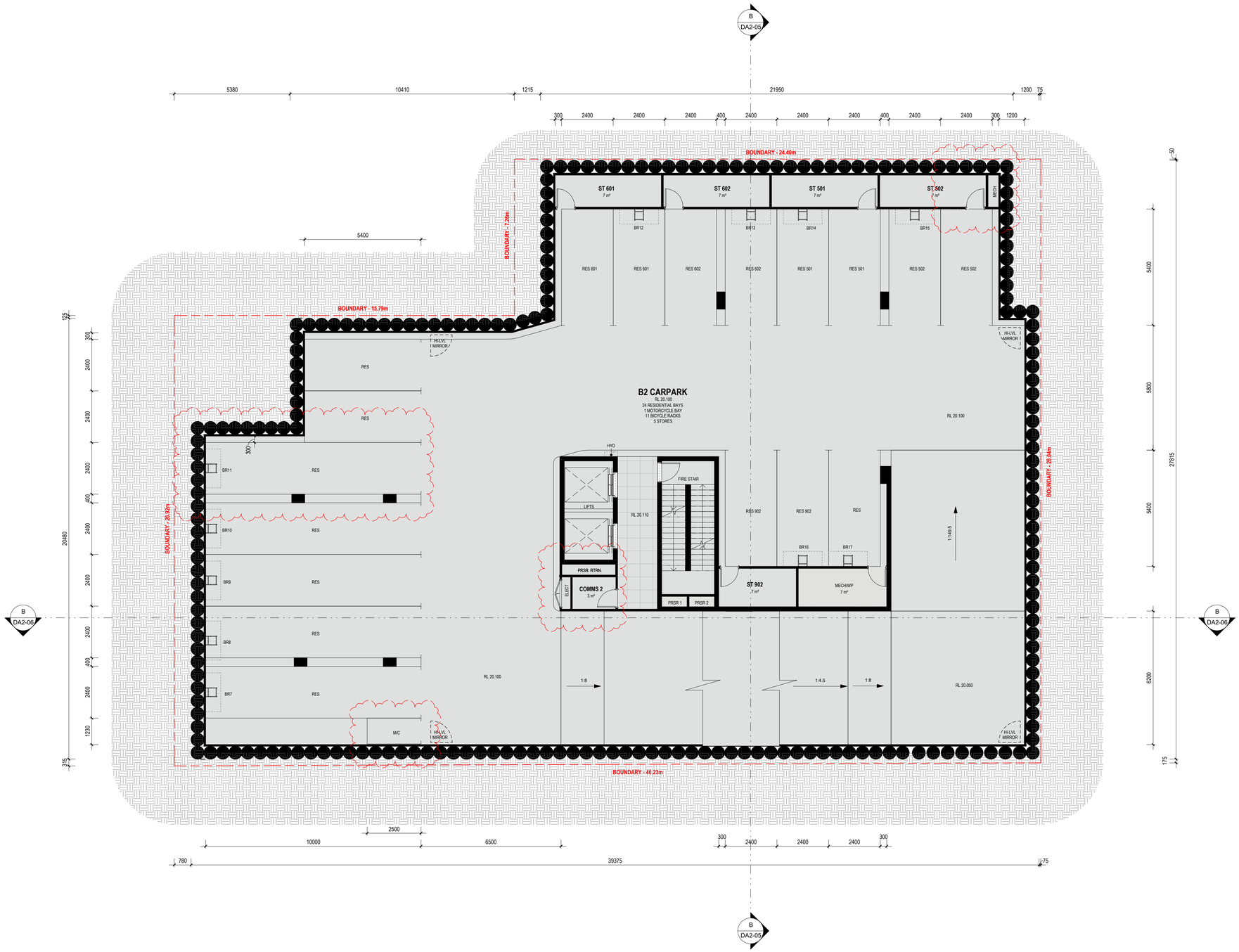
City of Nedlands
Received
25 March 2024



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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

BASEMENT 2

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

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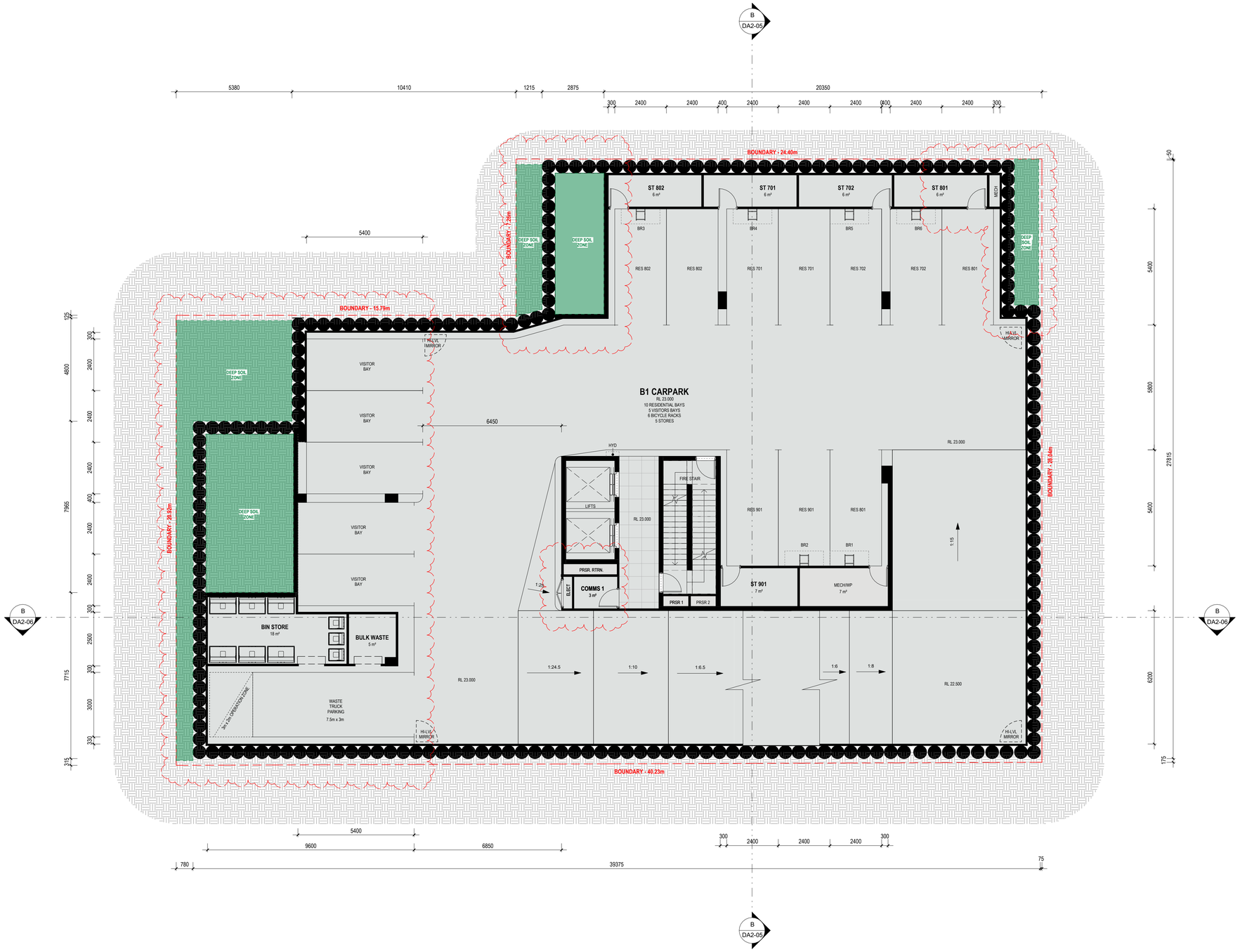

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CAPITAL WAY

PROJECT NAME
FORET
1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME
BASEMENT 1

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)
0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

GROUND

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
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CLIENT

CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 1

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA1-05	D
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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 2

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA1-06	D
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	FE	2.5kg DRY POWDER FIRE EXTINGUISHER
PAVEMENT	**BR**	BIKE RAIL RESIDENTS
ANCILLARIES:	**BRV**	BIKE RAIL VISITORS
	BRS	BIKE RAIL CAFE STAFF
MISCELLANEOUS:	**C.O.S**	CHECK ON SITE
	T.B.C	TO BE CONFIRMED
	NOM	NOMINAL
	SS	STAINLESS STEEL

DD.MM.YY	REV	DESCRIPTION	CHECKED
13.03.2024	D	ISSUE FOR DA	AB
08.12.2023	C	ISSUE FOR DA	AB
29.11.2023	B	PRELIMINARY ISSUE	AB
14.11.2023	A	PRELIMINARY ISSUE	AB

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 3

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA1-07	D
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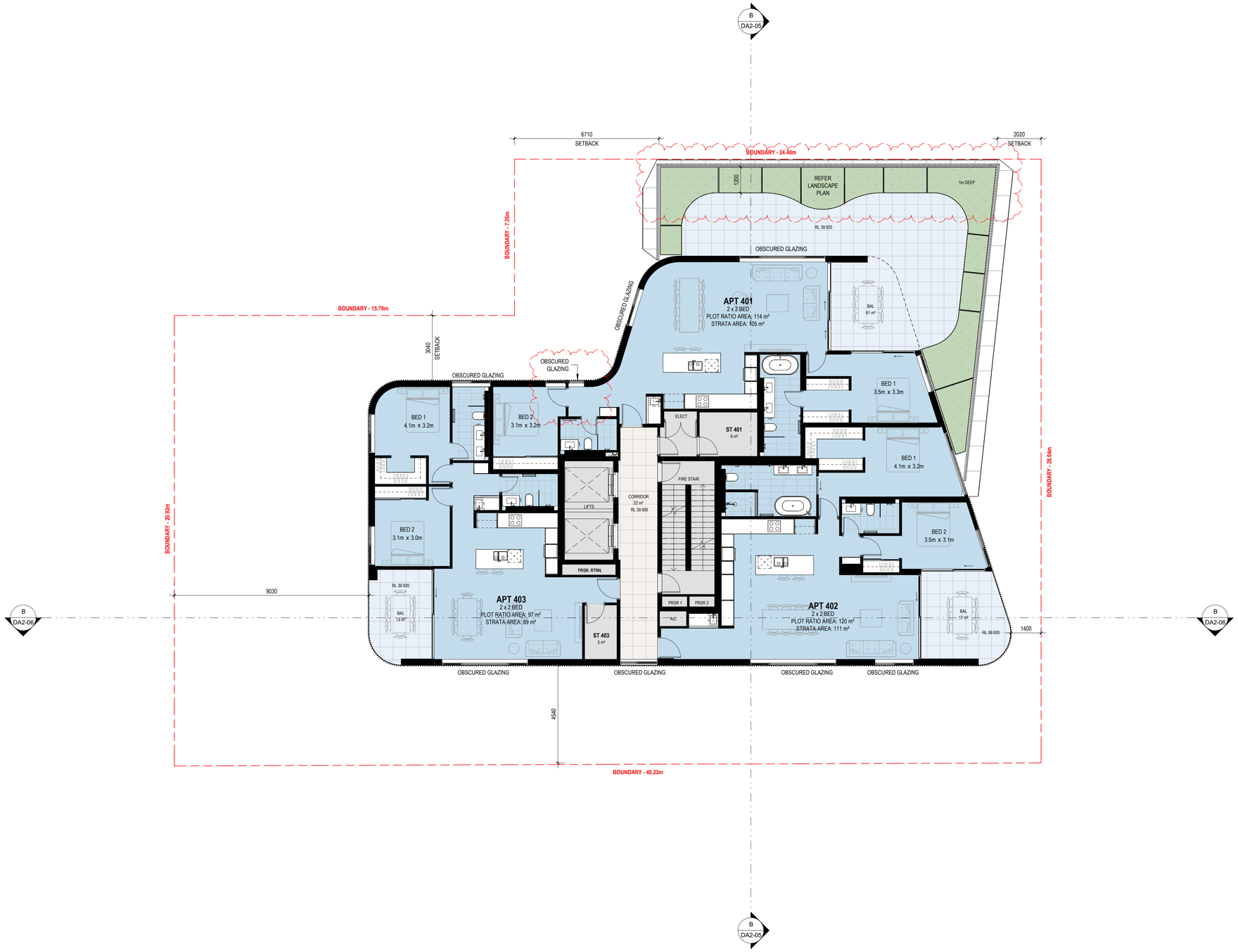
Received
25 March 2024



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ABBREVIATIONS

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 4

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA1-08	D
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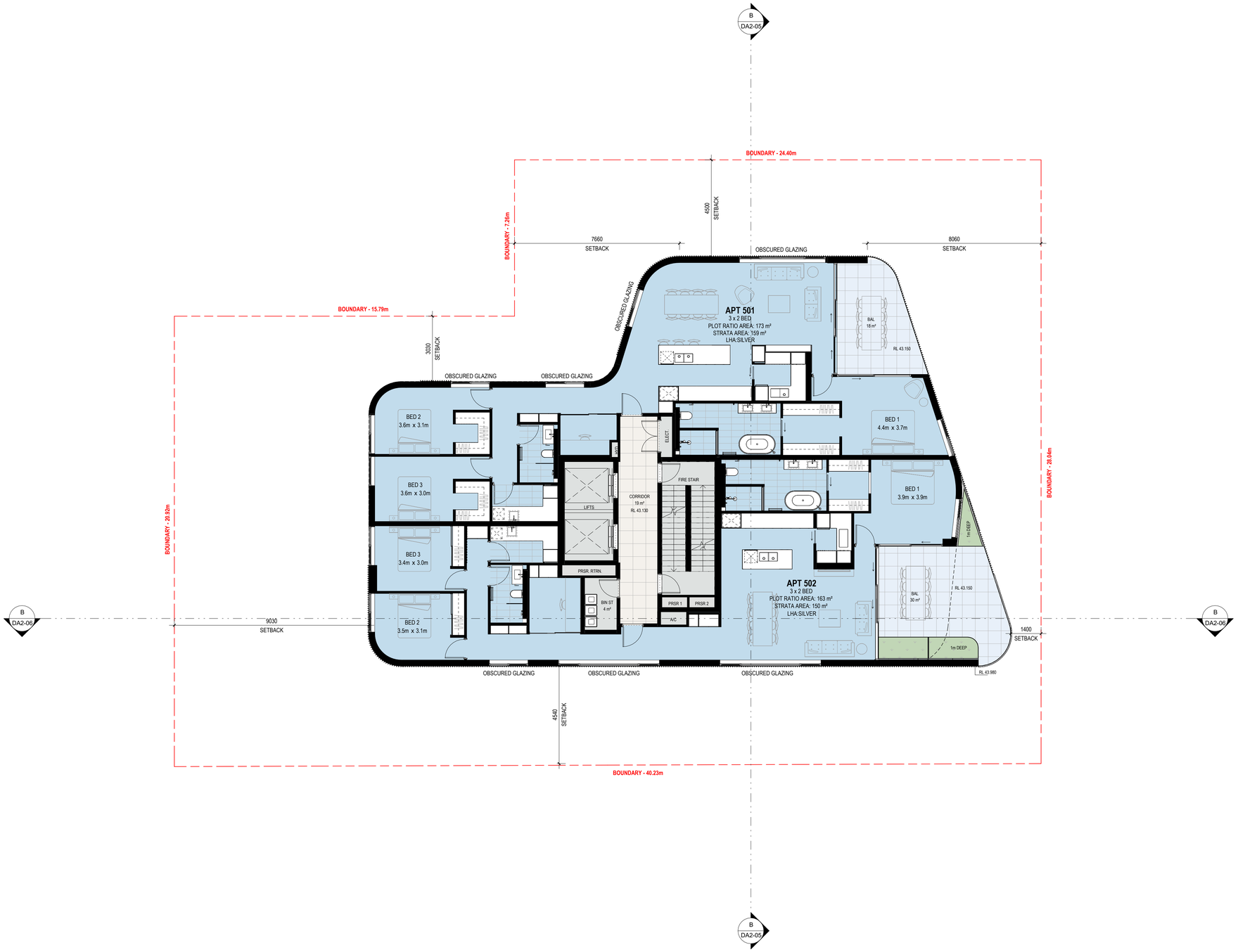

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 5

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
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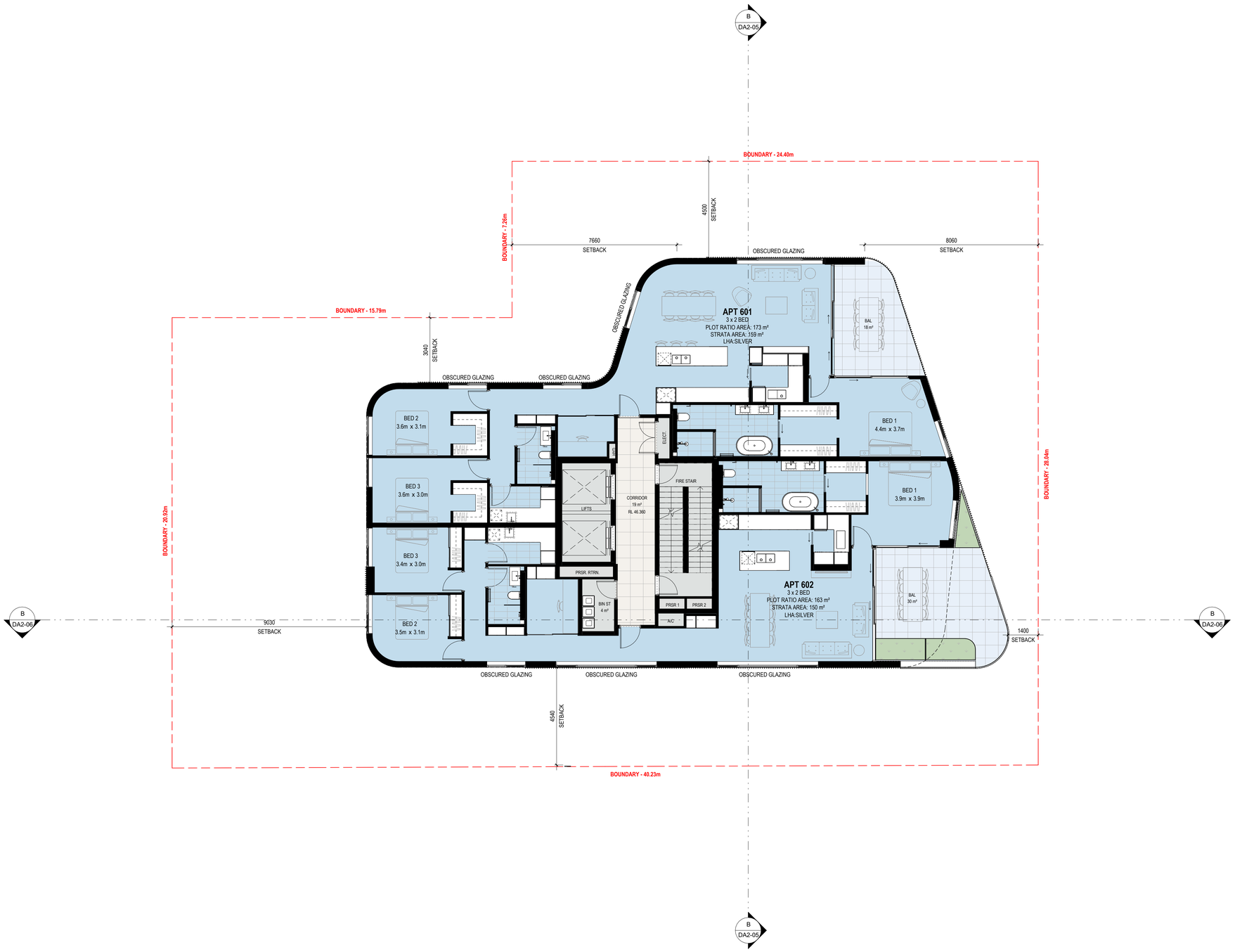

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 6

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

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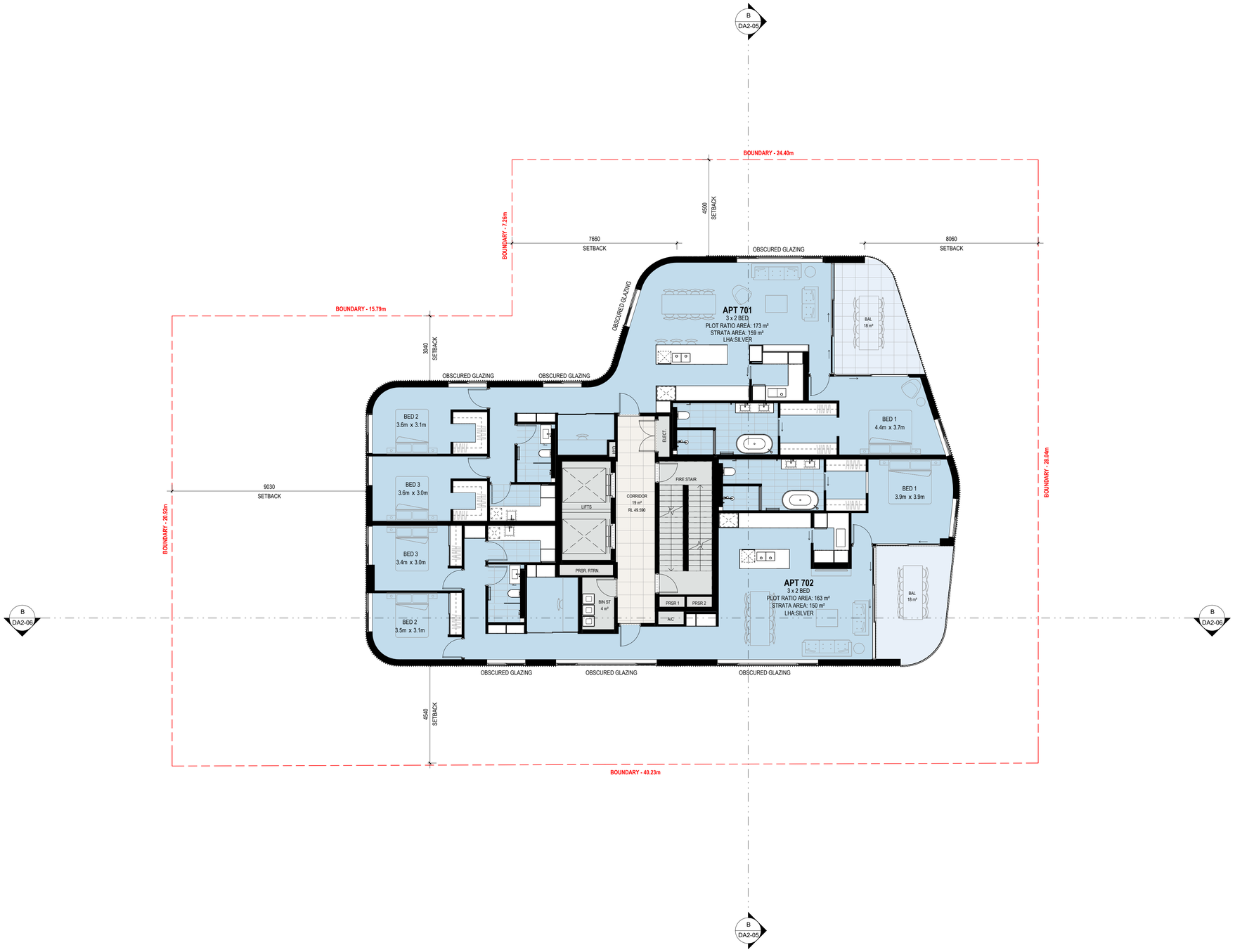

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PROJECT NAME

FORET

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DRAWING NAME

LEVEL 7

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

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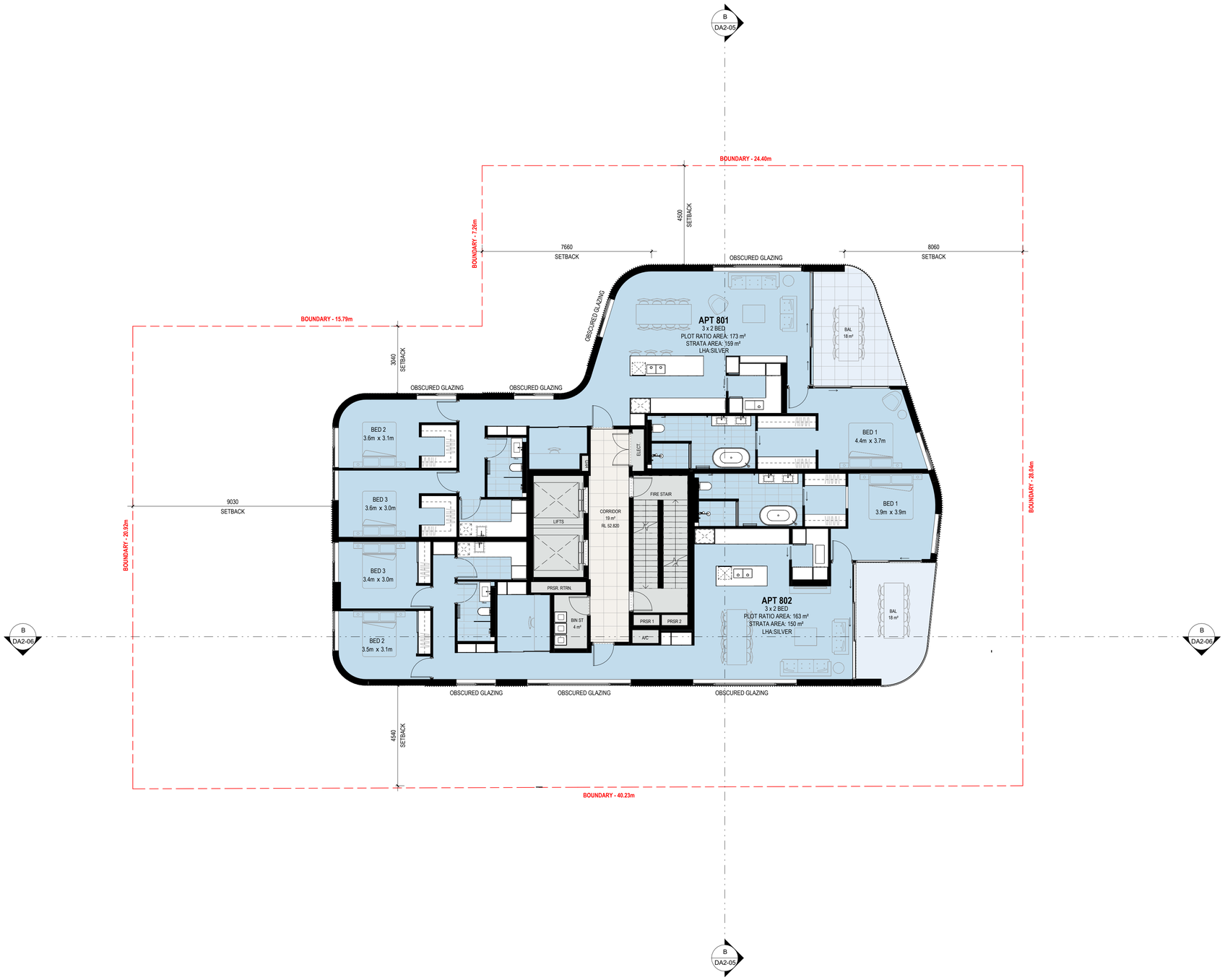

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 8

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

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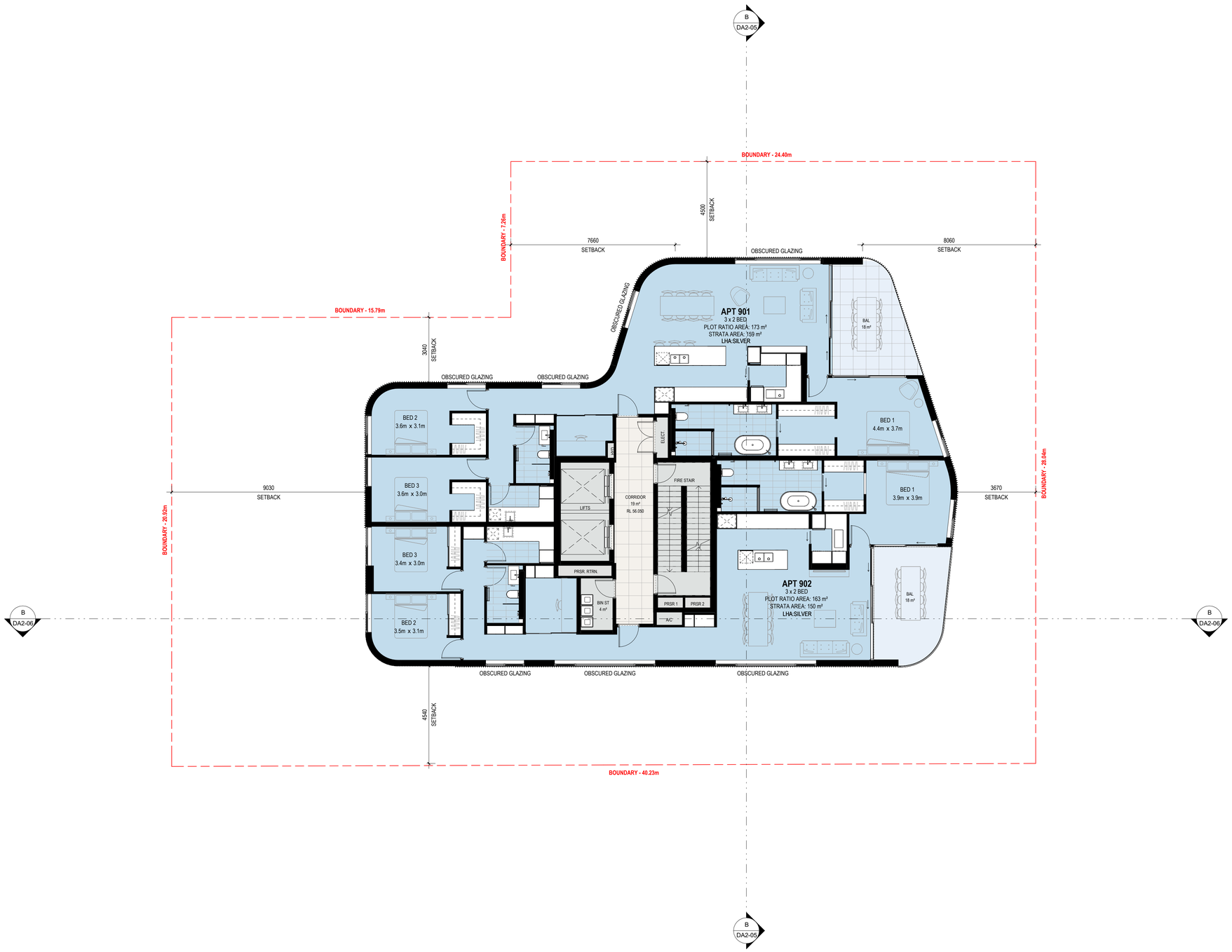

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 9

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
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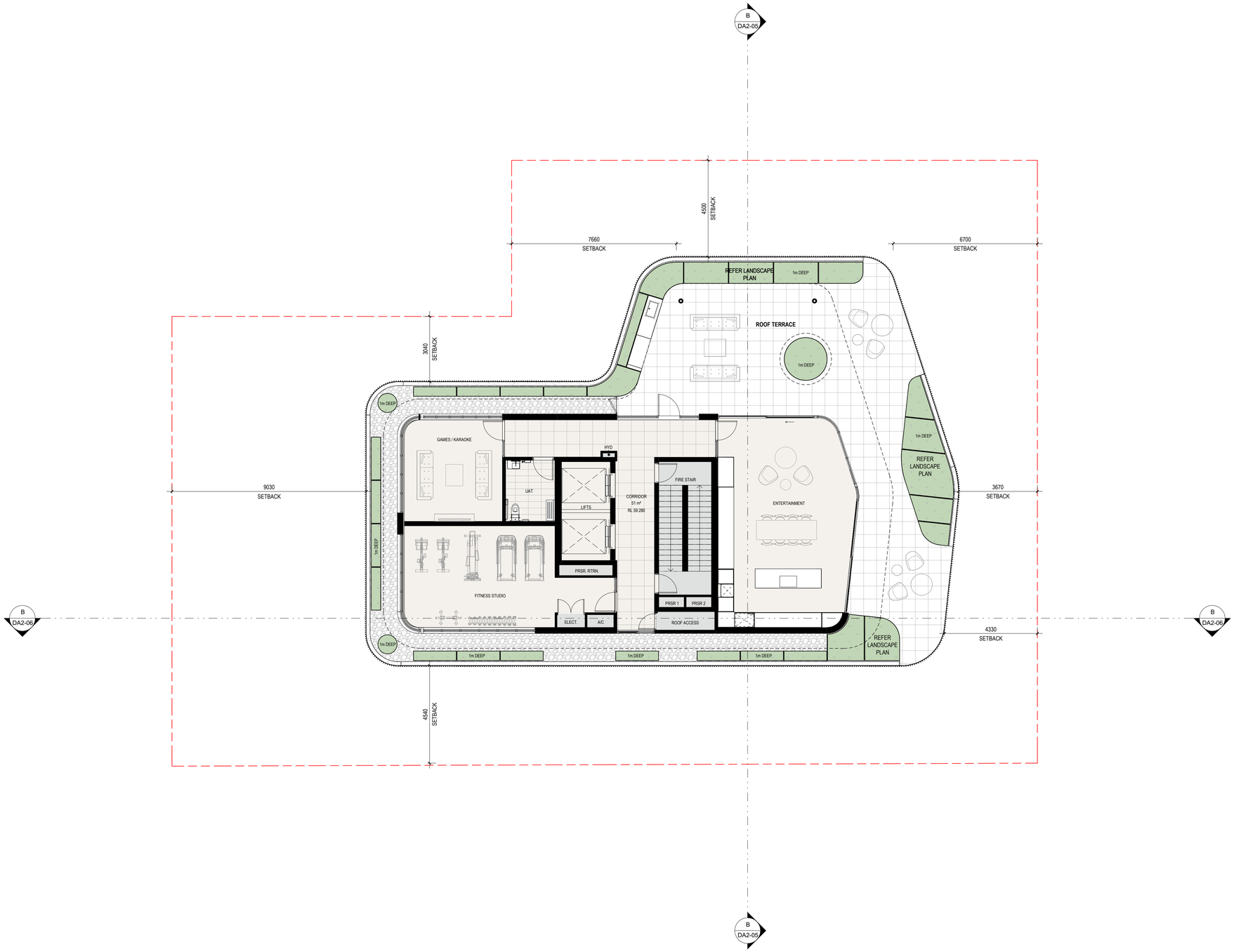

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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

LEVEL 10

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

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PROJECT No.	DRAWING No.	REV
21-10	DA1-15	D
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SPECIFICATION SCHEDULE

CODE	DESCRIPTION
CT-20	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
CT-24	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL WITH FIBREGLASS PLANTERBOX INFILL AS DETAILED. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
GA-01	PAINTED STEEL FRAMED VEHICLE GATE WITH SURFACE MOUNTED ALUMINIUM FEATURE SCREENING. NOM 45x10mm FLAT BAR @ 100 CTS. DULUX ELECTRO 'BLACK ACE'
MW-01 b	FEATURE POWDERCOATED ALUMINIUM FACADE SCREEN. NOM 45x10mm PLATES @ 200 CTS. DULUX ELECTRO 'BLACK ACE'
MW-02	FEATURE POWDERCOATED ALUMINIUM FACADE BALUSTRADE FRONT-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS.(TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-03	POWDERCOATED ALUMINIUM BALUSTRADE TOP-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS. (TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-04	6mm POWDERCOATED ALUMINIUM PLATE PLANTER BOX. DULUX ELECTRO 'BLACK ACE'
MW-05	POWEDERCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PT-03a	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'WHITE ON WHITE'
PT-03b	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'BLACK CAVIAR'
SE-01	STRUCTURAL STEEL TO ENGINEERS DETAIL. PAINT FINSH - BLACK.
ST-01	STONE FLOOR TILE ON WP ON SCREED TO FALL ON WP ON CONCRETE TO EXTERNAL AREAS. SLIP RATING R11
WD-01	
WN-01	POWDERCOATED ALUMINIUM FRAMED WINDOW SUITE

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19.03.2024	C	ISSUE FOR DA	AB
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CAPITAL WAY

PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

EAST ELEVATION

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-01	C
	DRAWN BY	AB

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City of Nedlands
Received
8 March 2024

SPECIFICATION SCHEDULE

CODE	DESCRIPTION
~~CO-06~~	~~IN-SITU CONCRETE - LIGHT PIGMENT~~
CO-07	IN-SITU CONCRETE - DARK PIGMENT, 25mm RECESSED
CT-20	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
CT-21	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
MW-01a	FEATURE POWDERCOATED ALUMINIUM FACADE SCREEN. NOM 45x10mm PLATES @ 100 CTS. DULUX ELECTRO 'FLAT WHITE'
MW-02	FEATURE POWDERCOATED ALUMINIUM FACADE BALUSTRADE FRONT-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS.(TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-05	POWEDERCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PC-02	175mm PRE-CAST CONCRETE WALL PANEL WITH 25mm FEATURE RELIEF PATTERN - 'SPANDEK' PROFILE. NATURAL GRAY WITH CLEAR COAT FINISH
PT-03a	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'WHITE ON WHITE'
PT-03b	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'BLACK CAVIAR'
SE-01	STRUCTURAL STEEL TO ENGINEERS DETAIL. PAINT FINISH - BLACK.
ST-01	STONE FLOOR TILE ON WP ON SCREED TO FALL ON WP ON CONCRETE TO EXTERNAL AREAS. SLIP RATING R11
WN-01	POWDERCOATED ALUMINIUM FRAMED WINDOW SUITE

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PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

SOUTH ELEVATION

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-02	D
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Received
25 March 2024

SPECIFICATION SCHEDULE

CODE	DESCRIPTION
CT-20	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
CT-24	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL WITH FIBREGLASS PLANTERBOX INFILL AS DETAILED. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
MW-05	POWEDERCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PT-03a	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'WHITE ON WHITE'
PT-03b	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'BLACK CAVIAR'
WD-01	
WN-01	POWDERCOATED ALUMINIUM FRAMED WINDOW SUITE

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PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

WEST ELEVATION

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-03	C
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Received
8 March 2024

SPECIFICATION SCHEDULE

CODE	DESCRIPTION
CT-20	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
CT-21	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
MW-01 a	FEATURE POWDERCOATED ALUMINIUM FACADE SCREEN. NOM 45x10mm PLATES @ 100 CTS. DULUX ELECTRO 'FLAT WHITE'
MW-02	FEATURE POWDERCOATED ALUMINIUM FACADE BALUSTRADE FRONT-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS.(TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-04	6mm POWDERCOATED ALUMINIUM PLATE PLANTER BOX. DULUX ELECTRO 'BLACK ACE'
MW-05	POWEDRCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PC-02	175mm PRE-CAST CONCRETE WALL PANEL WITH 25mm FEATURE RELIEF PATTERN - 'SPANDEK' PROFILE. NATURAL GRAY WITH CLEAR COAT FINISH
PT-03b	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'BLACK CAVIAR'
SE-01	STRUCTURAL STEEL TO ENGINEERS DETAIL. PAINT FINISH - BLACK.
ST-01	STONE FLOOR TILE ON WP ON SCREED TO FALL ON WP ON CONCRETE TO EXTERNAL AREAS. SLIP RATING R11

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PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

NORTH ELEVATION

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-04	C
	DRAWN BY	AB

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City of Nedlands
Received
8 March 2024

SPECIFICATION SCHEDULE

CODE	DESCRIPTION
BL-01	90 CONCRETE BLOCK WALL
CO-03	200mm IN-SITU REINFORCED CONCRETE WALL
CO-10	IN-SITU REINFORCED CONCRETE SLAB. MONO FINISH
CO-13	IN-SITU REINFORCED POST-TENSIONED SLAB. MONO FINISH
CS-01	NOM. 100mm SHOTCRETE ON WATERPROOF MEMBRANE ON CONTIGUOUS CONRETE PILING
CT-04	CERAMIC OR PORCELAIN FLOOR TILE ON ADJUSTABLE PEDESTALS ON ACOUSTIC MOUNT ON WATERPROOF MEMBRANE ON CONCRETE TO FALL TO EXTERNAL AREAS (MIN SLIP RATING R11)
CT-21	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
GS-02	50mm THICK PEBBLE MULCH LAYER ON GEOFABRIC ON DRAINAGE CELLS ON WATERPROOF MEMBRANE ON CONCRETE SLAB POURED TO FALL
LA-01	RAISED PLANTER BED AS DETAILED
LN-04a	2x13mm FR PLASTERBOARD (OR 2x13mm FR/MR PLASTERBOARD TO WET AREAS); 64mm STEEL STUD WITH 75mm GLASSWOOL INSULATION (14kg/m3); 20mm AIR GAP; 64mm STEEL STUD WITH 75mm BRADFORD ACOUSTIGARD (14kg/m3); 2x13mm FR PLASTERBOARD (OR 2x13mm FR/MR PLASTERBOARD TO WET AREAS)
LN-05d	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD WITH 90mm GLASSWOOL INSULATION (R2.5); 45mm AIR GAP; 64mm STEEL STUD; 1x13mm PLASTERBOARD (OR 1x13mm MR PLASTERBOARD TO WET AREAS)
LN-06a	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD; VAPOR MEMBRANE; 35mm FURRING CHANNEL; 9mm COMPRESSED FIBRE CEMENT.
LN-07b	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD WITH 90mm GLASSWOOL INSULATION (MIN R2.5)
LN-08b	1x13mm PLASTERBOARD; 92mm STEEL STUD WITH 90mm GLASSWOOL INSULATION (MIN R2.0)
MW-02	FEATURE POWDERCOATED ALUMINIUM FACADE BALUSTRADE FRONT-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS.(TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-04	6mm POWDERCOATED ALUMINIUM PLATE PLANTER BOX. DULUX ELECTRO 'BLACK ACE'
MW-05	POWEDERCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PC-02	175mm PRE-CAST CONCRETE WALL PANEL WITH 25mm FEATURE RELIEF PATTERN - 'SPANDEK' PROFILE. NATURAL GRAY WITH CLEAR COAT FINISH
PI-01	BOUNDARY PILING. REFER STRUCTURAL ENGINEER'S DOCUMENTATION
RF-01	COLORBOND PROFILED METAL ROOF SHEET WITH 60mm THICK BRADFORD ANTICON INSULATION (R1.3). COLORBOND 'SURFMIST'
RF-02	BOX GUTTER
SE-01	STRUCTURAL STEEL TO ENGINEERS DETAIL. PAINT FINISH - BLACK.

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PROJECT NAME

FORET

1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

SECTION A

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-05	C
	DRAWN BY	AB

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Received
25 March 2024

SPECIFICATION SCHEDULE

CODE	DESCRIPTION
BL-03	190 CONCRETE BLOCK WALL
CO-03	200mm IN-SITU REINFORCED CONCRETE WALL
CO-10	IN-SITU REINFORCED CONCRETE SLAB. MONO FINISH
CO-13	IN-SITU REINFORCED POST-TENSIONED SLAB. MONO FINISH
CS-01	NOM. 100mm SHOTCRETE ON WATERPROOF MEMBRANE ON CONTIGUOUS CONRETE PILING
CT-04	CERAMIC OR PORCELAIN FLOOR TILE ON ADJUSTABLE PEDESTALS ON ACOUSTIC MOUNT ON WATERPROOF MEMBRANE ON CONCRETE TO FALL TO EXTERNAL AREAS (MIN SLIP RATING R11).
CT-20	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
CT-24	PORCELAIN FEATURE TILE ON MECHANICAL FIXINGS MOUNTED TO STEEL SUBFRAME TO ENGINEERS DETAIL WITH FIBREGLASS PLANTERBOX INFILL AS DETAILED. 2400x1200x10.5mm BEIGE MARBLE LOOK FINISH - POLISHED
FN-01	COLORBOND BOUNDARY FENCE. REVOLUTION 'REV 5' PROFILE IN 'MONUMENT' FINISH
GS-02	50mm THICK PEBBLE MULCH LAYER ON GEOFABRIC ON DRAINAGE CELLS ON WATERPROOF MEMBRANE ON CONCRETE SLAB POURED TO FALL
LN-05a	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD WITH 90mm GLASSWOOL INSULATION (R2.5); 1x13mm PLASTERBOARD (OR 1x13mm MR PLASTERBOARD TO WET AREAS)
LN-06a	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD; VAPOR MEMBRANE; 35mm FURRING CHANNEL; 9mm COMPRESSED FIBRE CEMENT
LN-07b	9mm COMPRESSED FIBRE CEMENT; 35mm FURRING CHANNEL; VAPOR MEMBRANE; 92mm STEEL STUD WITH 90mm GLASSWOOL INSULATION (MIN R2.5)
MW-02	FEATURE POWDERCOATED ALUMINIUM FACADE BALUSTRADE FRONT-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS.(TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-03	POWDERCOATED ALUMINIUM BALUSTRADE TOP-FIXED TO CONCRETE SLAB. NOM 45x10mm FLAT BAR @ 100 CTS. (TO AS 1170.1). DULUX ELECTRO 'FLAT WHITE'
MW-04	6mm POWDERCOATED ALUMINIUM PLATE PLANTER BOX. DULUX ELECTRO 'BLACK ACE'
MW-05	POWEDERCOATED ALUMINIUM HANDRAIL. NOM 45x10mm FLAT BAR ON POSTS & 100 CTS SURFACE MOUNTED OVER STRUCTURAL WALL/SUBFRAME BELOW (TO AS 1170.1). DULUX ELECTRO 'BLACK ACE'
MW-06	POWDERCOATED ALUMINIUM ACOUSTIC SCREEN WALL AND DECK BY CON-FORM. POWDERCOAT FINISH. DULUX ELECTRO 'BLACK ACE'
PT-03a	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'WHITE ON WHITE'
PT-03b	EXTERIOR ELASTOMERIC COATING TO FIBRE CEMENT LINING. DULUX 'BLACK CAVIAR'
SE-01	STRUCTURAL STEEL TO ENGINEERS DETAIL. PAINT FINSH - BLACK.
VP-01	VINYL PLANK ON ACOUSTIC UNDERLAY ON PLY ON FLOOR DAMPED SPRINGS

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PROJECT NAME

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1A THOMAS STREET, NEDLANDS 6009

DRAWING NAME

SECTION B

DEVELOPMENT APPLICATION

SCALE 1 : 100 (A1)

0 1 2 3 4 5 6 M

PROJECT No.	DRAWING No.	REV
21-10	DA2-06	E
	DRAWN BY	AB

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City of Nedlands
Received
25 March 2024

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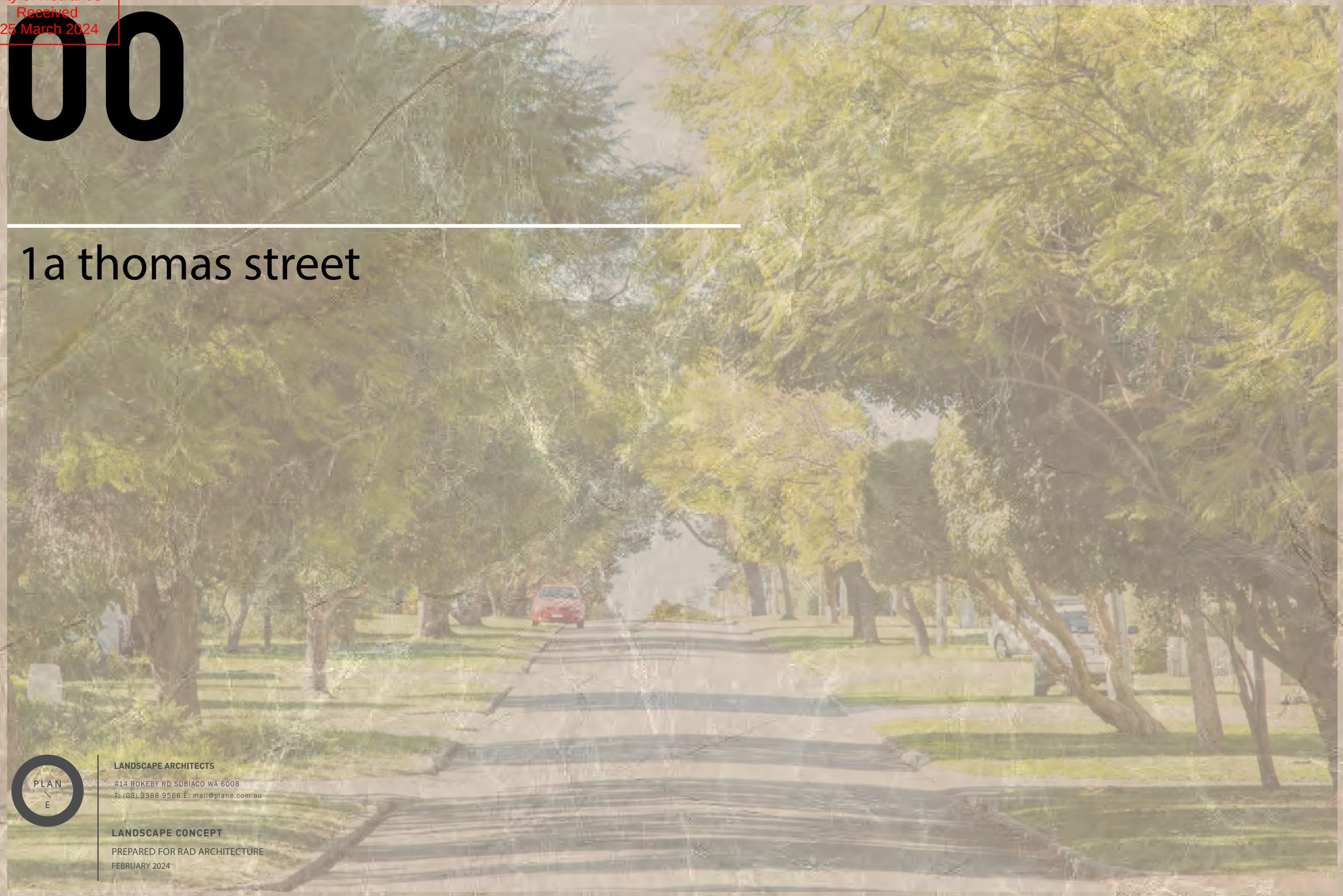
1a thomas street



LANDSCAPE ARCHITECTS

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LANDSCAPE CONCEPT

PREPARED FOR RAD ARCHITECTURE
FEBRUARY 2024

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01

landscape narrative

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landscape imagery

EARTHY TONES / HIGH END MATERIALS

STRONG LANDSCAPE FORM

LOCAL CHARCTERISTICS

1A THOMAS STREET

THE LANDSCAPE DESIGN REFERENCES THE ARCHITECTURAL BUILT FORM, AND AIMS TO CREATE SPACES THAT WOULD STRENGHTEN THE STREET'S ROLE AS AN INTEGRAL PART OF THE IMAGE OF NEDLANDS AS A GREEN AND LEAFY DISTRICT.
NATURAL EARTHY TONED HIGH END MATERIALS, SOFT CURVY LINEAR FORMS & RICH NATIVE PLANTING ARE PROPOSED, WHICH MIMIC THE NEIGHBORHOOD'S LEAFY GREEN STREETSCAPES AND CHARACTERISTICS.

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landscape imagery - streetscape over ground floor

PROJECT BOUNDARY

STREETSCAPE OVER GROUND FLOOR

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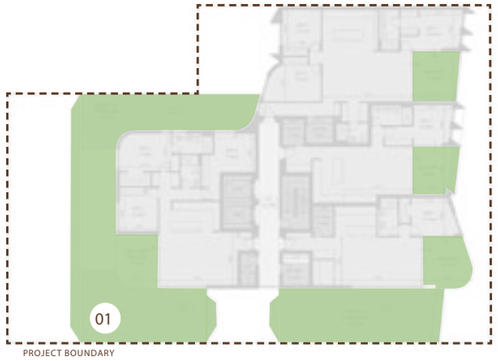
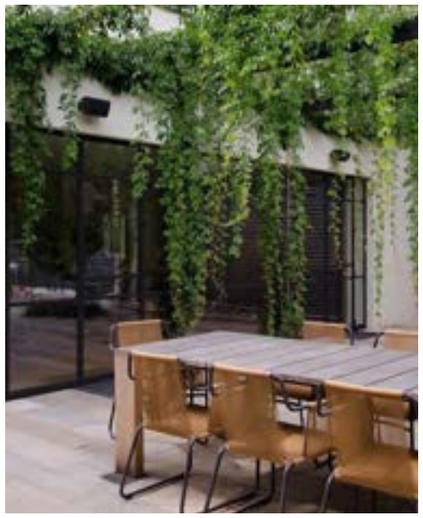
landscape imagery - podium & apartment courtyards



THOMAS STREET



PODIUM & APARTMENT COURTYARDS

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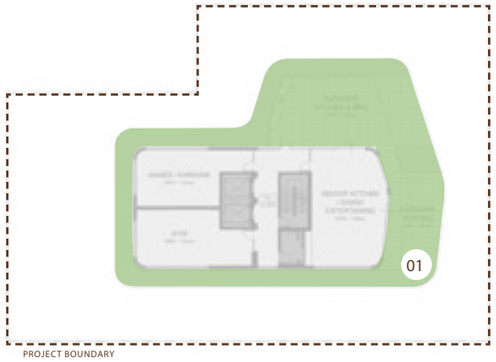
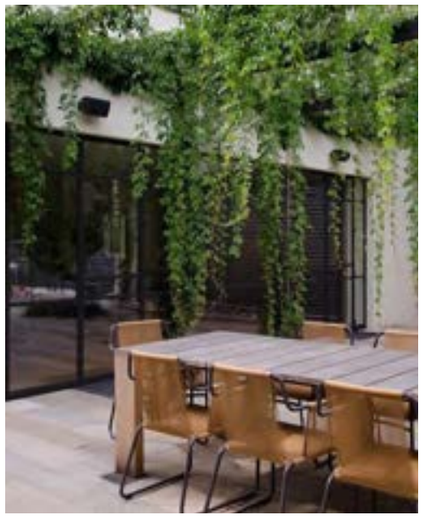
landscape imagery - rooftop garden





ROOFTOP GARDEN

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landscape concept - ground floor

ACACIA 'FETTUCINI'

ACANTHUS MOLLIS

DICHONDRA 'SILVER FALLS'

EREMOPHILA 'KALBARRI CARPET'

NANDINA 'LEMON LIME'

LEGEND

01 FEATURE STONE TILE PAVING TO ENTRY

02 PRIVATE ALFRESCO AREAS WITH FEATURE TILES & LOOSE OUTDOOR FURNITURE

03 RAISED GARDEN BEDS WITH FEATURE PLANTINGS- ON STRUCTURE

04 RAISED GARDEN BED IN DEEP SOIL AREA WITH TREE PLANTINGS

05 LOW GROUNDCOVER PLANTINGS TO VERGE- MIX OF SHADE TOLERANT & NATIVE WA PLANT SPECIES

07 PROPOSED TREES- IE. CUPANIOPSIS 'TUCKEROO' & EUCALYPTUS VICTRIX

08 PROPOSED STREET TREE

09 TURF

10 EXISTING TREES TO BE RETAINED AND PROTECTED

11 RAISED GARDEN BED WITH SCREENING PLANTING TO PROVIDE PRIVACY TO PRIVATE COURTYARDS

12 BICYCLE RACKS IN EXPOSED AGGREGATE CONCRETE PAVEMENT

13 INFORMAL OUTDOOR GRAVEL AREA WITH RAISED PLANTERS & LARGE POT WITH TREE PLANTING (IE. CUPANIOPSIS 'TUCKEROO')

14 DRIVEWAY WITH TRAFFICABLE PAVEMENT

15 PRIVATE GARDEN (IN-GROUND) WITH STEPPING STONE GARDEN PATHWAY THROUGH GROUNDCOVERS, BENCH SEAT AND SMALL GRAVEL AREA FOR OFF THE SHELF FURNITURE AS INTIMATE SEATING NOOK

16 PRIVATE GARDENS (IN GROUND) WITH STEPPING STONES IN GROUNDCOVERS AND POSSIBLE SEATING ELEMENT

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landscape concept - level 01

LEGEND

01 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

02 NARROW PLANTER TO BALUSTRADE EDGE WITH CASCADING PLANTING

03 GRAVEL PAVEMENT TO CANOPY BELOW

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landscape concept - level 02

LEGEND

01 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

02 NARROW PLANTER TO BALUSTRADE EDGE WITH CASCADING PLANTING

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landscape concept - level 03

LEGEND

01 RAISED PLANTERS TO BALUSTRADE EDGE WITH LUSH SHRUB & TREE PLANTINGS TO CREATE A COMFORTABLE MICRO CLIMATE

02 PROPOSED TREES IE. IE. CUPANIOPSIS 'TUCKEROO' & MAGNOLIA 'LITTLE GEM'

03 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

04 SHADE TOLERANT PLANTINGS TO GARDEN BEDS ON SOUTHERN SIDE OF BUILDING

05 NARROW PLANTER TO BALUSTRADE EDGE WITH CASCADING PLANTING

MIX E

FULL SUN

HIBBERTIA SCANDENS

ANIGOZANTHOS FLAVIDUS

CASUARINA 'COUSIN IT'

ALOE 'COPPER SHOWER'

SANSEVIERA 'BLACK SWORD

ZAMIA FURFURACEA

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landscape concept - level 04

LEGEND

01 RAISED PLANTERS TO BALUSTRADE EDGE WITH LUSH SHRUB & TREE PLANTINGS TO CREATE A COMFORTABLE MICRO CLIMATE

02 PROPOSED TREES IE. IE. CUPANIOPSIS 'TUCKEROO'

03 PROPOSED FRUIT TREE IE. CITRUS 'EUREKA LEMON'

04 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

PART SHADE MIX D

CASUARINA 'COUSIN IT'

SENECIO SERPENS

ALOE 'SOUTHERN CROSS'

ALOE 'COPPER SHOWER'

SANSEVIERA 'BLACK SWORD

ZAMIA FURFURACEA

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landscape concept - level 05

LEGEND

01 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

02 NARROW PLANTER TO BALUSTRADE EDGE WITH CASCADING PLANTING

03 RAISED PLANTER WITH SHADE TOLERANT PLANTINGS & FEATURE SHRUBS

SHADE

MIX D

ASPLENIUM NIDUS

DICHONDRA 'SILVER FALLS'

PHILODENDRON 'LITTLE PHII

PHILODENDRON 'XANADU'

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landscape concept - level 06 & 07

LEGEND

01 PRIVATE BALCONY WITH FEATURE TILES ON STILTS

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landscape concept - roof terrace

LEGEND

01 COMMUNAL ROOF TERRACE WITH FEATURE STONE TILES, LOOSE FURNITURE & BBQ FACILITIES

02 RAISED PLANTERS TO BALUSTRADE EDGE WITH LUSH SHRUB & TREE PLANTINGS TO CREATE A COMFORTABLE MICRO CLIMATE

03 PROPOSED TREES- CUPANIOPSIS 'TUCKEROO'

04 PROPOSED FEATURE TREES IN RAISED PLANTERS- CAESALPINIA FERREA

05 PROPOSED FRUIT TREE IE. CITRUS 'EUREKA LEMON'

06 LINEAR PLANTERS WITH CASCADING PLANTING ALONG GRAVEL ACCESS PATH

07 LARGE POTS WITH TREES IE. CUPANIOPSIS 'TUCKEROO'

08 SHADE CANOPY STRUCTURE OVER

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landscape concept - materials

PAVING

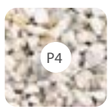
(P1) TRAFFICABLE INSITU CONCRETE PAVEMENT
MIX: HOLCIM 'TUART'
MPa: 32
THICKNESS: TBA
REINFORCING: TBA
FINISH: EXPOSED TO FULL EXTENT
BASE COURSE: 150 OR 200MM COMPACTED SUBGRADE
REFER DETAIL XX/L7-10X.

(P1A) INSITU CONCRETE PAVEMENT
MIX: HOLCIM 'TUART'
MPa: 32
THICKNESS: TBA
REINFORCING: TBA
FINISH: EXPOSED TO FULL EXTENT
BASE COURSE: 150 OR 200MM COMPACTED SUBGRADE
REFER DETAIL XX/L7-10X.

(P2) PORCELAIN TILES
DIRECT STICK ON STRUCTURAL SLAB
MAKE: CAESAR CERAMICS
SIZE: 30X60 CM
COLOUR: EIKON GEA RT.
FINISH: TBA
PATTERN: STRETCHER BOND
BASE COURSE: STRUCTURAL SLAB
REFER DETAIL XX/L7-10X.

(P2A) PORCELAIN TILES
DIRECT STICK ON NEW CONCRETE SLAB
MAKE: CAESAR CERAMICS
SIZE: 30X60 CM
COLOUR: EIKON GEA RT.
FINISH: TBA
PATTERN: STRETCHER BOND
BASE COURSE: STRUCTURAL SLAB
REFER DETAIL XX/L7-10X.

(P3) PEDESTRIAN INSITU CONCRETE PAVEMENT
MPa: 32
CEMENT: GRAY
AGGREGATE: TBA
THICKNESS: TBA
REINFORCING: TBA
FINISH: TBA
BASE COURSE: 150 OR 200MM XXXX
REFER DETAIL XX/L7-10X.

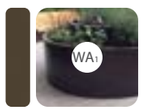


(P4) LOOSE GRAVEL
TYPE: SUMMERSTONE
SIZE: 20mm
THICKNESS: 50mm
BASE COURSE: 150mm COMPACTED SUBGRADE WITH GEOTEXTILE
REFER DETAIL XX/L7.10X

(P5) PORCELAIN TILES ON STILTS
MAKE: CAESAR CERAMICS
SIZE: 30X60 CM
COLOUR: SHAPES OF IT. IULIA RT
FINISH: TBA
PATTERN: STRETCHER BOND
BASE COURSE: STRUCTURAL SLAB
REFER DETAIL XX/L7-10X.

(P6) PORCELAIN TILES ON STILTS
MAKE: CAESAR CERAMICS
SIZE: 30X60 CM
COLOUR: EIKON GEA RT.
FINISH: TBA
PATTERN: STRETCHER BOND
BASE COURSE: STRUCTURAL SLAB
REFER DETAIL XX/L7-10X.

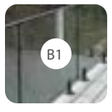
WALLS, EDGING & FENCES



STEEL WALL/PLANTER (TYPE 1):
MAKE: TBA
TYPE: TBA
SIZE: TBA
FINISH: POWDERCOATED
COLOUR: INTERPON BRONZE PEARL MATTE
REFER DETAIL XX/L7-10X.

(SE) STEEL EDGE:
MATERIAL: HDG STEEL FLAT BAR
FINISH: GALVANISED
HEIGHT: 150mm
GAUGE: 2.0mm, WITH FOLDED TOP
FIXING: FULLY WELD Ø6mm x 425mm HDG STEEL RODS TO FLAT BAR AND SET INTO CONCRETE STRIP FOOTING.
REFER DETAIL XX/L7.10X

FENCE TYPE 1:
MAKE: NEWTECHWOOD
TYPE: UH61 IP, COMPOSITE TIMBER FENCING
REFER DETAIL XX/L7-10X.



BALUSTRADE TYPE 1:
MAKE: IRONSTYLE
TYPE: CARAVAGGIO FRAMELESS GLASS BALUSTRADE
REFER DETAIL XX/L7-10X.

PLANTERS

PLANTER TYPE 1:
MAKE: QUATRO DESIGN
TYPE: 2000 TROUGH (500 SERIES)
SIZE: 2000x500x500mm
COLOUR: INTERPON BRONZE PEARL MATTE OR CCS WALNUT
REFER TO SPEC.

PLANTER TYPE 2:
MAKE: SERRALUNGA
TYPE: VAS ONE PLANTER
SIZE: 2000x1800mm HIGH
COLOUR: WHITE
REFER TO SPEC.

PLANTER TYPE 3:
MAKE: QUATRO DESIGN
TYPE: 2000 SQUARE TALL
SIZE: 2000x2000x1000mm
COLOUR: INTERPON BRONZE PEARL MATTE OR CCS WALNUT
REFER TO SPEC.

PLANTER TYPE 4:
MAKE: SERRALUNGA
TYPE: VAS ONE PLANTER
SIZE: 1600x1500mm HIGH
COLOUR: WHITE
REFER TO SPEC.

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03

typical sections

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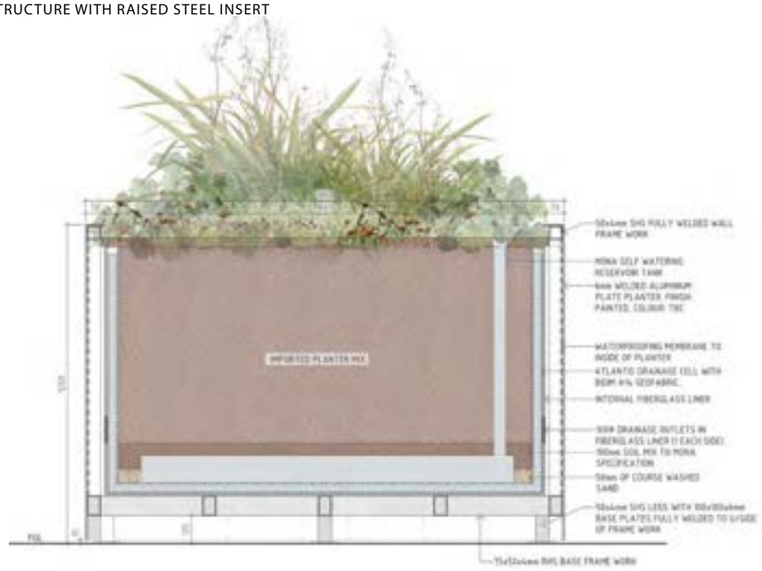
typical sections

01 PLANTER ON STRUCTURE WITH RAISED STEEL INSERT

02 PLANTER ON STRUCTURE WITH SEATING AND STEEL EDGE



03 PLANTER BOX TYPICAL SECTION

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typical sections

01 PLANTER ON STRUCTURE WITH SLAB SET-DOWN

02 PLANTER ON STRUCTURE WITH SLAB SET-DOWN AND SEATING

03 PLANTER ON STRUCTURE WITH MOUNDED CENTRE

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04

planting palette

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planting palette - trees

Agonis flexuosa
WESTERN AUSTRALIAN PEPPERMINT
MATURE SIZE: 10 X 10 M
POT SIZE: 500L

Eucalyptus Vitrix 'Snow Queen'
POWDERBARK COOLABAH
MATURE SIZE: 6 X 3 M
POT SIZE: 100L

Cupaniopsis anacardiodes
TUCKEROO
MATURE SIZE: 6 X 3 M
POT SIZE: 200L

Caesalpinia ferrea
LEOPARD TREE
MATURE SIZE: 8 X 4 M
POT SIZE: 200L

Magnolia 'Little gem'
EVERGREEN MAGNOLIA
MATURE SIZE: 4 X 2.5 M
POT SIZE: 200L

Citrus limon 'Eureka'
LEMON
MATURE SIZE: 1.5 X 1 M
POT SIZE: 100L

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planting palette - shrubs

Olearia Axillaris
COASTAL DAISY BUSH
MATURE SIZE: 1.5 X 1.5 M
SPACING: 1/M² POT SIZE: 200 MM

Grevillea Moonlight
GREVILLEA
MATURE SIZE: 3.5 X 3 M
SPACING: 1/M² POT SIZE: 200 MM

Coleonema pulchellum aurea
GOLDEN DIOSMA
MATURE SIZE: 1 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Acanthus Mollis
OYSTER PLANT
MATURE SIZE: 1 X 1 M
SPACING: 2/M² POT SIZE: 5L

Radermachera Summerscent
SUMMERSCENT
MATURE SIZE: 3 X 3 M
SPACING: 1/M² POT SIZE: 3L

Nandina 'Lemon Lime'
HEAVENLY BAMBOO
MATURE SIZE: 1 X 1 M
SPACING: 2/M² POT SIZE: 200 MM

Acacia fettuccini
BOWER WATTLE
MATURE SIZE: 0.75 X 1.2 M
SPACING: 3/M² POT SIZE: 140 MM

Leucophyta brownii
SILVER COTTON BUSH
MATURE SIZE: 1 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Dianella 'Tasred'
FLAX LILY
MATURE SIZE: 0.45 X 0.5 M
SPACING: 4/M² POT SIZE: 140 MM

Conostylis candicans
GREY COTTONHEADS
MATURE SIZE: 0.3 X 0.5 M
SPACING: 4/M² POT SIZE: 140 MM

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planting palette - feature shrubs & ground covers

Aloe 'Big Red'
ALOE
MATURE SIZE: 1.8 X 1 M
SPACING: 1/M² POT SIZE: 5L

Aloe 'Southern Cross'
ALOE
MATURE SIZE: 0.8 X 0.6 M
SPACING: 3/M² POT SIZE: 5L

Aloe 'Copper Shower'
ALOE
MATURE SIZE: 0.8 X 0.6 M
SPACING: 3/M² POT SIZE: 5L

Anigozanthos flavidus
TALL KANGAROO PAW
MATURE SIZE: 1.2 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Zamia furfuracea
CARDBOARD PALM
MATURE SIZE: 1 X 1 M
SPACING: 1/M² POT SIZE: 140 MM

Eremophila Kalbarri Carpet
EMU BUSH
MATURE SIZE: 0.2 X 2 M
SPACING: 2/M² POT SIZE: 140 MM

Hemiandra pungens 'Alba'
SNAKE BUSH
MATURE SIZE: 0.3 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Hibbertia scandens
SNAKE VINE
MATURE SIZE: 0.8 X 3 M
SPACING: 2/M² POT SIZE: 140 MM

Casuarina 'Cousin it'
COUSIN IT CASUARINA
MATURE SIZE: 0.15 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Senecio Serpens
BLUE CHALK STICKS
MATURE SIZE: 0.3 X 0.9 M
SPACING: 2/M² POT SIZE: 140 MM

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planting palette - shaded areas

Asplenium nidus
BIRD'S NEST FIRN
MATURE SIZE: 1 X 1 M
SPACING: 2/M² POT SIZE: 140 MM

Dichondra 'Silver falls'
KIDNEY WEED
MATURE SIZE: 0.1 X 2 M
SPACING: 4/M² POT SIZE: 140 MM

Philodendron Xanadu
BIRD'S NEST FIRN
MATURE SIZE: 0.9 X 0.7 M
SPACING: 2/M² POT SIZE: 5L

Philodendron 'Little Phil'
PHILODENDRON
MATURE SIZE: 0.35 X 0.35 M
SPACING: 3/M² POT SIZE: 140 MM

Sanseviera 'Black Sword'
MOTHER IN LAWS TONGUE
MATURE SIZE: 0.6 X 0.5 M
SPACING: 2/M² POT SIZE: 140 MM

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design wa compliance items

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LANDSCAPE CONCEPT

PREPARED FOR RAD ARCHITECTURE
MARCH 2024

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City of Nedlands
Received
25 March 2024

deep soil area & tree canopy coverage

ITEM 3.3A - TREE CANOPY & DEEP SOIL AREA

REQUIRED DEEP SOIL AREA: 101.4 SQ.M - BASED ON A SITE AREA OF 1014 SQ.M

REQUIRED TREE CANOPY AREA: 50 SQ.M - BASED ON A SITE AREA OF 1014 SQ.M

DEEP SOIL AREA & TREE CANOPY REQUIREMENTS - TABLE 01

THE DEVELOPMENT SEEKS TO RETAIN EXISTING TREES WITHIN THE ADJACENT STREETSCAPE, AND PROVIDE SIGNIFICANT TREE CANOPY THROUGH ALL LEVELS OF LANDSCAPE, INCLUDING EXTERNAL LANDSCAPE SPACES.

THE TABLE BELOW OUTLINES MINIMUM REQUIREMENTS FOR DEEP SOIL AREAS AS DEFINED IN DESIGNWA.

TABLE 01: DEEP SOIL ZONE REQUIREMENTS

	LOT AREA: 1014 SQ.M	MINIMUM REQUIREMENTS	PROJECT REQUIREMENT FOR PROVISION
WAPC DEEP SOIL AREA REQUIREMENTS	>1000 SQ.M	10% OF DEEP SOIL AREA ON SITE (101.4 SQ.M)	PROVIDED DEEP SOIL AREA OF 101.8 SQ.M THEREFORE MINIMUM REQUIREMENTS ARE MET PROVIDED ADDITIONAL PLANTING ON STRUCTURE AS DEEP SOIL AREA OF 228.4 SQ.M

LANDSCAPE AREA REQUIREMENTS - TABLE 02

THE DEVELOPMENT SEEKS TO EXCEED THE REQUIRED LANDSCAPE PROVISION FOR DEEP SOIL AREA AS DEFINED IN DESIGNWA THROUGH GENEROUSLY SCALED LANDSCAPE AREAS; ALLOWING SIGNIFICANT ROOTABLE DEEP SOIL AREAS ON STRUCTURE.

SOIL VOLUMES ARE CONSIDERED IN TREE PLACEMENT AND SELECTION OF TREE SPECIES.

THE TABLE BELOW SUMMARISES THE EXTENT OF LANDSCAPE AREAS, AND DEEP SOIL AREA OVER THE VARIOUS LANDSCAPE LEVELS.

TABLE 02: LANDSCAPE AREAS / DEEP SOIL AREAS

	DEEP SOIL AREA (IN GROUND)	PLANTING ON STRUCTURE (1M DEPTH) AS DEEP SOIL AREA	PLANTING ON STRUCTURE (LESS THAN 1 M DEPTH OR NARROW PLANTERS)	SOFT LANDSCAPE GARDEN AREA
GROUND FLOOR	101.8 SQ.M	70.9 SQ.M	9.5 SQ.M	182.2 SQ.M
LEVEL 01	-	-	4.4 SQ.M	4.4 SQ.M
LEVEL 02	-	-	4.8 SQ.M	4.8 SQ.M
LEVEL 03	-	77.6 SQ.M	2 SQ.M	79.6 SQ.M
LEVEL 04	-	39.2 SQ.M	-	39.2 SQ.M
LEVEL 05	-	6 SQ.M	-	6 SQ.M
LEVEL 06	-	-	-	-
LEVEL 07	-	-	-	-
LEVEL 08 - ROOF TERRACE	-	34.7 SQ.M	14.5 SQ.M	49.2 SQ.M
TOTAL	101.8 SQ.M	228.4 SQ.M	35.2 SQ.M	365.4 SQ.M

DEEP SOIL ZONE & TREE CANOPY REQUIREMENTS - TABLES 03-05

THE DEVELOPMENT SEEKS TO RETAIN EXISTING TREES WITHIN THE ADJACENT STREETSCAPE / ROAD RESERVE AND PROVIDE SIGNIFICANT DEEP SOIL AREA, ROOTABLE SPACE, AND SOFT LANDSCAPE AREA THROUGH ALL LEVELS OF LANDSCAPE, INCLUDING EXTERNAL LANDSCAPE SPACES.

THE TABLE BELOW OUTLINES MINIMUM REQUIREMENTS FOR TREE CANOPY COVER AS DEFINED IN DESIGNWA.

TABLE 04: TREE CANOPY REQUIREMENTS

	LOT AREA: 1014 SQ.M	MINIMUM REQUIREMENTS	PROJECT REQUIREMENT FOR PROVISION
WAPC TREE CANOPY REQUIREMENTS	>1000 SQ.M	1 LARGE TREE (AND SMALL TREES TO SUIT AREA)	MINIMUM OF 50 SQ.M OF TREE CANOPY COVER WHICH EQUATES TO APPROX. 4 .9 % CANOPY COVER OF THE DEVELOPMENT SITE AREA

TABLE 05: TREE CANOPY COVER

	SMALL TREES: 2M DIAMETER 3.2 SQ.M CANOPY COVER AT MATURITY	MEDIUM TREES: 5M DIAMETER 19.6 SQ.M CANOPY COVER AT MATURITY	LARGE TREES: 8M DIAMETER 50 SQ.M CANOPY COVER AT MATURITY	TOTAL CANOPY COVER (NOT INCLUDING EXISTING TREES)
GROUND FLOOR	8	-	-	25.6 SQ.M
LEVEL 01	-	-	-	-
LEVEL 02	-	-	-	-
LEVEL 03	12	-	-	38.4 SQ.M
LEVEL 04	5	-	-	16 SQ.M
LEVEL 05	-	-	-	-
LEVEL 06	-	-	-	-
LEVEL 07	-	-	-	-
LEVEL 08 - ROOF TERRACE	6	3	-	78 SQ.M
TOTAL	99.2 SQ.M CANOPY COVER AT MATURITY	58.8 SQ.M CANOPY COVER AT MATURITY	-	158 SQ.M PROPOSED TREE CANOPY COVER

IRRIGATION REQUIREMENTS

A FULLY AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED FOR THE 1A THOMAS STREET PROJECT. THE SCOPE WILL INCLUDE:
- IRRIGATION TO ALL LANDSCAPE AREAS
- MOISTURE SENSORS THROUGHOUT, TO ENSURE WATER USE IS MINIMISED
- USE OF LOW WATER USE EMITTERS TO ENSURE ONLY SUFFICIENT WATER IS PROVIDED TO IRRIGATE PLANTING AREAS
- IN-LINE FERTILISATION UNIT TO ENSURE FERTILISING AND MOISTURE RETENTION IS CONTROLLED
- USE OF POP - UP FLOOD BUBBLERS TO SUIT SIZE OF GARDEN BEDS TO ENSURE ANY OVER-SPRAY AND WASTAGE IS MITIGATED, AND;
- A DETAILED DESIGN AND SPECIFICATION WILL BE PROVIDED AT BUILDING LICENSE APPLICATION STAGE.

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deep soil area & tree canopy coverage

Ground floor
DEEP SOIL AREA: 101.8 M²
PLANTING ON STRUCTURE / 1M DEPTH: 70.9 M²
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: 9.5 M²

Level 1
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: -
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: 4.4 M²

Level 2
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: -
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: 4.8 M²

Level 3
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: 77.6 M²
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: 2 M²

Level 4
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: 39.2 M²
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: -

Level 5
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: 6 M²
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: -

Level 6 & 7
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: -
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTER: -

Roof terrace
DEEP SOIL AREA: -
PLANTING ON STRUCTURE / 1M DEPTH: 34.7 M²
PLANTING ON STRUCTURE / LESS THAN 1M DEPTH: 14.5 M²

DEEP SOIL ZONE & TREE CANOPY REQUIREMENTS

DEE SOIL ZONE

- DEE SOIL ZONE
- PLANTING ON STRUCTURE / 1M DEPTH
- PLANTING ON STRUCTURE / LESS THAN 1M DEPTH/ NARROW PLANTERS

TREE CANOPY COVER

- MEDIUM TREE / 19.6 SQ.M CANOPY COVER AT MATURITY
- SMALL TREE / 3.2 SQ.M CANOPY COVER AT MATURITY

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Schedule of Submissions

1A Thomas Street, Nedlands

City of Nedlands

nedlands.wa.gov.au

No.	Submission	Applicant Response
Objections		
1	Street traffic will not support additional 26 dwellings - already unsafe as parking for Tresillian occurs along street reducing to single lane, proposed size of building will overshadow adjoining properties and look into backyards of many properties in the street reducing safety & privacy, local school cannot accommodate 26 more families - already at capacity	The proposal has 29 dwelling which allocates a total of 58 resident bays and 5 visitor bays. This results in double the required number of resident bays to ensure that car parking requirements for the development can be accommodated on site. The proposed building height and orientation has been designed to ensure that the impact of overshadowing is limited with the neighbouring properties adjacent having access to winter sunlight due to the building location away from the rear boundary. The building design will allow for passive surveillance to occur from both the street level and upper storeys. The building orientation has been considered to uphold privacy for surrounding residents. The proposed development will provide quality apartments which will provide different type of dwelling for residents to 'right size' and meet their household needs. Due to the size of the apartments, it is not anticipated that a minority of the apartments would have families with children and therefore this development is not anticipated to have impact on the local school capacity.
2	Stirling Highway just can't cope with the additional traffic as each unit will have at least two vehicles. There are already many town houses being built and once they are completed, there will be traffic chaos. There is also a proposal for multi units at the corner of Dalkeith Road and Stirling Highway.	Detailed traffic impact assessment reports have been conducted to ensure that the proposed development will not impede surrounding/existing transport infrastructure. Background growth scenarios are applied to the traffic modelling to account for incremental growth from other developments as well.

		The building will also provide some buffer to traffic noise from Stirling Highway for properties further south of the proposal.
3	I support the idea of increasing density in Nedlands. However, my objections to this proposal is: 1. The size of the building seems unreasonable given the size of the land. 10 stories for 1A Thomas St is too much. It will impact greatly the livelihood of the neighbours in the area. Fewer stories (4-5) would make the project a complete success for all parties.	The density code of the property being R-AC1 would typically allow for a building height of 9-storeys and a plot ratio of 3.0. These planning rules can be varied subject to appropriate rationale being provided. The development proposes to have two additional storeys and a plot ratio of 3.85 which whilst slightly more can be considered if consistent with the element objectives and good design parameters. The design provides an articulated form with podium and tower design, quality materials of construction, generous apartment sizes and larger rear setback to ensure that the development mitigates negative impact on the streetscape and neighbouring properties. We believe that the quality of the design is worthy of considering the proposed additional storey and plot ratio. A development which had a building height of 9-storeys has been approved which is still valid – however at the present time, it's viability is difficult given the costs of construction and therefore a new development approval is being sought for the same design with an additional two storeys to make the development more feasible. A development of 4-5 storeys is more appropriate within the R160 density code which is located to the south of the subject site. To underdevelop to this density can create inconsistency with the intended built form and scale of the R-AC1 density code.
4	R Codes Assessment Additional height - object that the additional height is inconsistent with the built form of the area and envisaged in the area. The development is inappropriate to its current setting and does not negotiate between the existing built form and the intended	The purpose of stating the future development intentions is to outline how the proposal will be consistent with the City's residential development targets and strategic planning framework,

	future character of the local area, as a green and leafy district. The bulk and scale of the development is inappropriate to its current setting and is poor development. The surrounding buildings are likely to change in the short to medium term - this is a subjective statement, and the developer cannot know the changes to the surrounding buildings. The height of the development is inappropriate given the scale and character of the surrounding area and does not respect the long-established vision for the locality, particularly the building height acceptable outcome requirement previously within the R-AC1 density code. *Architectural features and balconies are not considered to reduce the setback, nor should be considered as part of the assessment.* This is incorrect - a balcony project forward to a boundary does reduce the setback. *The upper levels and ground floor have high levels of surveillance to the street with balconies and outdoor living areas of apartments oriented to maximise surveillance opportunities to the street adjacent* - this means the development overlooks adjacent properties and is an invasion of their privacy. The acceptable development requirement is 3.0 for RAC1 density. The proposal has a plot ratio of 3.81 which equates to 821m2 additional apartment space. The development should meet the acceptable development requirement of 3.0. The additional plot ratio area delivers increased internal amenity to residents but offers no benefit to the wider Nedlands community.	which identifies the subject site and surrounds for residential purposes and is on the peripheries of a targeted infill zone. Planning to future planning framework ambition and considering existing context is a difficult balance to achieve – which is best achieved by considering landscape, materiality, architecture and massing to ensure impact can be mitigated. The proposed building height is within a podium and tower form which allows for the building height to be more appropriate for the human scale and transition well to the properties further to the south. The proposed design has been reviewed by the City's design review panel and it has been deemed to appropriately respond to the existing character in the area in terms of the podium design and overall materiality and architecture. Therefore, the proposal will retain the existing character and amenity by introducing a high-quality built form outcome to the area that respects its surroundings. The proposed setbacks do not include balcony as per the R-Codes requirements which is measured from the boundary to the wall of the building. This is because balconies are an open type of structure and hence do not have the same impact as an enclosed structure. The areas being overlooked by the front balconies are front setback areas to ensure the privacy of major openings and outdoor living areas are mitigated. Plot ratio concerns are noted, however having higher quality developments within Nedlands offers the community greater housing choice and greater flexibility for residents.

	The development has been pushed more to the front of the lot and smaller setbacks provided to the north and south to allow for a larger rear setback to provide greater solar access into the southern neighbouring properties along with generous planting and deep soil areas made possible within the rear setback area. But there is insufficient true deep soil area provided on site as part of the development. Therefore, the rear setbacks should be increased to provide this deep soil area. The development does not comply with the separation requirements set out in Table 2.7 for Levels 1 to 9 ie the entirety of the Development! The Acceptable Outcome is 101.4m2 deep soil area however only 28m2 deep soil area is provided. The development does not comply with the visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5 for Levels 1 to 4. The Acceptable Outcome is Visitors – minimum 6 car bays, 3 bicycle spaces however only 5 car bays, 2 bicycle spaces in front of entry are provided - a shortfall. The visitor car parking provided is reflective of the scale of the development, the likely residents and any rare occasion of overflow likely to be accommodated without causing car parking problem in the locality. Disagree, it is easy to envisage a single apartment having more than 5 visitors and exceeding the provided bays and therefore impacting on street parking for other properties.	Deep soil has been increased with basement area reduction. The deep soil area provided is now a more appropriate size and location to be conducive for significant tree growth in around the proposed development. There is also a significant amount of on-structure planting area to compensate for the true deep soil area shortfall – as it permitted by the acceptable outcomes. The building separation proposed has considered the privacy of the adjoining properties to ensure where there are balconies, that they do not overlook sensitive spaces of adjoining properties. Additionally, greater planter width has been provided to improve privacy throughout the development. The number of visitor car parking bays required is 5.125 bays and the R-Codes require rounding up – so applying more pragmatic approach and considering the location has excellent public transport access and excess number of resident bays, the provision of 5 visitor bays is considered to be appropriate. Please note that bicycle parking provided now meets acceptable development requirements. The acceptable outcomes provide for most common circumstances and the occasional resident having more guests is normal as it would be for single residential properties. The cost and efficiency of charging ports for EV vehicles is constantly improving and therefore once there are more EV vehicles owned by residents, they can instal charging ports which are at the time – the best available rather than what is just

	Landscape the landscape design references the architectural built form and aims to create spaces that would strengthen the street's role as an integral part of the image of Nedlands as a green and leafy district. However all existing vegetation / mature trees has/have been removed from the lot and insufficient deep planting is provided in the development. Minimal vegetation proposed on Levels 01 to 02; 05 to 07 Deep Soil Zone Requirements Minimum Requirements - 10% Of Deep Soil Area On Site (101.4 Sq.M). Provided Deep Soil Area Of 28 Sq.M - This is insufficient to provide true deep soil area on site. Tree canopy requirements 1 large tree (and small trees to suit area) - No large trees are provided, only smaller trees with canopy calculated at maturity. This does not meet the image of Nedlands as a green and leafy district. Sustainability Provision for 2 x EV Charging Bays - Given in the increasing uptake of EVs, additional charging bays should be provided. The development will install infrastructure to allow for future installation of EV charging stations - EV charging stations should be provided now. A 25kW solar PV system has been modelled with the proposed building to help offset total energy consumption - overshadowing will prevent adjacent properties from adopting solar PV systems or reduce their effectiveness. The Waste Management Plan does not seem to meet the best practice in waste management points as listed. Waste Object that the proposed waste collection frequency is twice each week (for refuse, recycling, FOGO) when other residential properties only have a	provided now. Having infrastructure to allow for all bays to have this capacity in the future is in excess of the R-Codes requirements. The overshadowing impacting the efficiency of solar PV on adjacent properties in an unsubstantiated statement – solar PV can usually still provide excellent efficiency on cloudy days and with different orientations. The waste management proposed is best practice for apartments which have shared waste storage and hence more frequent collection will ensure that the area can be maintained to clean and odour free standard. The inside collection presents better outcome than on-street collection and has been negotiated and is the same as the existing approval. The traffic impact statement has been prepared by qualified consultant and vetted by the City's technical services. some minor design changes have been implemented to respond to feedback from the City's technical services to ensure compliance with their policies and AS2890.1. The traffic impact and parking design has been considered acceptable and consistent with the applicable WAPC Guidelines and AS2890.1.

	weekly waste collection (FOGO) or fortnightly waste collection (refuse, recycling). Object that the City's waste collection vehicle will reverse into the driveway to the Bin Storage Area for servicing when other residential properties have to place their own bins on the verge (on given days / within give time frames). The waste generation volumes for FOGO seem overstated given the apartments do not have individual gardens/vegetation/grassed areas. 'To promote positive recycling behaviour and maximise diversion from landfill, there will be sufficient room within in each apartment for a minimum of three kitchen type bins to facilitate the separation of refuse, recyclables and FOGO by residents.' However, 'Purchase and maintenance of these internal bins will be the responsibility of the residents.'. The Developer should provide the three kitchen type bins and kitchen caddies with compostable liners in order to allow for maximum separation of refuse, recyclables and FOGO by residents. 'The City's waste collection vehicle may require a "spotter" to accompany the driver and to assist the driver to reverse in a safe manner.' Currently the City's waste collection vehicles only have a driver. Therefore a "spotter' is an additional impost on the City and/or it's Contractors. 'Traffic management signals may be used to control incoming/outgoing traffic flow during servicing, which would typically take less than five minutes each collection. Warning beacons/lights may be provided as a permanent feature within the car park which would operate when the truck is emptying the bins so drivers can proceed with further caution. Due to the short amount of time it is expected the waste collection vehicle would be onsite on collection days, this servicing arrangement is considered safe and would mitigate any potential local traffic issues.' - The City's waste collection vehicle should not enter the site but if it does so the traffic	

	management signals and/or warning beacons/lights should be a permanent feature. Object that 'During servicing the City's collection staff will transfer bins between the waste collection vehicle and the Bin Storage Area.' when other residential properties have to place their own bins on the verge (on given days / within give time frames). 'The City will be provided with key/PIN code access to the Bin Storage Area and security access gates to facilitate servicing, if required.' There is the potential for different operator/vehicles to not have the key/PIN code and therefore be unable to access the property. Object that 'The above servicing method will preserve the amenity of the area by removing the requirement for bins to be presented to the street on collection days' when other residential properties have to place their own bins on the verge and therefore suffer from a lack of amenity. Traffic 6 visitor bays are required but only 5 are provided. The report recommends to allocate 1 additional visitor bay to meet the minimum requirements. Table 2: AS2890.1 Car Parking Compliance states Car Bay Length (Tandem Bay) 10.0m however AS2890.1 does not provide this guidance. The development traffic is considered to have a low impact and can be accommodated within the existing capacity of the road network. However, no assessment has been made of the intersection of Thomas St and Stirling Highway and vehicles will divert to other local roads to the detriment of other residents.	
5	I am concerned that there is insufficient visitor parking planned on the premises. The reality is that visitors will park in Thomas Street where parking is only allowed on one side of the street and there are already so many cars parked there. People visiting other properties already park on my verge as it is. There should be far more visitor parking spots available for that large number of apartments. We all know that	Please see above response to comment no. 4.

	in Perth, most people will not take public transport to visit people, especially at nights.	
6	1A THOMAS STREET DEVELOPMENT PROPOSAL This is a well-considered proposal consistent largely with the LPS3 Scheme which sets the planning considerations for Nedlands. There are several points to be made, however, which render the proposal unacceptable in its current form. 1. Previous Proposal – there has been no analysis given comparing the current proposal to the design approved in 2022. As this is a new independent proposal, that is quite a correct thing to do. However, it does not prevent someone with an enquiring mind to see what has changed and why. 2. Design – there is nothing to indicate that this major proposal, the first high rise on the south of the Stirling Highway, has been reviewed by the Council Design Review Panel. The previous 2022 approved proposal had a quite positive DRP review. 3. Height – there are two heights mentioned in the documentation provided. Both 9 storeys and 10 storeys are mentioned. Which is it? There is also 36 meters height mentioned. The R Codes Volume 3 indicative heights for apartments are 30 meters for 9 storeys and 33 meters for 10 storeys. Note that the previously approved 2022 proposal was 9 storeys and 25.5 meters in height. So there has been a 40% increase in height!!! Height in Nedlands along Stirling Highway is problematical. Upon the demands of the Department of Planning (DoP) when LPS3 was being approved, the Element Objective Height was eliminated for Nedlands. This is unique for Nedlands. The DoP	Noted – the new proposal is in response to the changing construction costs with the developer elected to increase the apartment yield slightly to make the development more feasible rather than diminish the apartment or design quality. Given there are an additional two-storeys, we see it appropriate to have a new application. The design has been reviewed by the City's Design Review Panel and we understand that their feedback on the proposal will be made available to the public through the agenda provided to the Development Assessment Panel to assist in making determination on the proposal. The development is 11 storeys with 10 storeys of residential apartments and the top storey being for communal spaces. The maximum height is 36 metres. Please see responses above in relation to building height. The acceptable outcomes for height currently do not apply within the R-AC1 density code within the City of Nedlands – this does not prevent the element objectives from still being applicable to development to ensure appropriate building height. The additional plot ratio can be attributed to the larger apartments and efficient floor plates. Whilst additional plot ratio is sought for the development – this additional plot ratio will enable high-quality design and high amenity within the apartments without resulting in

	has commented in writing that there is always the limit on development scale set by the Plot Ratio. This confirms the illogical management of DoP. Plot Ratio bonuses and Height bonuses are separate and distinct. The value of the Plot Ratio bonus is solely related to the value of the land which should have been bought to comply. The Height bonus is solely related to the value to the developer of building higher rather than broader. The DoP requirement for Nedlands was ill-advised and awarded large amounts of value to developers at the expense of the Nedlands community. The whole mess needs to be examined to determine who is to blame. Over the last two years Nedlands planners have slowly prepared an Amendment to LPS3 which would restore the Element Objective Height, when or if approved. If we simply use the R-AC1 EO Height of 9 storeys (30 meters), the increase to 10 storeys (36 meters) is 20%. The value of this bonus must be estimated and required to be compensated to the community by the developer. 4. Plot Ratio – R AC1 Element Objective for Plot Ratio is 3.0 compared to the proposed plot ratio 3.81. This is a simple 27% Plot Ratio bonus. The value of this bonus can be estimated from applying 27% to the value of the land at 1A Thomas Street. The proposal documents simply state that the proposed plot ratio of 3.81 is OK! – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. The 2022 approved proposal had a plot ratio of 3.14 which is 5% above the Element Objective and falls within the area where it can be ignored if the rest of the project is OK.	unacceptable adverse impact compared to a 'compliant' building envelope which may distribute plot ratio in manner which has greater impact on neighbouring residents. The term bonus is not appropriate to use in this circumstance. Bonuses are available in some areas where there is a planning framework which clearly establishes criteria to meet these bonuses – also known as community benefit criteria. Whilst confusing, there is also ability to seek 'discretion' to vary the planning controls where there is considered to be a good or equivalent outcome available. The development has sought the latter on the basis of good design outcome through quality architecture, internal amenity, materials and landscaping. The City presently does not have community benefit criteria from which bonus height/plot ratio may be sought from a more 'as of right' pathway. It is important to have criteria available to ensure any community benefit proposed is actually needed and can be delivered in transparent manner.

	5. Community Benefit – the proposal documents indicate clearly how the Height and Plot Ratio bonuses provide benefits and amenities to the occupants, increasing the value of the proposal to the developer. There is not even any single reference to community benefits. The current 2024 proposal is a significant expansion on the project approved in 2022. It is 40% higher! It has 29 apartments not 27, an expansion of 7%. Most importantly the plot ratio has increased by over 20% and is now 27% above the Element Objective. These are enormous changes. The previous project was approved in 2022, when the COVID mania and push for development was at its height. This is no longer the case!! There appear to be two ways forward. Refuse the project in its current form as being inadequately justified. The owners have an approved project. If the economics no longer work out for them, then they have paid too much for the land. That is NOT the community's problem or the Nedlands Council. The planning system is designed to provide a fair playing field for residents and developers. It absolutely has nothing to do with compensating developers for poor decisions or bad luck. An alternative is to grant the project approval provided the community is compensated by the developers for the value of the Height and Plot Ratio bonuses. A proper analysis needs to be done of the value to the developer of the Height and Plot Ratio bonuses. It would not surprise of the value of these bonusses is $5-7 million. This value can then be applied to provide tangible community benefits as required by Section 2.8 of R Codes Volume 3.	
7	I believe this is an exercise in futility on our part, for submitting feedback on the 1A Thomas Street Multi Dwelling development. The original submission was approved despite vigorous opposition to	Detailed traffic impact assessment reports have been conducted to ensure that the proposed development will not impede surrounding/existing transport infrastructure. Surrounding

	numerous aspects of the development. However, if a submission was not made regarding this “new” application it could be seen that the neighbours surrounding this development are in favour of it - which in fact we are NOT. A very big concern will be the extra volume of potentially 58 cars, 6 motorbikes and 29 bicycles egressing and ingressing the single driveway of 1A which is located in front of our driveway. The traffic congestion at this top end of Thomas Street (and positioned so close to Stirling Highway) will be horrendous especially on weekday mornings and evenings. When this issue was raised with Council, the matter was always deflected - “Traffic Management will look into that”. This does not quell our concerns nor has our query been acknowledged with an appropriate answer. To date we have not sighted any plan which addresses this matter. The proposed building has double glazed glass on the north, west and south sides. Why is the glass facade facing east not double glazed? The glare from the rising morning sun reflecting onto our property will be extreme. The planned availability of 5 visitor car bays for this 29 apartment development is grossly inadequate. Where are the tradies going to park during the construction phase of this development? The current construction occurring at 2 Thomas Street has seen our driveway damaged and tradies parking on the verge which obscures our vision when we exit our driveway. It is anticipated that there will be huge haulage trucks visiting the construction site at 1A Thomas Street. We are most unhappy that these trucks will undoubtedly need to access our driveway to manoeuvre their way for offloading their materials at 1A. Our driveway and our verge trees have been damaged because of the	background growth is required to be considered when preparing these reports. The development will have high performance double glazing to all windows – some of the northern and southern windows will have fluted glass to aid in maintaining visual privacy whilst not compromising on access to sunlight into the apartments. Please see above response to visitor car parking concerns. A construction management plan will cover construction parking – noting that car parking restrictions on-street will need to be adhered to. Dilapidation reports will be prepared for adjacent impacted properties dependent on the nature of the basement construction. Noise from communal areas will also be of concern to residents within the building – with these areas usually restricted to prevent use after 10pm to prevent noise issues and ensure compliance with the noise regulations. The parking concerns surrounding the construction will be addressed at later stages once approval is granted for the development. On structure planting needs to consider maintenance, structural load and the climate conditions – the on-structure planting has been provided in accordance with advice from the landscape

	construction at 2 Thomas Street. We see this occurring again during the construction at 1A. We require a dilapidation report on our property to be compiled prior to any works commencing at 1A Thomas Street. We are concerned that there will be considerable noise emanating from the karaoke and entertaining areas on the top level. What measures will be put in place to minimise this? Greenery for this development is very limited. Levels 6 and 7 of this development has no provision for greenery at all. Levels 1, 2 and 5 have only narrow planters with cascading plants.	architects on this project to ensure maximum benefit given these limitations.
8	We have been informed by the council there is a new proposal before the Council (DA23-91692) for the same site comprising a twelve story building. We had hoped that any new proposal would have addressed some of the residents' objections by providing a reduction in the footprint, height and number of units, offering other realistic improvements from the previous proposal. It is disappointing that this proposal does not provide any such improvements, but proposes a larger building on the same inadequate site. We object to the proposed development as it will materially and permanently diminish the amenity of this suburban, residential street and directly affect the quality of life of residents in the street This is too large a building on too small a block in a residential street. We are particularly concerned with the ongoing carbon impact of the development. Sustainability Item 3.2.1 Solar PV shows a total of demand of 159.7kWh to be offset by a 25kW solar panel array. So, at best, on a sunny day, just 15% of the energy demand will be produced on site. This building will have a permanent substantial carbon footprint. Have the developers not heard of the risks of climate change? On this ground alone, how can this proposal be accepted? Other Key issues During development	The development proposes an 11-storey apartment building in a scale and form that is capable of being adequately serviced on the subject site. While we consider potential environmental impacts of the construction of the proposal and features a sustainable design strategy report which outlines the developments energy efficiency. Apartment development provides smaller residences which have a smaller carbon footprint than larger homes and provide diversity of housing stock to allow residents to right-size within the same suburb that they enjoy being a community member within. Overall, the energy efficiency of the development substantially exceeds the acceptable outcomes and the NCC requirements. To set a basis for the development's sustainability, the worst apartment has a NaTHERS rating of 6.5 stars and an average of 7.5 stars across the whole development. The number of solar panels that can be placed on the roof is limited, however the solar panels along with the high energy efficiency of the development

	Risk to adjoining properties during excavation Noise, dust and materials storage Pedestrian access to Stirling Highway during construction Increased, heavy traffic (particularly during excavation), and parking Ongoing The light and heat reflection, and shadow of this high-rise structure. Limited on-site open space, and greenery. Increased traffic and parking Accommodation for emergency and large trade vehicles	and smaller household sizes reduce the grid power consumption – especially in comparison to 29 single houses. The proposal utilises materials of construction which are all reflective of the context and character of the area. See above responses to comments in relation to overshadowing, landscaping, traffic and parking. The development has fire services which have been located and oriented to meet DFES requirements.
9	I am concerned that adequate consideration is given to traffic management on Edward Street (and surrounding streets), where there was a serious accident in the last 6 months (two car accident, with one car rolled over and the other having crashed through the wall of our neighbour's front yard). I note that a traffic management report has been included in the Thomas Street application. That traffic management report does not take account of the changes which are occurring in the area, and in particular, to the likely changes in traffic demands on Edward Street. This is a common theme in many of the traffic management reports which have accompanied the various applications in the area. Those reports generally conclude that there will be various increases to traffic demands, which are acceptable having regard to <u>current</u> usage – but <u>do not</u> take account of the various new developments over the next few years (the completion of the Woolworths & Aldi sites and the completion of the numerous new	See above response to comments in relation to traffic.

	multi-lot dwellings, including 1A Thomas), all serviced either by Edward or by Stirling Highway. It seems plain that Edward Street will carry a very significantly higher volume of vehicles as a result of these various developments. It is likely that road users who need to avoid turning across traffic on or from Stirling Highway will instead choose to do so either at the Broadway Lights, Florence Lights or in the Bruce Street access slipway (and will travel along Edward to access/exit these new developments). This already occurs in the area with existing traffic, and will be exacerbated by increased demand. Because of this, I would like to suggest that in considering this application and the traffic management report, consideration is given to traffic management on Edward Street. This should be done not just based on the current usage, but on the basis of the other developments which have commenced and are taking place (including the Woolworths & Aldi sites and various other multi-lot dwellings). Traffic management (either speed bumps, one carriageway sections or other measures to slow and regulate traffic) have been put in place on Elizabeth Street and on Jenkins (East – West minor residential roads in this area). Consideration of the cumulative impacts of the various developments, including the proposed 1A Thomas Street Development on traffic on Edward Street may lead to the conclusion that similar measures are needed.	
10	This will be a valuable addition to the surrounding area, enhancing its liveability and aesthetics. The development will bring desperately-	Noted

	needed modernisation to the neighbourhood and also contribute to the sustainability of the area with green features, something that makes Nedlands so special. The residents will have the convenience of urban living combined with the tranquility of green spaces. Also, the architectural design will complement the existing character of the area with modern design that seamlessly blends the renewed vision of the area with its classic character and charm. It is clear that this development will elevate the quality of life of all residents, both current and future, that has now made central Nedlands even more desirable to live in.	
11	Great location. I support more development along Stirling Highway.	Noted
12	Looks great	Noted
13	I support the proposal at 1A Thomas Street as it would deliver much needed, high quality housing stock into the local area. The building design is well articulated and attractive and I support the overall height, bulk and scale of the development. The landscaping design and integration throughout the proposal is to be commended. I believe this development will provide a quality design outcome which will set a high benchmark for future developments in the area. Nedlands is showing the way in Perth North in allowing for more considered higher rise development to facilitate citizens to live in that suburb and in so doing meeting the huge demand for suitable housing. This approach will stop the urban sprawl that has made Perth one of the longest cities requiring inefficient utility, transport and quality of life facilities. I comment the City of Nedlands for being a leader in the new age of urban living in approving such good developments.	Noted

14	Given the shortage of housing in the current market every effort should be given to boost supply. This project presents itself with thoughtful planning particularly with generous amenities and the use of greenery throughout the building echoes the Nedland's lush image.	Noted
15	The exterior design is remarkable and the beautiful greenery would fit in well within the surrounding landscape. There're many unique architectural aspects to this design and the overall feel makes it a building that would fit well into the Nedland's caliber.	Noted
16	I love the design and fully support the development. Perth needs more housing and projects like this should be supported and built. The design is high quality and the proposed landscaping throughout the development will be a welcome addition to the Stirling Highway corridor. I also support the height and density proposed in this location and hope to see more of this type of devement in the future.	Noted
17	I have 2 Children on the verge of entering University from the Guildford Grammar Secondary School, and want to purchase a property and move closer to UWA, most residential properties we have looked at either lack the ammenities/features that want we are after or are so wildly out of our price range that the choice of locations in the locality is very limited, we feel this development would give us the opportunity to purchase in an area that we desire at a price we can afford.	Noted
18	I wholeheartedly support the proposal for 1A Thomas Street, Nedlands, as it promises to inject vitality into the community by attracting young professionals and bolstering the local economy. By generating new job opportunities for local businesses, this development not only enhances the area's economic landscape but	Noted

	also contributes to its overall growth and prosperity. Embracing such initiatives is pivotal in fostering a dynamic and thriving community, and I am confident that the positive impact of this proposal will extend far beyond its immediate surroundings, enriching the entire neighborhood for years to come.	
19	Im writing in support of the proposed development at 1A Thomas St, Nedlands as it offers a promising solution to several pressing community needs. Personally, I am particularly drawn to the idea to relocating to this development to be closer to work and provide better opportunities for my children. Proximity to my workplace would not only reduce commute times but also allow me to spend more time with my family. In essence the apartment development aligns perfectly with my aspirations for a more convenient and enriching lifestyle for my family. Thanks and Regards Holly Dowd	Noted
20	I fully support the proposal as it is a wonderful initiative that will create future jobs, additional homeowners and a livelier community. There are many families/individuals seeking accommodation in the suburb like myself. I hav viewed the plans and think they are amazing. Substantial living floor and space without feeling bf overcrowded and being in the centre of a hub near hospitals, school, universities and shopping centres.	Noted

Architectural Design Review Assessment *City of Nedlands Design Review Panel*	
Design quality Evaluation	**Date: 22/01/2024**
Application: 1A Thomas Road, Nedlands	
Review No.: 1	**Time:** 4:20pm

Panel:

- **Simon Anderson – Chair**
- Tony Casella
- Dominic Snellgrove

City of Nedlands Representatives:

- Roy Winslow – A/Director Planning and Development
- Nathan Blumenthal – A/Manager Urban Planning
- Chantel Weerasekera – Senior Urban Planner (Statutory)

Apply the applicable rating to each Design Principle		*Supported*
		Further information required
		Not supported
		Yet to be addressed
Summary	Site Context The subject site is zoned 'Urban' by the Metropolitan Region Scheme and 'Mixed Use R-AC1' by the City of Nedlands Local Planning Scheme No.3. The site has an area of 1,014m2 and has a change in ground level of 2.2m from west to east. Application History The application proposes a residential development comprising 29 multiple dwellings. The proposal has been lodged as a Form 1 JDAP application. This is the first time this proposal has been presented to DRP.	
Strengths of the proposal	• The building is well arranged and is successful in mediating-built form and scale, the podium and tower have been well separated as well. The podium and tower are of a sophisticated and modern design. • Apartments are functional with high levels of communal amenity. • Streetscape engagement and legibility is of a high standard. • The use of the façade and white baton is a highly interesting concept.	
Principle 1 - **Context and character**		*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
		1a. Comments • Nil 1b. Suggested amendments/improvements • Nil.
Principle 2 - **Landscape quality**		*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*
		2a. Comments • Proposal is not delivering on true deep soil. • Planting on structure is a positive. 2b. Suggested amendments/improvements • Amount of true deep soil should be increased. • Opportunity to increase deep soil on western side of the building by

		bringing the basement wall further east near G03, allowing for further on soil deep planting. • Relocating the bike parking and extending that terrace could increase the space available for landscaping within the front setback. • The terrace garden would increase the space available for landscaping within the front setback. • There is an opportunity for a further street tree.
Principle 3 - **Built form and scale**		*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*
		3a. Comments • More justification is required for the plot ratio proposed. • Three storey podium works well. • The southern wall is sparse and could be imposing upon the southern lot. 3b. Suggested amendments/improvements • Consider some treatments to the boundary walls to reduce bulk, such as detail, materiality, textural and colour changes. • Develop a case for increased plot ratio based on principles outlined in R Codes Volume 2.
Principle 4 - **Functionality and build quality**		*Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.*
		4a. Comments • Nil. 4b. Suggested amendments/improvements • Relocate stores at ground level to get a more generous lift lobby.
Principle 5 - **Sustainability**		*Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.*
		5a. Comments • Nil. 5b. Suggested amendments/improvements • Nil.
Principle 6 - **Amenity**		*Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.*
		6a. Comments • Avoid obscure glass where possible, especially in bedrooms. • Balconies on level 3 and 4 directly overlook north and south neighbouring properties. 6b. Suggested amendments/improvements • The inclusion of a small terrace outside of the co-working space providing residents with the ability to utilise the outdoor space, whilst additionally providing further streetscape engagement. • Screen balconies on levels 3 and 4 to protect privacy of neighbouring properties to north and south. For example, the planters on level 3 and 4

		could be increased in both depth and height to mitigate any visual privacy concerns.
Principle 7 - **Legibility**		*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
		7a. Comments • Nil. 7b. Suggested amendments/improvements • Relocate ground floor stores to enhance the space available for the entry and lift lobby.
Principle 8 - **Safety**		*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
		8a. Comments • Nil. 8b. Suggested amendments/improvements • Move the gates to not have cars waiting for the gates to open on the footpath. By moving the gates cars will be waiting within the building, cars will no longer be waiting upon the footpath.
Principle 9 - **Community**		*Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*
		9a. Comments • Nil. 9b. Suggested amendments/improvements • Consider direct floor access to the unit fronting Thomas Road on the ground floor.
Principle 10 **Aesthetics**		*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*
		10a. Comments • Sophisticated and modern architectural language. 10b. Suggested amendments/improvements • Nil.
SUMMARY		• Further rationale as to why the built form and scale is justified is required. This should be an argument demonstrating the tangible benefits for the community, and how the building achieves this. • Deep soil area across the site should be increased. This may be achieved with modifications of ground floor and basement layouts. • Privacy from overlooking for north and south neighbours needs attention.
OVERALL RECOMMENDATION		Requires Further Attention

Design Review progress	
	Supported

	Further information required
	Not yet supported
	Yet to be addressed

	DR1	*DR2*	*DR3*
Principle 1 - **Context and character**			
Principle 2 - **Landscape quality**			
Principle 3 - **Built form and scale**			
Principle 4 - **Functionality and build quality**			
Principle 5 - **Sustainability**			
Principle 6 - **Amenity**			
Principle 7 - **Legibility**			
Principle 8 - **Safety**			
Principle 9 - **Community**			
Principle 10 - **Aesthetics**			

Architectural Design Review Assessment *City of Nedlands Design Review Panel*	
Design quality evaluation	**Date:** 08/04/2024
Application: 1A Taylor Road, Nedlands	
Review No.: 2	**Time:** 3:10pm

Panel:

- **Simon Anderson – Chair**
- Dominic Snellgrove
- Tony Blackwell

City of Nedlands Representatives:

- Roy Winslow – A/Director Planning and Development
- Aviva Micevski – Coordinator statutory Planning
- Chantel Weerasekera – Senior Urban Planner (Statutory)

Apply the applicable rating to each Design Principle		*Supported*
		Further information required
		Not supported
		Yet to be addressed
Summary	Background The subject site is zoned 'Urban' by the Metropolitan Region Scheme and 'Mixed Use R-AC1' by the City of Nedlands Local Planning Scheme No.3. The site has an area of 1,014m2 and has a change in ground level of 2.2m from west to east. The application proposes a residential development comprising 29 multiple dwellings. The proposal has been lodged as a Form 1 DAP application. This is the second time this proposal has been reviewed by the DRP.	
Strengths of the proposal	• Apartments are functional and have been efficiently designed. The apartments are generous for residents. • High quality of natural cross ventilation. • High quality roof top communal amenities. • Provision of two lifts provides a good level of amenity for residents. • The podium element is successfully differentiated from the tower. • Deep soil has been improved across the development. • Treatment to boundary walls has been improved.	
Principle 1 - **Context and character**		*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
		1a. Comments • Aesthetic design provides some nice references to the Nedlands character. 1b. Suggested amendments/improvements • Nil
Principle 2 - **Landscape quality**		*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*
		2a. Comments • The 3m deeps oil depth above the basement is sufficient for tree roots and will support. 2b. Suggested amendments/improvements

		• More information on landscaping widths/depths would be helpful. Roof top southern edge planting looks very narrow. Circular planter on roof looks too small.
Principle 3 - **Built form and scale**		*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*
		<u>3a. Comments</u> • The interlocking and curved volume is positive and does seek to mitigate the built form and scale. • The justification for built form and scale should be tested, including against different viewpoints which may demonstrate the developments height is obscured from several angles. <u>3b. Suggested amendments/improvements</u> • A new planning framework is in place/or is significantly contemplated which will require the applicant to provide further justification in regard to height. • Develop a case for increased plot ratio based on principles outlined in R Codes Volume 2. • Consider dropping height to 10 storeys (9 residential floors and roof top terrace)
Principle 4 - **Functionality and build quality**		*Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.*
		<u>4a. Comments</u> • Bike bays within basement may not be functional due to the growing size of vehicles in Australia. <u>4b. Suggested amendments/improvements</u> • 5.4m length of car bays is tight given location of bike racks – consider increasing.
Principle 5 - **Sustainability**		*Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.*
		<u>5a. Comments</u> • Nil <u>5b. Suggested amendments/improvements</u> • Nil
Principle 6 - **Amenity**		*Good design optimises internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.*
		<u>6a. Comments</u> • When discussing the plot ratio variation, there is no community benefit provided which could provide justification to why the variation should be contemplated. • Concerns with bedroom three of apartment G03 from a visual privacy perspective. • Screening to balconies should not rely on vegetative screening alone. <u>6b. Suggested amendments/improvements</u> • Include an additional highlight window to bedroom 2 of apartment 401

		alongside existing window. • Include 600mm high screening behind planters on North and South balconies in addition to vegetative screening. • Include a window in bedroom 3 of apartment 201.
Principle 7 - **Legibility**		*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
		7a. Comments • Nil 7b. Suggested amendments/improvements • Nil
Principle 8 - **Safety**		*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
		8a. Comments • Nil 8b. Suggested amendments/improvements • Nil
Principle 9 - **Community**		*Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*
		9a. Comments • Nil 9b. Suggested amendments/improvements • Nil
Principle 10 **Aesthetics**		*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*
		10a. Comments • Nil 10b. Suggested amendments/improvements • Nil
SUMMARY		The development has improved upon deep soil area and landscaping since DRP1. But changes to the planning framework have meant that the built form and scale will require further justification for height. The advice offered in the last DRP review to provide justification for the plot ratio has not been responded to and remains of concern. For amenity there are a number of changes which are recommended to be made which will further enhance internal amenity for residence but will also safeguard amenity for current and future development on adjoining lots.
OVERALL RECOMMENDATION		Not yet supported.

Design Review progress	
	Supported
	Further information required
	Not yet supported

	Yet to be addressed		
	DR1 – 22 January 2024	*DR2 – 8 April 20234*	*DR3*
Principle 1 - **Context and character**			
Principle 2 - **Landscape quality**			
Principle 3 - **Built form and scale**			
Principle 4 - **Functionality and build quality**			
Principle 5 - **Sustainability**			
Principle 6 - **Amenity**			
Principle 7 - **Legibility**			
Principle 8 - **Safety**			
Principle 9 - **Community**			
Principle 10 - **Aesthetics**			

Attachment 5: 1A Thomas Street, Nedlands – R-Codes Volume 2 Assessment – Development Description – DA23-91692

ELEMENT 2.2	BUILDING HEIGHT	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.2.1 – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.	Surrounding properties have a density code of R-AC1 and therefore, the building directly reflects the desired future scale of the area. The 'transition' building height occurred on the adjoining lot to the south where classification reduces to R160. The surrounding buildings are likely to change in the short to medium term.	**Objective Not Achieved** Refer to discussion in RAR.
O2.2.2 – The height of buildings within a development responds to changes in topography.	The subject site has a slope of 2 metres from the north-western rear corner down to the south-eastern front corner, with the podium designed to step down with the slope across the site.	**Objective achieved** The floor level of the ground floor is consistent with the natural ground level at the street boundary, and slightly lower than the midpoint levels of the lot. This allows the ground floor to sit comfortably within the streetscape and in comparison to the adjoining lots.
O2.2.3 – Development incorporates articulated roof design and/or roof top communal open space where appropriate.	The roof top includes a communal area and services in design/location to mitigate the impact on surrounding neighbouring residents	**Objective achieved** The development has a flat roof, with communal open space located on the top floor. The roof of the top level is set further in from all sides to create an articulated design.
O2.2.4 – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.	The massing of the building allows for the southern adjacent sites to receive morning and afternoon sunlight during winter months.	**Objective Not Achieved** Refer to discussion in RAR.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A2.2.1 – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument.		N/A – See below
LOCAL PLANNING FRAMEWORK	**REQUIREMENT**	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	**Clause 26(3) of LPS3 deletes the building height Acceptable Outcome limit of Table 2.1.** 11 Storeys proposed RL 63.3 – 27.85 = 35.45m	

ELEMENT 2.3	STREET SETBACKS	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.	The ground and podium levels achieve the minimum setback requirement of 2.0 metres, then gradually grade back from the street to provide a transition between the mixed-use zone and the residential streetscape of Thomas Street. The grading of the setback towards the south provides greater opportunities for landscaping within the front setback area and reinforces the leafy green landscape character of the locality.	**Objective achieved** Refer to discussion in RAR.
O2.3.2 – The street setback provides a clear transition between the public and private realm.	The setback proposed is a minimum and provides a clear transition from the public realm in the level of the apartments in reference to the street level, the landscaping provided and the gradual increase in setback from the northern aspect of the site.	**Objective achieved** The setback provides a clear delineation between public and private realms.
O2.3.3 – The street setback assists in achieving visual privacy to apartments from the street.	The development includes only one (1) apartment, fronting the street at ground level which has landscaping and a slight level difference.	**Objective achieved** One ground level apartment fronts the street. This unit has been designed with higher floor to ceiling heights to allow it the option to function as a non-residential space in the future. It is also designed with landscaping fronting the patio to provide a balance between street surveillance and privacy. The remaining units above ground floor maintain a balance of internal privacy and street surveillance, owing to the balconies and large street-facing windows.
O2.3.4 – The setback of the development enables passive surveillance and outlook to the street.	The upper levels and ground floor have high levels of surveillance to the street with balconies and outdoor living areas of apartments oriented to maximise surveillance opportunities to the street adjacent.	**Objective achieved** There are a number of balconies and major openings facing the street, many of which have open balustrades which allow passive surveillance and provide an acceptable streetscape outlook.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A3.2.1 – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument *(Excerpt from table 2.1)*		AO: 2m GF: 2.0m – 5.0m 1F-4F: 1.4m to balcony, 2.0m – 5.0m to wall

Streetscape contexts and character *refer A2*	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Minimum primary and secondary street setbacks *refer 2.3*	4m [4]	2m	2m		2m		2m or Nil [5]	2m or Nil [5]	2m or Nil [5]		

(4) Minimum secondary street setback 1.5m
(5) Nil setback applicable if commercial use at ground floor

5F-6F: 1.4m to balcony, 2.9m – 8.2m to wall
7F-10F: 3.7m

ELEMENT 2.4 SIDE AND REAR SETBACKS

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.4.1 – Building boundary setbacks provide for adequate separation between neighbouring properties.	The development has been designed to provide separation to the north and south. However, to ensure internal amenity is not compromised (i.e., minimum dimension and area of rooms), smaller setbacks of 4.5m to the north and south are proposed, with minor openings (obscured glazing). This will ensure that there are no issues from a building separation or visual privacy perspective from the internal habitable spaces. *Refer to Element 3.5 response for additional justification in relation to visual privacy from balconies.* The rear setbacks are generous, facilitating compliance with building separation to major openings, as well as ensuring the internal amenity of the apartments (i.e. daylight and ventilation) is not compromised.	**Objective achieved** The site is bounded by lots coded R-AC1 on all sides, with the City of Nedlands-owned Drabble House and library to the rear (west). The lot to the north has a 10m deep frontage that sits within the Main Roads reserve, making it likely that that portion of lot will be unable to be developed. As a consequence, any significant development to the north is likely to take advantage of the nil boundary setbacks within the R-Codes and will build up against the proposed nil boundary walls of the subject development. To the south, a 6m x 4.5m cutout has been provided for the boundary walls from levels Ground to 3. This cutout allows separation between bedroom windows within the development and also includes the provision of a tree. The cutout will assist in breaking up the massing of the boundary walls to the southern lot and introduces a level of vegetation that can be enjoyed by both lots. To the rear, the proposal includes larger setbacks to the City-owned buildings that are unlikely to be significantly redeveloped in the short to medium term.
O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character**.**	The development will be the first within the streetscape to be developed to the density code. However, the proposal is reflective of the desired streetscape, as advocated for by the prescribed R-AC1 density code.	**Objective achieved** The Acceptable Outcomes are used as a guide as to what expected built form should look like. The proposed development includes boundary setbacks that increase

	The parapet development allows for larger front and rear setbacks, which deliver greater benefit to the adjacent landowners in terms of access to sunlight with separation to the north and south likely to result in poorly landscaped spaces of poor amenity (i.e., an inefficient use of space).	commensurate with height, and setbacks consistent with the expected built form of the Acceptable Outcomes.
O2.4.3 – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.	The larger rear setback allows for retention of landscaping on the adjacent property to the rear and provision of tree canopy to the rear of the subject site to reinforce the landscaped rear yard character of the area and assist in stormwater management for the site.	**Objective achieved** The rear of the lot, the Level 3 podium level, and the level 8 communal space are landscaped to provide a break in the built form and soften the appearance when viewed from surrounding properties. The rear setback allows for deep soil planting and includes the provision of several trees to reinforce the landscape character of the area and assist with stormwater management. Vegetation has also been provided to the ground on the southern side, and includes the provision of a tree that will aid in ameliorating visual privacy issues within the development and provide vegetation that can be enjoyed by the adjoining lot.
O2.4.4 –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.	Whilst the subject site is surrounded by properties with the same density code, it is noted that the existing development is currently low in its intensity reflecting previous planning frameworks. Therefore, this development has an important role in establishing a good development precedent as the first move to response to the current expectations desired by the planning framework for the site, whilst also respecting the existing low intensity development to acknowledge the period of time the area will be in transition. The larger front and rear setbacks provided, allow for access to sunlight and ventilation into neighbouring properties more so than a smaller development with larger side setbacks due to the lot orientation. This is appropriately demonstrated in the solar studies provided.	**Objective achieved** The site sits among other R-AC1 coded lots, which were upcoded following the gazetting of the City's Scheme in 2019. This is the first development on the block to take advantage of the new coding. It is anticipated that the nearby lots will propose similar multi-storey developments in the short to medium term. The proposal responds to the existing single house to the south through the use of a cutout to the southern boundary walls, lot siting to allow solar access, and a lack of major openings facing directly onto the lot. The larger rear setbacks and landscaped areas allow a transition towards the City-owned properties to the west, which are unlikely to be redeveloped in the near to medium term.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A2.4.1 - Development complies with the side and rear setbacks set out in Table 2.1, except where: **a)** modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument **AND /OR** **b)** a greater setback is required to address *3.5 Visual privacy*. *(Excerpt from table 2.1)*	3 storey boundary walls to south, east and the inset northern portion. 4 storey boundary wall to the remainder of the northern boundary.

Streetscape contexts and character *refer A2*	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Boundary wall height (storeys)[1,2] *refer 2.4*	1[1]		1[1]	2[1]	2[1]		2	3	4		
Minimum side setbacks[3] *refer 2.4*	2m	3m	3m		3m		Nil				
Minimum rear setback *refer 2.4*	3m		3m		6m		6m	Nil	Nil		
Average side setback where building length exceeds 16m *refer 2.4*	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		

(1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions

(2) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code

(3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.

Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.

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

ELEMENT 2.5 PLOT RATIO

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area.	The additional plot ratio area delivers increased internal amenity to residents, without manifesting itself in poor streetscape or built form outcomes. The built form outcome for the subject site remains consistent with the desired building massing, streetscape, and character for the area, as prescribed by the applicable R-AC1 density code. We note that the additional plot ratio will enhance apartment functionality and amenity with the apartments being generous in area and ground level activated with apartments (over ground level car parking) – both contributing factors to plot ratio.	**Objective achieved** Refer to discussion in RAR.

	The proposal remains consistent with the acceptable outcomes for setbacks and does not significantly impact overshadowing of neighbouring properties with larger rear setback provided to ensure outdoor living areas and their adjacent habitable spaces on the southern neighbouring properties can received winter sun. The built form aligns with the Mixed-Use zone's streetscape, with a podium addressing land slope and a well-articulated tower. The additional plot ratio aligns with R-Codes Vol. 2 objectives with reduction to the plot ratio likely to compromise internal amenity without significantly reducing building mass.	

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

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

(Excerpt from table 2.1)

Streetscape contexts and character *refer A2*	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Plot ratio [7] *refer 2.5*	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0	

(6) Refer to Definitions for calculation of plot ratio

AO: 3.0 / 3,042m2

Proposed: 3.85

ELEMENT 2.6 BUILDING DEPTH

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.6.1 – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	The building has been designed to maximise solar access and natural ventilation to dwellings, with 100% percent (29 apartments) designed so they can achieve cross ventilation. An alternative design solution is sought in respect to solar access. Whereby, 22 per cent of apartments receive 2-hours of sunlight into living spaces and balconies. Refer to Element 4.1 and 4.2 responses for additional	**Objective Achieved** Only two units in the building are single aspect apartments, and all three are below the maximum recommended depth. Additionally, all three of these units have living areas and bedrooms that open directly onto balconies, allowing adequate ventilation and solar access throughout.

	justification.	*See Solar Access below*
O2.6.2 – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.	The podium has cut outs to reduce the appearance of bulk and scale and provide opportunities for greater access to sunlight and ventilation into the podium level apartments. The tower form allows for dual aspect apartments which have access to sunlight and ventilation which also has a design which considers visual privacy.	**Objective Achieved** The building has an articulated form on all levels to allow the majority of units to be dual aspect or better. The podium levels include cutouts to the south to allow the southern units additional outlook and increased opportunities for ventilation.
O2.6.3 – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.	The development has demonstrated a high level of internal amenity in terms of apartment layouts to maximise daylight and natural ventilation access given the visual privacy constraints of the site. *Refer to Element 4.1 and 4.2 responses for additional justification.*	**Objective Achieved** The development includes generous floor to ceiling heights. Primary living areas and many bedrooms open directly onto balconies, optimising opportunities for light and ventilation.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A2.6.1 – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to *4.1 Solar and daylight access* and *4.2 Natural ventilation*.		Apartments 102 and 202 are single aspect. These units have a maximum building depth of 15m

ELEMENT 2.7	**BUILDING SEPARATION**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.	The development is in a tower and podium form to support the desired future streetscape character with nil setback provided within the podium to the northern and southern boundaries.	**Objective Achieved** The proposal reflects the future streetscape character of the area, with spaces between buildings and boundary walls that adjoining properties of the same coding may build up against without detrimental impact. *See also O2.4.1 above*
O2.7.2 – Building separation is in proportion to building height.	Given the width of the lots and low-density residential nature of the existing development around the subject site, provision of larger setbacks with unscreened major openings and balconies is more likely to have adverse impact on residents than the proposed screening and smaller setbacks proposed to the northern and southern side lot boundaries.	**Objective Achieved** The setbacks generally increase to all boundaries as the building increases in height.

O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.	The development has been pushed more to the front of the lot and smaller setbacks provided to the north and south to allow for a larger rear setback to provide greater solar access into the southern neighbouring properties along with generous planting and deep soil areas made possible within the rear setback area. Larger side setbacks are unlikely to result in improved access to sunlight compared to the front and rear setbacks given the slope of the site and size of development permitted. The northern and southern elevations have had major openings kept to a minimum, with proposed openings to be fitted with fluted glass, to protect the privacy between the properties (and prevent direct overlooking), whilst facilitating maximum solar access and daylight into the apartments. This in turn retains the development potential of the adjacent lots accordingly.	**Objective Achieved subject to condition** The lower floors achieve the Acceptable Outcomes and have few openings / balconies facing directly onto adjoining properties. The Level 3 and 4 podium landscaped terraces, and the communal open space on the rooftop, have deep landscaped areas (landscaped planters) to lessen direct overlooking to adjoining properties. The deep planters are proposed to be 1m high above the balcony finished floor level with screening species above anticipated to grow to 600mm above the top-of-soil line. Notwithstanding, it is acknowledged that concerns relating to visual privacy have been raised in both public submissions and DRP comments. In this regard it is recommended that a condition be imposed to ensure these balconies are provided with permanent fixed screening up to 1.6m in addition to the vegetative screening proposed. All other windows and balconies meet the Acceptable Outcome setbacks and/or are provided with nib walls and deep window reveals to limit direct overlooking to adjoining properties.
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings	The deep soil and planting spaces are provided mainly in the front and rear setback areas and on the podium roof. These areas provide green relief to maximum effect consistent with the desired development and landscape pattern and to maximise amenity for the adjacent neighbouring properties. As outlined above, larger side setbacks will not result in improved access to sunlight or privacy compared to the proposal.	**Objective Achieved** At ground level, a large area to the rear has been used as open space and deep soil area landscaping, with smaller landscaping areas located around the other boundaries. Additional landscaping has been provided on the podium level and the rooftop, with smaller planters located on some of the balconies.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A2.7.1 – Development complies with the separation requirements set out in Table 2.7.		<u>G</u> Apt G02 – Bed 2 setback 2.1m <u>1F – 2F</u> All openings setback in accordance with Table 3.5m <u>3F</u> Nil setback from balconies to North and South. <u>4F (AO 9m as per Table 2.7)</u> Nil setback from balconies to North. Apt 401 – Bed 2 has only obscure glazing. <u>5F – 9F (AO 9m as per Table 2.7)</u> 9m setback to west.

Table 2.7 Building separation

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

Distances apply from major openings of rooms, or the inside of balustrading of balconies.
Average dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and the like.

Obscure glazing provided to all to North and South openings (all rooms either non-habitable or have a secondary external opening).

10F (AO 9m as per Table 2.7)

4.6m setback to south, 3m-4.5m setback to north

ELEMENT 3.2	ORIENTATION	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.2.1 – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.	The building has been oriented to provide good surveillance opportunities to the street as well as east facing major openings to the apartments to receive excellent access to morning sunlight throughout the year. A larger street setback towards the southern portion of the site, seeks to transition the setback from the highway down to the R160 properties further south. This in turn allows for greater access to sunlight into the southern neighbouring properties during the morning months during winter (whilst they are still single residences).	**Objective Achieved** The building is oriented to the street and the building shape generally corresponds with the shape of the lot to allow consistent side setbacks. The curvilinear shape also allows opportunities for additional sunlight and ventilation.
O3.2.2 – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.	Larger side setbacks have been modelled and will not substantially increase the access to sunlight into the southern neighbouring properties. Instead, larger front and rear setbacks are proposed which will allow for greater access to sunlight in the mornings and afternoons of the winter months. We therefore believe that the massing of the development better responds to this element objective accordingly.	**Objective Achieved except for the overshadowing associated with the additional height.** The building is sited centrally to the lot with a larger rear setback and areas of landscaping abutting the north, south and west boundaries. The siting and landscaping allow areas of buffer to the existing single houses to the north and south. Notwithstanding that the southern site is also zoned R-AC1, the building allows sunlight to the front and rear yards during midwinter. *See also O2.4.1 above*

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A3.2.1 – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.	Building is oriented towards Thomas Street and has direct vehicle and pedestrian access from Thomas Street.
A3.2.2 – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.	N/A – Building fronts street.
A3.2.3 – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed: - adjoining properties coded R25 and lower – 25% of the site area[1] adjoining properties coded R30 – R40 - 35% of the site area[1] - adjoining properties coded R50 – R60 – 50% of the site area[1] - adjoining properties coded R80 or higher – Nil requirements. (1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)	Nil requirements (Affected lots to the south are R-AC1 and R160)
A3.2.4– Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.	

ELEMENT 3.3	TREE CANOPY AND DEEP SOIL AREAS	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.3.1 – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.	The subject site does not contain existing mature trees which meet the retention criteria. The development has been appropriately located to ensure the on-going viability of trees planted on adjoining properties – some of which have been removed since the previous/current approval.	**Objective Achieved** The site and the adjoining northern site have been cleared and have no mature trees which meet the retention criteria.
O3.3.2 – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.	The development includes landscaping within the inground deep soil areas around the edges of the development, as well as 'on-structure' planting opportunities to provide canopy cover for many of the outdoor areas and improve the microclimate around the development. The planting programs is considered to improve the tree canopy cover long-term for the development wit approx.	**Objective Achieved** Refer to discussion in RAR.

	three times the canopy cover than the AO requirement able to be provided.	
O3.3.3 – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	The development application has been accompanied by a landscaping plan prepared by qualified landscape architect which outlines the deep soil areas (or equivalent) are appropriate for the species and maturity of vegetation/tree plantings proposed to support healthy growth and on-going viability long-term. Refer to Landscape Plans for additional justification.	**Objective Achieved** Refer to discussion in RAR.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A3.3.1 – Retention of existing trees on the site that meet the following criteria: - healthy specimens with ongoing viability **AND** - species is not included on a State or local area weed register **AND** - height of at least 4m **AND/OR** - trunk diameter of at least 160mm, measured 1m from the ground **AND/OR** - average canopy diameter of at least 4m.	N/A - The site includes only large shrubs and small trees.
A3.3.2 – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.	
A3.3.3 – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.	Does not impact on adjoining trees.
A3.3.4 – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.	AO: 10% / 101.4m2 57m2 / 5.6% of true deep soil, as per the definition in the R-Codes requiring no impending structure below. An additional 45m2 / 4.4% planting area is provided above basement two to a depth of approximately 3.5m. This depth is considered sufficient to support the growth of large trees and has been supported by the City's DRP in terms of providing effective deep soil planting. In total the development results in 10% of the lot area which can achieve significant deep planting.

Table 3.3a Minimum deep soil area and tree provision requirements

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

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

Table 3.3b Tree sizes

Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided[1] (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m²	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m²	3m	2m (DSA) + 1m (RSZ)	200L
Large	›9m	›12m	64m²	6m	4.5m (DSA) + 1.5m (RSZ)	500L

[1] Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.

A3.3.5 – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.	Maximum width of DSA is 5.4m.
A3.3.6 – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.	Paving not included in calculation of DSA
A3.3.7 – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.	228m2 / 22.5% of on structure planting.

ELEMENT 3.4 COMMUNAL OPEN SPACE

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.4.1 – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	Communal space is provided on the roof level, delivering indoor and outdoor amenity for residents, and facilitating opportunities for social interaction. The edges of the outdoor communal open space will be landscaped with raised planters with small to medium sized trees to enhance resident amenity through the aesthetic and microclimate benefits. In addition, these landscaped edges provide additional privacy for residents and adjoining neighbours. As these landscaped areas are not accessible, they have not been included in the calculation of open space area. The ground level deep soil area is adjacent to an apartment. Therefore, it is not a suitable for communal open space due to the greater opportunity for conflict with residential amenity internally and externally to neighbouring properties. Further communal space is provided at the ground level in the form of a communal co-working space which will provide ground level activation.	**Objective Achieved** The communal open space located on the top floor of the development includes a range of recreation and leisure opportunities as well as outdoor bbq area and generous landscaping provision. The landscaping around the outside of the communal area functions as a screen to adjoining properties while also softening the appearance of the building and providing a more vegetated communal space.
O3.4.2 – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	The roof-top location allows for the space to be level, wheelchair accessible and away from conflict with apartments within the development or neighbouring properties. The area provided allows for a range of activities and spaces available for resident convenience and amenity with minimal opportunities for concealment and good internal passive surveillance of the spaces. The outdoor space can receive unobstructed access to sunlight during winter months due to location on the roof.	**Objective Achieved** Communal open space has been demonstrated to accommodate universal access and provides a high level of amenity, being open to natural sunlight, ventilation, and outlook. The indoor spaces are directly connected to outdoor spaces and allow for year-round utilization of the space.
O3.4.3 – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	The communal open space is proposed to be partially screened to the north and south elevations with landscaping and has a large rear setback to avoid privacy conflicts to neighbouring properties. The orientation allows to northern light as well as morning and afternoon light into the communal areas without compromising the neighbouring properties' expected access to sunlight given the zoning of the properties.	**Objective Achieved Subject to Condition** Communal open space is located on its own level and will not impact private space within the development subject to the communal space only being permitted to be used from 7am to 10pm as noted in the Acoustic Report. A condition is recommended that the development adhere to the recommendations within the Acoustic Report.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		

A3.4.1 – Developments include communal open space in accordance with Table 3.4 **Table 3.4** Provision of communal open space **Development size** / **Overall communal open space requirement** / **Minimum accessible / hard landscape area (included in overall area requirement)** / **Minimum open space dimension** Up to 10 dwellings: Informal seating associated with deep soil or other landscaped areas / NA / NA More than 10 dwellings: Total: 6m² per dwelling up to maximum 300m² / At least 2m² per dwelling up to 100m² / 4m	AO: 174m2 / 58m2 min. of hardscaped area Proposed: Rooftop communal area in excess of 320m2. Includes BBQ facilities, games/karaoke room, gymnasium, roof terrace, landscaping and lounge / entertainment room. Amount of hardscape exceed minimum outcome. Additional 23m2 co-working space located at ground floor.
A3.4.2 – Communal open space located on the ground floor or on floors serviced by lifts must be accessible from the primary street entry of the development.	Communal open space is provided on top floor serviceable by a lift. Lifts are accessible from the primary street entry of the development.
A3.4.3 – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June.	The roof terrace has direct access to northern sun and will receive direct sunlight for at least two hours between 9am and 3pm on 21 June.
A3.4.4– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.	All communal spaces are co-located with on structure planting and have detailed landscaping plans.
A3.4.5 – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.	All communal spaces are adequately separated from services and noise sources.
A3.4.6 – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.	**Condition** All communal spaces are considered to be generally safe and do not result in places for concealment. Condition lighting plan.
A3.4.7 – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.	The communal open space is on its own level. The Acoustic Report recommends no use between 10pm and 7am for noise.

ELEMENT 3.5	**VISUAL PRIVACY**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	

O3.5.1 – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.	To maintain visual privacy for residents and the adjoining properties, major openings to the north and south have obscured glass to with orientation to the east and west and setbacks from living room openings to screens to still ensure views into and out of the apartments and daylight and solar access into the apartments. This in turn, retains the development potential of the adjacent lots accordingly. Some of the podium level southern apartment bedrooms have their east facing one of vision protrude into the front setback of the southern neighbouring property, and the some front apartments have their balconies on the corners of the building which do not have screening to the north and south, however the areas being 'overlooked' function as front setback area and hence their screening would have little visual privacy benefit, result in less passive surveillance if the street and less access to sunlight and ventilation. There are also some balconies which are screened by raiser planters with landscaping – which will provide a more attractive screen without compromising access to sunlight and ventilation.	**Objective Achieved Subject to Condition** Refer to discussion in RAR.

ACCEPTABLE OUTCOMES

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

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

Table 3.5 Required privacy setback to adjoining sites

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

G

Apt G02 – Bed 2 setback 2.1m

1F – 2F

All openings setback in accordance with Table 3.5m

3F

Nil setback from balconies to North and South.

4F (AO 9m as per Table 2.7)

Nil setback from balconies to North.

Apt 401 – Bed 2 has only obscure glazing.

5F – 9F (AO 9m as per Table 2.7)

9m setback to west.

	Obscure glazing provided to all to North and South openings (all rooms either non-habitable or have a secondary external opening). <u>10F (AO 9m as per Table 2.7)</u> 4.6m setback to south, 3m-4.5m setback to north
A3.5.2 – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).	All balconies unscreened at least 25% of perimeter.
A3.5.3 - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.	All living rooms have an external outlook from at least one major opening that is not obscured.
A3.5.4 – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.	Apt 401 – Bed 2 has only obscure glazing

ELEMENT 3.6	**PUBLIC DOMAIN INTERFACE**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.6.1 – The transition between the private and public domain enhances the privacy and safety of residents.	The ground floor apartment has a balcony overlooking the street to provide increased opportunities of passive surveillance of the public realm. Whilst direct access to the apartment is not contemplated, the building is serviced by centralised public access via the main entry to the building to ensure resident security and facilitate clear wayfinding. The ground floor apartment has landscaping and slight level difference to provide appropriate transition between the public and private realm which is 0.8m lower than the level at the street boundary at worst case. The upper-level apartments provide passive surveillance opportunities to the street with the depth of the balconies and the architectural design providing a balance for privacy of the residents.	**Objective Achieved** The ground level apartment contains landscaping fronting the balcony that will provide a balance between the need for privacy and street surveillance. The ground floor main entryway directly fronts the street and presents no opportunities for concealment. The coworking space on the ground floor has louvres that do not fully obscure the windows and allow actual and perceived outlook to the street. The openings to the co-working space provide a break to the blank wall of the fire services immediately adjacent. Balconies above the ground floor provide a degree of safety through the provision of street surveillance.
O3.6.2 – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.	The service areas, car parking and bin storage is concealed from view in Basement Level 1 and the development does not propose additional street fencing. Furthermore, the streetscape is provided with landscaping between the street and the front lot boundary to enhance the outlook of the apartment and	**Objective Achieved** Shade is provided to the entryway, along with an attractive landscape façade. Services are integrated into the development and bins are stored in the basement, hidden from view of the street.

	communal areas on the ground level and enhance pedestrian amenity within the area.	

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A3.6.1 – The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.	Only one dwelling exists on the ground floor, with all access taken from inside the building. This unit does have a balcony fronting the street.
A3.6.2 – Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).	No car parking in front setback. All parking is in basement.
A3.6.3 – Upper level balconies and/or windows overlook the street and public domain areas.	Balconies and windows are oriented to overlook the street.
A3.6.4 – Balustrading includes a mix of visually opaque and visually permeable materials to provide residents with privacy while maintaining casual surveillance of adjoining public domain areas.	Balconies contain a mix of materials to provide street surveillance while maintaining privacy.
A3.6.5 – Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.	Outcome achieved.
A3.6.6 – Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m.	No front fences proposed
A3.6.7 – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.	Landscaping and retaining walls at the frontage are low in height and provide no concealment opportunities.
A3.6.8 – Bins are not located within the primary street setback or in locations visible from the primary street.	Bin stores and pickup area is located within the basement and is not visible from the street.
A3.6.9 – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage.[1]	Fire services and emergency exit is integrated into building design and remains unobtrusive.

ELEMENT 3.7	**PEDESTRIAN ACCESS AND ENTRIES**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.7.1 – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.	The main entry to the development is clearly identifiable, with direct connections into the main pedestrian pathway in the road reservation adjacent to the site. The bin storage area is located within the basement to maximise the activation of the street and maintain the amenity of the residential lobby. All other services are well integrated into the building design.	**Objective Achieved** Entries, pathways and lifts are universally accessible, safe, and easy to identify. The pedestrian path is fully separate from the vehicle path, eliminating conflict with users.

O3.7.2 – Entries to the development connect to and address the public domain with an attractive street presence.	The pedestrian entry is slightly recessed to provide protection to visitor awaiting entry at the pedestrian entry to the development with appropriate lighting to be provided to this space. The mail room is incorporated into the development with separate entry provided from the lobby space.	**Objective Achieved** The building has one central access that connects to the street front and provides an attractive entryway with easily accessible mailboxes.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A3.7.1 – Pedestrian entries are connected via a legible, well-defined, continuous path of travel to building access areas such as lift lobbies, stairs, accessways and individual dwelling entries.	Building entrance connects directly to lift lobby and stairs.
A3.7.2 – Pedestrian entries are protected from the weather.	Building overhangs provide weather protection.
A3.7.3 – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.	**Condition** Pedestrian entry provides no opportunities for concealment and with casual surveillance provided from the commercial tenancies. Lighting plan to be conditioned.
A3.7.4 – Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.	N/A - no shared pedestrian/vehicle zones
A3.7.5 – Services and utilities that are located at the pedestrian entry are integrated into the design and do not detract from the amenity of the entry.	No services are located within the pedestrian entrance.
A3.7.6 – Bins are not located at the primary pedestrian entry.	Bin store is located within basement and not at pedestrian entry.

ELEMENT 3.8 VEHICLE ACCESS

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.8.1 – Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.	The vehicle access is clearly identifiable and is not shared with the pedestrian access. The only rooms potentially impacted by the vehicle access are bedrooms which provide the perception of surveillance but will have window treatments to minimise impact from any headlight glare into these spaces – however generally there is vertical separation to minimise the impact. The access point at the street is free from visual obstructions.	**Objective Not Achieved** Refer to discussion in RAR.
O3.8.2 – Vehicle access points are designed and located to reduce visual impact on the streetscape.	The vehicle access provided is located on the lowest point of the site and is limited to one two-way access point.	**Objective Achieved** Vehicle access tapers to avoid the existing street tree and reduce the visual impact to the street.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A3.8.1 – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.	One vehicle access point proposed.
A3.8.2 – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.	Vehicle entry is clearly definable.
A3.8.3 – Vehicle entries have adequate separation from street intersections.	Vehicle access point is over 47m from nearest street intersection (Thomas/Stirling).
A3.8.4 – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.	Bed 1 of Unit 103 is located above the driveway and may be impacted by headlights from cars. Though these headlights may not shine directly into the habitable room, glare from the headlights may be an issue. The room will require acceptable window treatments, such as blinds or curtains, to block potential light spill.
A3.8.5 – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.	Driveway width 6.2m wide. The driveway is reduced to 4.5m at the street in order to preserve the existing street tree.
A3.8.6 – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: - the driveway serves more than 10 dwellings - the distance from an on-site car parking to the street is 15m or more **OR** the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.	Driveways allows for two way access.
A3.8.7 – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.	No retaining walls or fences abutting the driveway/crossover.

ELEMENT 3.9	CAR AND BICYCLE PARKING	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O3.9.1 – Parking and facilities are provided for cyclists and other modes of transport.	The development provides additional scooter parking and additional bicycle parking above the acceptable outcomes to encourage greater use of sustainable transport given the location is highly connected.	**Objective Achieved** Parking and facilities are provided for multiple modes of transport including bikes, cars and scooters.
O3.9.2 – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good	The car parking provided is close to the maximum, however it is reflective of the sizes of the apartments being generally larger, target demographic of purchasers and likely car parking demand. Provision of	**Objective Achieved** Car parking provision provided meets the Acceptable Outcome is appropriate to the location, given the

public transport or cycle networks and/or are close to employment centres.	a lower number of car parking bays would likely result in overflow car parking in the street and detract from the amenity of the 'garden' suburban feel. Furthermore, this will reduce demand on visitor car parking (given the proposed one bay shortfall).	proximity of the development to Stirling Highway and the high frequency bus routes therein.
O3.9.3 – Car parking is designed to be safe and accessible.	The car parking is designed to make effective use of space with car parking stackers used to minimise the requirement for another basement and provide the necessary car parking to accommodate likely demand (see above comments). The access ramp width is wider than the minimum required to provide additional manoeuvring space and greater safety internally. The visitor car parking spaces are closest to the vehicle entry for convenience of visitors coming to the site with these spaces proposed to be marked for visitor use accordingly. The visitor car parking provided is reflective of the scale of the development, the likely residents and any rare occasion of overflow likely to be accommodated without causing car parking problem in the locality.	**Objective Achieved** All parking is safe and accessible, with sufficient vehicle manoeuvring room.
O3.9.4 – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.	The car parking is concealed from view and enclosed to minimise impact on the streetscape and neighbouring properties. The basement levels are concealed below ground.	**Objective Achieved** All car parking is located below ground and out of view of the street so as to minimally impact the streetscape.

ACCEPTABLE OUTCOMES

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

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

Table 3.9 Parking ratio

Parking types		Location A	Location B
Car parking[1]	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling
	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling
	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above	
Bicycle parking[1]	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking[2]	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays		

[1] Calculations of parking ratios shall be rounded up to the next whole number.
[2] For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.

Definitions:
Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre.
Location B: not within Location A.

Location A - Acceptable Outcomes

Acceptable Outcomes	Provided
29 Residential bays	56 Residential bays
5 Visitor bays	5 Visitor bays
15 Bike racks for residents	18 Bike racks for residents
3 Bike racks for visitors	3 Bike racks for visitors
4 Motorcycle/Scooter Bays	6 motorcycle/scooter spaces

A3.9.2 – Parking is provided for cars and motorcycles in accordance with Table 3.9.	
A3.9.3 – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9.	
A3.9.4 – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.	
A3.9.5 – Car parking areas are not located within the street setback and are not visually prominent from the street.	No parking located in street setback.
A3.9.6 – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.	Basement parking is not visible from dwellings or private outdoor spaces.
A3.9.7 – Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.	To be conditioned.
A3.9.8 – Parking shade structures, where used, integrate with and complement the overall building design and site aesthetics and have a low reflectance to avoid glare into apartments.	No parking shade structures.
A3.9.9 – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.	No uncovered at grade parking.
A3.9.10 – Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.	Basement does not protrude more than 1m above ground level.

ELEMENT 4.1 SOLAR AND DAYLIGHT ACCESS

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.1.1 – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.	The building has been designed to maximise exposure of apartments to northern sunlight, whilst balancing the exposure of apartments to eastern and western sunlight to ensure optimal energy efficiencies. Whilst solar and daylight access is underprovided, it is noted that there is a requirement to screen northern openings to maintain visual privacy to the adjoining northern property. The depth of the apartments also has been kept to practical minimum to maximise the sunlight access within the internal area. The development does not have any apartments which are solely south facing with dual aspect provided where possible to maximise access to daylight where possible.	**Objective Achieved** The building has been designed to maximise the number of apartments with access northern sunlight, whilst balancing the exposure of apartments to eastern and western sunlight to ensure optimal energy efficiencies. The development does not have any apartments which are solely south facing. The applicant has provided a Solar Access and Daylight Report proposing an alternative solution, for apartments that don't meet the daylight access Acceptable Outcomes these are to be double glazed.

O4.1.2 – Windows are designed and positioned to optimise daylight access for habitable rooms.	All habitable rooms have a window which is 10% or more of the area of the adjacent room in terms of window area with the podium having sections taken out to maximise access to daylight where practical	**Objective Achieved** All primary living areas have direct access to balconies for optimal sunlight and ventilation. There are no units that have solely south-facing openings, and the majority of units having openings on at least two different elevations.
O4.1.3 – The development incorporates shading and glare control to minimise heat gain and glare: - from mid-spring to autumn in climate zones 4, 5 and 6 **AND** - year-round in climate zones 1 and 3.	Many of the north-facing openings are obscured for visual privacy purposes which minimise the requirement for external shading devices.	**Objective Achieved** Balcony overhangs act as shading and glare control. North-facing windows are predominantly highlight windows or otherwise obscured, which will reduce heat gain and glare.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A4.1.1 – In climate zones 4, 5 and 6 <u>only</u>: **a)** Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND **b)** A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.		a) 11/29 (38%) dwellings have living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June. G01, 201, 401, 701 G02, 202, 402, 702 G03, 203, 403, 801 101, 204, 501, 802 102, 205, 502, 901 103, 301, 601, 902 104, 302, 602 105, 303
A4.1.2 – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.		Outcome achieved.
A4.1.3 – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.		No rooms rely solely on lightwells or skylights as a source of daylight.
A4.1.4 – The building is oriented and incorporates external shading devices in order to: - minimise direct sunlight to habitable rooms: ▪ between late September and early March in climate zones 4, 5 and 6 only **AND** ▪ in all seasons in climate zones 1 and 3 permit winter sun to habitable rooms in accordance with A 4.1.1 (a).		Most north-facing windows are highlight and obscured. Balconies are provided with deep overhangs that block sunlight.

ELEMENT 4.2	NATURAL VENTILATION	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.2.1 – Development maximises the number of apartments with natural ventilation.	89% of apartments are dual aspect and therefore can be naturally cross ventilated with no single aspect apartments included in this calculation.	**Objective Achieved** The majority of apartments are dual aspect and capable of cross ventilation.
O4.2.2 – Individual dwellings are designed to optimise natural ventilation of habitable rooms.	Majority of apartments have a corner aspect to maximise opportunities for cross ventilation and habitable rooms are provided with openable windows where practical (noting visual privacy requirements	**Objective Achieved** Dwellings have their major living spaces (and, in many cases, bedrooms) that open on to their balconies, which allows opportunities for increased air flow and cross ventilation.
O4.2.3 – Single aspect apartments are designed to maximise and benefit from natural ventilation.	The depth of the single aspect apartments is 8.2m from the edge of the glazing to the end of the habitable space (i.e., excluding the study nook).	**Objective Achieved** Only 2 units are single aspect apartments. These units have a shallower depth, and bedrooms and major living areas that open onto a balcony. Multiple openings to the balcony allow opportunities for air flow.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.2.1 – Habitable rooms have openings on at least two walls with a straight line distance between the centre of the openings of at least 2.1m.	Not all habitable rooms have openings on at least two walls, however where this does occur the distance achieve this outcome.
A4.2.2 – **(a)** A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building Single aspect apartments included within the 60 per cent minimum at (a) above must have: ▪ ventilation openings oriented between 45° – 90° of the prevailing cooling wind direction **AND** ▪ room depth no greater than 3 × ceiling height **(a)** For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.	93% (27/29) apartments are dual aspect and are capable of natural cross ventilation.
A4.2.3 – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.	Depth of single aspect apartments does not exceed 20m.
A4.2.4 – No habitable room relies on lightwells as the primary source of fresh-air.	Objective achieved.

ELEMENT 4.3	SIZE AND LAYOUT OF DWELLINGS	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.3.1 – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	The apartments are generous in area being well above the minimum apartment areas to reflect the market demand within this location and maximise internal amenity of these spaces.	**Objective achieved** All units significantly exceed the minimum area recommended by A4.3.1. All units are of an appropriate size and a layout that allows functionality and flexibility appropriate to the expected number of occupants.
O4.3.2 – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.	The depths of the apartments and ceiling heights are proportionate to maximise internal amenity and facilitate good daylight access and excellent natural ventilation	**Objective achieved** The proposed ceiling heights and room dimensions achieve Acceptable Outcomes A 4.3.1, A 4.3.2, and A 4.3.3. All units are well-proportioned to allow for access to sunlight and ventilation in habitable rooms.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A4.3.1 – Dwellings have a minimum internal floor area in accordance with Table 4.3a. **Table 4.3a Minimum floor areas for dwelling types** Dwelling type: Studio — Minimum internal floor area: 37m² 1 bed — 47m² 2 bed × 1 bath[1] — 67m² 3 bed × 1 bath[1] — 90m² [1]An additional 3m² shall be provided for designs that include a second or separate toilet, and 5m² for designs that include a second bathroom.		<u>AO</u> 3x2: 95m2 min 2x2: 72m2 min. 3x2 units range in size from 110m2 – 158m2 2x2 units range in size from 89m2 – 111m2
A4.3.2 – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.		All rooms achieve the minimum area and dimensions in accordance with Table 4.3b

Table 4.3b Minimum floor areas and dimensions for habitable rooms 	Habitable room type	Minimum internal floor area	Minimum internal dimension
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Master bedroom	10m²	[1]3m
Other bedrooms	9m²	[1]3m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m | [1] Excluding robes	
A4.3.3 – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms – 2.7m - Non-habitable rooms – 2.4m - All other ceilings meet or exceed the requirements of the NCC.	3.1m floor to floor height provided at ground floor. 2.7m floor to ceiling heights provided to all other floors.
A4.3.4 – The length of a single aspect open plan living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided for a kitchen, where the kitchen is the furthest point from the window in an open plan living area provided that the maximum length does not exceed 9m.	Maximum depth of single aspect apartment: 8.5m

ELEMENT 4.4	PRIVATE OPEN SPACE AND BALCONIES	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.4.1 – Dwellings have good access to appropriately sized private open space that enhances residential amenity.	The outdoor living areas are located on the external façade of the building and contribute to the architecture of the building whilst also providing functional space for residents to enjoy privately outdoors. The spaces are large to provide area which is easily furnishable and functional for the size of apartments proposed.	**Objective Achieved** All units are provided with generous outdoor areas beyond the minimums, with some units fronting open terraces and ground floor courtyards. All balconies allow good external outlook, including views to the sky.
O4.4.2 – Private open space is sited, oriented and designed to enhance liveability for residents.	The private open space is oriented to allow for access to sunlight and ventilation with orientation provided to maximise public domain interface and passive surveillance opportunities where possible.	**Objective Achieved** The private open space is designed to enhance liability, with the terrace spaces integrated into the landscape design to provide visual privacy and enhance the outlook of the development both internally and when viewed externally.

O4.4.3 – Private open space and balconies are integrated into the overall architectural form and detail of the building.	The balconies provide interest to the façade as well as articulation in terms of bulk and the overall break-down of massing of the building.	**Objective Achieved** The balconies are integrated into the design of the dwellings to provide an attractive façade as well as provide internal amenity such as sunlight and ventilation to the units.

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

A4.4.1 – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.	All balconies meet or exceed relevant minimum dimensions and area.

Table 4.4 Private open space requirements

Dwelling type	Minimum Area[1]	Minimum Dimension[1]
Studio apartment + 1 bedroom	8m²	2.0m
2 bedroom	10m²	2.4m
3 bedroom	12m²	2.4m
Ground floor / apartment with a terrace	15m²	3m

[1] Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.

A4.4.2 – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.	Balconies are unscreened and provide outlook from living area.
A4.4.3 – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.	Landscaping complements the private outdoor space.
A4.4.4 – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.	No services or fixtures located on balconies

ELEMENT 4.5 CIRCULATION AND COMMON SPACES

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.5.1 – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	The circulation spaces are not pinched and are generous in area whilst also being efficient in terms of design and access to external light and ventilation.	**Objective Achieved** Circulation spaces are designed to be relatively short and straight, minimising opportunities for entrapment. The

		entryway contains a lobby and wide main corridor that aid in defining the character of the development.
O4.5.2 – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	The spaces support interaction with other residents and can have additional lighting and (mechanical) ventilation to improve the amenity of these spaces as required.	**Objective achieved** All circulation and common spaces are attractive, have good amenity and access to natural light, and opportunities for social interaction between residents where possible.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A4.5.1 – Circulation corridors are a minimum 1.5m in width.		Corridors are a minimum width of 1.8m.
A4.5.2 – Circulation and common spaces are designed for universal access.		Circulation and common spaces are wide enough to allow universal access.
A4.5.3 – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.		Circulation and common spaces have limited opportunities for concealment.
A4.5.4 – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.		Internal hallways can be lit at night without impacting units.
A4.5.5 – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.		No windows from units open onto circulation areas or common spaces.

ELEMENT 4.6	**STORAGE**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.6.1 – Well-designed, functional and conveniently located storage is provided for each dwelling.	The stores are allocated within the apartments to improve the accessibility and functionality of these space. This also maximises the space within the basement for car parking and waste collection, improving the functionality and legibility of the development.	**Objective Achieved** All units have a storage room that is either integrated into the dwelling or located on the same floor as the dwelling. These spaces are functional, accessible and safe.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		

A4.6.1 – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6. **Table 4.6** Storage requirements Dwelling type: Studio dwelling — Storage area[1]: 3m² — Minimum dimension[1]: 1.5m — Minimum height[1]: 2.1m Dwelling type: 1 bedroom dwelling — Storage area[1]: 3m² — Minimum dimension[1]: 1.5m — Minimum height[1]: 2.1m Dwelling type: 2 bedroom dwellings — Storage area[1]: 4m² — Minimum dimension[1]: 1.5m — Minimum height[1]: 2.1m Dwelling type: 3 bedroom dwellings — Storage area[1]: 5m² — Minimum dimension[1]: 1.5m — Minimum height[1]: 2.1m [1] Dimensions exclusive of services and plant.	All units have a storage area which meets the acceptable outcome.
A4.6.2 – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.	Where storage is located in basement, these are considered convenient, safe, well-lit, secure and generally subject to passive surveillance.
A4.6.3 – Storage provided separately from dwellings or within or adjacent to private open space[1], is integrated into the design of the building or open space and is not readily visible from the public domain.	Storage areas are integrated into the design of the units.

ELEMENT 4.7	**MANAGING THE IMPACT OF NOISE**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.7.1 – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.	The development is within proximity of Stirling Highway and therefore, needs to have a higher acoustic treatment to ensure internal amenity is maintained. The open spaces are subject to higher noise levels, however with the large and combination of external and internal communal open spaces, this will provide options to residents if external private spaces are not comfortable for use at certain times of the day/year.	**Objective achieved** The siting of the development is considered generally well designed to mitigate the impact of external noise sources. Residential apartments are generally located above ground level and setback from the street. Potential noise sources from within the development are mostly located within the basement levels and are kept away from habitable rooms.
O4.7.2 – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.	This is covered within the preliminary acoustic report – outlining that the noise transfer between apartments will meet/exceed requirements of the NCC	**Objective achieved subject to condition.** The provisions of State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) are applicable given the sites proximity to Stirling Highway. The applicant has provided an Acoustic report prepared by Stantec which states that noise measurements and modelling are generally in accordance with the requirements of SPP 5.4, or

		otherwise noise mitigation measures can be implemented to achieve acceptable noise levels. A condition of approval is recommended to ensure that the recommendations contained within the Acoustic Report are implemented. A further condition of approval will require a notification to be put on title to inform future residents of the of the existence of transport noise in accordance with SPP 5.4.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.7.1 – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent).	Will have to exceed minimums to meet noise requirements of State Planning Policy 5.4: Road and Rail Noise.
A4.7.2 – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.	Service areas, plant rooms and noise generating areas are located separate from units generally within the basement.
A4.7.3 – Major openings to habitable rooms are oriented away or shielded from external noise sources.	Major openings do not face onto external noise sources such as communal open space or utilities.

ELEMENT 4.8 DWELLING MIX

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.8.1 – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.	The City does not have a local housing strategy which identifies the need for a certain size of apartment. Generally, the larger apartment areas and having greater number of two- and three-bedroom apartments caters to the young professionals and down-sizer market looking for an apartment in this location. The tower having a small number of apartments per floor allows for greater neighbour interaction and familiarity and caters to buyer demands.	**Objective Achieved** The City has no relevant local housing strategy. However, the proposal includes a range of dwelling sizes have been provided throughout the building.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.8.1 – **a)** Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument **OR**	No applicable housing strategy. Less than 10 dwellings. • 11 x 2 bedroom, 2 bathroom units (38%) • 18 x 3 bedroom, 2 bathroom units (62%)

b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.	
A4.8.2 – Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.	Dwelling types are appropriately distributed.

ELEMENT 4.9 UNIVERSAL DESIGN

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.9.1 – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.	By the nature of the larger apartment sizes, the majority of the apartments are capable of meeting the silver level requirements to allow for persons to age in place or downsize into more manageable space.	**Objective achieved subject to condition** The applicant has indicated that 41% of units will meet the Silver Level requirements and this is included as a condition of approval.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.9.1 – **a)** 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) **OR** **b)** 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).	Plans indicate that 12/29 (41%) apartments are designed to a silver level standard.

ELEMENT 4.10 FAÇADE DESIGN

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.10.1 – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.	The development has been scaled, articulated, and detailed to reflect the character of the area with materials used to reference locally prevalent palettes as well as massing of the building setback to respect the setbacks of the area and landscape character. The twist in the façade provides interest and allows the development to take advantage of the views whilst also providing a midpoint datum for the development.	**Objective achieved** The building has been designed to adequately respect and reflect the character of the local area. The development has responded to the comments from the City's Design Review Panel (DRP) by amending the boundary wall elevations to provide for more articulation and visual interest, and the scoring for the "Aesthetics" Design Principle was improved to Green (supported). The development incorporates a variety of materials including concrete, aluminium, limestone and cedar to ensure a visually interesting and high quality façade
O4.10.2 – Building façades express internal functions and provide visual interest when viewed from the public realm.	The balconies are provided to the external façade to maximise the articulation of the façade and a mixture of materials has been used to provide a cleared defined	

	base and middle with top part of the building scaled back to reflect the desired proportionality of a building of this size. Building services are well concealed and the ground level appropriately detailed to avoid blank façade where possible.	design.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A4.10.1 – Façade design includes: - scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm - rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.		The façade design includes appropriate articulation and materiality. The façade design has been supported by the City's Design Review Panel.
A4.10.2 – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.		The building is design with a distinct base, middle and top.
A4.10.3 – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.		Outcome achieved.
A4.10.4 – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.		Outcome achieved.
A4.10.5 – Development with a primary setback of 1m or less to the street includes awnings that: - define and provide weather protection to entries - are integrated into the façade design - are consistent with the streetscape character.		Street setback exceeds 1m.
A4.10.6 – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.		No signage proposed.

ELEMENT 4.11	**ROOF DESIGN**	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.	The roof form is concealed given the built form of the development. The stepping of the podium across the site responds to the streetscape.	**Objective achieved subject to condition requiring rooftop services to be screened**
O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.	The roof space provides private open space for the podium and communal open space for the tower as well as solar PV opportunities	**Objective achieved** Solar panels provided on the roof. Communal space is provided on the top floor.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.11.1 – The roof form or top of building complements the façade design and desired streetscape character.	Outcome Achieved
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.	Screening provided to rooftop services.
A4.11.3 – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.	Acoustic Report demonstrates noise from rooftop terrace will not negatively impact amenity of adjoining residences.

ELEMENT 4.12	LANDSCAPE DESIGN	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.12.1 – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.	Plan E Landscape Architects have prepared the required Landscaping Plan for the proposed development. The main areas of landscaping are provided at ground level, in the front and rear setback areas with additional on structure planting provided throughout the development for some visual privacy, visual relief as viewed from the street and attractive outlook for residents. *Refer to Landscaping Plan for additional information.*	**Objectives Achieved** Landscaping at ground, podium and rooftop levels is designed to enhance the amenity of the building and provide an attractive outlook for users/residents.
O4.12.2 – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.	The landscaping strategy seeks to have a landscaped rear setback area to reflect the traditional back yard development pattern of the area and provide relief to the southern neighbouring landowners in terms of access to sunlight. The planting on structure proposed adds to the amenity of the apartments and ensures that the building sits well within the existing landscape typology of the area being a 'garden suburb'. Details of the planting on structure has been provided within the Landscaping Plan to ensure that the species and maturity selected have appropriating planter areas to support on-going viability of this landscaping.	**Objectives Achieved** Plants have been selected and landscaping designed by a landscape architect with appropriate consideration for orientation, exposure and site conditions.
O4.12.3 – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.	The proposed Landscape Plan includes preliminary irrigation details and planting methodology. The scale of the development does not warrant water harvesting with this measure likely to reduce the deep soil area provided	**Objectives Achieved** The landscaping plan includes water sensors and low-water emitters to reduce water use.

	in order to be accommodated.	
O4.12.4 – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.	The selected plant species have been carefully chosen with regard to delivering visual privacy, canopy cover for many of the outdoor areas and improve the microclimate around the development. The raised planters throughout the development will bring greenery and life throughout the building for residents to enjoy and add to/complement the architecture throughout. The greenery will also act to cool the building.	**Objectives Achieved** Landscaping is integrated into the design of the building and complements the architecture. The landscaping is functional and provides an attractive outlook from the units.

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

A4.12.1 – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.	The landscaping plan has been prepared by Plan E which includes a species list and demonstrates waterwise principles.
A4.12.2 – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.	Trees at ground floor are located within deep soil areas or have sufficient soil depth and width to support healthy tree growth.
A4.12.3 – Planting on building structures meets the requirements of Table 4.12.	The landscaping plan proposes over 228m2 of on-structure planting throughout all levels of the development. Key on-structure planting areas are rear setback at ground level, the deep planters on level 3 and 4 balconies and the roof top communal area. On structure planters have a minimum depth of 1.0m which achieves the Table 4.12 standards for a small or medium tree.
A4.12.4 – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.	Outcome achieved.

Table 4.12 Planting on structure: minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large tree	Over 12m high, crown spread at maturity	76.8m³	1,200mm	64m² with minimum dimension 7m
Medium tree	8-12m high, crown spread at maturity	36m³	1,000mm	36m² with minimum dimension 5m
Small tree	4-8m high, crown spread at maturity	7.2m³	800mm	3m × 3m
Small ornamentals	3-4m high, crown spread at maturity	3.2m³	800mm	2m × 2m
Shrubs	--	--	500-600mm	--
Ground cover	--	--	300-450mm	--
Turf	--	--	200mm	--

ELEMENT 4.13 ADAPTIVE REUSE – N/A

ELEMENT 4.14	MIXED USE – N/A

ELEMENT 4.15	ENERGY EFFICIENCY	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.15.1 – Reduce energy consumption and greenhouse gas emissions from the development.	The energy efficiency of the development substantially exceeds the acceptable outcomes and the NCC requirements with the worst apartment having a NaTHERS rating of 6.5 stars and an average of 7.5 stars across the building. *Refer to Sustainable Design Strategy Report*	**Objective achieved** Refer to discussion in RAR.
ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*		
A4.15.1 – **a)** Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) **OR** **b)** All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.[1] Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.		Dwellings exceed NatHERS on average 7 stars, with minimum 6.5. Solar panels shown on roof

ELEMENT 4.16	WATER MANAGEMENT AND CONSERVATION	
ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.16.1 – Minimise potable water consumption throughout the development.	Apartments will be fitted with waterwise appliances, including taps, toilets and showers. Permeable paving has also been provided as part of the proposed Landscaping Plans. *Refer to Sustainable Design Strategy Report.*	**Objectives Achieved** Apartments will be fitted with waterwise appliances. Landscaping has been designed to minimise water use. The development will need to demonstrate stormwater can be contained onsite for a 1 in 100 year event. Implementation of the Sustainability Strategy is recommended as a condition of approval.
O4.16.2 – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	It is anticipated that this will form part of the conditions of approval.	

O4.16.3 – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Stormwater runoff will flow into the landscaped edges of the building, slowing the flow of water and capturing excess run-off where possible. It is anticipated that this will form part of the conditions of approval.	

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.16.1 – Dwellings are individually metered for water usage.	Proposal includes a fully embedded meter network.
A4.16.2 – Stormwater runoff generated from small rainfall events is managed on-site.	Adequate stormwater containment to be demonstrated at building permit stage, but no issues have been raised with the current design
A4.16.3 – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.	Outcome achieved

ELEMENT 4.17 WASTE MANAGEMENT

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	**APPLICANT COMMENT**	**ASSESSOR COMMENT**
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.17.1 – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	The development application is accompanied by a Waste Management Plan prepared by Talis Consultants which has been prepared in accordance with the City of Nedlands requirements. The waste storage area is concealed from view and away from apartments within the first basement level with waste collection able to occur in this space as well. Space has also been dedicated for bulky waste.	**Objective achieved subject to condition** Bin stores are provided within the basement and are not visible from the street. The size of the bins stores and the waste management plan are in accordance with City's Waste Management Local Planning Policy. A standard condition of approval will ensure that the development complies with the Waste Management Plan.
O4.17.2 – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	Each level has been provided with bin storage areas so that caretakers can empty these bins into the bin store within the basement level. This maximises convenience for residents and minimises conflict and storage issues within the bin store area within the basement level.	**Objective Achieved** The building provides sufficient space for the 3 bin (FOGO) system as well as City's recycling and refuse services.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.17.1 – Waste storage facilities are provided in accordance with the Better Practice considerations of the *WALGA Multiple Dwelling Waste Management Plan Guidelines* (or local government requirements where applicable).	A Waste Management Plan prepared by Talis Consultants has been provided which is in accordance with City's Waste Management Local Planning Policy.

A4.17.2 – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the *WALGA Multiple Dwelling Waste Management Plan Guidelines* - Appendix 4A (or equivalent local government requirements).	
A4.17.3 – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the *WALGA Multiple Dwelling Waste Management Plan Guidelines* - Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).	The size of the bins stores is sufficient to accommodate the required number of bins in accordance with City's Waste Management Local Planning Policy.
A4.17.4 – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.	Bin stores are located within basement levels. These are screened from view from the street, open space and private dwellings.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	**LPP 3.2 Waste Management**

ELEMENT 4.18 UTILITIES

ELEMENT OBJECTIVES *Development is to achieve the following Element Objectives*	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
O4.18.1 –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	The development has planned for the necessary services needed and are located to ensure that the façade is as activated as possible whilst still meeting access requirements of the relevant servicing agencies.	**Objective achieved** All required services are available.
O4.18.2 – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	The utilities are incorporated into the development, are accessible and do not restrict vehicle or pedestrian movement.	**Objective achieved** Location of utilities do not impede safe movement of vehicles or pedestrians.
O4.18.3 – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.	The services within the façade have been kept to a practical (and compliance) minimum to ensure that the façade activation is maximised.	**Objective achieved** Fire service utilities and services are integrated into the façade of the development. Other utilities, such as condensers and pump rooms are located either in the basement or on the rooftop so as to not be visually obtrusive.
O4.18.4 – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.	All apartments have laundries within corridors, separate rooms or bathrooms to ensure compliance with the City of Nedlands local law. These areas will be ventilated and drained to prevent damage within the apartments.	**Objective achieved** All units are fitted with air conditioners, laundries and space for clothes drying to ensure compliance with the City of Nedlands local law.

ACCEPTABLE OUTCOMES *Acceptable Outcome pathway may not be applicable where a performance solution is provided*	
A4.18.1 – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.	No utilities located in the front setback or on visually obtrusive parts of roofing.
A4.18.2 – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.	Outcome achieved.
A4.18.3 – Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.	All Hot water units, air-conditioning condenser units and clotheslines are screened from view from street.
A4.18.4 – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.	Laundries are located within individual units and are of an overall size and dimension that is appropriate to the size of the dwelling.

City of Nedlands
Received
21 December 2023

URBIS

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PERTH WA 6000

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Urbis Ltd
ABN 50 105 256 228

15 December 2023

Chief Executive Officer
City of Nedlands
71 Stirling Highway
Nedlands WA 6009

Attention Planning Services – Chantel Weerasekera, Senior Urban Planner (Statutory)

Dear Chantel,

AT LOT 2 (NO. 1A) THOMAS STREET, NEDLANDS – DEVELOPMENT APPLICATION FOR 29 APARTMENTS (MULTIPLE DWELLINGS)

On behalf of Capital Way Pty Ltd, RAD architecture and Urbis, we are pleased to submit this application for amendments to the existing development approval at Lot 2 (No. 1A) Thomas Street, Nedlands (the subject site).

The development application seeks approval for 29 apartments with 63 car parking bays, common areas and associated landscaping at the subject site. The development has been designed to cater to a range of households with a variety of apartment sizes with generous communal areas for residents and deep soil areas and planters to support landscaping and tree canopy suitable to maintain the leafy green landscape context of the locality.

This is a new Form 1 application, as whilst the proposal has the same design and form resulting from the response to the planning framework and context that informed the existing approval (MINJDAP/166), it now has an additional two storeys. The additional height is required due to changes in market conditions with the escalation in construction prices requiring scale to be more efficient to meet the site mobilisation methodology for builders. The increased in height is preferable to increasing the building footprint or value managing the design and quality of the apartment development to create a viable development outcome.

The purpose of lodging a new Form 1 over another amendment Form 2 is to avoid any potential classification as not being appropriate to consider as an amendment application and to allow for a revised approval period of four (4) years – however, the documentation of this application has relied upon the previous approval as a base for what the City deems acceptable. This letter has, therefore, been structured to focus on the differences between the proposed revisions and the previous approval.

This letter also provides a revised holistic assessment against State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (**R-Codes Vol. 2**) within an Appendix. However, it is noted that the majority of the building is unchanged, and the built form resolution has already been approved. In a small number of places there are new building components that have changed – and where revised elements objectives assessment and alternative solutions are discussed we have identified in red/italicised text throughout the assessment provided at Appendix 1. This letter also addresses the recently advertised Scheme Amendment No. 13 to the City's Local Planning Scheme No. 3.

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The development remains highly compliant with the prevailing local planning framework with limited discretion required in relation to the ground floor being adaptive residential over commercial and aspects of the development requiring assessment under the element objectives of the R-Codes.

PROPOSED AMENDMENTS

The proposed development encompasses the following amendments to the existing development application:

Table 1 - Proposed Amendments

Existing Proposed	New Proposed	Description
26 residential apartments with a plot ratio of 3.10	29 Apartments with an additional plot ratio of 3.81	▪ Amalgamation of two 1x1 residential apartments into one 3x2 residential apartment located at Level 3 (Apartment 302) ▪ Four additional residential apartments over two storeys, increasing the original proposed eight storeys to ten storeys. ▪ The relocation of the rooftop communal area from 8th level to 10th level
Variable floor heights between 3.08m to 3.18m, and overall roof height of 55.560m.	Variable floor heights between 3.23m to 3.60m, increased overall roof height to 62.600m.	▪ Variable floor heights and an increased roof height enables the development to accommodate coordinated structure and services requirements.

As outlined, the addition of two (2) storeys to the development has a risk of not being considered 'minor' in nature to specifically conform to the amendment criteria under *the Planning and Development (Development Assessment Panels) Regulations 2011*. To avoid such risk, and to preserve the original approval, a new application (Form 1) pathway has been selected. We wish to still draw attention to the existing approval as it has established the building footprint, prioritising deep soil area and setbacks for the building as well as the high quality of the design of high value for the context, which has driven the amendment configuration over pushing out to boundaries and rationalising the design quality/features to improve the project feasibility.

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PLANNING FRAMEWORK ASSESSMENT

State Planning Framework Summary

The table below outlines elements of the State planning framework considered relevant to the subject site.

Table 2 State Planning Framework Summary

Document and Summary	Assessment	Compliance
Perth and Peel @ 3.5m The Perth and Peel @ 3.5 Million plan guides the development of housing, infrastructure, and services for the anticipated population growth in the Metropolitan and Peel regions. The subject site is located in the Central Sub-Region and falls within the Urban Corridor precinct, near Stirling Highway and public transportation. The Central Sub-Regional framework aims to increase housing density, promote business activity and job opportunities, and encourage efficient utilisation of public transportation infrastructure.	The proposed development seeks to provide for additional housing within the Central Sub-Region, close to high-frequency public transport.	✓
Metropolitan Region Scheme The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS), which is the primary statutory planning document governing the Perth Metropolitan Region. The 'Urban' zone is intended to provide for a range of land use activities, including residential, commercial, recreational and light industrial development.	The proposal comprises high density residential development and is consistent with the purpose of the 'Urban' zone.	✓
State Planning Policy 5.4 – Road and Rail Noise State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4) aims to safeguard noise-sensitive developments from excessive transport noise.	The proposal is located within the 300m trigger distance associated with Stirling Highway under SPP5.4. An acoustic report has been prepared outlining several	✓

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Document and Summary	Assessment	Compliance
The policy sets specific trigger distances for strategic freight and major traffic routes, which are likely to produce significant noise emissions. Its objective is to minimise any adverse impact of road and rail noise on noise-sensitive land-use and development, ensuring that new residents are protected from unreasonable levels of transport noise.	recommendations to ensure that the proposal suitably addresses and mitigates potential impacts of noise emissions on future residents.	
State Planning Policy 7.0 – Design of the Built Environment The purpose of State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0) is to elevate the importance of 'good design' through the planning process. SPP 7.0 establishes ten key design principles to guide the design review and decision-making processes for built environment proposals across the state.	An evaluation of the proposed development against the ten design principles is included in the development application package.	✓
State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments State Planning Policy 7.3 - Residential Design Codes Volume 2 (R-Codes), 2, is a part of the 'Design WA' policies aimed at improving design quality in Western Australia, with a specific focus on apartment design. To obtain Development Approval under the R-Codes, applications must demonstrate compliance with the element objectives through acceptable outcomes, design guidance, or other appropriate measures. It is important to note that addressing the acceptable outcomes alone may not be sufficient, as the proposal will be assessed holistically to ensure the objectives are met. Alternative means or solutions may also satisfy the objectives	The proposed development has been evaluated based on the objectives and intent of the R-Codes, which is a performance-based policy. The design of the development has been guided by R-Codes Vol. 2 to ensure a high-quality design that suits its location and context.	✓

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City of Nedlands Local Planning Scheme No. 3

The City's Local Planning Scheme No.3 (**LPS 3**) provides the statutory controls for the development and use of land and buildings within the City. The subject site is zoned 'Mixed Use' with a density code of 'R-AC1' and is located within a band of similarly zoned properties extending the length of Stirling Highway within the City boundaries (from the City of Perth to the east and Town of Claremont to the west).

The City is currently advertising Amendment No. 13 to LPS3. This amendment seeks to impact development within the Mixed-use zone in which the subject site is located.

The amendments include:

- Delete the existing scheme clause that removes height as a consideration for R-AC 1 coded properties to defer to the Residential Design Codes (**R-Codes**) Volume 2 Acceptable Outcome for building height. (Note: Currently, Clause 26(3) of LPS3 removes Acceptable Outcome application for development on lots zoned R-AC1).
- Rezone some lots from Mixed Use to either Residential or Neighbourhood Centre
- Introduce vehicle access restrictions requiring the creation and use of rights-of-way for lots fronting Stirling Highway
- Introduce criteria for new significant developments to plant trees along Stirling Highway based on their street frontage.

The Scheme Amendment will improve the development's compliance in some aspects, such as changing the zoning of the lot to Residential, which will remove the requirement for a commercial ground floor interface with Thomas Street. In terms of the building height, the acceptable height provision being taken into consideration in the assessment is a minor change to the development assessment as the R-Codes Vol. 2 requires assessment first and foremost under the element objectives, which the design still adheres to with the additional two (2) storeys.

We also wish to reiterate that the Scheme Amendment is still in draft. While the height proposed will exceed the acceptable development control, its variance is not significant, like other recently approved developments and will not unduly affect the character and scale of the surrounding locality, as reflected in the element objectives assessment (provided in Appendix).

City of Nedlands Local Planning Policy No 3.1 – Waste Management

The City's Local Planning Policy – Waste Management (**Waste LPP**) requires that a Waste Management Plan (**WMP**) is provided with this development application with the details required to be listed within the WMP contained within the Waste LPP and Waste Management Guidelines (**WMG**). The WMG requires that internal service is required, given the number of required bins to service the development. The waste management, storage and collection arrangements are detailed within the updated WMP provided as an attachment to the Development Application report, which demonstrates compliance with the City's Waste LPP and WMG.

IMPLICATIONS FOR DEVELOPMENT

In addition to the detailed assessment, the proposed development aligns with principles of orderly and proper planning and reflects the built form outcomes envisioned in the City's planning framework. Notably, it adheres to the intended future character of the area, accommodating increased density along the Highway while respecting the long-established vision for the locality.

The design of the development effectively responds to the context and character of the locality. Demonstrating substantial adherence with the ten design principles of SPP 7.0, as detailed in the

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Development Application Report. Moreover, the proposal addresses a significant need by contributing a diverse range of high-quality apartments, fulfilling a current shortage in the area and aligning with LPS 3 objectives.

Additionally, the development aims to achieve the element objectives of the R-Codes Volume 2 and SPP 7.0. Positioned in proximity to established amenities, the proposal fulfils the immediate needs of residents while contributing to the streetscape, enhancing the overall amenity of the locality. The intentional frontage design is geared towards activating the street and improving the pedestrian experience along the emerging urban activity corridor. While discretion is sought on certain elements, the exceptional design ensures that this exercise aligns with market demands and present conditions, avoiding any undesirable development precedents.

We note the City of Nedlands officer recommendation for approval of the existing development application (approved by the Metro Inner North Joint Development Assessment Panel on 2 December 2022) and previous positive Design Review Panel feedback provided, which have outlined the suitability of the development in this location and design form and believe that the additional height proposed does not compromise the good development outcome proposed.

CONCLUSION

The proposal offers a substantial residential contribution to the locality with a diverse range of high-quality apartments of various sizes that are currently lacking in the area – consistent with the City's Local Planning Strategy and the objectives of the LPS 3 and presents compliance with the ten design principles of SPP 7.0. The proposed building has been designed in response to the site context and planning framework to achieve the element objectives of the Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments. The site is well located within proximity to existing established amenities that will be further supported with the inclusion of additional residents within the area.

Based on the above information and demonstrated compliance, we respectfully request the appropriate assessment of this application.

Please do not hesitate to contact either Kate Bainbridge on kbainbridge@urbis.com.au or the undersigned with any queries.

Yours sincerely,

Kate Bainbridge
Associate Director
kbainbridge@urbis.com.au
0439809029

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APPENDIX A

STATE PLANNING POLICY 7.3 RESIDENTIAL DESIGN CODES VOLUME 2 – ASSESSMENT

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THOMAS STREET

DEVELOPMENT APPLICATION REPORT

PREPARED BY:

REVISION C
15/12/2023

RAD architecture

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1A THOMAS STREET

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1A THOMAS STREET

PROJECT TEAM

ARCHITECTURAL REPORT ON BEHALF OF:

Capital Way
INTERIORS

ARCHITECTURAL REPORT BY:

RAD architecture

IN COLLABORATION WITH:

URBIS

Stantec

PLAN E

SHAWMAC

EMERGEN

talis consultants

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1A THOMAS STREET

EXECUTIVE SUMMARY

On behalf of Capital Way Pty Ltd, RAD architecture with element and an expert team of consultants have prepared the following report in support of a nine-storey multi-residential development located at 1A Thomas Street within the City of Nedlands.

The Development, designed by RAD architecture has been carefully designed to contribute to the City of Nedlands locality and will set a new benchmark for residential design in the area. The proposal will deliver 29 premium quality apartments with rooftop amenities and extensive landscaping to the building and street-scape offering an opportunity to enhance the existing 'leafy green' character of Thomas Street and greater community.

This significant site adjacent to Stirling Highway provides a unique opportunity to contribute to the urban fabric of the heritage rich precinct under the City of Nedlands Planning Scheme No 3. The proposal will deliver a greater diversity of living options for the Nedlands community and is strategically located near on the Stirling Highway transport corridor.

The development focusses on delivering a limited number of boutique apartments that replicate the lifestyle and expectations of those accustomed to living in this premier community. The proposal has been designed to accommodate modern needs of residents and to ensure the highest possible living standards for future occupants. Apartments and internal spaces are well-considered to provide optimal sunlight access, natural cross-ventilation, recreational space, privacy and to encourage social cohesion and community.

The following Development Application had been coordinated with the City's Design Review Panel to result in an outcome that has been well-guided and methodical to ensure that the development meets the City's vision for Thomas Street and the Stirling Highway Corridor.

Pursuant to the provisions of the City's Local Planning Scheme No. 3, the site is zoned R-AC1. The proposed development's use, built form and density have been carefully by the following items:

- Retention and enhancement of existing mature trees to the street-scape and adjacent to the site.
- Materiality and built-form draws from the local historic buildings and rich character of the Nedlands area.
- Increased setbacks from the public library and accompanying gardens to the west of the site.
- Incorporating native plant species into the landscape design.
- Creating open communal/lobby spaces that are orientated to the north and receive improved daylight access.
- Understanding the demographic who may occupy the development and providing appropriate amenities to accommodate the needs of future occupants.

The proposed development is consistent with the aims, objectives and intent of the City of Nedland Local Planning Framework. The design will provide well-considered proposal that will diversify housing opportunities within Thomas Street and strongly contribute to delivering the overall vision of the Stirling Highway Corridor.

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1A THOMAS STREET

PROJECT SUMMARY

CONTEXT & CHARACTER
Good design responds to and enhances the distinctive characteristics of a local area contributing to a sense of place.

The built form draws from both the leafy green streetscape & white picket fences of the Nedlands community and the established civic buildings found in the area

LANDSCAPE QUALITY
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Soft and permeable landscaping proposed throughout the site and structure. Basement extent has been designed to protect nearby existing trees on adjoining properties. 80 sqm of Deep soil area on the ground floor plane, 334sqm planting on structure and retention of existing mature trees.

BUILT FORM & SCALE
Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

Highly articulated and stepped built form, responsive to their surroundings and comply with setbacks, privacy and overshadowing.

FUNCTIONALITY & BUILD QUALITY
Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

100% natural ventilation to the whole project, and good daylight to all dwellings, with no south facing apartments.

SUSTAINABILITY
Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

Estimated average 7.5 star NatHERS rating to the proposal

AMENITY
Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

The proposal includes 226 sqm of internal communal amenity space and additional 162 sqm of communal open space and facilities

LEGIBILITY
Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

Building entry points are clearly identified through articulation of the ground floor. 63% active street frontage and visual permeability goes to generating an inviting and open relationship to the street.

SAFETY
Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

Clearly defined building entry points creates an active & safe environment and relationship to the streetscape. large open-ended corridors and lineal passageways improve levels of passive surveillance

COMMUNITY
Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.

The building has been design and orientated to reduce its bulk and scale to the existing Nedlands community, overshadwoing has been minimised by increased setbacks from the west and east boundaries.

AESTHETICS
Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

The considered design has been driven by a dual language of a strong earthy podium balanced by lighter and elegant forms above.

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1A THOMAS STREET

PROJECT SUMMARY

Project: 1A Thomas Street, Nedlands — **Date:** 16.11.2023

Project Number: 21.10 — **Revision:** FS02 REV D

LEVEL	RESIDENT BAYS STANDARD	RESIDENT TANDEM BAYS	VISITOR BAYS	TOTAL CAR BAYS	RESIDENTIAL PLOT RATIO	RESIDENTIAL STRATA AREA	1x1 BED	2x2 BED	3x2 BED	Penthouse	TOTAL
Basement 3	16	4		24							
Basement 2	14	4		22							
Basement 1	12		5	17							
Ground Floor					341 sqm	314 sqm		1	2		3
Level 1					564 sqm	519 sqm		3	2		5
Level 2					565 sqm	520 sqm		3	2		5
Level 3					399 sqm	367 sqm			3		3
Level 4					330 sqm	304 sqm		3			3
Level 5					333 sqm	306 sqm				2	2
Level 6					333 sqm	306 sqm				2	2
Level 7					333 sqm	306 sqm				2	2
Level 8					333 sqm	306 sqm				2	2
Level 9					333 sqm	306 sqm				2	2
Level 10 (Rooftop)											
TOTAL	42	8	5	63	3863 sqm	3554 sqm	0	10	9	10	29
TOTAL %							0%	34%	31%	34%	100%

SITE AREA	1014 sqm
PLOT RATIO AREA	3863 sqm
PLOT RATIO	3.81

PARKING ALLOCATION TABLE

APARTMENT TYPE	VISITOR	1x1 BED	2x2 BED	3x2 BED	Penthouse	TOTAL BAYS
1 standard bay	5					5
1 tandem bay (2 bays total)			8			16
2 standard bays			2	9	10	42
3 standard bays						0
1 tandem bay & 1 standard bay (3 bays total)						
	5	0	10	9	10	63

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1 PRINCIPLE
CONTEXT & CHARACTER

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1 CONTEXT & CHARACTER
LOCATION PLAN

AERIAL IMAGE OF NEDLANDS SUBURB

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ZONING MAP OF STIRLING HWY - THOMAS RD

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AERIAL IMAGE OF STIRLING HWY - THOMAS RD

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1 CONTEXT & CHARACTER
EXISTING NEDLANDS CHARACTER

COUNCIL CHAMBERS

THOMAS STREET

CAPTAIN STIRLING HOTEL

THE MASIONETTES - STIRLING HWY

ROSE GARDENS

ELLE BOTIQUE

THOMAS STREET

WINTHROP HALL - UWA

FORREST HALL - UWA

NEDLANDS PUBLIC LIBRARY

THOMAS STREET

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135 BROADWAY ST, NEDLANDS

17-19 LOUISE ST, NEDLANDS

79-81 BROADWAY ST, NEDLANDS

77-89 BROADWAY ST, NEDLANDS

137-139 BROADWAY ST, NEDLANDS

5 HILLWAY, NEDLANDS

97 - 100 STIRLING HWY, NEDLANDS

95A WARRATAH AVE, DALKIETH

93-95 BROADWAY ST, NEDLANDS

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2 PRINCIPLE
LANDSCAPE QUALITY

APPENDIX 1: LANDSCAPE ARCHITECTS REPORT

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3 PRINCIPLE
BUILT FORM & SCALE

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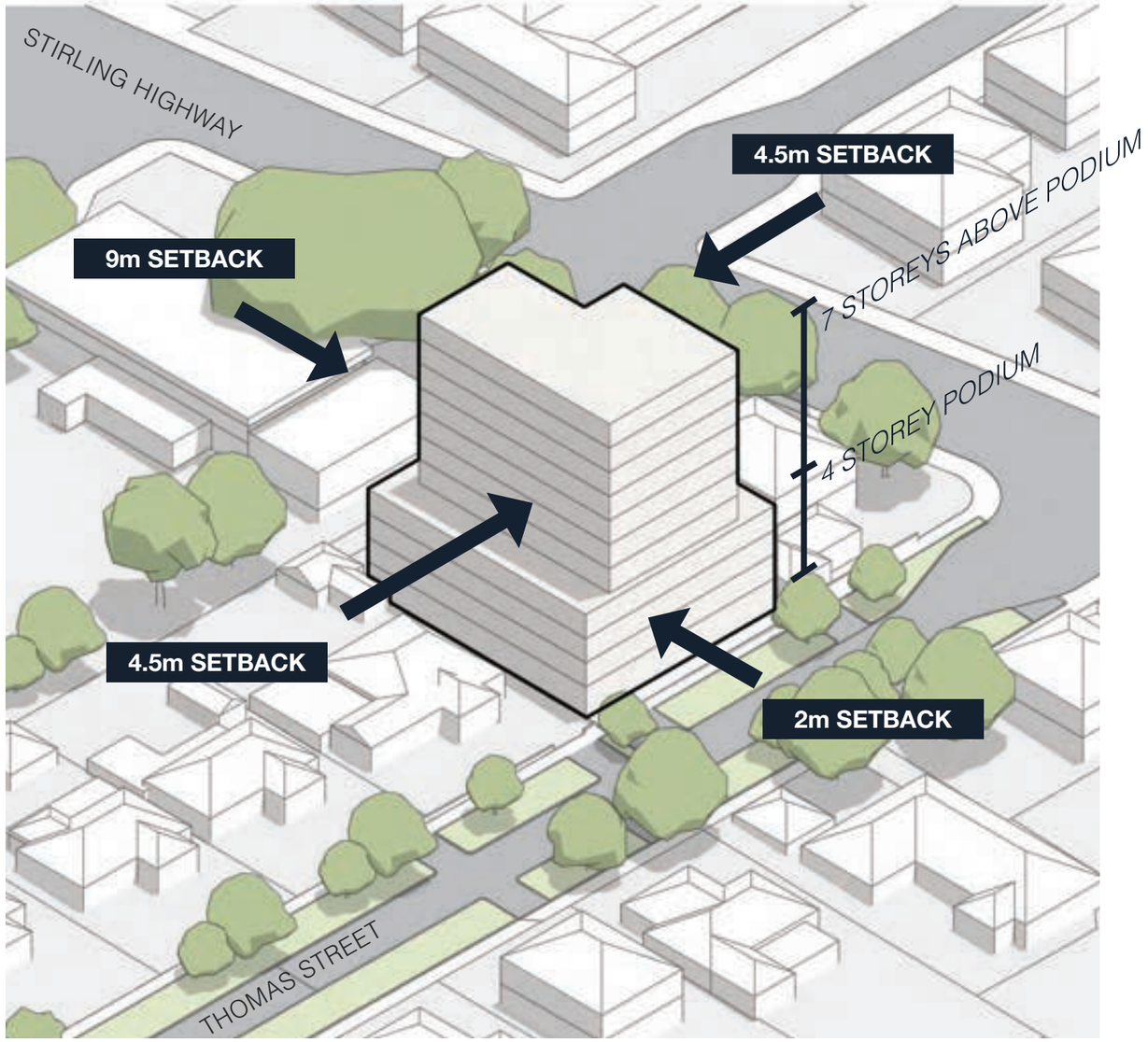
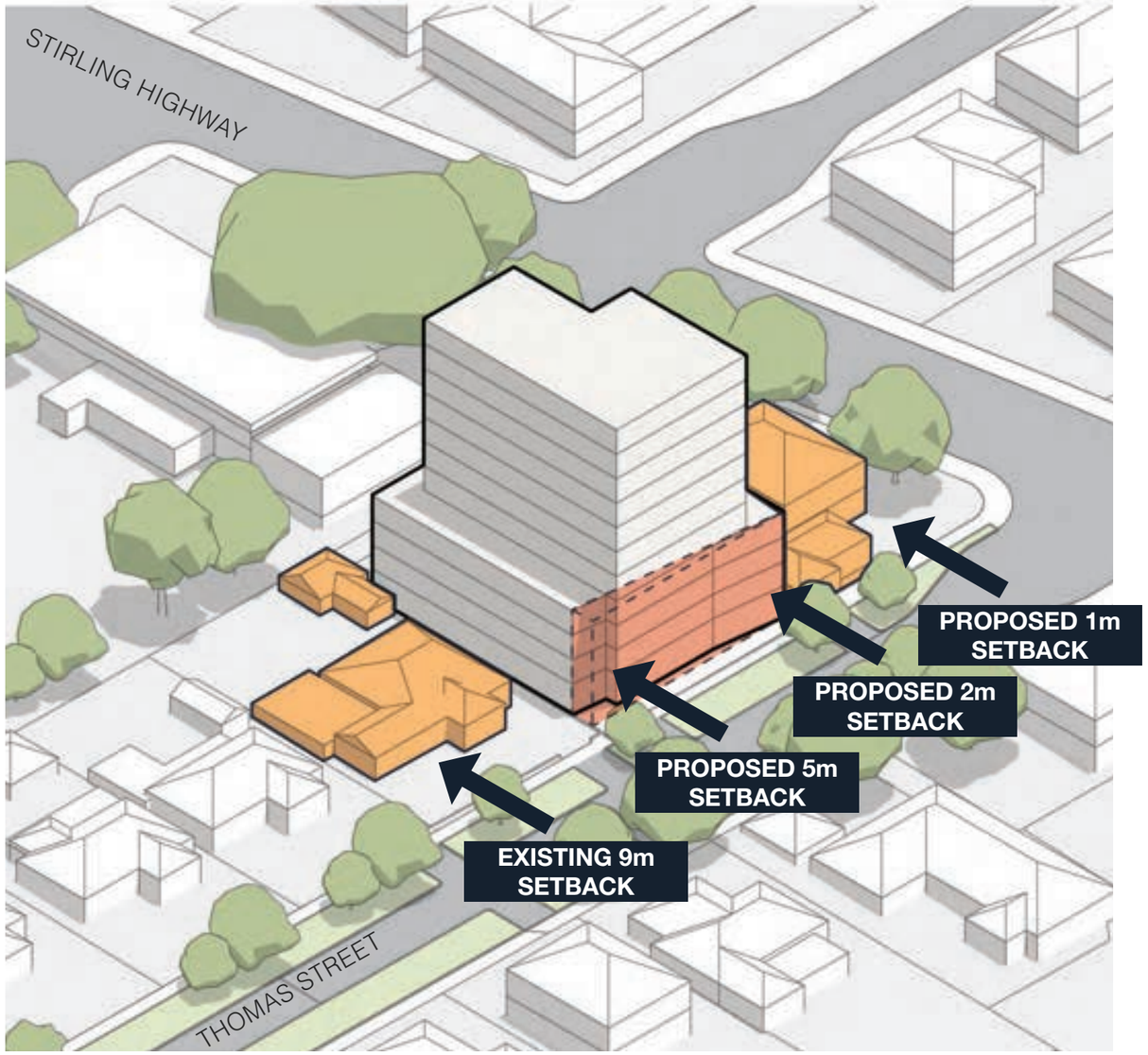


STANDARD BUILDING ENVELOPE



INCREASED PODIUM STREET - SETBACK TO INTEGRATE WITH EXISTING STREET CONDITION

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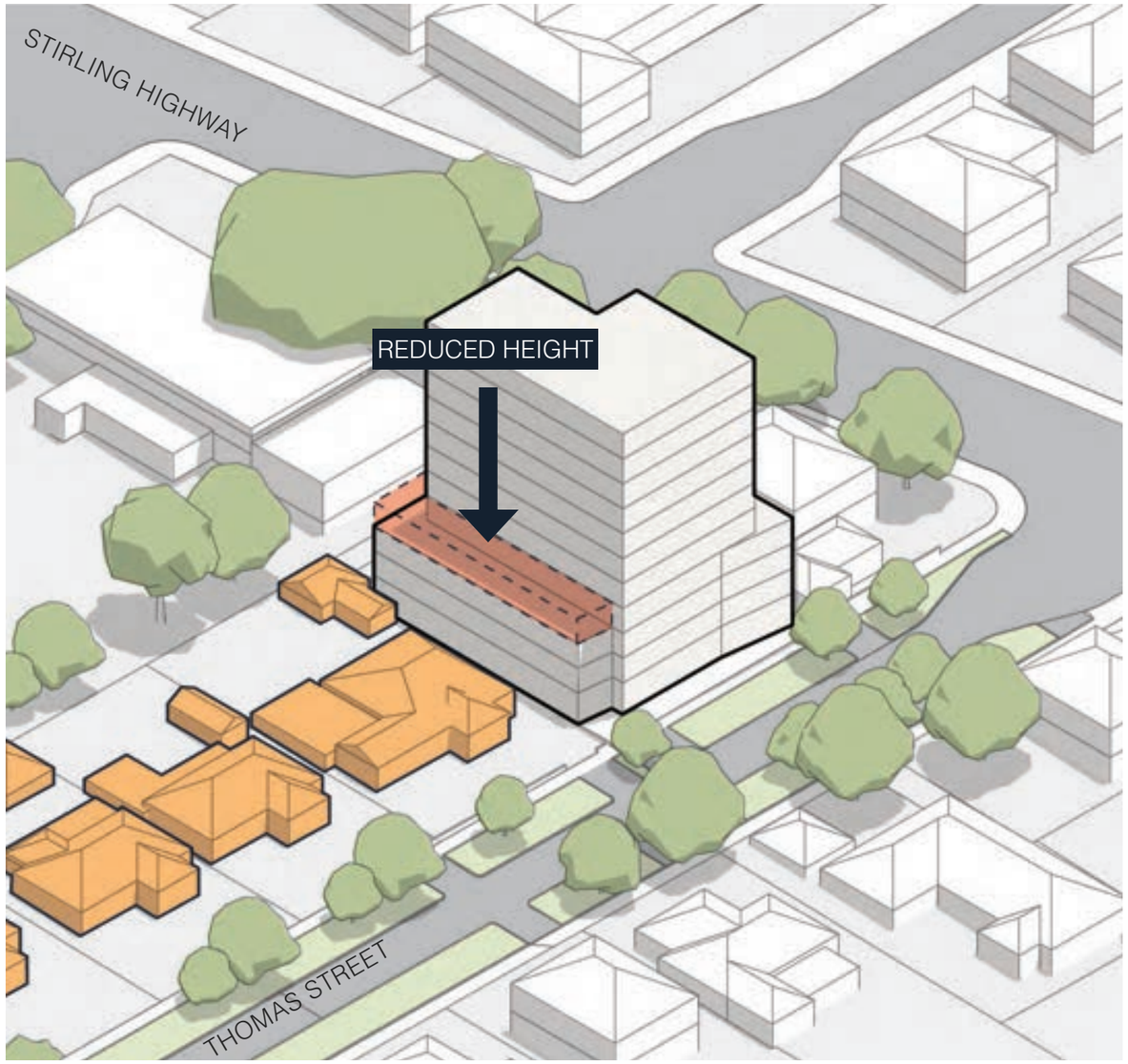
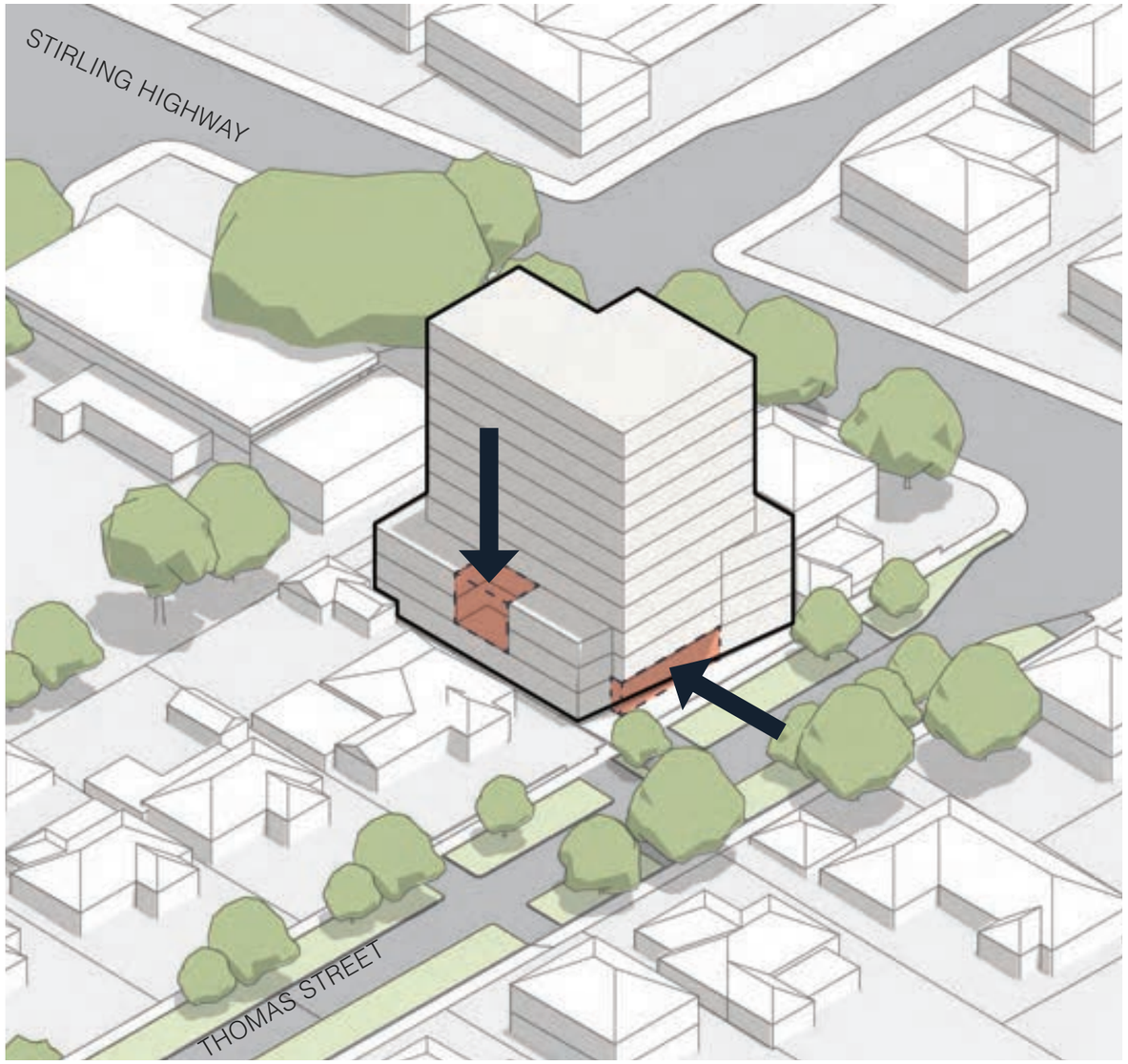


A LOWER PODIUM HEIGHT IS INTRODUCED TO THE SOUTHERN NEIGHBOR R-AC1 ZONE



GROUND FLOOR PODIUM MASS REMOVED AND PODIUM MASSING ON THE SOUTHERN BOUNDARY IS IS REDUCED

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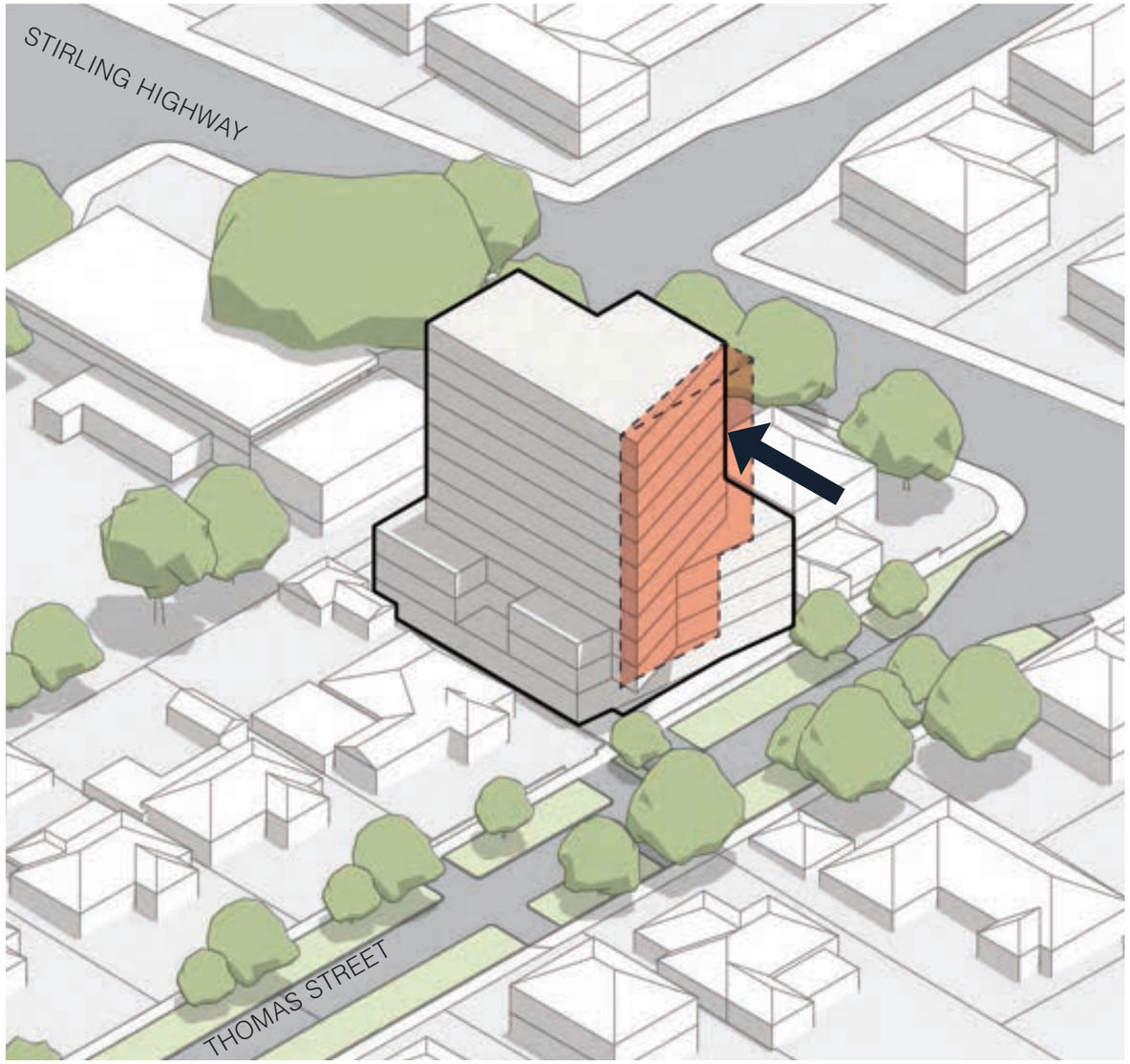
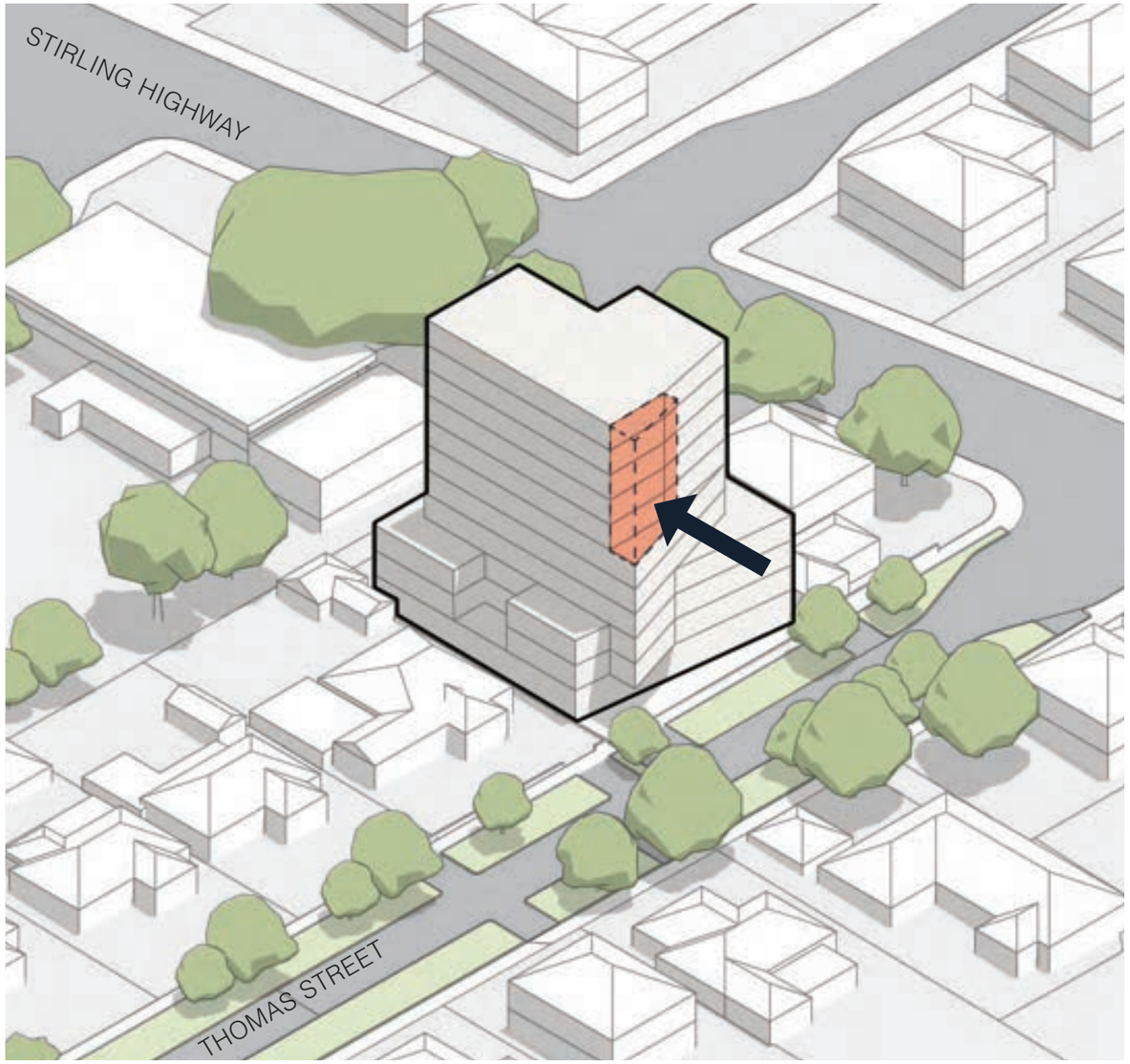


TOWER IS SETBACK TO ORIENTATE NORTH EAST, IMPROVING SOLAR ACCESS AND VIEWS TO THE CITY



FURTHER SETBACK TO UPPER FLOORS TO REDUCE THE PERCEIVED BULK FROM STREET AND INCREASE NEIGHBOURING SOLAR ACCESS

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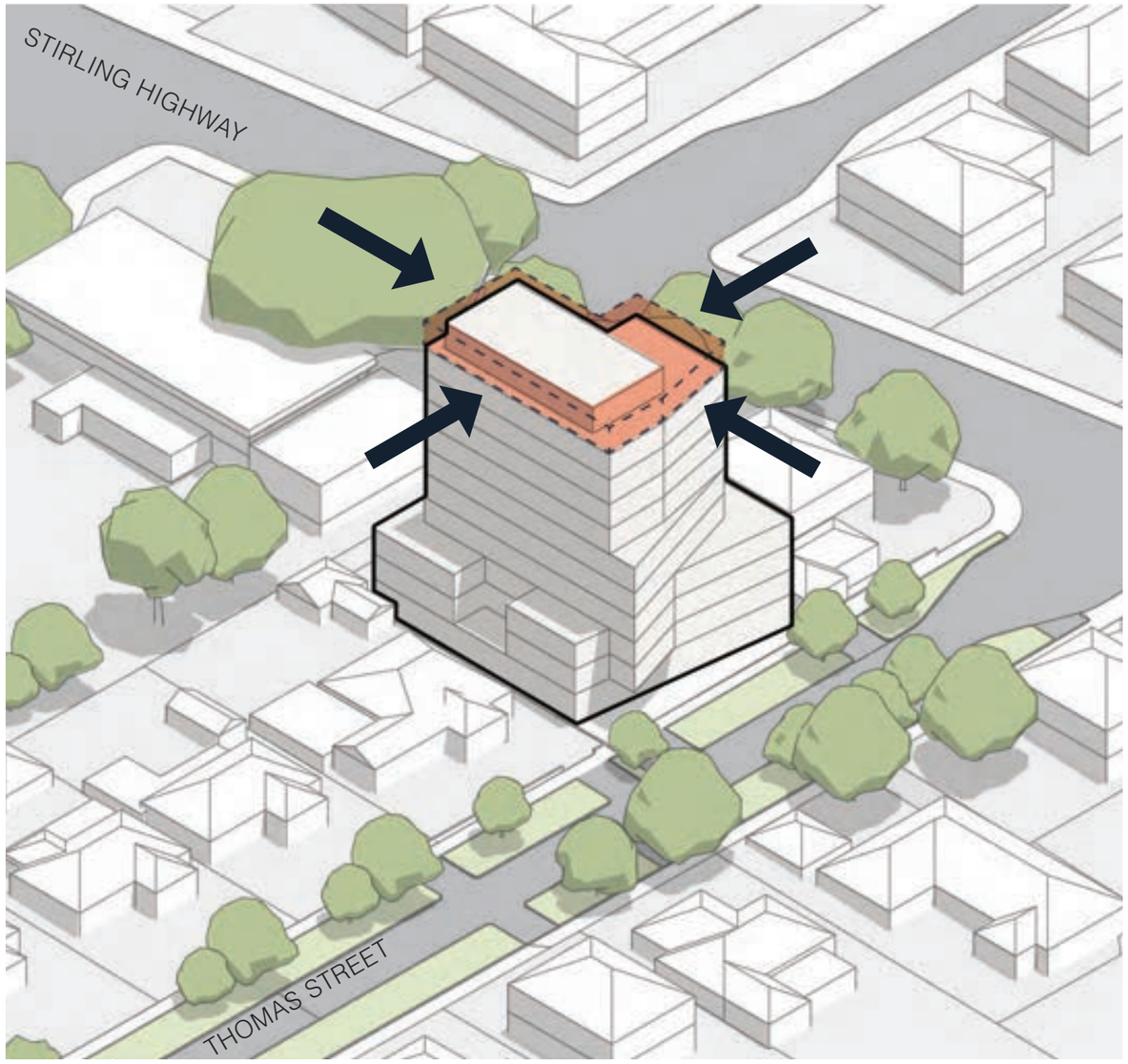
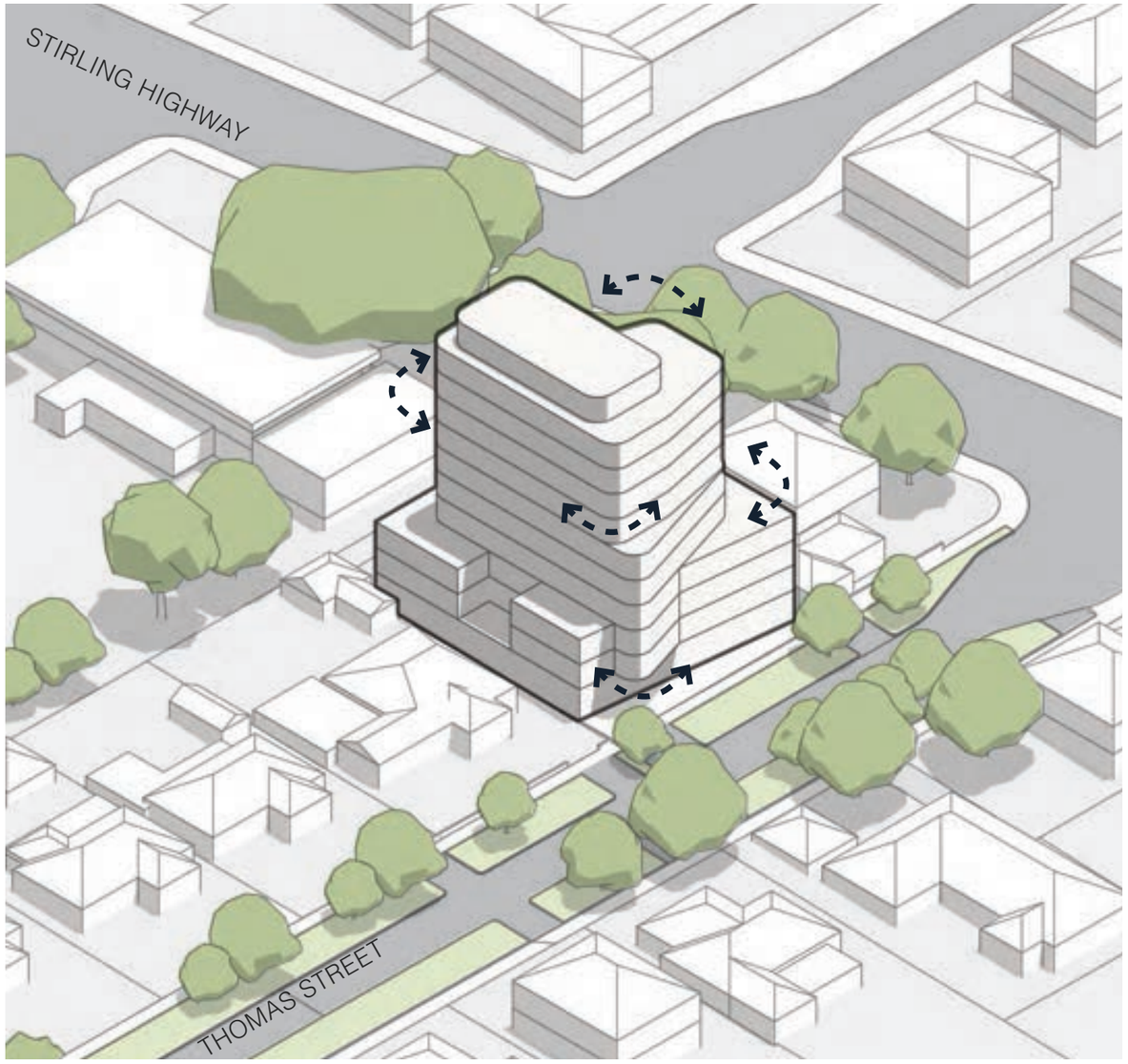


TOP FLOOR SETBACK ON ALL SIDES, BUILDING READS AS EIGHT STORIES FROM THE STREET.



CURVED EDGES TO SOFTEN BUILT FORM

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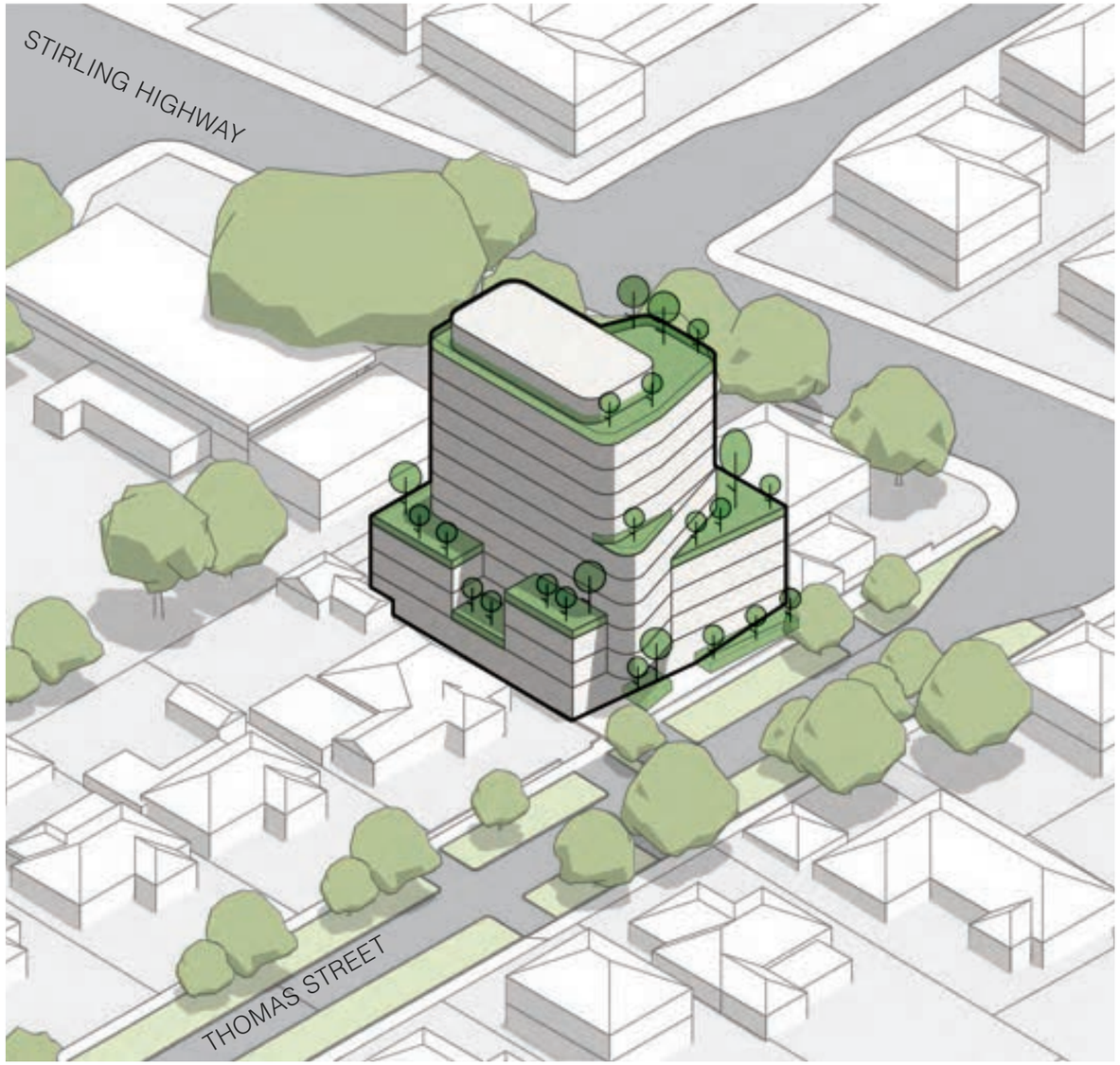

SIGNIFICANT PLANTING ON STRUCTURE TO SOFTEN BUILT FORM & CREATE VERTICAL STREET-SCAPE UP THE BUILDING

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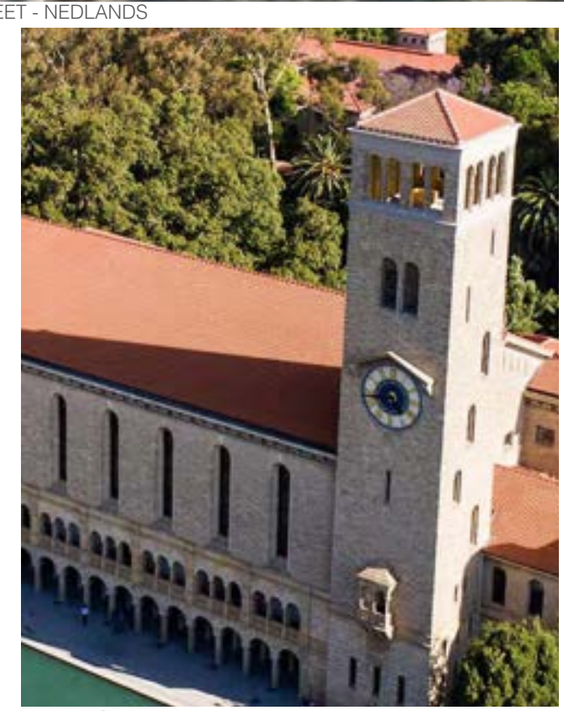
3 BUILT FORM & SCALE
LOCAL NEDLANDS AESTHETIC

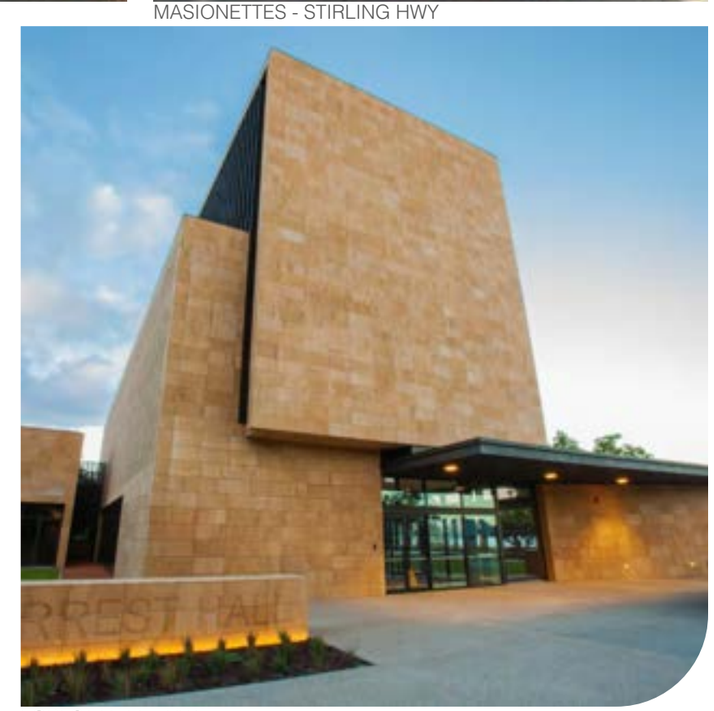
THOMAS STREET - NEDLANDS

THOMAS STREET - NEDLANDS

MASIONETTES - STIRLING HWY

THOMAS STREET - NEDLANDS


WINTHROP HALL - UWA


FOREST HALL - UWA

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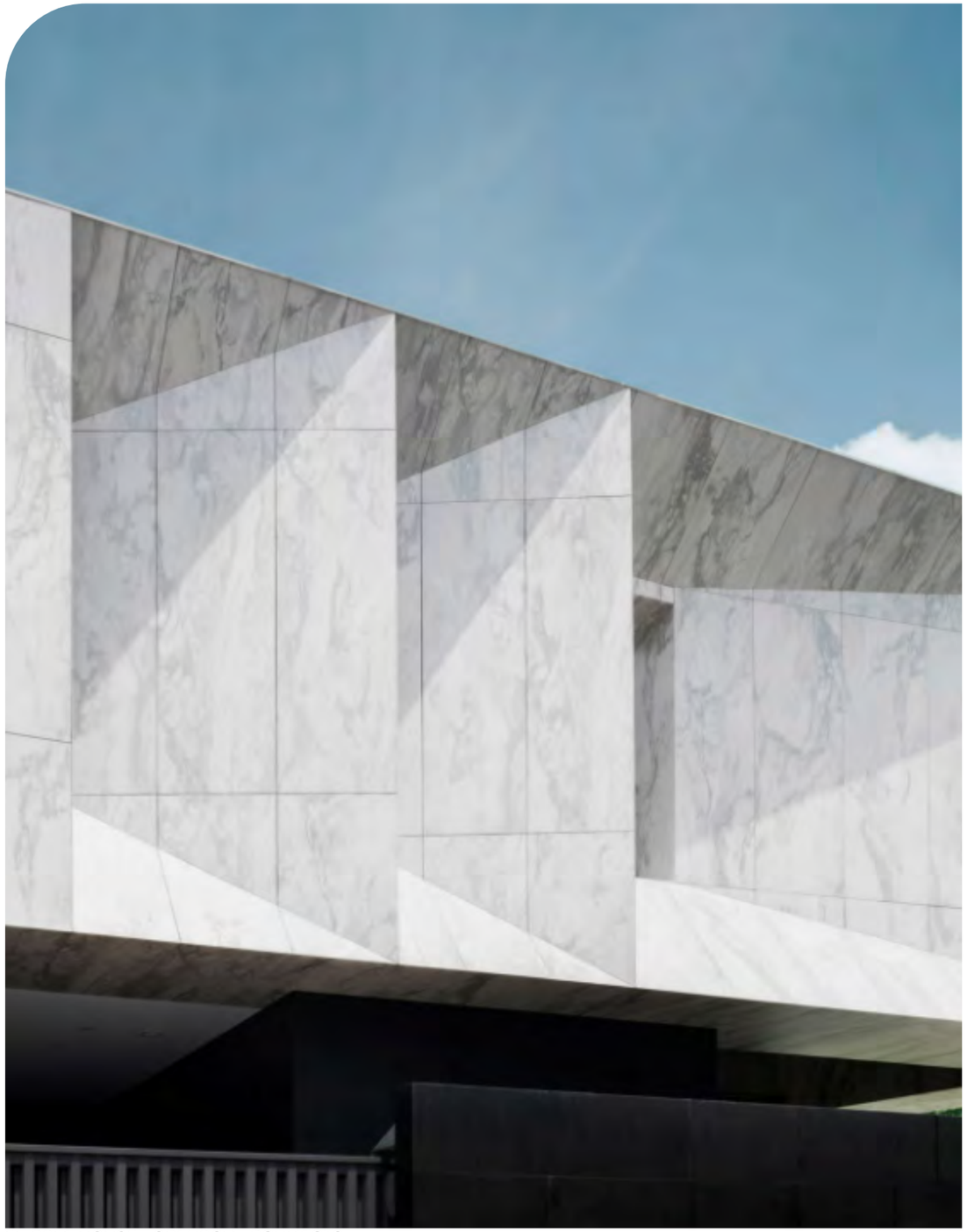
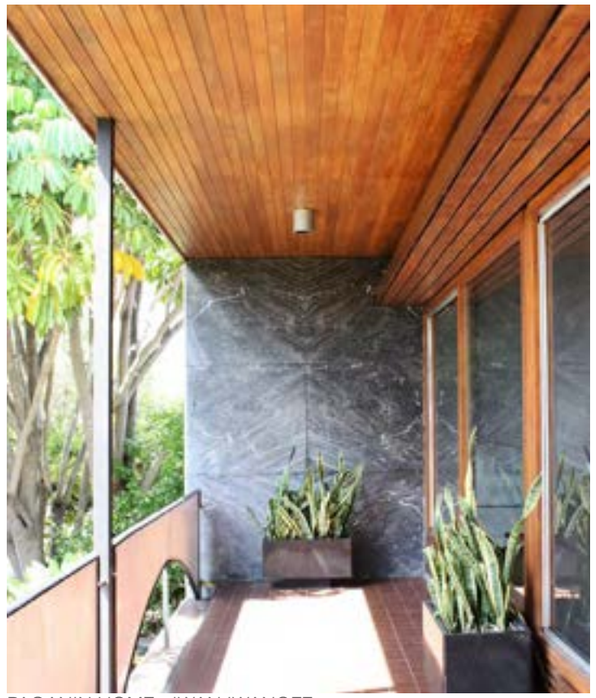
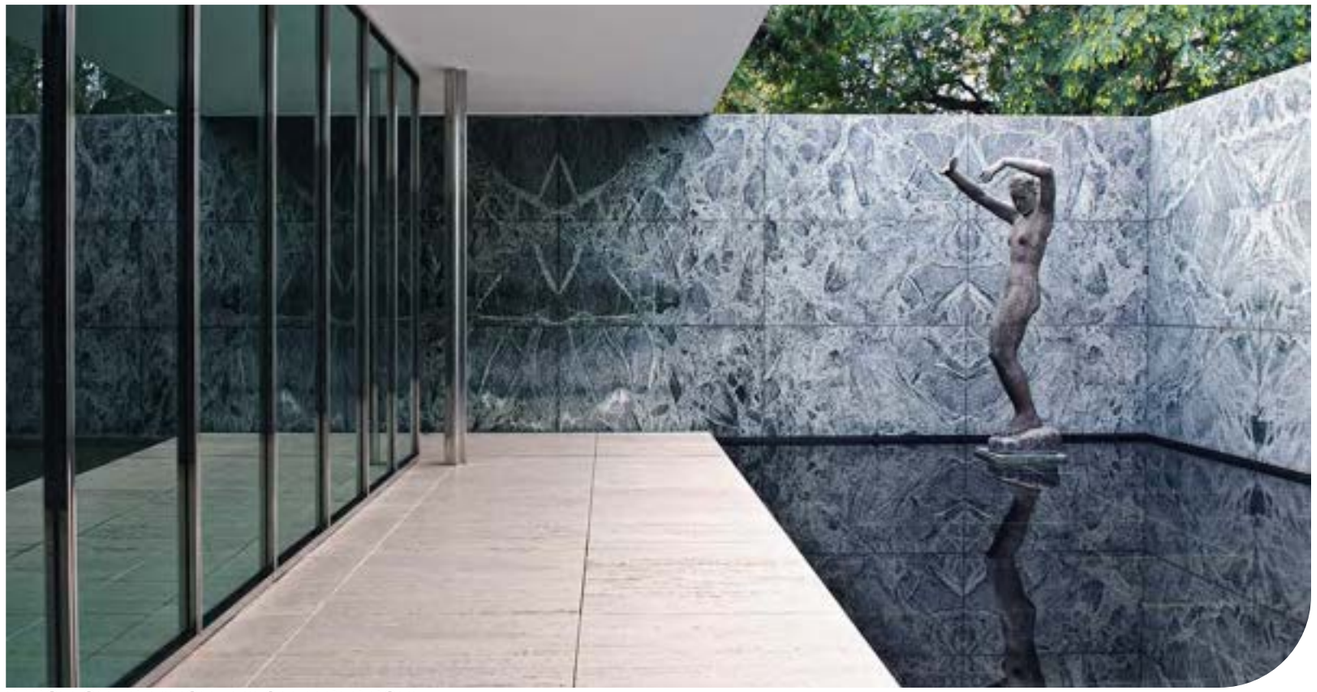
3 BUILT FORM & SCALE
LOOK & FEEL: PODIUM


MARBLE HOUSE - OPENBOX ARCHITECTS

GUCCI STORE - CALIFORNIA


PAGANIN HOME - IWAN IWANOFF


BARCELONA PAVILION - MIES VAN DER ROHE

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PIPI - SMART DESIGN STUDIO

COLORMIXSTORE - BASICHES ARQUITETOS

GREENACRES - AUSTIN MAYNARD

PIPI - SMART DESIGN STUDIO

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3 BUILT FORM & SCALE
CONCEPT IMAGERY

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THE PROPOSAL DRAWS FROM THE LEAFY GREEN STREETSCAPE & WHITE PICKET FENCES OF THE NEDLANDS COMMUNITY

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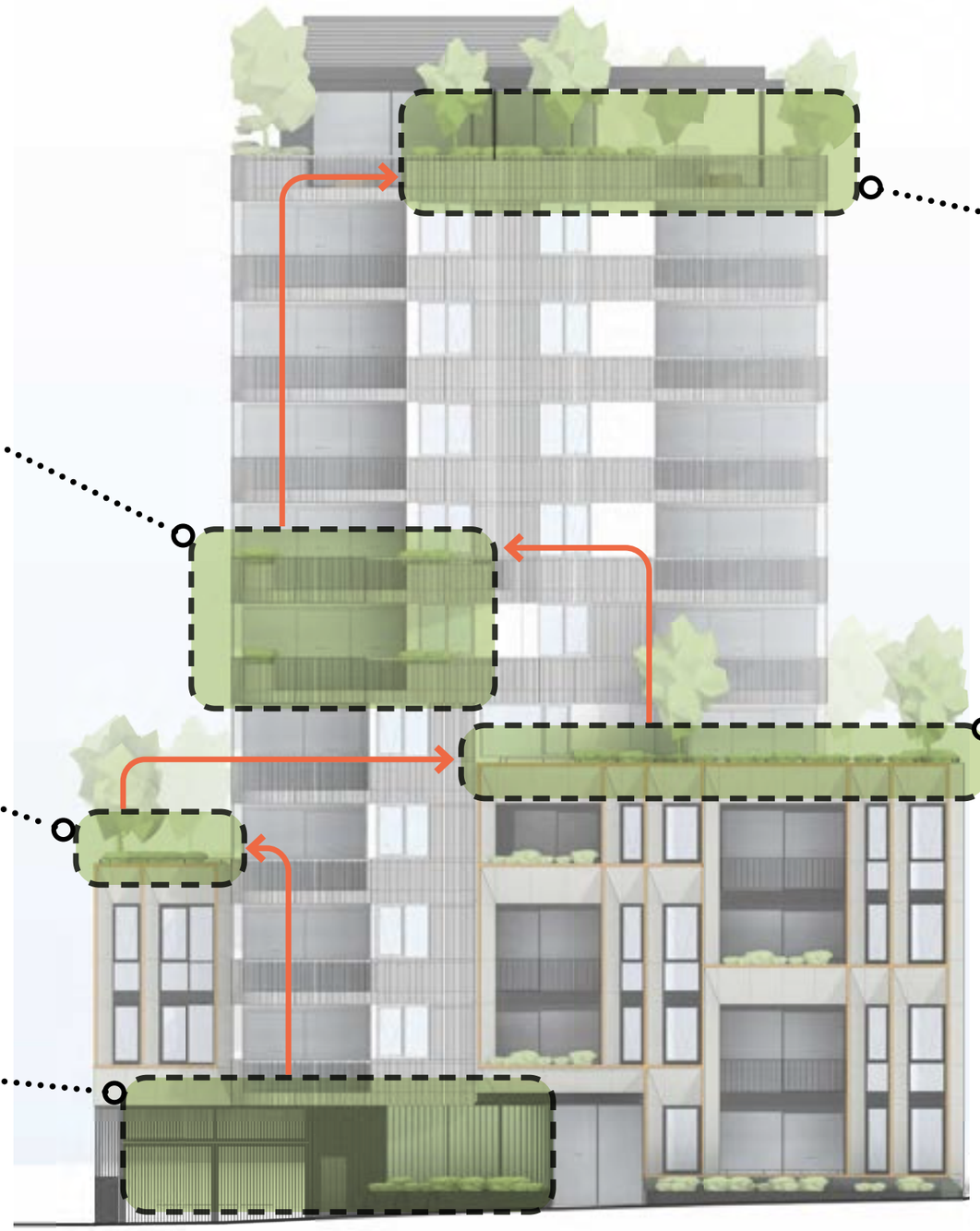

RE-DISTIBUTING THE NUMEROUS LEAFY
FRONT YARDS VERTICALLY UP THE BUILDING

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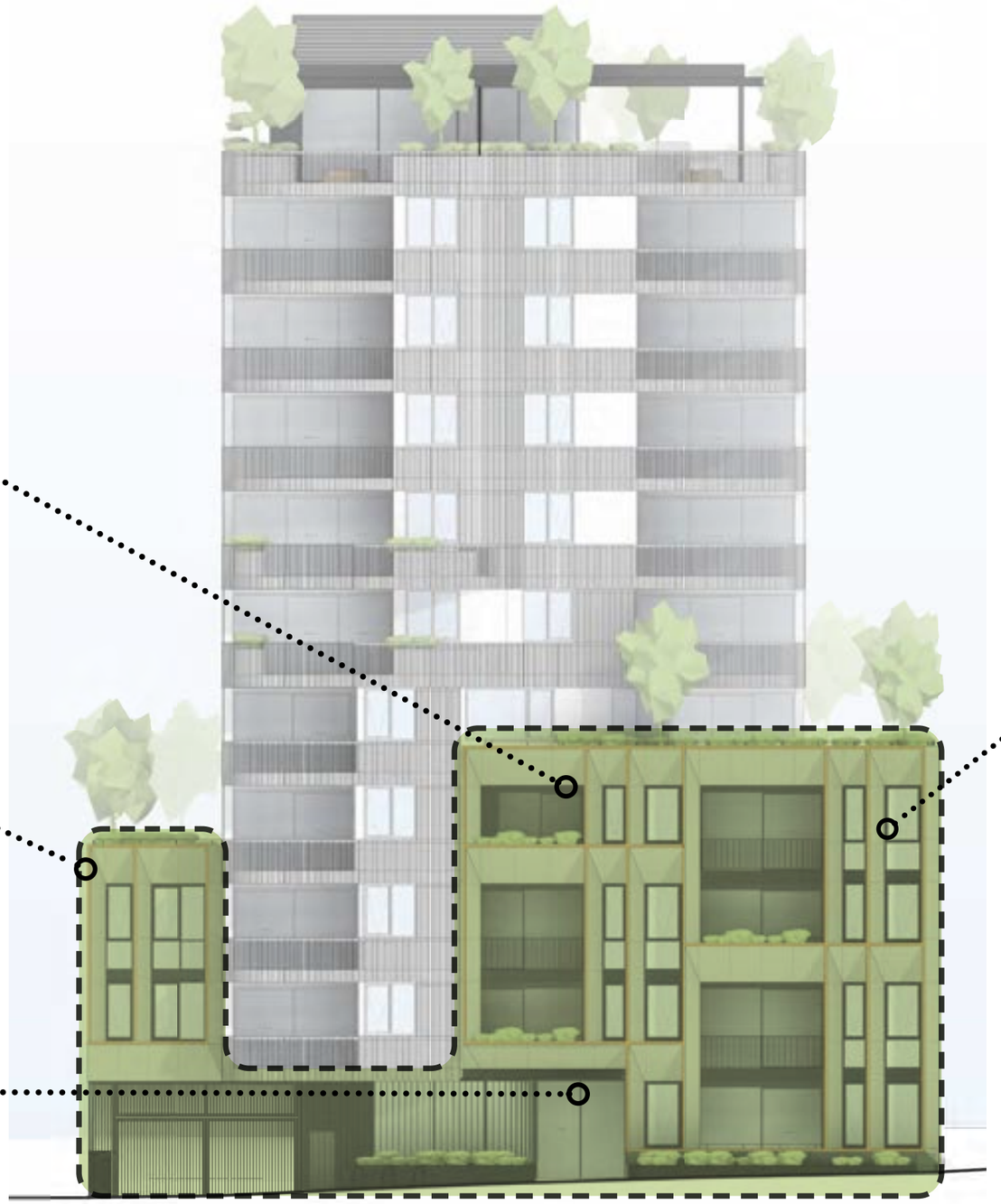
CONCEPT NARRATIVE: CIVIC INFLUENCE



THE PODIUM IS INFLUENCED BY THE SIGNIFICANT CIVIC BUILDINGS FOUND IN NEDLANDS AND FEATURES LUXE MARBLE FACADES SYNONYMOUS WITH BOUTIQUE & HIGH-END FASHION

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4 PRINCIPLE
FUNCTIONALITY & BUILD QUALITY

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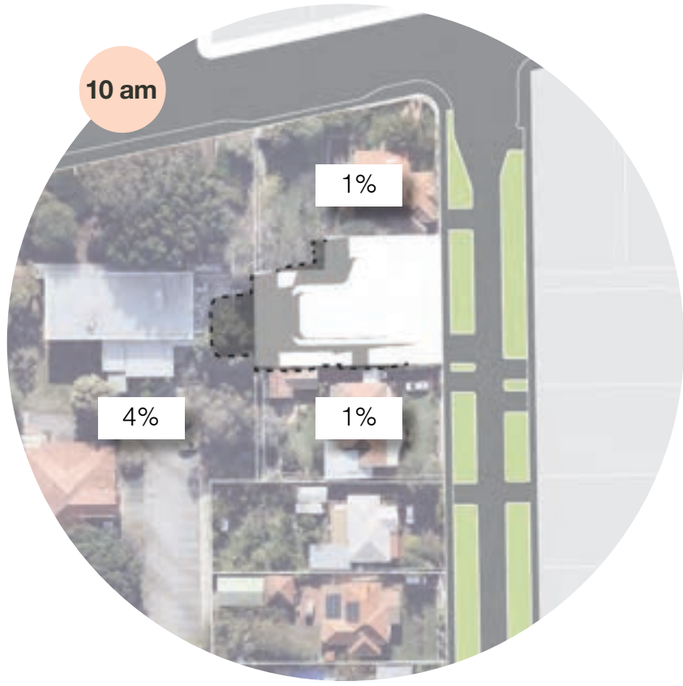
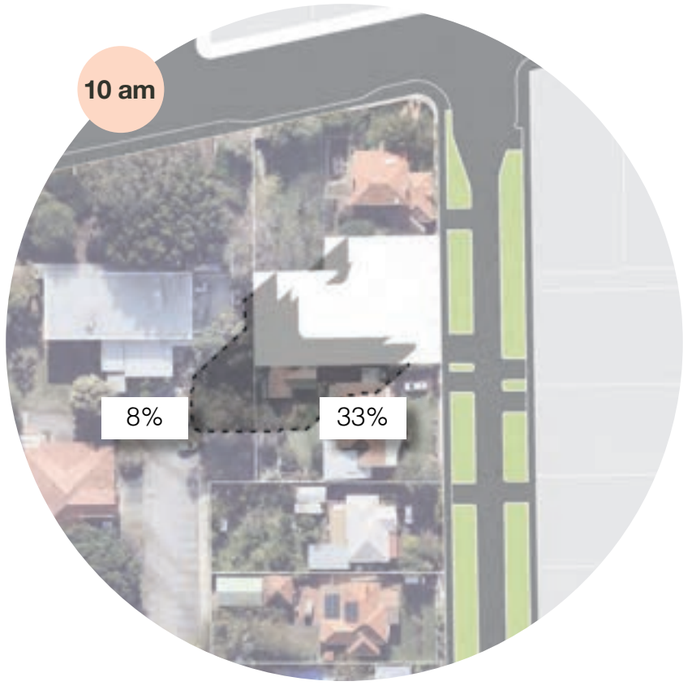
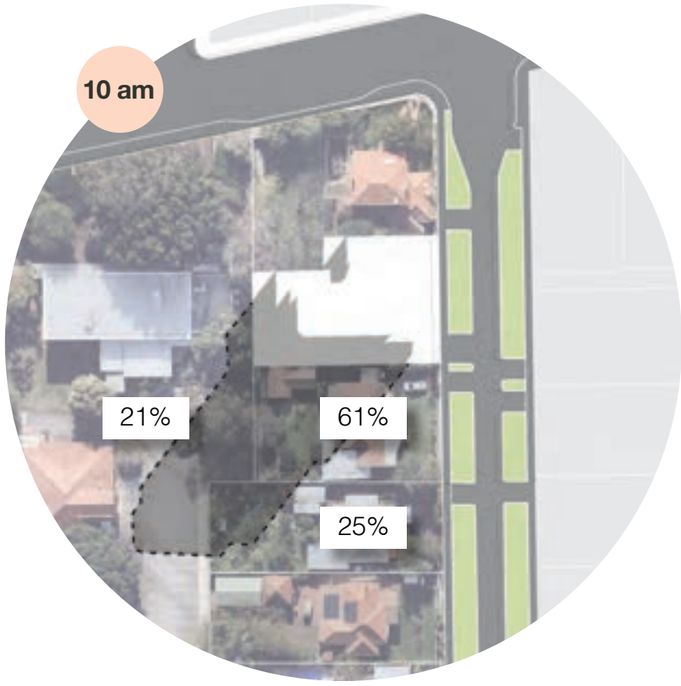


SUMMER SOLSTICE: December 21st



SPRING/AUTUMN EQUINOX: September 23rd / March 10th



WINTER SOLSTICE: June 21st

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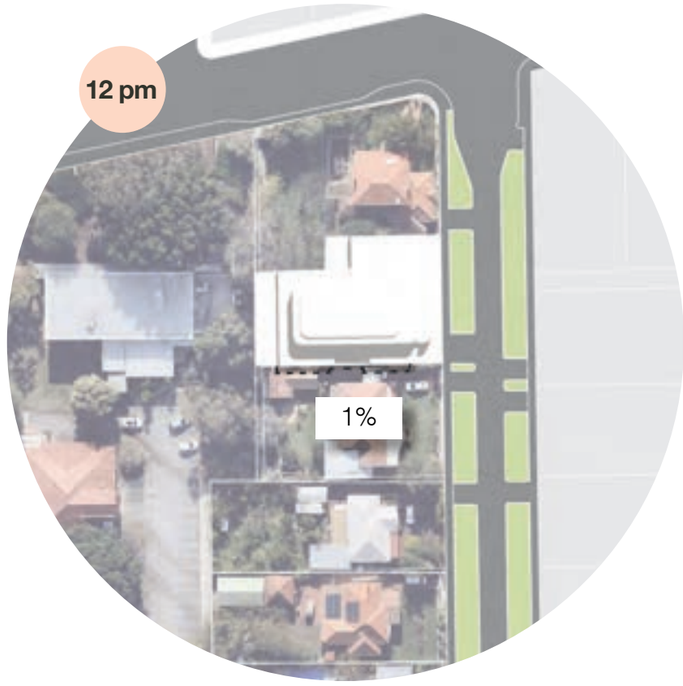
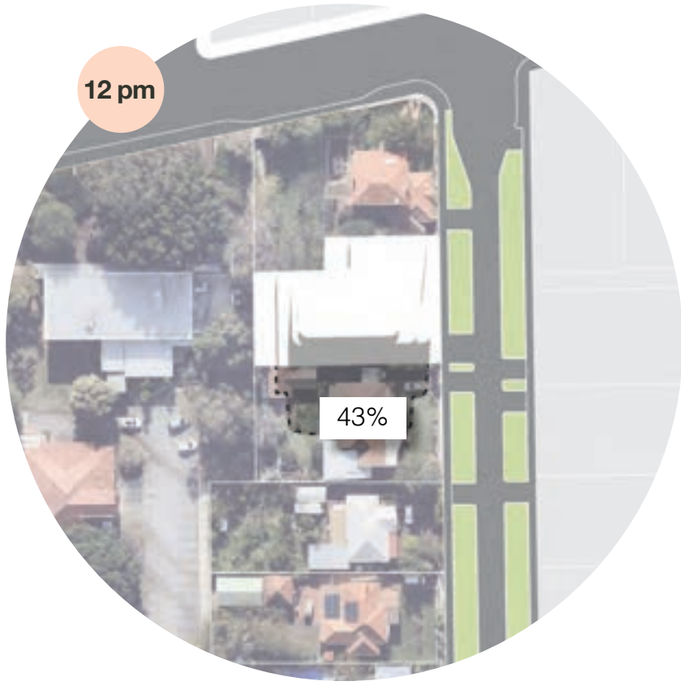
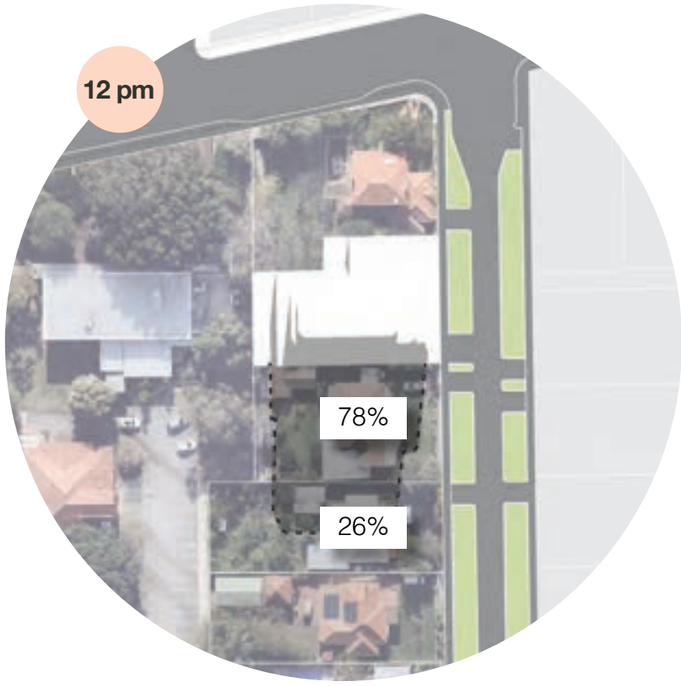


SUMMER SOLSTICE: December 21st



SPRING/AUTUMN EQUINOX: September 23rd / March 10th



WINTER SOLSTICE: June 21st

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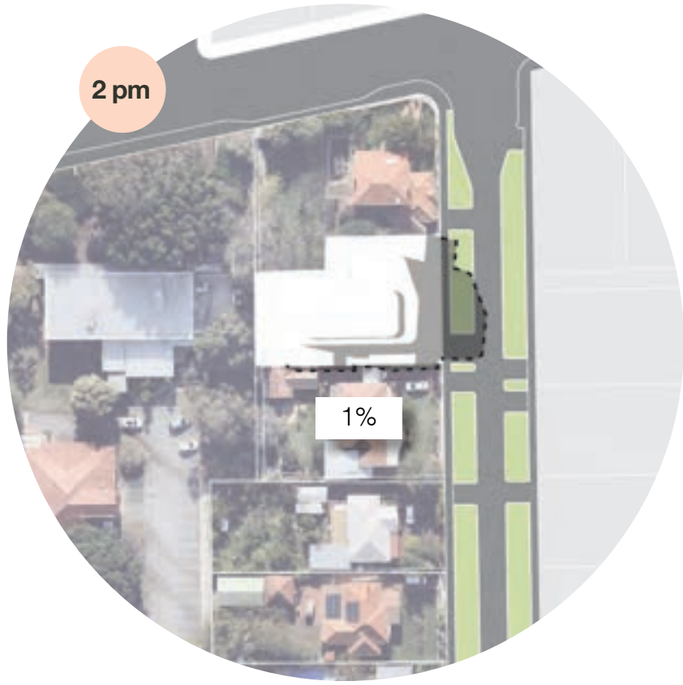
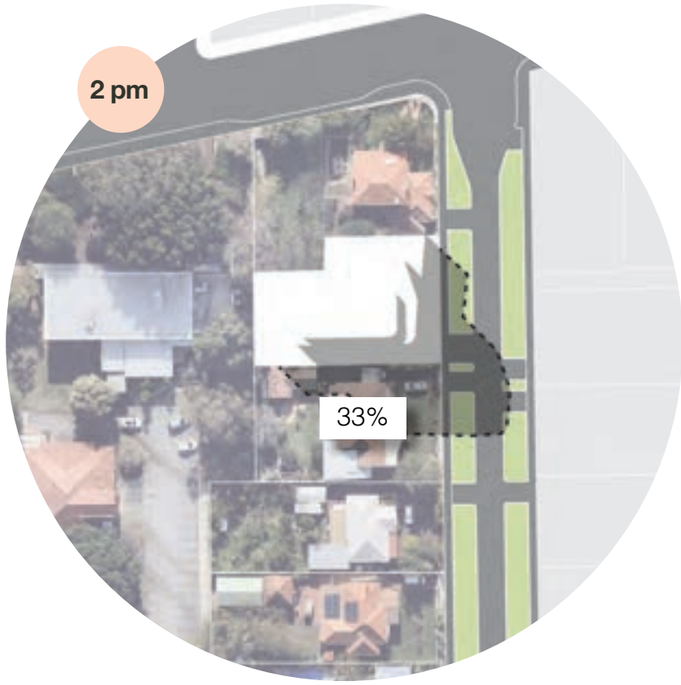


SUMMER SOLSTICE: December 21st



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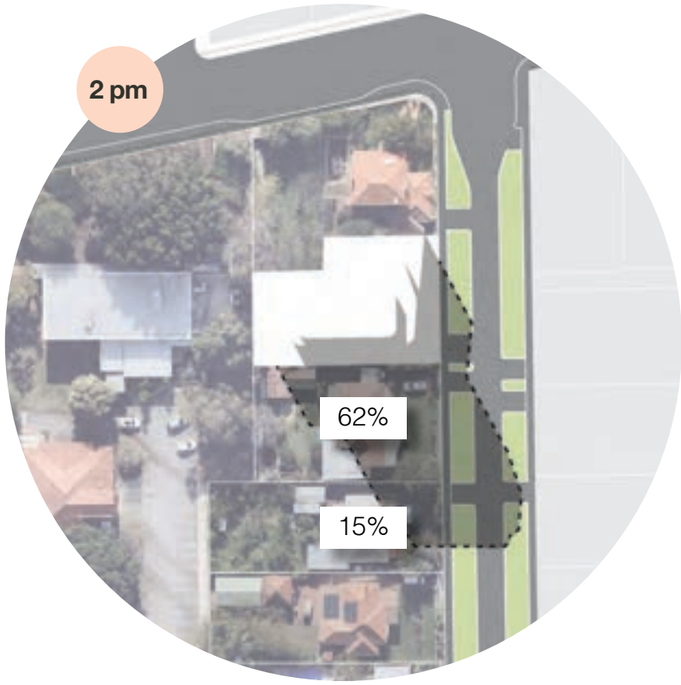

WINTER SOLSTICE: June 21st

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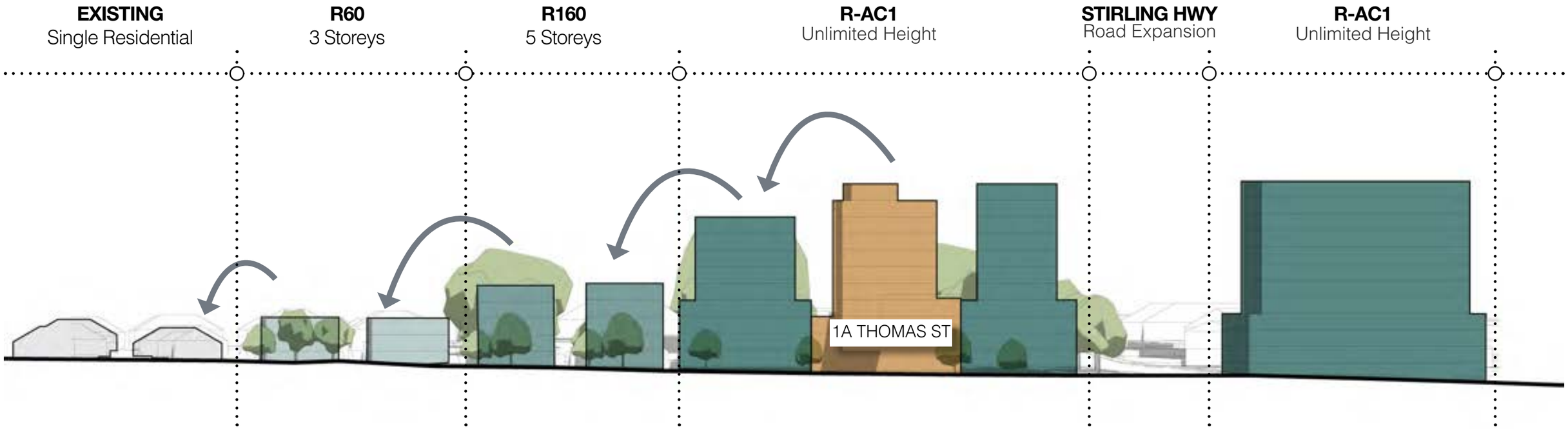
4 FUNCTIONALITY & BUILD QUALITY
HEIGHT TRANSITION



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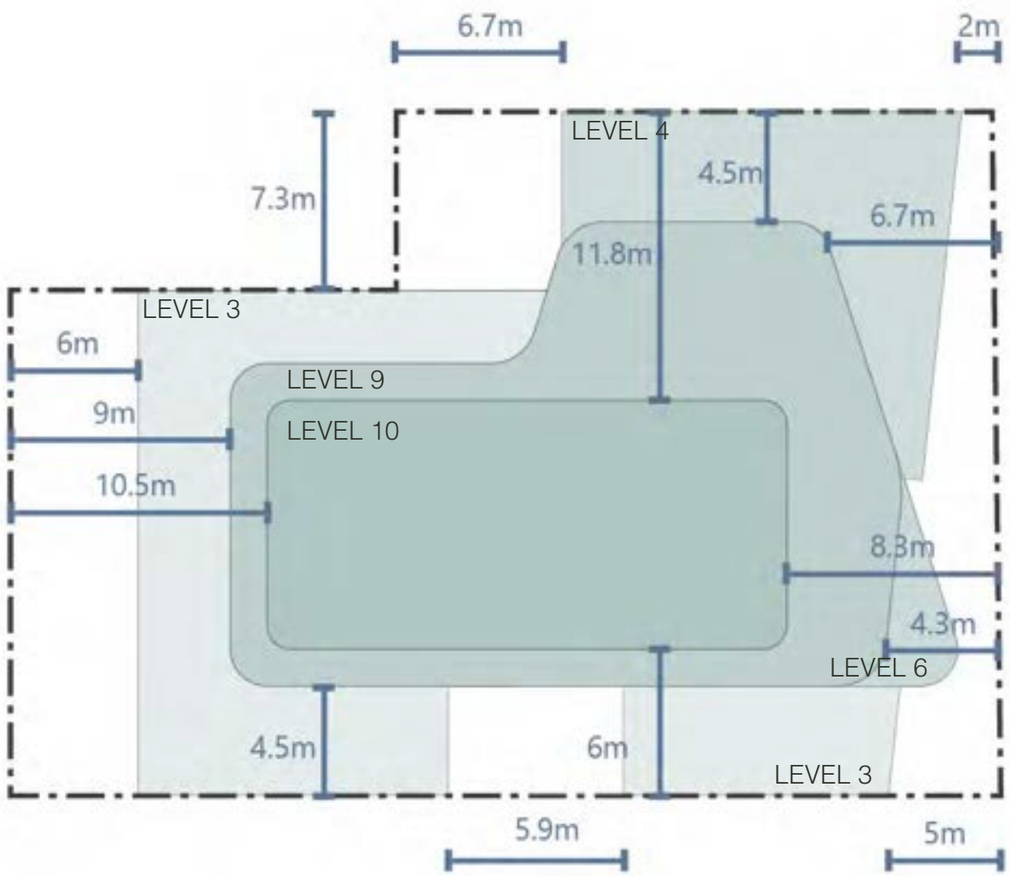

THE PROPOSED BUILT MASSING IS RESPONSIVE AND RESPECTFUL OF ITS CURRENT CONTEXT WHILE ALSO SETTING A BENCHMARK FOR FUTURE DEVELOPMENT WITHIN THE PRECINCT.

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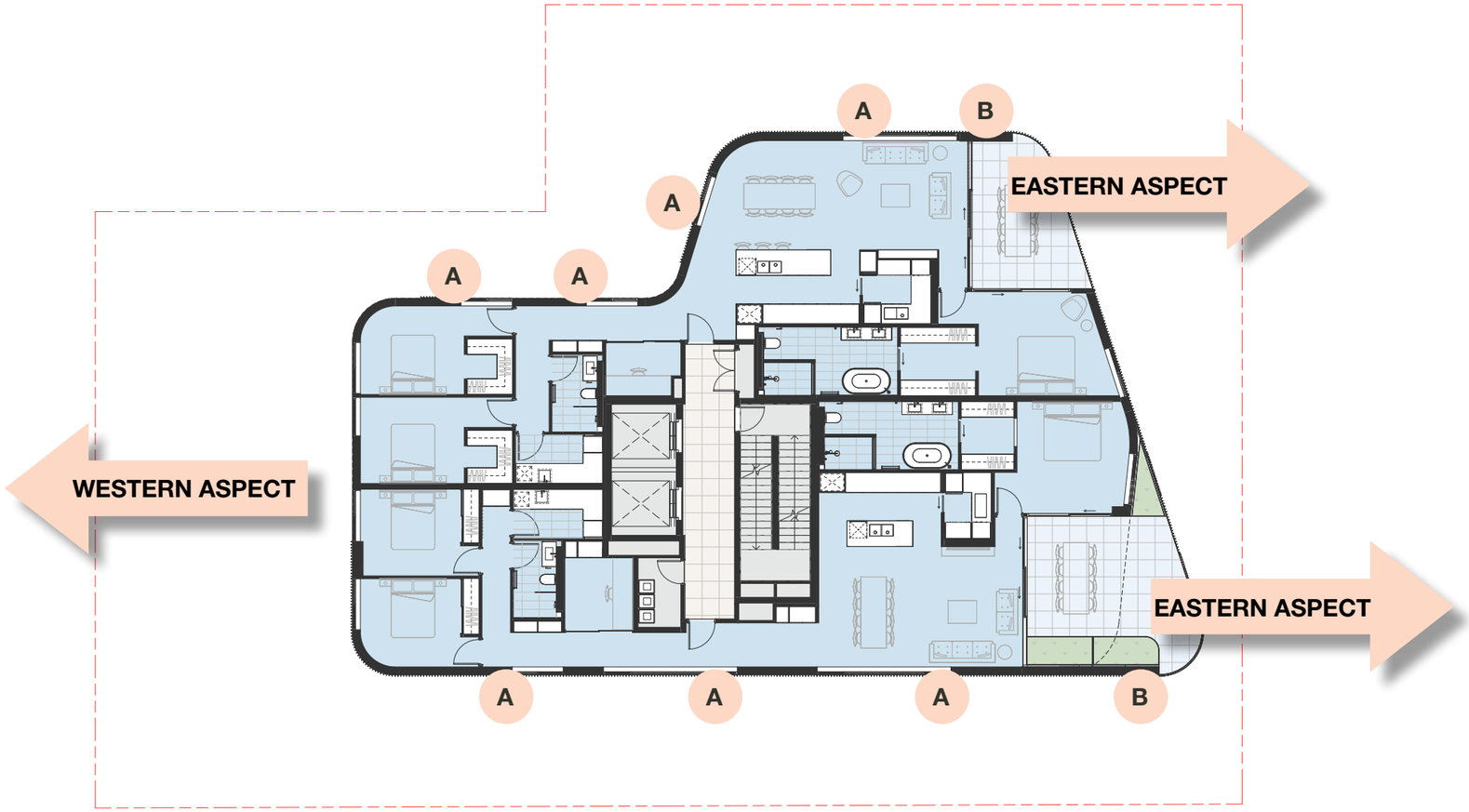
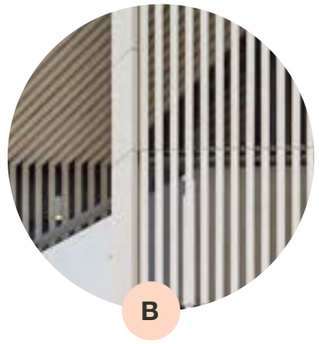
4 FUNCTIONALITY & BUILD QUALITY
PRIVACY & VIEWS



Fluted glass is proposed to obscure selected openings while maximising natural light into apartments.



Balcony openings to be screened as required to avoid privacy and overlooking concerns.

THE LIVING SPACES AND BEDROOMS HAVE BEEN ORIENTATED & SCREENED SO THAT THEY DO NOT OVERLOOK NEIGHBOURING RESIDENCES AS PER DESIGN WA 7.3

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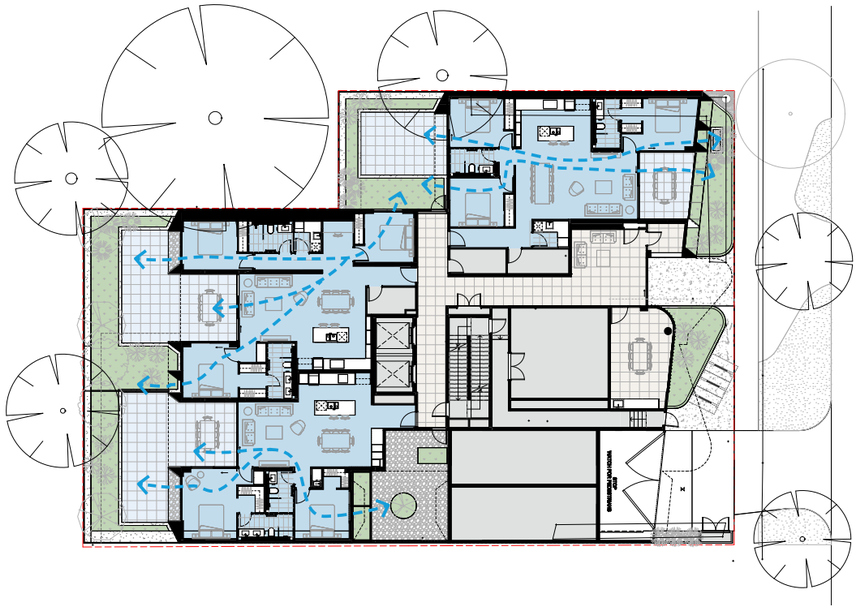
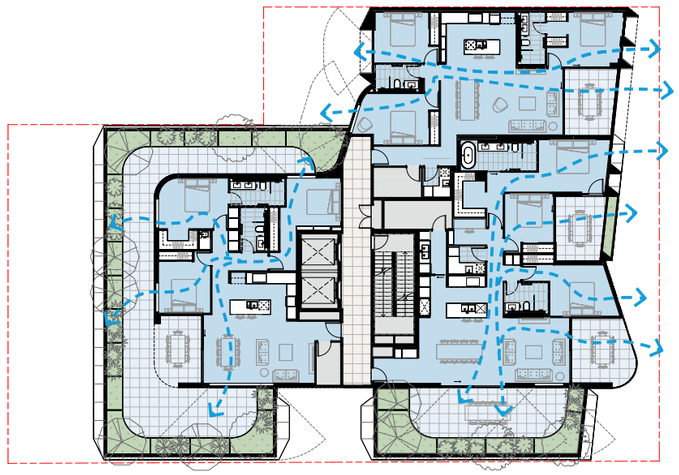
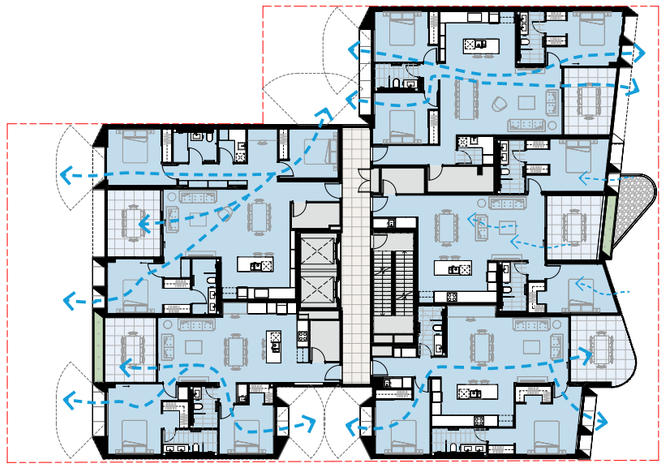
4 FUNCTIONALTIY & BUILD QUALITY
CROSS VENTILATION



GROUND LEVEL
Cross Ventilation

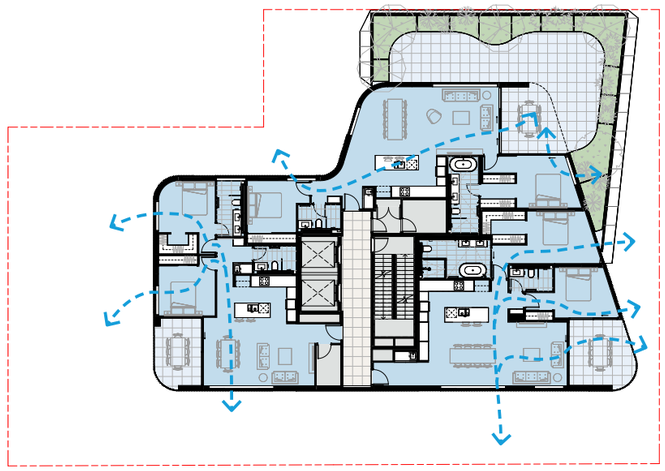


LEVEL 3
Cross Ventilation



SINGLE ASPECT
ROOM DEPTH <
3X CEILING HEIGHT

LEVEL 1 / 2
Cross Ventilation



LEVEL 4
Cross Ventilation

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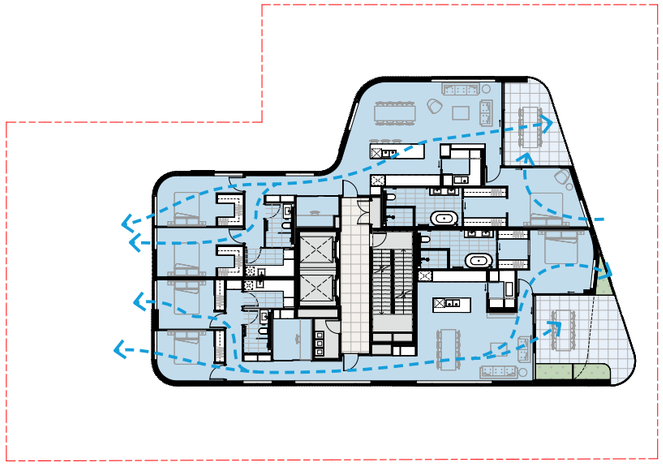
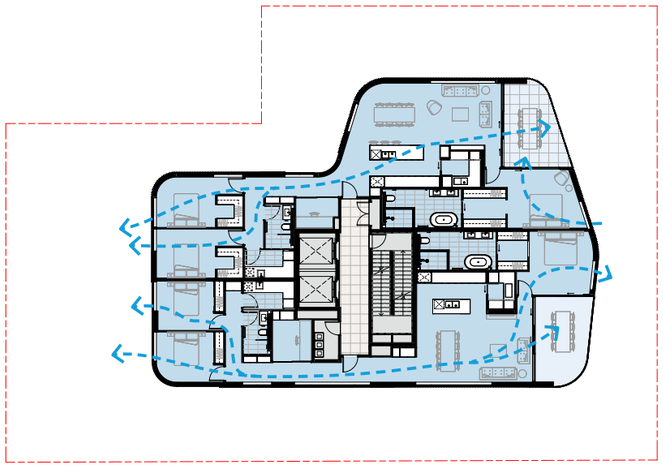
4 FUNCTIONALTIY & BUILD QUALITY
CROSS VENTILATION



LEVEL 5 / 6
Cross Ventilation



LEVEL 7 / 8 / 9
Cross Ventilation

STOREY	Nº APARTMENTS	Nº VENTILATION	TOTAL
GROUND FLOOR	3	3	100%
LEVEL 1	5	5	100%
LEVEL 2	5	5	100%
LEVEL 3	3	3	100%
LEVEL 4	3	3	100%
LEVEL 5	2	2	100%
LEVEL 6	2	2	100%
LEVEL 7	2	2	100%
LEVEL 8	2	2	100%
LEVEL 9	2	2	100%
TOTAL	29	29	100%

100% OF DWELLING WITHIN THE PROPOSAL RECIEVES NATURAL CROSS VENTILATION, EXCEEDING THE DESIGN WA 7.3 REQUIREDMEN OF 60%

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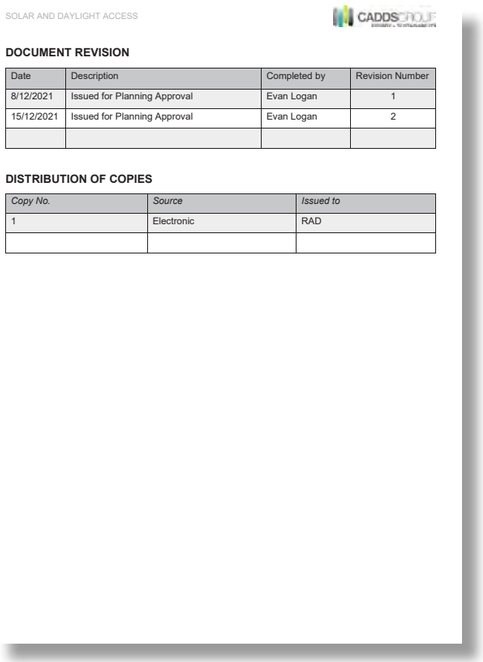

SOLAR AND DAYLIGHT ACCESS

DOCUMENT REVISION

Date	Description	Completed by	Revision Number
8/12/2021	Issued for Planning Approval	Evan Logan	1
15/12/2021	Issued for Planning Approval	Evan Logan	2

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SOLAR ANALYSIS REPORT

The following is a summary of a Solar Analysis report prepared by CADDS Group.
See Appendix for full report

The results of the analysis demonstrate that:

Although a small percentage of apartment receive at least 2 hours direct sunlight between 9am and 3pm on 21 June (22%), the design still achieves good daylight for 81% of the apartments and can reduce the heating load by 67% through alternative means. The result an average **7.5 Star rating** reducing energy consumption and improving wellbeing.

Unit	#	Level	Hours Solar	% of Daylight >40%	Solution	Reduction in Heating Load	NatHERS Rating
G01	1	G	<2	53.2	Double Glazed window	76.4%	6.7
G02	1	G	<2	42.1	Double Glazed window	76.6%	6.7
G03	1	G	<2	38	Double Glazed window	80.8%	7.1
101 / 201	2	1, 2	<2	50.1	Double Glazed window	62.0%	7.9
102 / 202	2	1, 2	<2	40.2	Double Glazed window	58.5%	8.3
103 / 203	2	1, 2	<2	36	Double Glazed window	84.2%	7.8
104 / 204	2	1, 2	<2	36	Double Glazed window	62.9%	7.7
105 / 205	2	1	<2	43.2	Double Glazed window	73.2%	8.3
301	1	3	>2	48	Double Glazed window	53.1%	7.6
302	1	3	>2	39.9	Double Glazed window	65.4%	8.2
303	1	3	<2	54.7	Double Glazed window	63.4%	7.7
304	1	3	<2	63	Double Glazed window	69.9%	7.6
401 / 501	2	4,5	>2	60.6	Double Glazed window	72.3%	8
402 / 502	2	4,5	<2	55.8	Double Glazed window	65.5%	7.9
403 / 503	2	4,5	<2	57.1	Double Glazed window	70.7%	6.9
601	1	6	>2	75.3	Double Glazed window	82.1%	7.1
602	1	6	<2	87.87	Double Glazed window	42.9%	6.7
701	1	7	>2	75.3	Double Glazed window	65.0%	6.1
702	1	7	<2	87.87	Double Glazed window	44.0%	6.3
Average			**22%**	**81%**		**67%**	7.53

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5 PRINCIPLE
SUSTAINABILITY

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- ELECTRIC VEHICLE CHARGING BACKBONE INFRASTRUCTURE TO ALL VEHICLE BAYS.
- AVERAGE OF 7.5 STAR NATHERS RATINGS
- SOLAR P.V. PANELS.
- HIGH PERFORMANCE DOUBLE GLAZING TO ALL WINDOWS.
- NATURAL VENTILATION TO 100% OF APARTMENTS.
- SMART ENERGY METERING TO ALL APARTMENTS.
- EXTENSIVE PLANTING ON STRUCTURE OVER AND ABOVE REQUIRED LEVELS.
- REDUCED OVERSHADOWING TO NEIGHBOURING PROPERTIES.
- BIOPHILIC DESIGN PRINCIPLES ITERATED INTO APARTMENT AND AMENITY SPACE DESIGN.
- EXTENSIVE NATIVE PLANTING & COMMUNAL GARDENS.
- CARBONMONOXIDE SENSORS IN BASEMENT CAR PARK
- 6 MOTORCYCLE BAYS, 29 RESIDENT BICYCLE BAYS AND 5 VISITOR BICYCLE BAYS

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6 PRINCIPLE
AMENITY

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6 AMENITY
GROUND FLOOR AMENITY

75% ACTIVE
Street Frontage

25% INACTIVE
Street Frontage

ADAPTABLE USE GROUND FLOOR UNIT

OPEN & INTEGRATED COMMUNAL AREAS

RESIDENT CO-WORK-ING SPACE

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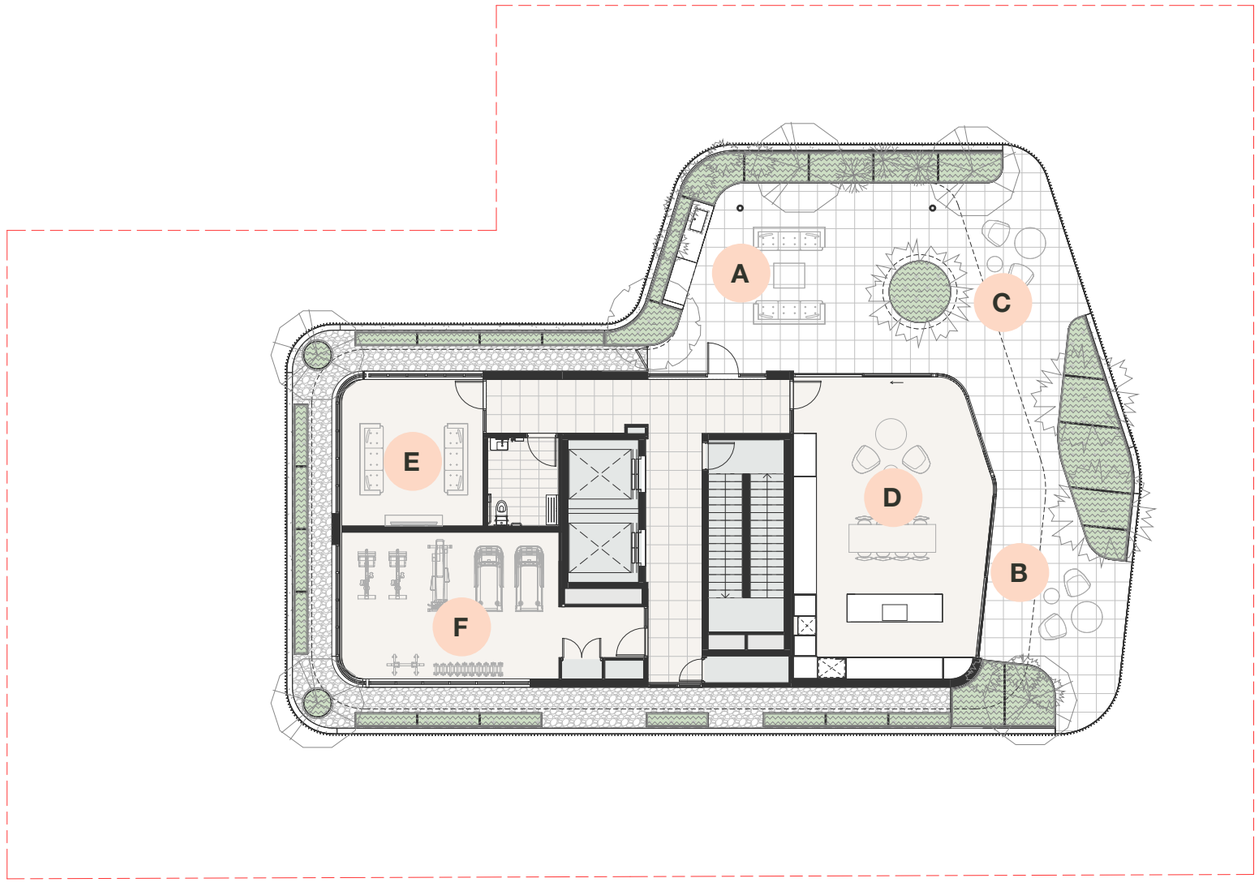
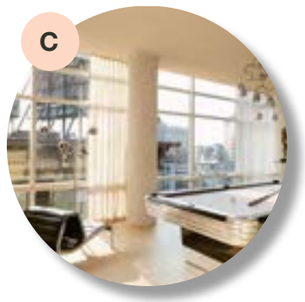


OUTDOOR KITCHEN AND ENTERTAINING

COMMUNAL LOUNGE, DINING & KITCHEN

OPEN & INTEGRATED INDOOR / OUTDOOR SPACES

GAMES / KARAOKE ROOM



OUTDOOR SEATING AREA

MULTI-USE FITNESS STUDIO

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7 PRINCIPLE
LEGIBILITY

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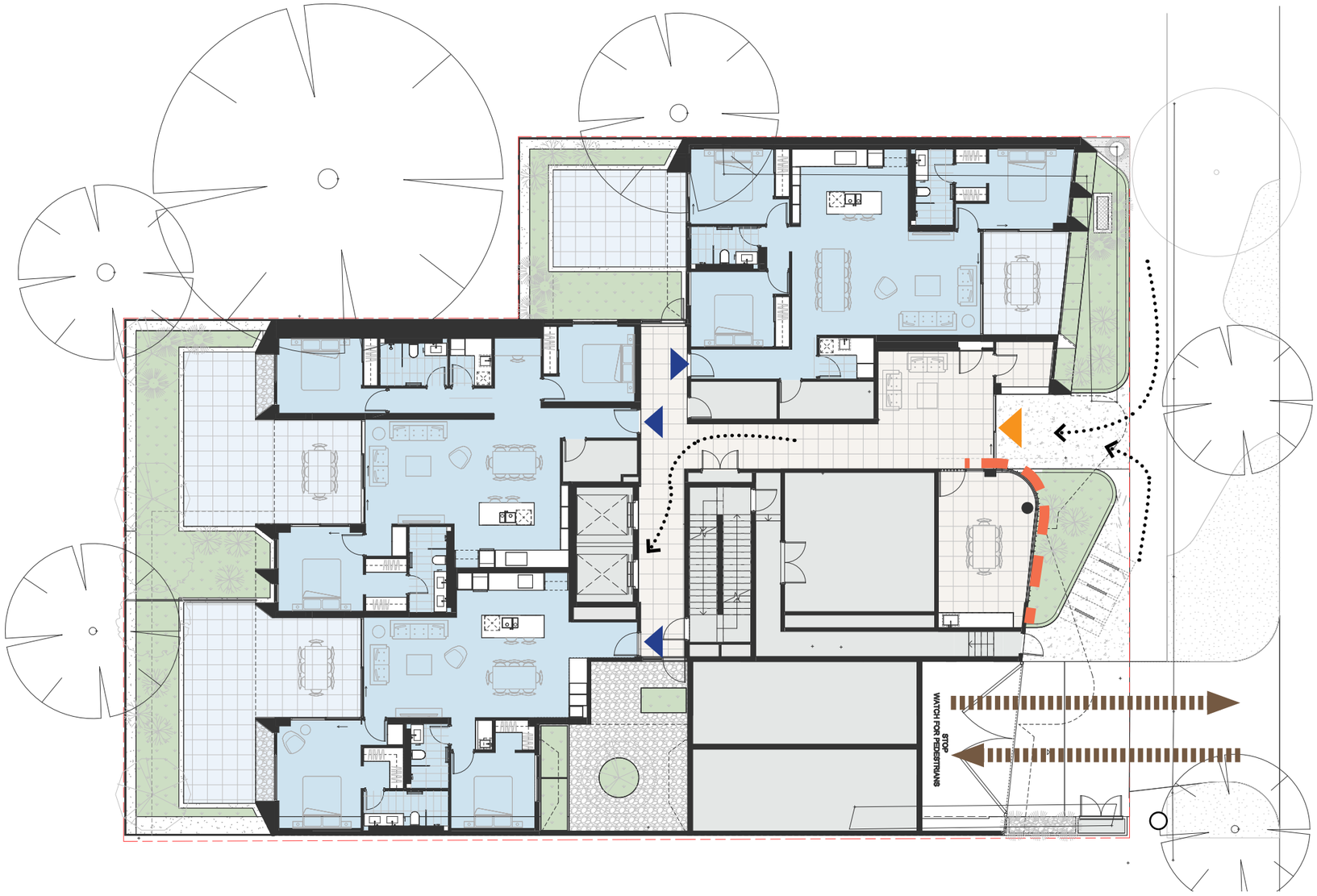
7 LEGIBILITY
GROUND FLOOR LEGIBILITY



- PROPOSED STREET SETBACKS VARY FROM 2 METRES TO 5 METRES TO MEDIATE BETWEEN THE ADJACENT BUILT FORM CONTEXT.
- THE CURVED WALL OF GROUND FLOOR AMENITY AREA GUIDES RESIDENTS AND VISITORS INTO THE BUILDING.
- OPEN ENDED CORRIDORS ORIENTATED TO THE NORTHERN ASPECT ALLOW FOR NATURAL DAYLIGHT INTO LOBBY SPACES.
- ACTIVE VERGE LANDSCAPE DESIGN, RETENTION OF EXISTING TREES & PROPOSED NEW TREES ALLOWS FOR A SOFTER TRANSITION BETWEEN EXISTING STREETSCAPE AND NEW DEVELOPMENT.
- CONTINUOUS FEATURE STONE PAVING OF THE ENTRY FORECOURT AND INTERNAL LOBBY AREAS.
- WASTE COLLECTION IS HIDDEN FROM THE STREET AND IN THE BASEMENT.

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8 PRINCIPLE
SAFETY

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- LARGE LINEAR COMMUNAL SPACES ENCOURAGE PASSIVE SURVEILLANCE THROUGHOUT THE PROPOSAL AND WITH THE STREETSCAPE.

- 72% OF PROPOSED APARTMENTS ARE ORIENTATED TOWARDS THOMAS STREET, IMPROVING STREET PRESENCE AND PASSIVE SURVEILLANCE OVER THE STREET

- THE PROPOSAL HAS BEEN DESIGNED TO BE ACCESSIBLE AND MEETS THE LHA SILVER STANDARD.

- VEHICLE ACCESS POINT HAS BEEN PLACED AT THE LOWEST POINT OF THE STREET FACING BOUNDARY AND THE FURTHEST POINT AWAY FROM STIRLING HIGHWAY ENSURING INCREASED SAFETY OF THE VEHICLE CROSSOVER.

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9 PRINCIPLE
COMMUNITY

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9 COMMUNITY
COMMUNITY SUMMARY

- THE BUILDING HAS BEEN ORIENTATED AND DESIGNED TO REDUCE ITS BULK AND SCALE TO THE EXISTING COMMUNITY.

- THE PROPOSED BUILDING AND LANDSCAPE DESIGN CONTRIBUTES TO THE ESTABLISHED CHARACTER OF LEAFY GREEN STREETSCAPE.

- EXISTING MATURE TREES ON VERGE AND ADJACENT TO SITE HAVE BEEN CONSIDERED AND RETAINED.

- THE PROPOSAL PROVIDES A SIGNIFICANT SETBACK TO WEST BOUNDARY AND ADJACENT PUBLIC LIBRARY.

- 41% OF UNITS ARE HLA SILVER LEVEL UNITS.

- THE PROPOSED DEVELOPMENT CONTAINS A MIX OF:
  - 34% 2X2 BED
  - 66% 3X2 BED

- AN ADAPTIVE RE-USE DWELLING HAS BEEN INCORPORATED ONTO THE GROUND FLOOR FOR POTENTIAL FUTURE COMMERCIAL PURPOSE.

- THE PROPSAL SITE IS WITHIN 200 METRES OF BUS STOPS ON STIRLING HIGHWAY SERVICED BY HIGH-FREQUENCY BUS SERVICES

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9 COMMUNITY STREET VIEWS

VIEW FROM STIRLING HIGHWAY LOOKING SOUTH - WEST

VIEW FROM STIRLING HIGHWAY LOOKING SOUTH - EAST

VIEW FROM CORNER OF THOMAS STREET & EDWARD STREET

INCREASED SETBACKS TO THE PROPOSED BUILDING WORKING IN CONJUNCTION TO THE DENSE TREE CANOPY ALONG STIRLING HIGHWAY, THOMAS STREET AND ADJACENT STREETS, ALLOW FOR THE BUILDING TO HAVE MINIMAL STREET PRESENCE.

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10 PRINCIPLE AESTHETICS

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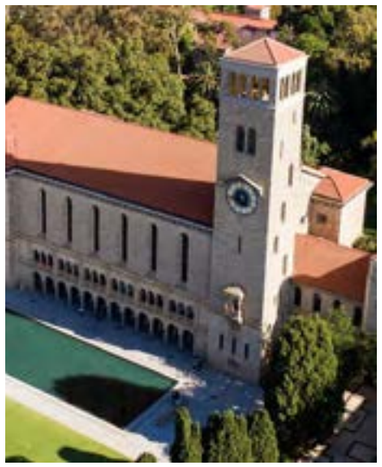
10 AESTHETICS
MATERIAL REFERENCES



THE PROPOSAL DRAWS FROM BOTH THE LEAFY GREEN CHARACTER OF THE SUBURBAN COMMUNITY'S STREETSCAPE AS WELL AS SIGNIFICANT CIVIC AND EDUCATIONAL BUILDINGS FOUND IN THE GREATER NEDLANDS AREA.

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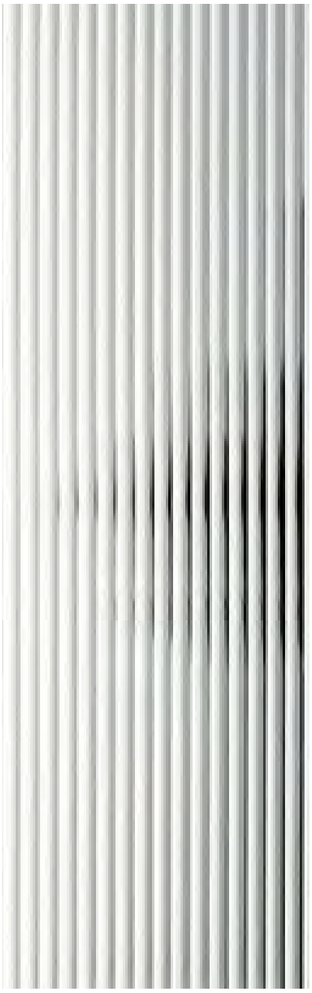
10 AESTHETICS
MATERIAL PALETTE



THE PODIUM IS CLAD IN A FEATURE **MARBLE MATERIAL** WITH **BRASS TRIM** SYNONYMOUS WITH CLASSICAL DESIGN AND ALSO HIGH-END BOUTIQUE FASHION & DESIGN FOR WHICH THE AREA IS KNOWN FOR.

A WHITE-ON-WHITE **METAL BATTEN** WALLS RE PROPOSED ABOVE THE PODIUM WITH **FLUTED GLASS** FOR WINDOWS WHICH HAVE PRIVACY CONCERNS.

DENSE NATIVE PLANTING TO THE VERGE & STREETSCAPE, COURTYARDS AND ON STRUCTURE WILL ENHANCE THE EXISTING 'LEAFY GREEN' LANDSCAPE CHARACTER OF THE AREA.

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CONCEPT IMAGERY

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LEVEL 8
1 WILLIAM STREET
PERTH WA 6000

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

15 December 2023

Chief Executive Officer
City of Nedlands
71 Stirling Highway
Nedlands WA 6009

Attention Planning Services – Chantel Weerasekera, Senior Urban Planner (Statutory)

Dear Chantel,

AT LOT 2 (NO. 1A) THOMAS STREET, NEDLANDS – DEVELOPMENT APPLICATION FOR 29 APARTMENTS (MULTIPLE DWELLINGS)

On behalf of Capital Way Pty Ltd, RAD architecture and Urbis, we are pleased to submit this application for amendments to the existing development approval at Lot 2 (No. 1A) Thomas Street, Nedlands (the subject site).

The development application seeks approval for 29 apartments with 63 car parking bays, common areas and associated landscaping at the subject site. The development has been designed to cater to a range of households with a variety of apartment sizes with generous communal areas for residents and deep soil areas and planters to support landscaping and tree canopy suitable to maintain the leafy green landscape context of the locality.

This is a new Form 1 application, as whilst the proposal has the same design and form resulting from the response to the planning framework and context that informed the existing approval (MINJDAP/166), it now has an additional two storeys. The additional height is required due to changes in market conditions with the escalation in construction prices requiring scale to be more efficient to meet the site mobilisation methodology for builders. The increased in height is preferable to increasing the building footprint or value managing the design and quality of the apartment development to create a viable development outcome.

The purpose of lodging a new Form 1 over another amendment Form 2 is to avoid any potential classification as not being appropriate to consider as an amendment application and to allow for a revised approval period of four (4) years – however, the documentation of this application has relied upon the previous approval as a base for what the City deems acceptable. This letter has, therefore, been structured to focus on the differences between the proposed revisions and the previous approval.

This letter also provides a revised holistic assessment against State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (**R-Codes Vol. 2**) within an Appendix. However, it is noted that the majority of the building is unchanged, and the built form resolution has already been approved. In a small number of places there are new building components that have changed – and where revised elements objectives assessment and alternative solutions are discussed we have identified in red/italicised text throughout the assessment provided at Appendix 1. This letter also addresses the recently advertised Scheme Amendment No. 13 to the City's Local Planning Scheme No. 3.

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The development remains highly compliant with the prevailing local planning framework with limited discretion required in relation to the ground floor being adaptive residential over commercial and aspects of the development requiring assessment under the element objectives of the R-Codes.

PROPOSED AMENDMENTS

The proposed development encompasses the following amendments to the existing development application:

Table 1 - Proposed Amendments

Existing Proposed	New Proposed	Description
26 residential apartments with a plot ratio of 3.10	29 Apartments with an additional plot ratio of 3.81	▪ Amalgamation of two 1x1 residential apartments into one 3x2 residential apartment located at Level 3 (Apartment 302) ▪ Four additional residential apartments over two storeys, increasing the original proposed eight storeys to ten storeys. ▪ The relocation of the rooftop communal area from 8th level to 10th level
Variable floor heights between 3.08m to 3.18m, and overall roof height of 55.560m.	Variable floor heights between 3.23m to 3.60m, increased overall roof height to 62.600m.	▪ Variable floor heights and an increased roof height enables the development to accommodate coordinated structure and services requirements.

As outlined, the addition of two (2) storeys to the development has a risk of not being considered 'minor' in nature to specifically conform to the amendment criteria under *the Planning and Development (Development Assessment Panels) Regulations 2011*. To avoid such risk, and to preserve the original approval, a new application (Form 1) pathway has been selected. We wish to still draw attention to the existing approval as it has established the building footprint, prioritising deep soil area and setbacks for the building as well as the high quality of the design of high value for the context, which has driven the amendment configuration over pushing out to boundaries and rationalising the design quality/features to improve the project feasibility.

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PLANNING FRAMEWORK ASSESSMENT

State Planning Framework Summary

The table below outlines elements of the State planning framework considered relevant to the subject site.

Table 2 State Planning Framework Summary

Document and Summary	Assessment	Compliance
Perth and Peel @ 3.5m The Perth and Peel @ 3.5 Million plan guides the development of housing, infrastructure, and services for the anticipated population growth in the Metropolitan and Peel regions. The subject site is located in the Central Sub-Region and falls within the Urban Corridor precinct, near Stirling Highway and public transportation. The Central Sub-Regional framework aims to increase housing density, promote business activity and job opportunities, and encourage efficient utilisation of public transportation infrastructure.	The proposed development seeks to provide for additional housing within the Central Sub-Region, close to high-frequency public transport.	✓
Metropolitan Region Scheme The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS), which is the primary statutory planning document governing the Perth Metropolitan Region. The 'Urban' zone is intended to provide for a range of land use activities, including residential, commercial, recreational and light industrial development.	The proposal comprises high density residential development and is consistent with the purpose of the 'Urban' zone.	✓
State Planning Policy 5.4 – Road and Rail Noise State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4) aims to safeguard noise-sensitive developments from excessive transport noise.	The proposal is located within the 300m trigger distance associated with Stirling Highway under SPP5.4. An acoustic report has been prepared outlining several	✓

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Document and Summary	Assessment	Compliance
The policy sets specific trigger distances for strategic freight and major traffic routes, which are likely to produce significant noise emissions. Its objective is to minimise any adverse impact of road and rail noise on noise-sensitive land-use and development, ensuring that new residents are protected from unreasonable levels of transport noise.	recommendations to ensure that the proposal suitably addresses and mitigates potential impacts of noise emissions on future residents.	
State Planning Policy 7.0 – Design of the Built Environment The purpose of State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0) is to elevate the importance of 'good design' through the planning process. SPP 7.0 establishes ten key design principles to guide the design review and decision-making processes for built environment proposals across the state.	An evaluation of the proposed development against the ten design principles is included in the development application package.	✓
State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments State Planning Policy 7.3 - Residential Design Codes Volume 2 (R-Codes), 2, is a part of the 'Design WA' policies aimed at improving design quality in Western Australia, with a specific focus on apartment design. To obtain Development Approval under the R-Codes, applications must demonstrate compliance with the element objectives through acceptable outcomes, design guidance, or other appropriate measures. It is important to note that addressing the acceptable outcomes alone may not be sufficient, as the proposal will be assessed holistically to ensure the objectives are met. Alternative means or solutions may also satisfy the objectives	The proposed development has been evaluated based on the objectives and intent of the R-Codes, which is a performance-based policy. The design of the development has been guided by R-Codes Vol. 2 to ensure a high-quality design that suits its location and context.	✓

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City of Nedlands Local Planning Scheme No. 3

The City's Local Planning Scheme No.3 (**LPS 3**) provides the statutory controls for the development and use of land and buildings within the City. The subject site is zoned 'Mixed Use' with a density code of 'R-AC1' and is located within a band of similarly zoned properties extending the length of Stirling Highway within the City boundaries (from the City of Perth to the east and Town of Claremont to the west).

The City is currently advertising Amendment No. 13 to LPS3. This amendment seeks to impact development within the Mixed-use zone in which the subject site is located.

The amendments include:

- Delete the existing scheme clause that removes height as a consideration for R-AC 1 coded properties to defer to the Residential Design Codes (**R-Codes**) Volume 2 Acceptable Outcome for building height. (Note: Currently, Clause 26(3) of LPS3 removes Acceptable Outcome application for development on lots zoned R-AC1).
- Rezone some lots from Mixed Use to either Residential or Neighbourhood Centre
- Introduce vehicle access restrictions requiring the creation and use of rights-of-way for lots fronting Stirling Highway
- Introduce criteria for new significant developments to plant trees along Stirling Highway based on their street frontage.

The Scheme Amendment will improve the development's compliance in some aspects, such as changing the zoning of the lot to Residential, which will remove the requirement for a commercial ground floor interface with Thomas Street. In terms of the building height, the acceptable height provision being taken into consideration in the assessment is a minor change to the development assessment as the R-Codes Vol. 2 requires assessment first and foremost under the element objectives, which the design still adheres to with the additional two (2) storeys.

We also wish to reiterate that the Scheme Amendment is still in draft. While the height proposed will exceed the acceptable development control, its variance is not significant, like other recently approved developments and will not unduly affect the character and scale of the surrounding locality, as reflected in the element objectives assessment (provided in Appendix).

City of Nedlands Local Planning Policy No 3.1 – Waste Management

The City's Local Planning Policy – Waste Management (**Waste LPP**) requires that a Waste Management Plan (**WMP**) is provided with this development application with the details required to be listed within the WMP contained within the Waste LPP and Waste Management Guidelines (**WMG**). The WMG requires that internal service is required, given the number of required bins to service the development. The waste management, storage and collection arrangements are detailed within the updated WMP provided as an attachment to the Development Application report, which demonstrates compliance with the City's Waste LPP and WMG.

IMPLICATIONS FOR DEVELOPMENT

In addition to the detailed assessment, the proposed development aligns with principles of orderly and proper planning and reflects the built form outcomes envisioned in the City's planning framework. Notably, it adheres to the intended future character of the area, accommodating increased density along the Highway while respecting the long-established vision for the locality.

The design of the development effectively responds to the context and character of the locality. Demonstrating substantial adherence with the ten design principles of SPP 7.0, as detailed in the

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Development Application Report. Moreover, the proposal addresses a significant need by contributing a diverse range of high-quality apartments, fulfilling a current shortage in the area and aligning with LPS 3 objectives.

Additionally, the development aims to achieve the element objectives of the R-Codes Volume 2 and SPP 7.0. Positioned in proximity to established amenities, the proposal fulfils the immediate needs of residents while contributing to the streetscape, enhancing the overall amenity of the locality. The intentional frontage design is geared towards activating the street and improving the pedestrian experience along the emerging urban activity corridor. While discretion is sought on certain elements, the exceptional design ensures that this exercise aligns with market demands and present conditions, avoiding any undesirable development precedents.

We note the City of Nedlands officer recommendation for approval of the existing development application (approved by the Metro Inner North Joint Development Assessment Panel on 2 December 2022) and previous positive Design Review Panel feedback provided, which have outlined the suitability of the development in this location and design form and believe that the additional height proposed does not compromise the good development outcome proposed.

CONCLUSION

The proposal offers a substantial residential contribution to the locality with a diverse range of high-quality apartments of various sizes that are currently lacking in the area – consistent with the City's Local Planning Strategy and the objectives of the LPS 3 and presents compliance with the ten design principles of SPP 7.0. The proposed building has been designed in response to the site context and planning framework to achieve the element objectives of the Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments. The site is well located within proximity to existing established amenities that will be further supported with the inclusion of additional residents within the area.

Based on the above information and demonstrated compliance, we respectfully request the appropriate assessment of this application.

Please do not hesitate to contact either Kate Bainbridge on kbainbridge@urbis.com.au or the undersigned with any queries.

Yours sincerely,

Kate Bainbridge
Associate Director
kbainbridge@urbis.com.au
0439809029

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1A THOMAS STREET, NEDLANDS - PLANNING DRP RESPONSE SCHEDULE

21.03.2024

ITEM SUBJECT	CITY OF NEDLANDS PLANNING FEEDBACK (RECEIVED ON 20/02/24)	PROPONENT RESPONSE
Element 2.2 Building Height	The City considers that the proposed height of 11 storeys does not achieve the element objectives in its current form. In lieu of an acceptable outcome to inform the likely future height of the area, the combination of plot ratio and lack of deep soil is considered to indicate that the bulk and scale of the proposal exceeds the intentions of the R-AC1 code. The height as proposed is not considered to provide a positive contribution to the established Nedlands character. Please note that the City is progressing Scheme Amendment 13 to Local Planning Scheme No. 3. Scheme Amendment 13 would see this lot rezoned from Mixed Use to Residential R-AC1 and delete clause 26(3) Modification of R-Codes, thereby reverting the acceptable outcome for height to 9 storeys. Further, a building height of 6 to 8 storeys has been provided as a guide in the draft Nedlands Stirling Highway Activity Corridor Strategy. The draft Strategy is scheduled to be presented to Council in March 2024 for endorsement. In this regard the proposed height of 11 storeys is inconsistent with the future intent of the site or the objectives of the Strategy and is not supported in its current form.	Whilst it is noted that an R-AC1 density code would typically allow for a 9-storey building height, we believe that the proposed building height complies with the element objectives within the R-Codes Vol. 2 and hence can be considered. The proposed development has the mass located to ensure that overshadowing will not compromise the southern neighbouring properties' access to sunlight during the winter months into their outdoor living areas. The size of the tower is smaller to provide larger rear setbacks to achieve this and reduce the appearance of bulk and scale. The amount of deep soil area has been increased to respond to feedback received to ensure that the bulk and scale of the development does not represent an overdevelopment of the lot. The revised design now maintains a high design quality for both external appearance, visual amenity for neighbouring lots and internal amenity for residents. The top storey has enclosed some of the residential communal space, whereas if this space was left unenclosed except for the access, it would not represent a storey. The floor to floor ceiling heights are also generous to assist with sunlight penetration and internal amenity. These factors contribute to the internal and external amenity of the locality without substantial difference to 'compliant' height impact as per the acceptable outcomes. The building will assist in providing some enclosure of the highway space which will protect the residential amenity to the south in terms of noise and also provide alternative housing choice in area of higher accessibility.
Element 2.5 Plot Ratio	Acceptable Outcome: 3.0 / 3,042m2 Proposed: 3.91 / 3,966m2 The City considers that the proposed plot ratio does not achieve the element objectives in its current form. It is highly recommended that the design be amended to reduce the plot ratio and/or height to align with the acceptable outcome and element objectives and the planned character of the area	We have undertaken a detailed review of plot ratio area for the proposal and calculate a total plot ratio area of **1014sqm, which corresponds to a plot ratio of 3.85.** Whilst this area does exceeds the acceptable outcomes, the plot ratio is considered to meet the element objectives as outlined below. The provision of basements for all the car parking and on-site waste collection means that the ground floor of the development is able to be activated with more apartment floor space, with the street facing apartment able to be adapted for commercial purpose if there is demand/preference for commercial activation on this level to the street in the future. This means that within the building envelope, there is a higher plot ratio efficiency. The development is also on a smaller single lot which means that whilst the bulk of the building may be appropriate, the plot ratio is over the acceptable outcome. The bulk of the building has still been articulated with a podium and tower form to ensure that the pedestrian scale is maintained and the prominence of the tower is reduced as viewed from the public realm and neighbouring properties. A number of design revisions have been made to further mitigate any adverse effects of bulk and scale resulting from the variation sought to plot ratio: • The revised proposal has been designed to reduce the extent of enclosed basement car parking and therefore increase the available deep-soil provision at ground level. • On-structure planting has also been increased as indicated in the landscaping report. The overall provision of landscape now far exceeds the requirements under R-Codes volume 2. This additional provision of planting helps provide a visual buffer of bulk and scale to the street. • The south elevation has been re-designed to incorporate alternating material finishes to the three

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<table>
<tr>
<td>Element 3.3 Tree Canopy and Deep Soil</td>
<td>
<table>
<tr><th>Acceptable Outcome</th><th>Proposed</th></tr>
<tr><td>A3.3.4 – Deep soil areas and trees provided in accordance with Table 3.3a.
AO: 10% / 101.4m2
Minimum 1 Large tree and one Medium tree</td><td>2.68% / 27.2m2
The maximum width of the deep soil area is 1.9m which does not support the growth of any trees in accordance with Table 3.3b</td></tr>
</table>
The City considers that the proposed landscaping and deep soil does not achieve the element objectives in its current form. Note that planting on structure as compensation for deep soil should only be used where deep soil cannot be provided due to site restrictions (A3.3.7). There is not considered to be any site restrictions which prevents the provision of 10% deep soil. Please amend the plants to reduce the extent of basement proposed so as to significantly increase the amount of deep soil on site. The deep soil zones should be of an appropriate size and location to be conducive to significant tree growth. Planting on structure should be provided in addition to deep soil planting.
</td>
<td>
• The updated proposal has been designed to significantly reduce the extent of the built footprint of Basement Level 1. This has allowed for a significant increase in site area allocated to deep-soil.
• Refer to the updated landscape report by Plan E, which demonstrates and increase in deep soil across the site to 101.8sqm.
• Therefore, the revised proposal now meets the acceptable outcomes under this part - noting that the substantial on-structure planting is in addition to this.
• Additionally, 228.4sqm of on-structure planting is provided. This far exceeds the acceptable outcome requirements, however contributes significantly to contextualise the design within its leafy green surrounds, articulate the building facade, improve visual privacy and serve as a visual buffer to building bulk and scale as viewed from the street.
The provision of the compliant deep soil area and on-structure landscaping demonstrates that the scale of the development is not manifestly too large or out of context for the Stirling Highway corridor.
</td>
</tr>
<tr>
<td>Element 3.5 Visual Privacy</td>
<td>
<table>
<tr><th>Acceptable Outcome</th><th>Proposed</th></tr>
<tr><td>A3.5.1 – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.

Unenclosed Private open space AO setback:
6m for the Ground to 3F
9m for the 4F and above

A3.5.4 – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.</td><td><u>3F</u>
Nil setback from balconies to North and South.

<u>4F (AO 9m as per Table 2.7)</u>
Nil setback from balconies to North.
Apt 401 – Bed 2 has only obscure glazing.

<u>10F (AO 9m as per Table 2.7)</u>
4.6m setback to south.
3m-4.5m setback to north.</td></tr>
</table>
The City does not support the nil setbacks to the balconies on the third and fourth floor as currently proposed. Please either provide a greater setback to achieve the acceptable outcome, and/or provide further diagrams/information to demonstrate how the objective will be achieved in terms of minimising overlooking to adjoining properties.

The City is not supportive of habitable rooms with outlook only from minor openings. Please amend the design of Apartment 401 Bed 2 to ensure it has outlook from an unobstructed opening.
</td>
<td>
• The updated proposal has been designed to increase the area and height of on-structure planting to levels 3 & 4.
• This reduces the extent of paved private courtyards to these areas and therefore increases the minimum setback distance of these courtyards form the site boundary.
• Raised planters are nominally 1m high above floor level and planting selections are made with dense-screening species anticipated to grow to 600mm above the top-of-soil line.
• This planting would thereby provide screening to the boundary, to 1.6m above floor level without compromising the natural ventilation and light into the apartments.

• The updated proposal revises the design for the Bed 2 window to Apartment 401.
• Glazing to this bedroom window is now clear in-lieu of obscured glass, thereby providing an unobstructed outlook.
• The extent of glazing is reduced in order to orientate the window to direct views in a north-easterly direction and mitigate overlooking towards the northern boundary.
</td>
</tr>
</table>

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	Please see the below comments provided by the City's Technical Services for your attention: • The separation of the verge tree (to the south) and the crossover shall be min 2.0m in accordance with the City's Crossover Specification. Please amend as required. • The fire booster within 1.5m sight truncation on the southern side of crossover shall not be more than 0.75m in height. • The crossover shall be perpendicular to the road kerb and the footpath shall be maintained continuous through the crossover. • Location of the side entry pit to the northern side of the crossover shall be shown on the plan and separation shall be 1.2m from the proposed crossover. • Section 3.3 of Australian Standard AS2890.1:2004 states that the maximum gradients at the entry and exit points are intended to minimize the problem associated with crossing the footpath and entering the traffic in the frontage road. Clause 3.3(a) of AS2890.1 requires that the first 6m of the ramp into the car park is not steeper than 5%. The proposed ramp gradient at the first 6m is more than 5% which is not in compliant with AS Australian Standard. • A total of 29 residential bays and 6 visitors bays are required for the proposed development. The development proposes 58 resident bays and 5 visitor bays resulting in shortfall of one visitor bay. As there is a surplus of resident bays, it is required to allocate one additional visitor bay. • A swept path assessment for a B85 car shall be provided for the most critical bays which are the bays at each end of the parking aisle and the tandem bays to the southern side of the car parking area.	• The WMP has been updated to include a snapshot of the latest ramp section showing the correctly coordinated clearance provisions for the bin truck. Plans and sections in the architectural set are aligned. • The updated proposal revises the design of the vehicle crossover to provide a 2m spacing from the southern kerb line to the existing tree. • The updated proposal also increases the extent of the crossover truncation onto the street, so that the required swept path for the Waste Truck sits entirely within the footprint of the crossover provided, with no encroachment across the kerb line. • The Traffic Engineering Report has been updated to provide additional swept path analysis to car parking bays as requested. These are updated to suit the latest car parking arrangement following design revisions as previously noted. • We provide the following response from the project Traffic Engineer, in response to the further concerns noted by the City's Engineering Services team: • Section 3.3 of AS2890.1 notes that the maximum gradients at entry and exit points are intended to minimise problems associated with crossing the footpath and entering the traffic in the frontage road. Where the ramp is too steep, the exiting vehicle is sitting on an angle when approaching the footpath or entering the road and visibility is reduced. For vehicles entering the road, there is about 7.5 metres between the edge of the frontage road and the property boundary and so there is sufficient room in the verge for vehicles to sit completely off the ramp before entering the road. The verge and footpath are relatively flat and so driver visibility to other vehicles along the frontage road is not affected by the proposed ramp gradient. Therefore the main issue relates to the visibility to pedestrians along the footpath. In this instance, the level of risk associated with the non-compliant ramp is considered to be low based on the following:

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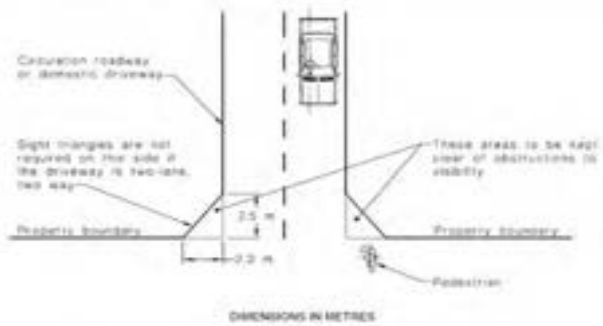
Element 3.8 **Vehicle Access**	• The swept path provided for the waste collection truck shows encroachment on the verge while entering the site and therefore this needs to be revised. • The grade and grade change location provided on the long section of the ramp does not match with the grade and grade change location provided on the plan (basement plans and ground floor plan). The revised drawing should be consistent with the grade and grade change location provided on the plans and long section of ramps and be in accordance with AS2890.1. • Stormwater design capacity calculation is not provided so unable to assess stormwater provision. Please note stormwater infrastructure to be designed to accommodate the 1%AEP rainfall event fully on site without any overflow into the road reserve or adjacent properties. The location of stormwater infrastructure shall be provided on the plan.	oThomas Street is a residential access road and so the volume of pedestrian movements across the site are assumed to be relatively low. oA swing gate is proposed near the top of the ramp and so exiting vehicles will be crossing the footpath from a stationary position or from a very slow speed after waiting for the gate to open. The sound and motion of the gate will also alert any pedestrians that a vehicle may be leaving the site. oThe required 2.5m by 2.0m truncations for visibility to pedestrians is achieved as discussed below. Certain measures will be put in to maximise safety including: oPavement markings near the top of the ramp directed towards exiting vehicles including a stop line and wording. Suggested wording is “STOP: WATCH FOR PEDESTRIANS” or similar. Pre-warning pavement markings can also be considered at the lower end of the ramp. oSimilar warning messages could be placed on the vehicle access gate facing exiting drivers. oA speed hump on the ramp transition (1:16 section) to ensure vehicles cross the path at a low speed. We don’t believe warning signs on the exterior portion of the building or facing pedestrians are warranted as the risk is considered to be low and these may be out character for the area. •Figure 3.3 of AS2890.1 is shown below. As shown, the sight triangle is not required on the entry side of the driveway if the driveway is two-lane, two way. The sight triangle on the exit side is achieved as the building and landscaping is set back beyond the 2.5m by 2.0m triangle. • Stormwater design capacity calculations have now been provided on the Basement 3 floor plan as calculated. Location for soak wells and stormwater cells have been noted indicatively on this plan. We note that calculations and location of soak wells are subject to further detailed design and shall be confirmed prior to building permit submission.  FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY

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Element 4.12 Landscape Design	Many of the plant species chosen have low biodiversity value and are not waterwise. It is the City's preference that the development includes a water wise garden that supports local biodiversity to assist with water conservation and environmental initiatives. Please see the attached Sustainable Landscaping Advice sheet for guidance on species selection which should be incorporated into the design. For further advice on species selection please contact Vicki Shannon, Environmental Conservation Coordinator, via 9273 3500.	• We provide the following comments from the project Landscape Architect, Plan E, in response to the concerns noted by the City's Environmental Conservation Coordinator. *The proposed planting species have been selected to adapt to a range of climatic and soil depth requirements. This includes a combination of endemic WA species proposed for the Thomas Street frontage such as Acacia, Emetophile, Dichondra, Dianella, Anigozanthos, Hibbertia, Casuarina, Grevillea, Conostylis, Zamia and others, in order to create a diversity of plant types, attract bird and insects, as well as offer seasonal change. From our experience, the hardy exotic species proposed for the Foret project, we believe are better able to acclimatise to deep shade environments, being located in planters, or where landscapes are installed over structure.* *We will of-course liaise with the City of Nedlands Environmental Conservation Coordinator through the detailed design phase to ensure that a high level of bio-diversity planting and the best possible outcome is achieved.*
Element 4.17 Waste Management	In accordance with the City's Waste Management Local Planning Policy the following modifications to the development plans and Waste Management Plan (WMP) are required: • Please provide a swept path image for waste collection trucks (Details on waste truck manoeuvring inside and outside the building, entering and exiting the site in forward gear). • Include the following statement within the WMP: Waste charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the use of an small waste truck and additional services provided by the City in respect of the collection of refuse from the development.	• Swept paths for bin truck manoeuvring are provided within the updated Traffic Engineering Report as requested. • The additional statement as requested has been added to the updated Waste Management Plan.

ITEM SUBJECT	DRP FEEDABCK (RECEIVED ON 20/02/24)	RAD RESPONSE
Principle 1 - Context and character	1a. Comments • Nil 1b. Suggested amendments/improvements • Nil.	•Noted

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1A THOMAS STREET, NEDLANDS - PLANNING DRP RESPONSE SCHEDULE

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Principle 2 - Landscape quality	2a. Comments • Proposal is not delivering on true deep soil. • Planting on structure is a positive. 2b. Suggested amendments/improvements • Amount of true deep soil should be increased. • Opportunity to increase deep soil on western side of the building by bringing the basement wall further east near G03, allowing for further on soil deep planting. • Relocating the bike parking and extending that terrace could increase the space available for landscaping within the front setback. • The terrace garden would increase the space available for landscaping within the front setback. • There is an opportunity for a further street tree.	• The updated proposal has been redesigned to significantly reduce the extent of the built footprint of Basement Level 1. • This has allowed for more area to be allocated to deep-soil. • Refer to the updated landscape report by Plan E, which demonstrates and increase in deep soil provision across the site to **101.8sqm overall.** • Therefore, the revised proposal now meets the acceptable outcomes under this part. • Additionally, **228.4sqm** of on-structure planting is provided. This far exceeds the acceptable outcome requirements, however contributes significantly to contextualise the design within its leafy green surrounds, articulate the building facade, improve visual privacy and service as a visual buffer to building bulk and scale as viewed from the street. • An additional street tree has also now been provided as recommended.
Principle 3 - Built form and scale	3a. Comments • More justification is required for the plot ratio proposed. • Three storey podium works well. • The southern wall is sparse and could be imposing upon the southern lot. 3b. Suggested amendments/improvements • Consider some treatments to the boundary walls to reduce bulk, such as detail, materiality, textural and colour changes. • Develop a case for increased plot ratio based on principles outlined in R Codes Volume 2.	• Further to previous justification provided, the revised proposal now significantly increases provision for deep soil to the project as described under the response to Principle 2 above. • The south elevation has been re-designed to incorporate alternating material finishes to the three podium levels. • This provides additional facade articulation to the lower levels of the elevation which directly addresses the adjacent lots with a lower density zoning and helps to break down the perceived bulk and scale to this side.
Principle 4 - Functionality and build quality	4a. Comments • Nil. 4b. Suggested amendments/improvements • Relocate stores at ground level to get a more generous lift lobby.	• The ground level store to Apt G02 has been relocated as recommended. This reclaimed floor area has allowed for replanning to Apt G01 with access now provided to the secondary outdoor terrace directly form the living space through a study nook. • This improves the overall amenity for this apartment whilst not compromising the quality of the lobby and ground floor corridor approach.
Principle 5 - Sustainability	5a. Comments • Nil. 5b. Suggested amendments/improvements • Nil.	•Noted

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Principle 6 - Amenity	6a. Comments • Avoid obscure glass where possible, especially in bedrooms. • Balconies on level 3 and 4 directly overlook north and south neighbouring properties. 6b. Suggested amendments/improvements • The inclusion of a small terrace outside of the co-working space providing residents with the ability to utilise the outdoor space, whilst additionally providing further streetscape engagement. • Screen balconies on levels 3 and 4 to protect privacy of neighbouring properties to north and south. For example, the planters on level 3 and 4 could be increased in both depth and height to mitigate any visual privacy concerns.	• Provision of an outdoor courtyard attached to the co-working space presents a number of challenges which may reduce amenity to the communal space and entryway: 1. Extent of buffering created through quality landscape between the ground Co-working space and the street would be reduced, diminishing the softening effect provided to the building mass at the streetscape. 2. Any external courtyard to this area would be located directly adjacent to the entryway into the public lobby. Clear sightlines between these two areas would be significant and any perceived privacy for incoming/outgoing residents through the entry would be reduced. 3. A public external courtyard at street level is not typical of the typology of the surrounding residences in this suburban context and may appear to be out of context with the surrounds. 4. Unless enclosed by a high boundary fence, which would reduce the building's addressability to the street, an external courtyard here would present security concerns, with passing pedestrians having ease of access to inhabit and loiter in this space. • The design is revised so that all bedrooms now have outlook through a clear window. • The updated proposal has been designed to increase the planned extent and height of on-structure planting to levels 3 & 4. • This reduces the extent of accessible paved private courtyards to these areas and therefore increases the minimum setback distance of these courtyards form the site boundary. • Raised planters are nominally 1m high above floor level and planting selections are made with dense-screening species anticipated to grow to 600m above the soil line. • This planting would thereby provide screening to the boundary, to 1.6m above floor level. boundary.
Principle 7 - Legibility	7a. Comments • Nil. 7b. Suggested amendments/improvements • Relocate ground floor stores to enhance the space available for the entry and lift lobby.	• The ground level store to Apt G02 has been relocated as recommended. This additional space has allowed for replanning to Apt G01 with access now provided to the secondary outdoor terrace directly form the living space through a study nook. This improves the overall amenity for this unit. • A generous front lobby is provided with adequate space for the provision of two sets of double seater couches. A 1.8m wide corridor with feature wall finishes is provided linking the main lobby to the lift access area. Proportionally and texturally, this space will feel generous, but maintain a human scale and feel inviting to incoming residents and guests.
Principle 8 - Safety	8a. Comments • Nil. 8b. Suggested amendments/improvements • Move the gates to not have cars waiting for the gates to open on the footpath. By moving the gates cars will be waiting within the building, cars will no longer be waiting upon the footpath.	• Upon further review, the drawings have been updated to reflect more accurately the location of the existing kerb line of Thomas Street. • Note that approximately 5.64m of length is available between the existing footpath (to be maintained and run through the new crossover as requested) and the street. • This is sufficient length to allow a standard car to stand within this zone and not encroach upon the footpath or onto the street. • Shifting of the vehicle gate further into the driveway would create security issues, whereby more space (at levels below natural ground level), with poor passive surveillance opportunity is accessible to the public.

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21.03.2024

Principle 9 - Community	9a. Comments • Nil. 9b. Suggested amendments/improvements • Consider direct floor access to the unit fronting Thomas Road on the ground floor.	• The ground floor units addressing the front boundary are designed to balance street activation, passive surveillance and privacy. • Apt G01 is designed such that the finish floor level is raised slightly from the natural ground level along the front boundary. • Introducing access from the street would diminish privacy and to this terrace by creating a clear sightline from the street at the location of the gate. • Any access by pathway and gate introduced at this area would also diminish the provision of planting within the street setback, thereby reducing deep soil and/or on-structure planting. • Apt G01 is provided front-door access nearby the entry lobby and provision of a street-facing private terrace access would not provide a significant benefit in terms of amenity.
Principle 10 Aesthetics	10a. Comments • Sophisticated and modern architectural language. 10b. Suggested amendments/improvements • Nil.	•Noted

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Waste Management Plan

1a Thomas Street, Nedlands

Prepared for Capital Way

20 March 2024

Project Number: TW21099

City of Nedlands
Received 25 March 2024

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Approval for Release

Name	Position	File Reference
Dilan Patel	Project Manager – Waste Management Consultant	TW21099-02_Waste Management Plan_7.0
Signature		

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Executive Summary

Capital Way is seeking an amended development approval for the proposed residential development located at 1a Thomas Street, Nedlands (the Proposal).

To satisfy the conditions of the development application the City of Nedlands (the City) requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

A summary of the bin size, numbers, collection frequency and collection method is provided in the below table.

Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Bin Storage Area					
Refuse	3,480	660	Three	Twice each week	City of Nedlands
Recycling	3,480	660	Three	Twice each week	City of Nedlands
FOGO	1,160	240	Three	Twice each week	City of Nedlands

The City will collect refuse, recyclables and FOGO from the Proposal utilising its rear lift collection service. The City's waste collection vehicle will service the bins from the Bin Storage Area onsite.

A strata manager/caretaker will oversee the relevant aspects of waste management at the Proposal.

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1 Introduction

Capital Way is seeking an amended development approval for the proposed residential development located at 1a Thomas Street, Nedlands (the Proposal).

To satisfy the conditions of the development application the City of Nedlands (the City) requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

The Proposal is bordered by Thomas Street to the east, the City of Nedlands Library to the west and residential to the north and south, as shown in Figure 1.

1.1 Objectives and Scope

The objective of this WMP is to outline the equipment and procedures that will be adopted to manage waste (refuse, recyclables and FOGO) at the Proposal. Specifically, the WMP demonstrates that the Proposal is designed to:

- Adequately cater for the anticipated volume of waste to be generated;
- Provide an adequately sized Bin Storage Area, including appropriate bins; and
- Allow for efficient collection of bins by appropriate waste collection vehicles.

To achieve the objective, the scope of the WMP comprises:

- Section 2: Waste Generation;
- Section 3: Waste Storage;
- Section 4: Waste Collection;
- Section 5: Waste Management; and
- Section 6: Conclusion.

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2 Waste Generation

The following section shows the waste generation rates used and the estimated waste volumes to be generated at the Proposal.

2.1 Proposed Tenancies

The anticipated volume of refuse, recyclables and FOGO is based on the number of apartments/penthouses (29) at the Proposal. The Proposal consists of the following:

- Two Bedroom Apartments – 10; and
- Three Bedroom Apartments – 9.
- Three Bedroom Penthouses – 10.

2.2 Waste Generation Rates

In order to achieve an accurate projection of waste volumes for the Proposal, consideration was given to the City of Nedlands (the City) Draft *Waste Management Local Planning Policy (LPP) and Guidelines* (31 March 2020) as well as previous consultation with the City's Waste Minimisation coordinator.

Table 2-1 shows the waste generation rates which have been applied to the Proposal.

Table 2-1: Waste Generation Rates

Residential Apartments/Penthouses	Refuse Generation Rate	Recycling Generation Rate	FOGO Generation Rate
Two Bedroom Apartments	120L/week	120L/week	40L/week
Three Bedroom Apartments	120L/week	120L/week	40L/week
Three Bedroom Penthouses	120L/week	120L/week	40L/week

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2.3 Waste Generation Volumes

Waste generation is estimated by volume in litres (L) as this is generally the influencing factor when considering bin size, numbers and storage space required.

Waste generation volumes in litres per week (L/week) adopted for this waste assessment are shown in Table 2-2. It is estimated that the residential apartments/penthouses at the Proposal will generate 3,480L of refuse, 3,480L of recyclables and 1,160L of FOGO each week.

Table 2-2: Estimated Waste Generation

Residential Apartments/Penthouses	Number of Apartments / Penthouses	Waste Generation Rate (L/week)	Waste Generation (L/week)
REFUSE			
Two Bedroom Apartments	10	120	1,200
Three Bedroom Apartments	9	120	1,080
Three Bedroom Penthouses	10	120	1,200
		Total	**3,480**
RECYCLABLES			
Two Bedroom Apartments	10	120	1,200
Three Bedroom Apartments	9	120	1,080
Three Bedroom Penthouses	10	120	1,200
		Total	**3,480**
FOGO			
Two Bedroom Apartments	10	40	400
Three Bedroom Apartments	9	40	360
Three Bedroom Penthouses	10	40	400
		Total	**1,160**

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3 Waste Storage

Waste materials generated within the Proposal will be collected in the bins located in the Bin Storage Area, as shown in Diagram 1, and discussed in the following sub-sections.

3.1 Internal Bins

To promote positive recycling behaviour and maximise diversion from landfill, there will be sufficient room within in each apartment for a minimum of three kitchen type bins to facilitate the separation of refuse, recyclables and FOGO by residents.

Purchase and maintenance of these internal bins will be the responsibility of the residents. Residents will be encouraged to utilise kitchen caddies with compostable liners to collect FOGO wastes for disposal.

Waste from these internal bins will be transferred by the residents to the respective Bin Storage Area for disposal into the appropriate bins.

3.2 Bin Sizes

Table 3-1 gives the typical dimensions of standard bins sizes that may be utilised at the Proposal. It should be noted that these bin dimensions are approximate and can vary slightly between suppliers.

Table 3-1: Typical Bin Dimensions

Dimensions	Bins Sizes		
	240L	660L	1,100L
Width (m)	0.6	1.3	1.4
Depth (m)	0.8	0.8	1.3
Height (m)	1.1	1.2	1.5

Reference: City of Nedlands LPP – 4.0 Bin Size and Colour – Table 3.

3.3 Bin Storage Area Size

To ensure sufficient area is available for storage of the bins, the amount of bins required for the Bin Storage Area was modelled utilising the estimated waste generation in Table 2-2, bin sizes in Table 3-1 and based on collection of refuse, recyclables and FOGO twice each week.

Based on the results shown in Table 3-2 the Bin Storage Area has been sized to accommodate:

- Three 660L refuse bins;
- Three 660L recyclable bins; and
- Three 240L FOGO bins.

Table 3-2: Bin Requirements for Bin Storage Area

Waste Stream	Waste Generation (L/week)	Number of Bins Required		
		240L	660L	1100L
Refuse	3,480	-	3	2
Recycling	3,480	-	3	2
FOGO	1,160	3	-	-

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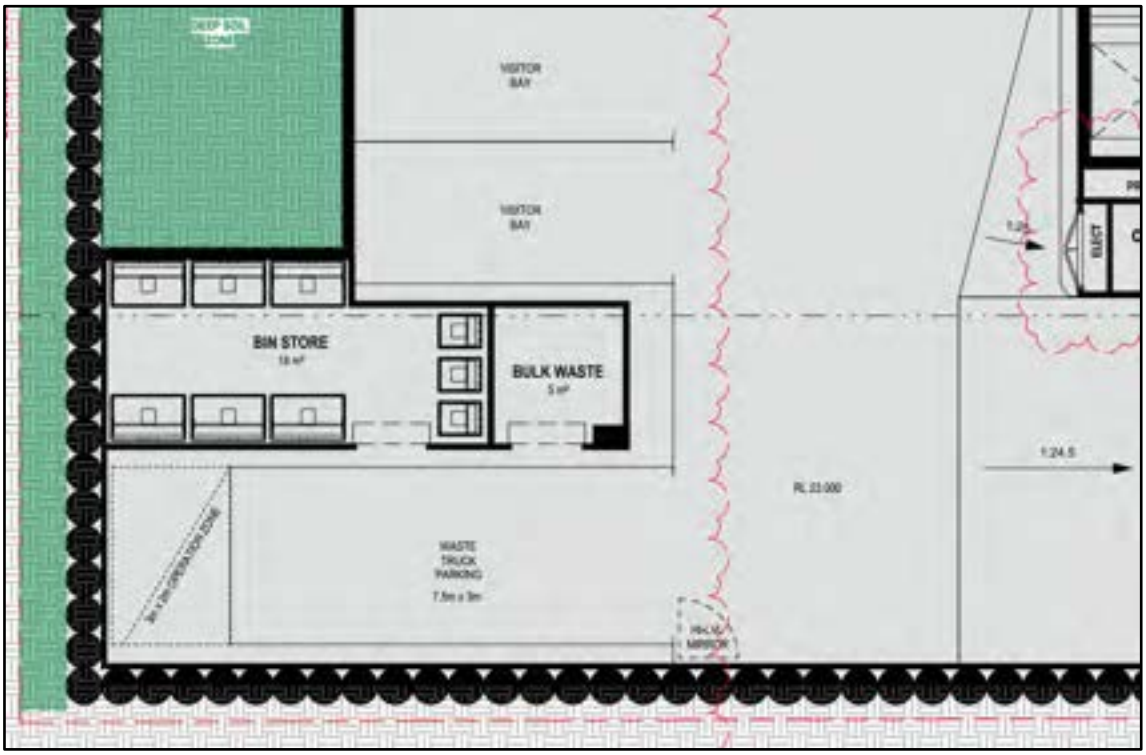
The configuration of these bins within the Bin Storage Area is shown in Diagram 1. It is worth noting that the number of bins and corresponding placement of bins shown in Diagram 1 represents the maximum requirements assuming two collections each week of refuse, recyclables and FOGO.

Diagram 1: Bin Storage Area and Waste Collection Point



3.4 Bin Storage Area Design

The design of the Bin Storage Area will take into consideration:

- Smooth impervious floor sloped to a drain connected to the sewer system;
- Provided with a permanent water supply and drainage facility for wash-down;
- Located within the building (not on the verge), so it is not visible from the public realm, or screened from public view with a quality material compatible with the building design;
- To be screened by a gate, brick walls or other suitable materials to a height not less than 1.8m;
- Adequate circulation space for manoeuvring bins within the storage area;
- No double stacking of bins;
- Designed to not encourage the emission of odour outside the bin enclosure area;
- Doors to the Bin Storage Area self-closing and vermin proof; and
- Each waste stream separated and clearly labelled.

Bin numbers and storage space within the Bin Storage Area will be monitored by the strata manager/caretaker during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.

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4 Waste Collection

The City will provide three 660L bins for refuse, three 660L bins for recyclables and three 240L bins for FOGO which will be collected twice each week.

The City's waste collection vehicle will travel with left hand lane traffic flow and turn into the Proposal's driveway in forward gear from Thomas Street, manoeuvre within the carpark and pull up adjacent to the Bin Storage Area for servicing, refer Diagram 2. A minimum 2m area will be available at the rear of the vehicle to facilitate servicing, refer Diagram 1.

Traffic management signals may be used to control incoming/outgoing traffic flow during servicing, which would typically take less than five minutes each collection. Warning beacons/lights may be provided as a permanent feature within the car park which would operate when the truck is emptying the bins so drivers can proceed with further caution. Due to the short amount of time it is expected the waste collection vehicle would be onsite on collection days, this servicing arrangement is considered safe and would mitigate any potential local traffic issues.

During servicing the City's collection staff will transfer bins between the waste collection vehicle and the Bin Storage Area. The bin transfer path is level and of smooth surface, with no steps/kerbs and will be kept free of obstacles. There is adequate clearance to service the bins with the ceiling height exceeding the 2.8m waste collection vehicle operational height (excluding low height attached service pipes, beams, awnings and upper floors), refer Diagram 3.

Once servicing is complete the City's waste collection vehicle will exit in a forward motion, turning onto Thomas Street, and moving with traffic flow.

The City will be provided with key/PIN code access to the Bin Storage Area and security access gates to facilitate servicing, if required.

The above servicing method will preserve the amenity of the area by removing the requirement for bins to be presented to the street on collection days and remove potential impacts on local traffic from verge collection.

All waste bin streams will be serviced from within the site as an "inside service", where the City's waste contractor retrieve, service and return bins back to Bin Storage Area.

Waste charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the use of an small waste truck and additional services provided by the City in respect of the collection of refuse from the development.

Swept path analysis using the City's smaller waste collection vehicle specifications was undertaken by Shawmac, refer Diagram 2. Refer to Shawmac's Traffic Impact Statement for further information.

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Diagram 2: Waste Collection Vehicle Swept Path

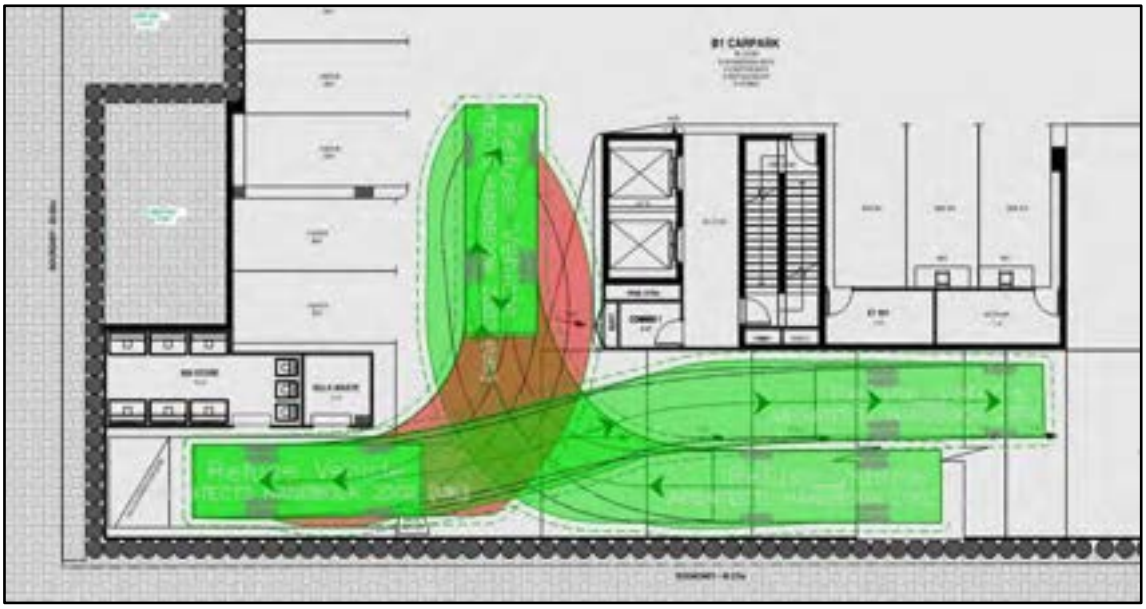
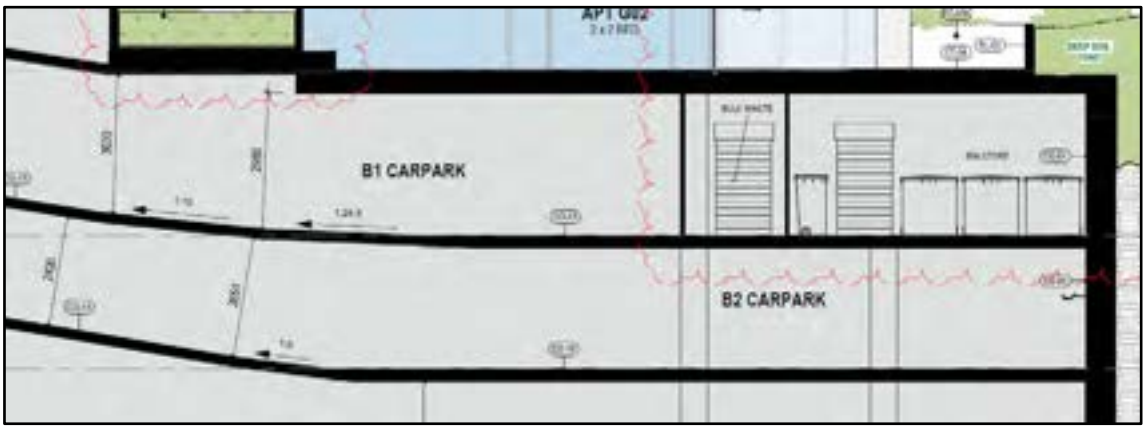


Diagram 3: Operational Height Clearance



4.1 Bulk Waste

The City provides two bulk rubbish collections and two greenwaste collections each financial year, details of the services provided by the City can be found on the City's website.

Each apartment has a minimum allocated storage room of 4m^2 at the Proposal for the temporary storage of bulk waste and an additional bulk waste storage area of 5m^2 has been provided on the Basement 1 Level in close proximity to the lifts for the temporary storage of bulk waste, refer Diagram 1.

Sufficient verge space, clear of planting has been allocated for temporary placement of bulk collection materials on the verge, or for placement of a 10m^2 bulk bin by the City's contractor, depending on whichever service option the City provide to the Proposal, refer Diagram 4.

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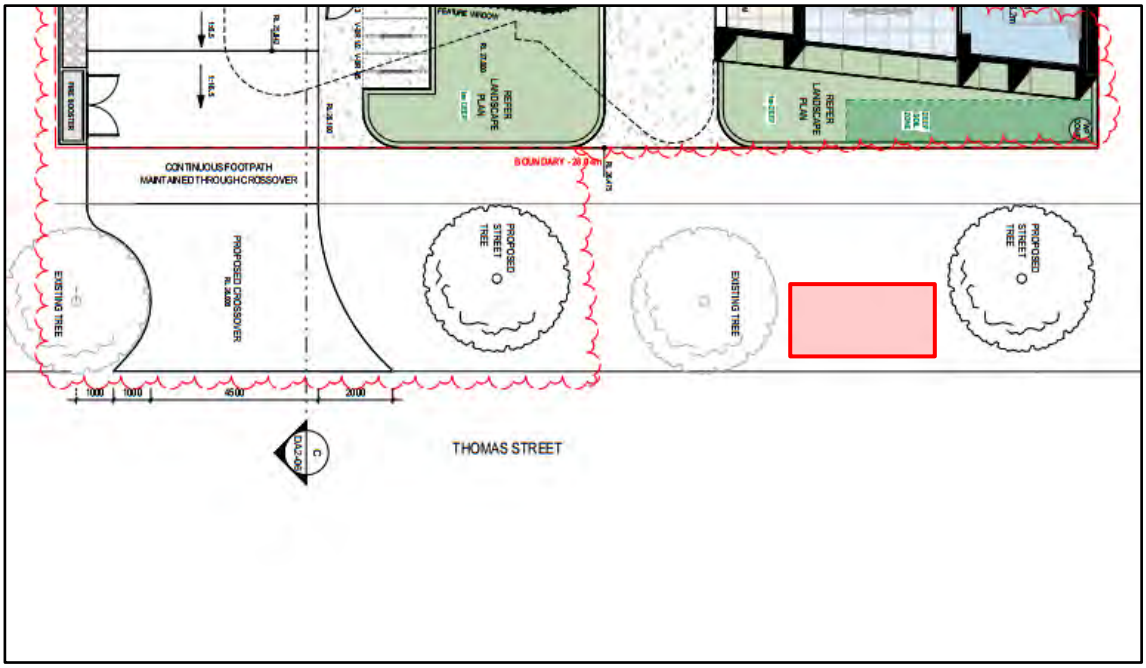
Diagram 4: Bulk Skip Bin Verge Placement



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5 Waste Management

A strata manager/caretaker will be engaged to complete the following tasks:

- Monitoring and maintenance of bins and the Bin Storage Area;
- Monitoring of residents' use of the Bin Storage Area;
- Cleaning of bins and Bin Storage Area, when required;
- Ensure all residents at the Proposal are made aware of this WMP and their responsibilities thereunder;
- Monitor resident behaviour and identify requirements for further education and/or signage;
- Monitor bulk collection services and assist residents to store/remove bulk wastes appropriately;
- Regularly engage with residents to develop opportunities to reduce waste volumes and increase resource recovery; and
- Regularly engage with the City to ensure efficient and effective waste service is maintained.

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6 Conclusion

As demonstrated within this WMP, the Proposal provides a sufficiently sized Bin Storage Area for storage of refuse, recyclables and FOGO, based on the estimated waste generation volumes and suitable configuration of bins. This indicates that an adequately designed Bin Storage Area has been provided and collection of refuse, recyclables and FOGO can be completed from the Proposal.

The above is achieved using:

- Three 660L refuse bins, collected twice each week;
- Three 660L recycling bins, collected twice each week; and
- Three 240L FOGO bins, collected twice each week.

The City will collect refuse, recyclables and FOGO from the Proposal utilising its rear lift collection service. The City's waste collection vehicle will service the bins from the Bin Storage Area onsite.

A strata manager/caretaker will oversee the relevant aspects of waste management at the Proposal.

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Figures

Figure 1: Locality Plan

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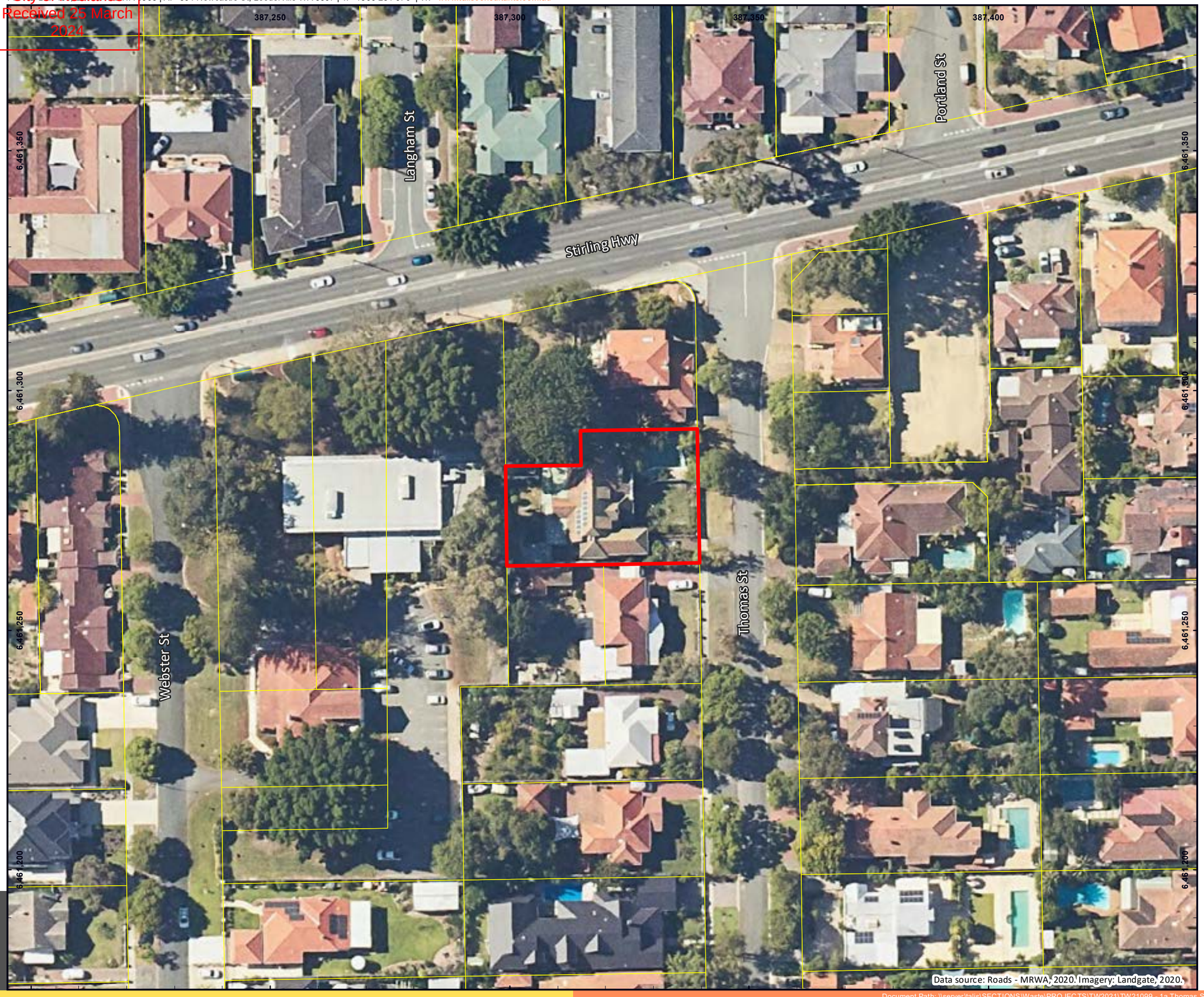

LEGEND

- Site Layout
- Cadastre

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LOCALITY PLAN

1a Thomas Street,
Nedlands, WA 6009

Capital Way Pty Ltd

N
0 10 20 30 m
Coordinate System: GDA 1994 MGA Zone 50
Projection: Transverse Mercator, Datum: GDA 1994
Scale @ A3: 1:750

Prepared: W Robertson	Date: 12/08/2021
Reviewed: D Marchant	Revision: A
Project: TW21099	

talis consultants

Figure 01

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Assets | Engineering | Environment | Noise | Spatial | Waste

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Transport Impact Statement

Project:	Proposed Residential Development 1A Thomas St, Nedlands
Client:	RAD Architecture
Date:	20th March 2024
Shawmac Document #:	2108010-TIS-001

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Version	Prepared By	Reviewed By	Approved By	Date
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A	P. Nguyen	-	P. Nguyen	20/03/2024

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1. Introduction

1.1. Proponent

Shawmac Pty Ltd has been engaged by RAD Architecture to prepare a Transport Impact Statement (TIS) for proposed residential development in Nedlands.

This TIS has been prepared in accordance with the Western Australian Planning Commission (WAPC) *Transport Impact Assessment Guidelines Volume 4 – Individual Developments*. The assessment considers the following key matters:

- Details of the proposed development.
- Vehicle access and parking.
- Provision for service vehicles.
- Hours of operation.
- Daily traffic volumes and vehicle types.
- Traffic management on frontage streets.
- Public transport access.
- Pedestrian access.
- Cycle access and end of trip facilities.
- Site specific and safety issues.

1.2. Site Location

The site address is 1A Thomas Street in Nedlands. The local authority is the City of Nedlands.

The general site location is shown in **Figure 1**. An aerial view of the existing site is shown in **Figure 2**.

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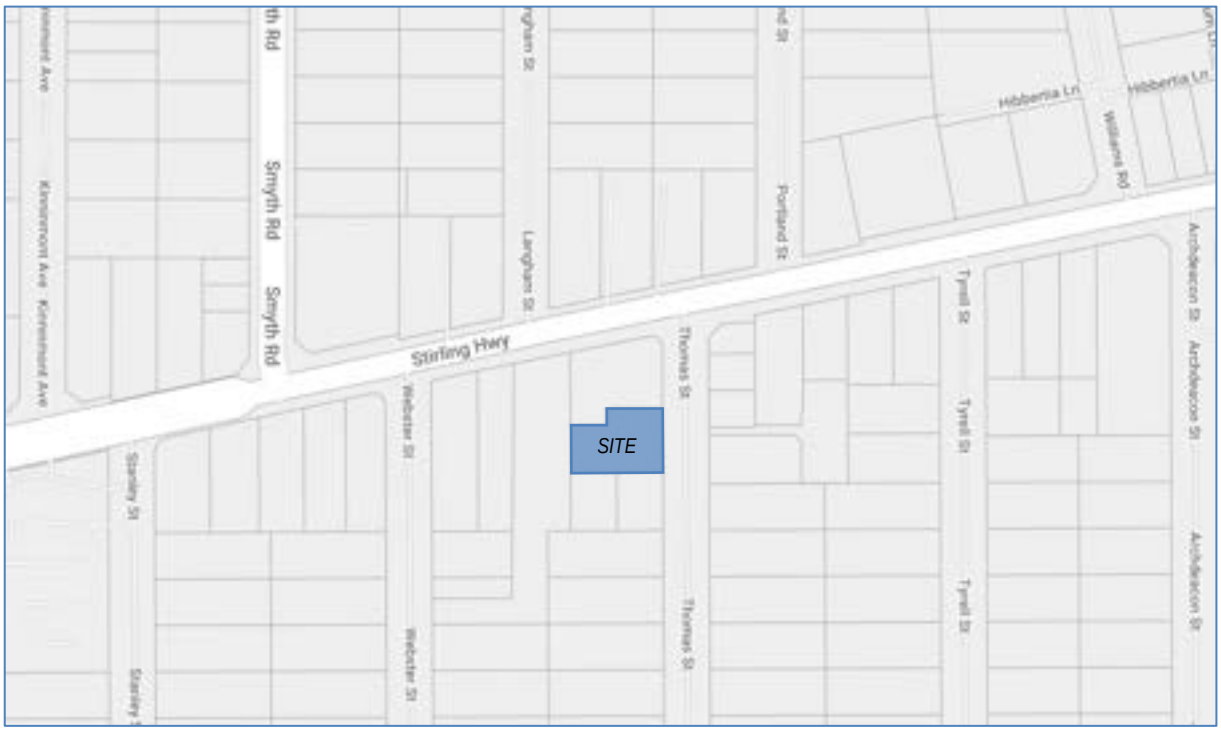

Figure 1: Site Location

Figure 2: Aerial View (January 2024)

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2. Proposed Development

2.1. Land Use

The site is currently vacant and is zoned Mixed Use (R-AC1) under the City's Local Planning Scheme No. 3 (LPS3). The surrounding development is primarily residential with a mix of non-residential development along Stirling Highway.

The proposed development is a multi-storey residential building with 29 apartments and car parking across 3 basement levels. A previous iteration of the development was approved and construction was planned to commence around the end of 2022. After a period of contractor negotiation, it was determined that a redesign would be required to make the project commercially viable. The new application proposes an additional four apartments across two new levels compared to the previously approved development.

The proposed ground floor layout and parking level layouts are shown in **Figure 3** to **Figure 6**.

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Figure 3: Ground Floor Plan

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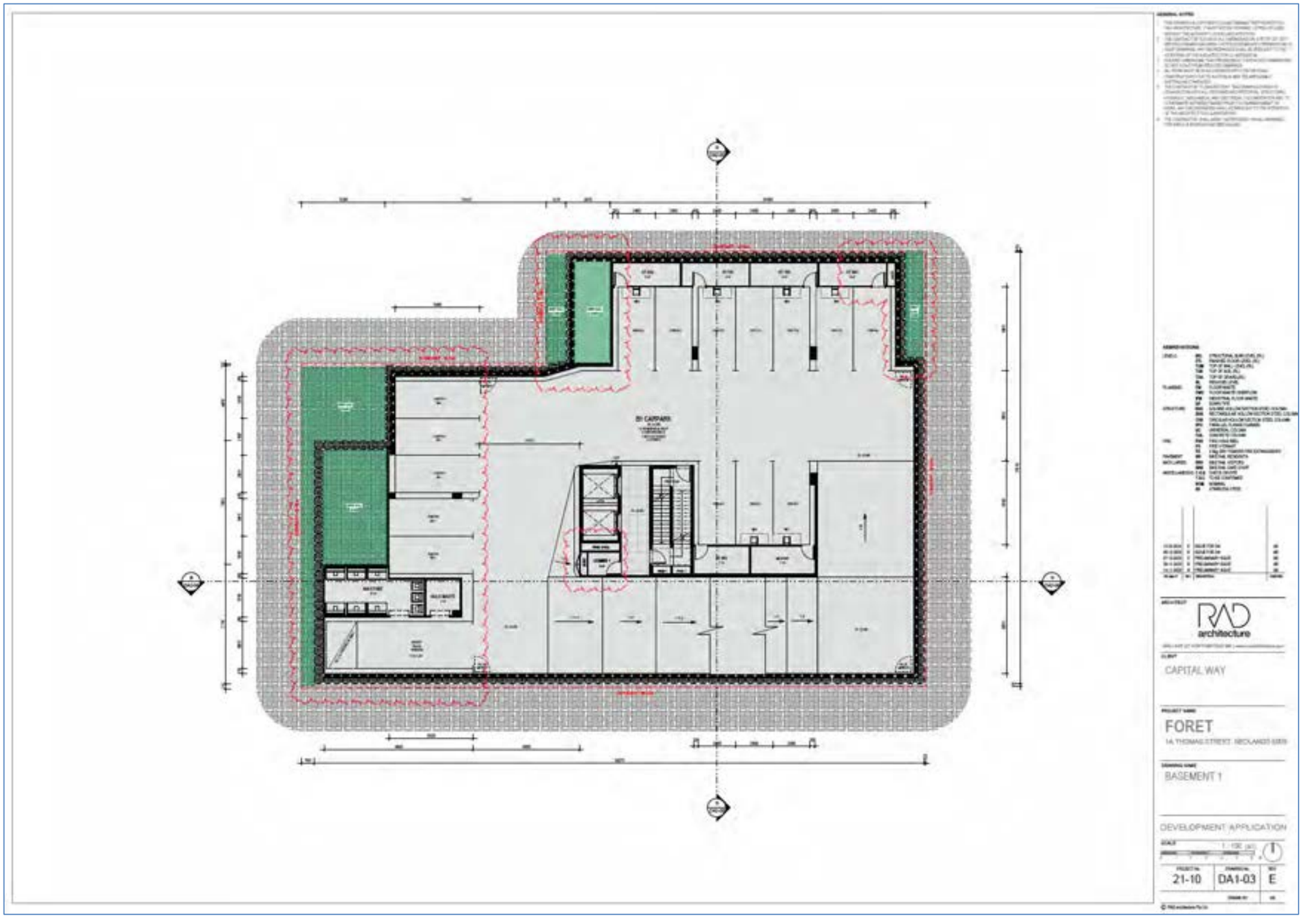

Figure 4: Basement 1 Plan

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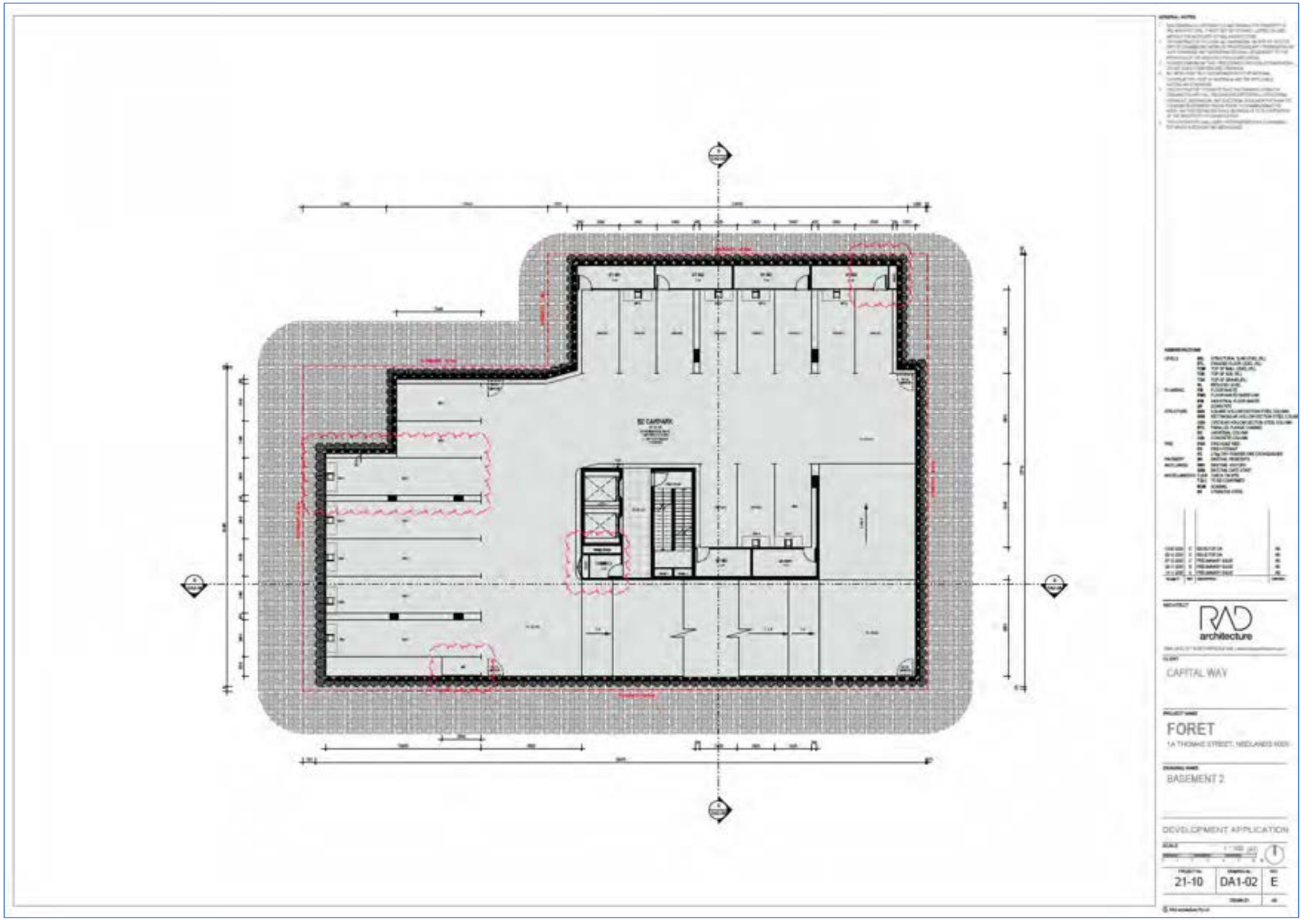

Figure 5: Basement 2 Plan

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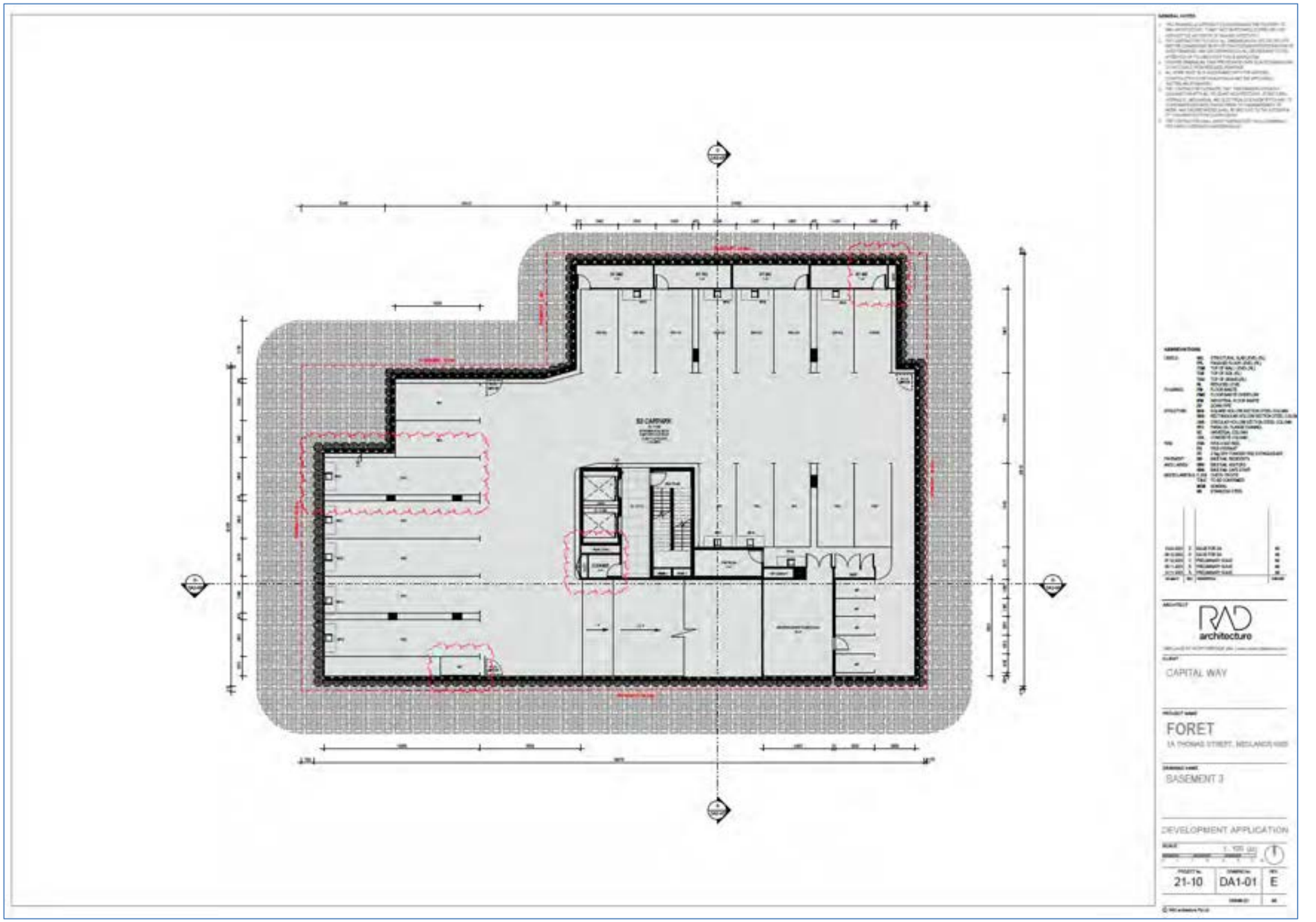

Figure 6: Basement 3 Plan

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3. Traffic Management on Frontage Streets

3.1. Road Network Layout and Hierarchy

The layout and hierarchy of the existing local road network according to the Main Roads WA *Road Information Mapping System* is shown in **Figure 7**.

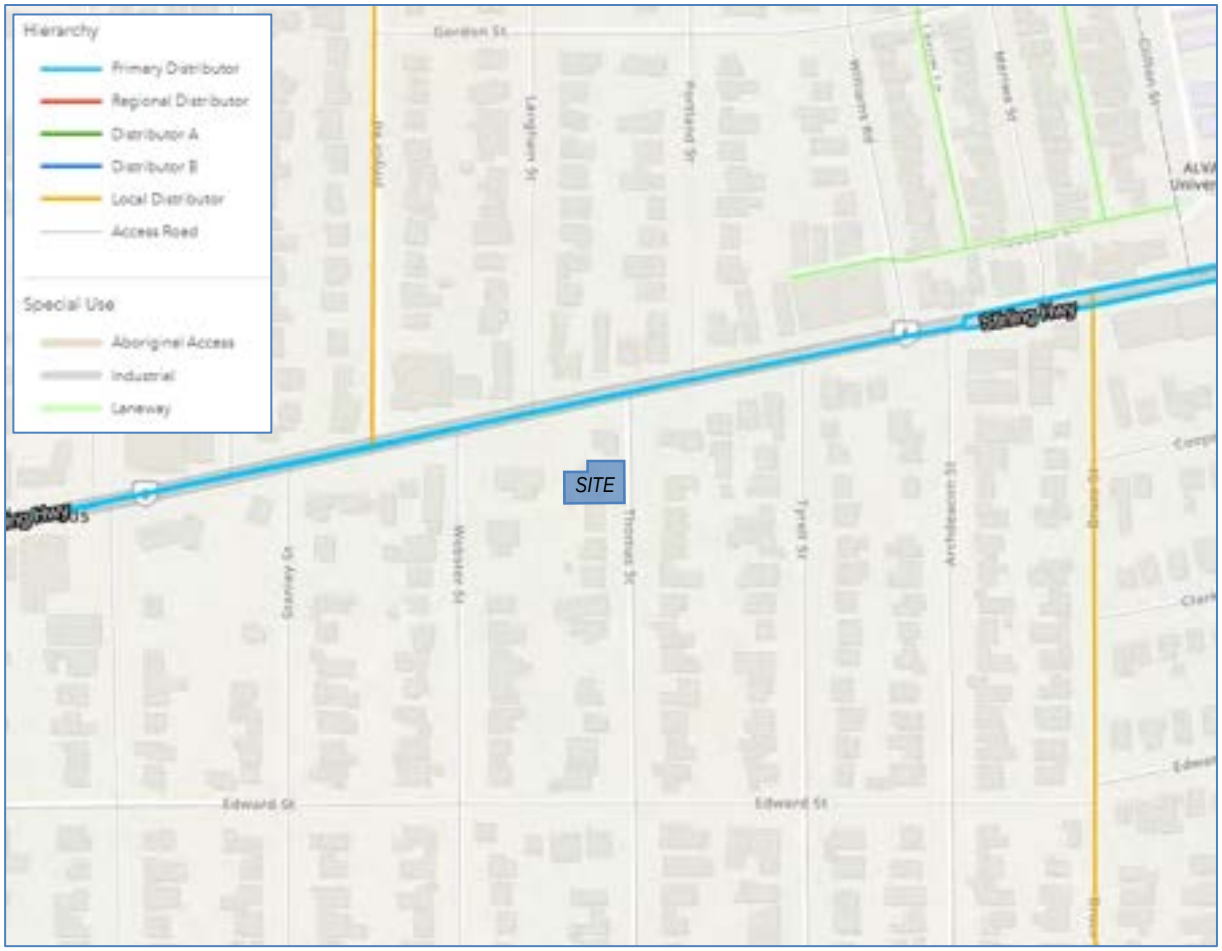

Figure 7: Existing Road Network Hierarchy

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3.2. Speed Limit

The existing speed limits are shown in **Figure 8**.

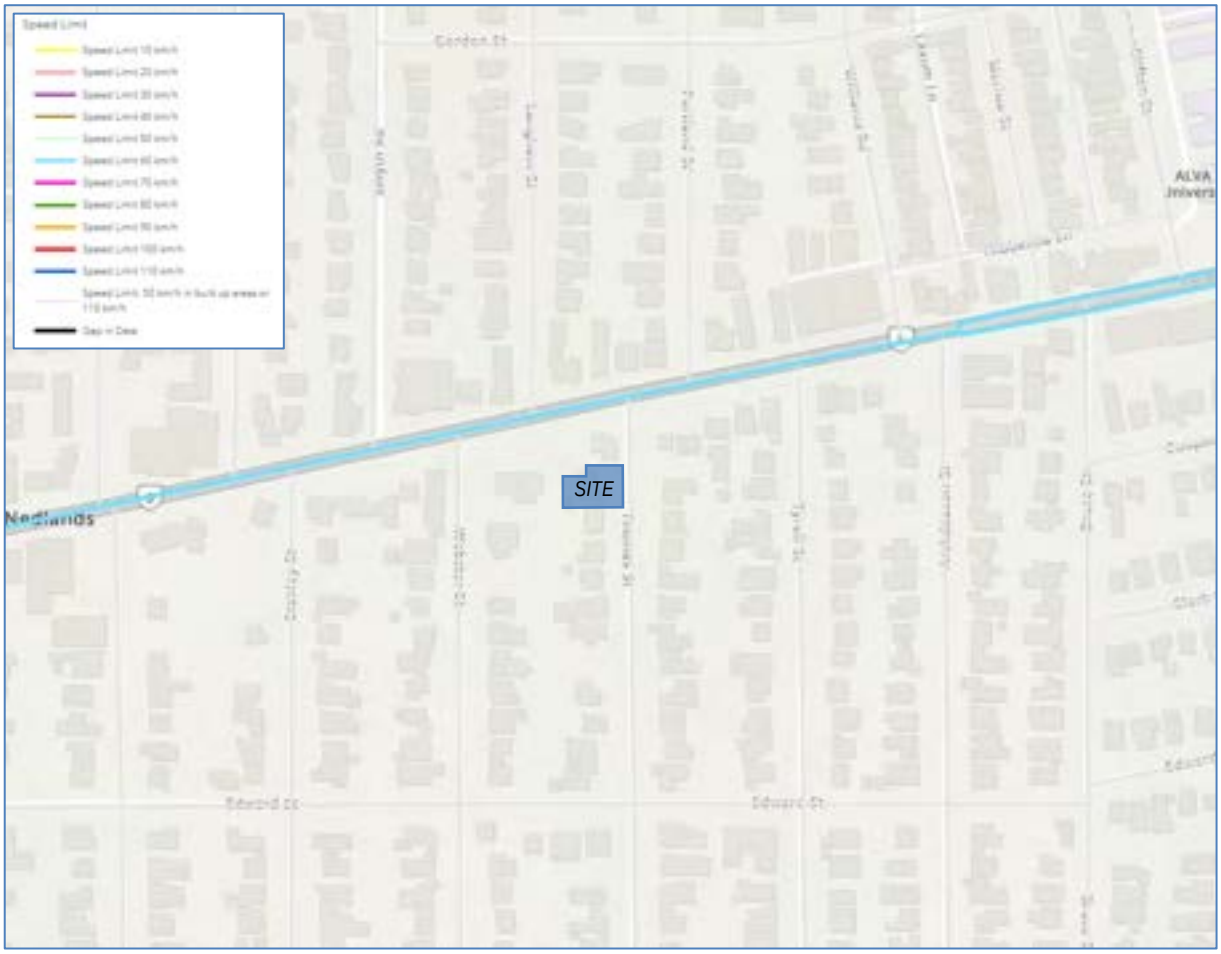

Figure 8: Existing Speed Limits

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4. Vehicle Access and Parking

4.1. Vehicle Access

The site has one existing crossover on Thomas Street which will be modified for the new development as shown in **Figure 9**.

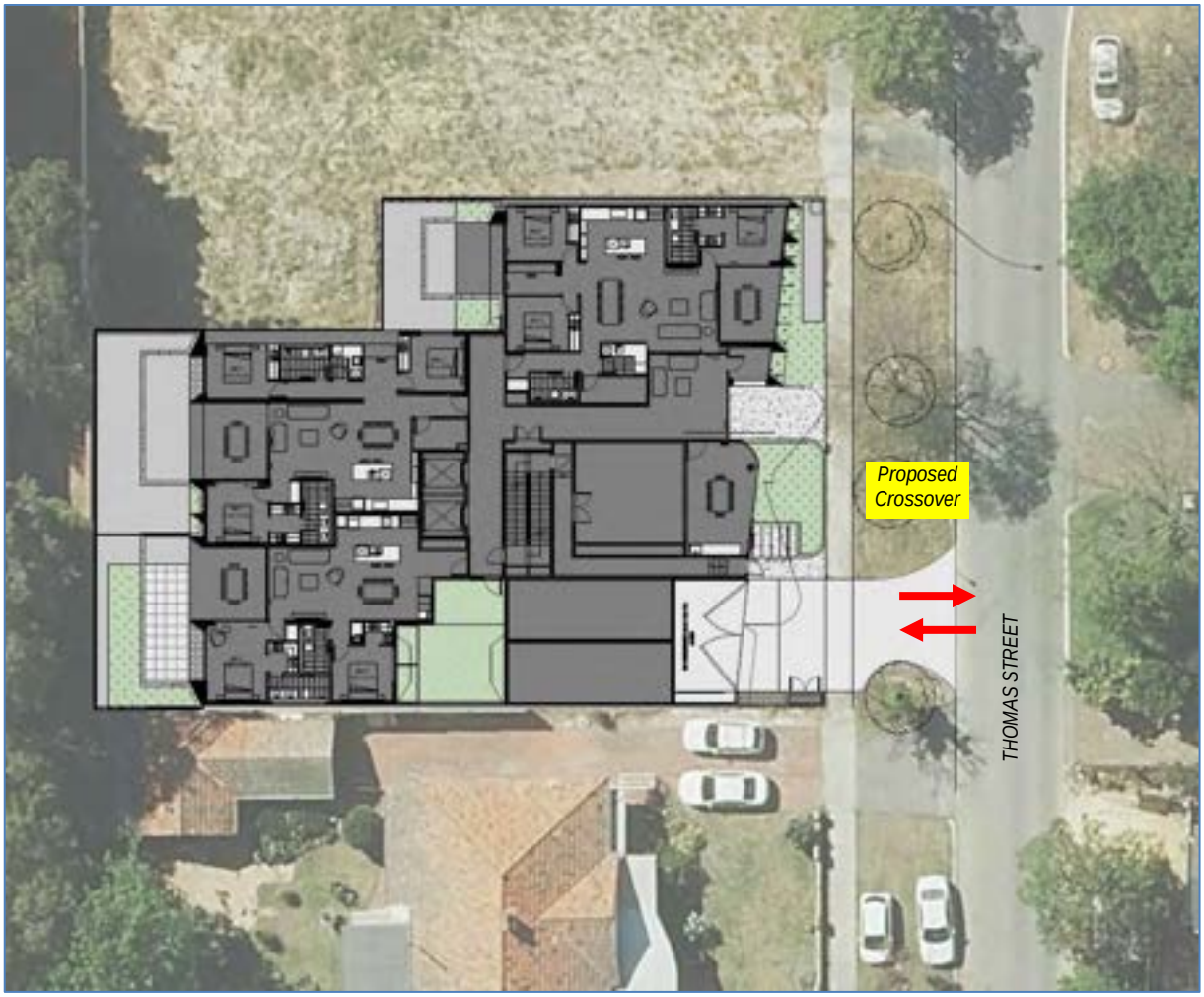

Figure 9: Proposed Access

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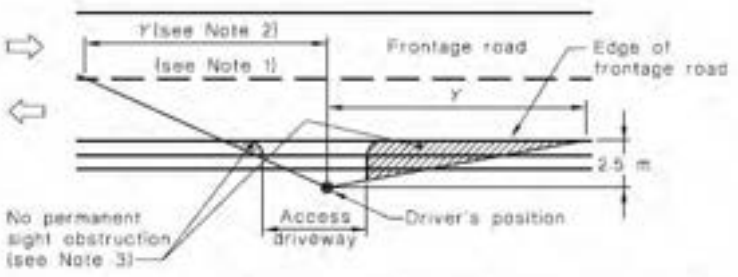
4.2. Vehicle Sight Distance

Sight distance requirements from vehicle exit points are defined in Figure 3.2 of Australian Standard AS2890.1-2004 *Parking facilities Part 1: Off street car parking* (AS2890.1) which are based on the Austroads Stopping Sight Distance shown in **Figure 10**.



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2nd and 3rd columns
100	139	160	
110	153	190	

Figure 10 : AS2890.1 Sight Distance Requirements

Based on the 50km/h speed limit along Thomas Street, the minimum required Stopping Sight Distance is 45m. As shown in **Figure 11**, the minimum required sight distance is achieved in both directions. The canopy of the existing verge trees on either side of the crossover is well above the typical driver eye height of 1.1m as shown in **Figure 12**.

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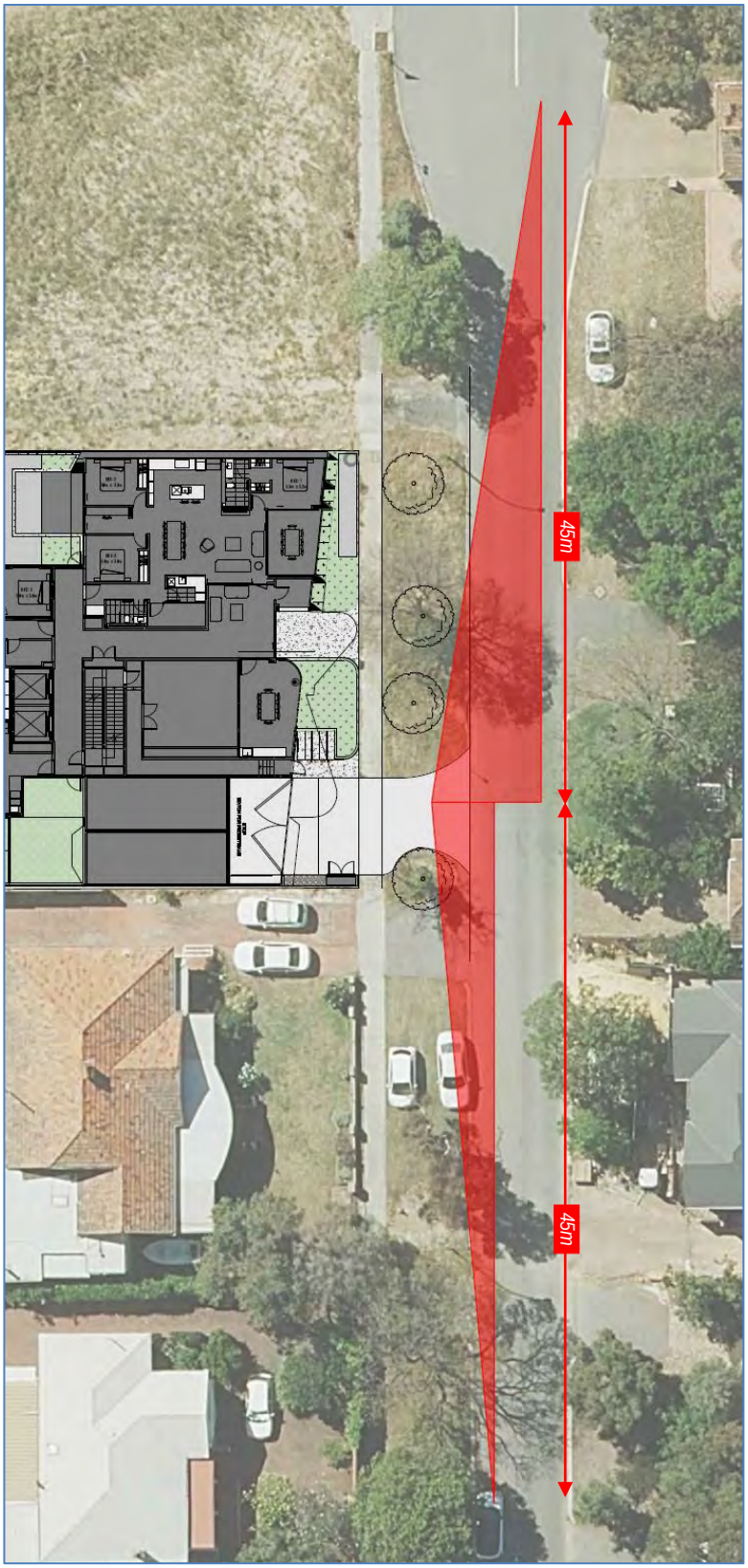

Figure 11: Sight Distance Check

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Figure 12: Verge Trees

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4.3. Pedestrian Sight Distance

To allow for visibility between vehicles and pedestrians on the driveway, the Residential Design Codes (RDC) requires visual truncations to be kept clear of obstruction as shown in **Figure 13**.

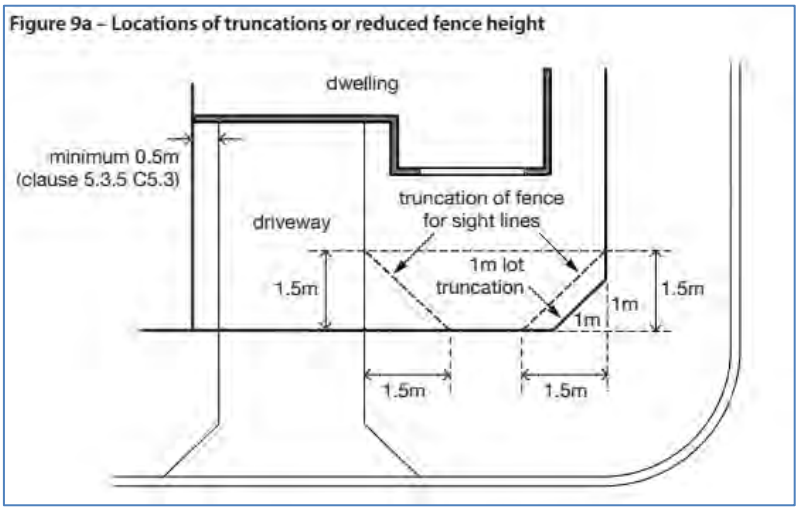

Figure 13: RDC Pedestrian Sight Distance Requirements

As shown in **Figure 14**, the required truncation is achieved as required. It is recommended that any landscaping in this area is kept low to maintain visibility. As the crossover is two-lane, two-way, the truncation is not required on the exit side.

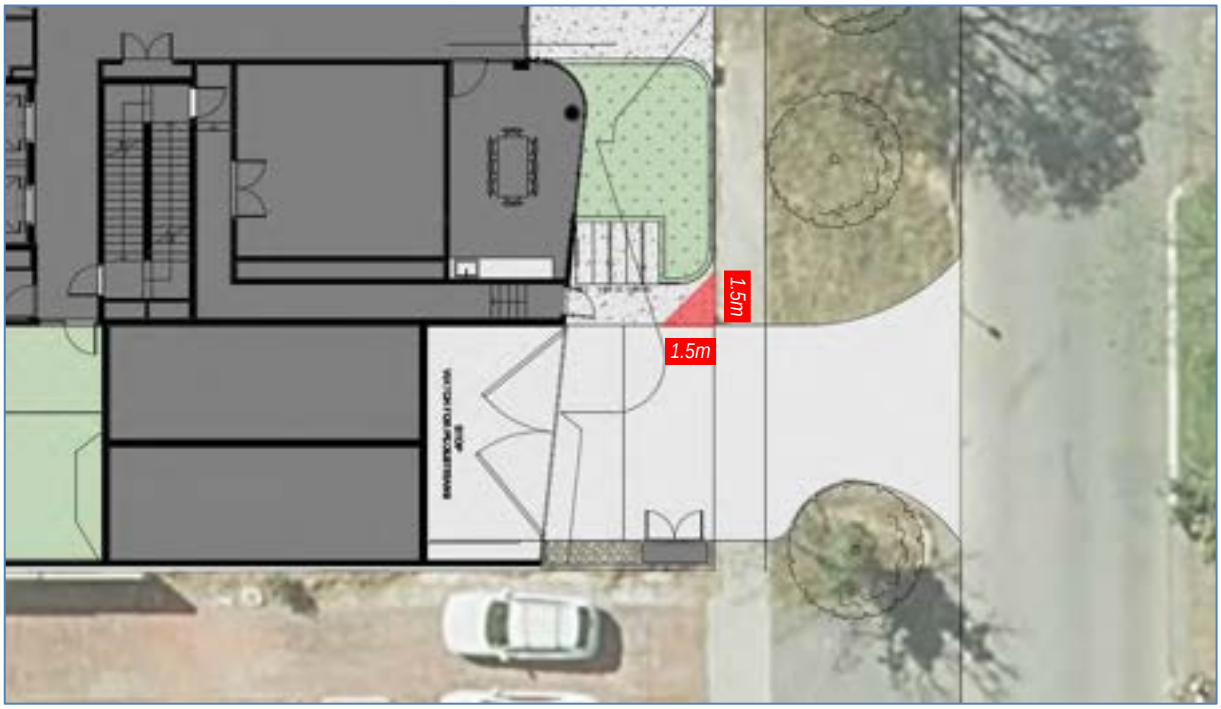

Figure 14: RDC Pedestrian Sight Distance Check

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4.4. Access Width

The City of Nedlands *Specification for the Construction of Crossovers* specifies that the minimum width of any crossover is 3.0m and the maximum width of any crossover and/or adjoining crossover is to be 6.0m. Larger crossovers may be approved by the City only in special circumstances.

The proposed crossover is 4.5m wide which complies with the City's requirements.

4.5. Car Parking

The car parking requirements for multiple dwelling residential developments are to comply with the Residential Design Codes Volume 2 (RDC2) as outlined in **Table 1**. The Location A requirements have been applied as the majority of the site is located within 250m of a stop on a high frequency bus route (Route 995).

Table 1: RDC2 Car Parking Requirements – Location A

Land Use	Unit	Requirement	Quantum	Required Bays
Apartment	1 bedroom dwellings	0.75 bays per dwelling	0	0
	2+ bedroom dwellings	1 bay per dwelling	29	29
	Visitor	1 bay per 4 dwellings up to 12 dwellings	12	3
		1 bay per 8 dwellings for the 13th dwelling and above	17	3
Total Required				29 resident bays 6 visitor bays

As above, the development requires a minimum of 29 resident bays and 6 visitor bays. The development proposes 58 resident bays and 5 visitor bays which is short of the minimum requirements by 1 visitor bay. The minor shortfall is considered acceptable as the site has excellent access to public transport, including high frequency bus services along Stirling Highway within very short walking distance. It is also noted that kerbside parking is permitted along sections of Thomas Road as indicated by existing parking signs. The RDC2 advises that visitor parking may be reduced where there is on-street or public parking in the vicinity.

4.6. Motorcycle / Scooter Bays

The RDC2 requires 1 motorcycle / scooter space for every 10 car bays in developments with more than 20 dwellings. Based on the 35 car bays required, the development would require 4 motorcycle bays.

The development proposes 6 motorcycle / scooter bays which satisfies the calculated requirements.

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4.7. Parking Layout

The layout and dimensions of the car park have been assessed for compliance with AS2890.1 as detailed in **Table 2**. As the majority of bays are for resident use, the User Class 1 or 1A requirements have been applied which is the standard for long-term parking. There is limited guidance on the minimum length of tandem car bays but standard practice is to provide a minimum length of 10m.

Table 2: AS2890.1 Car Parking Compliance

Dimension	Requirement	Provided
90 degree parking – Class 1 – Residential, domestic parking		
Car Bay Width	2.4m	2.4m
Car Bay Length (Standard Bay)	5.4m	5.4m
Car Bay Length (Tandem Bay)	10.0m	10.0m
Parking Aisle Width	5.8m	5.8m
Blind Aisle Extension	1.0m	1.5m

As shown, all relevant dimensions are compliant.

4.8. Provision for Service Vehicles

Waste from the development will be stored and collected from the bin store area on basement level 1. Waste will be collected by the City's 7.5 smaller waste truck which can be used for developments with 40 dwellings or less. The collection arrangement is the same as the previously approved development.

A vehicle swept path analysis has been undertaken to check the manoeuvrability to and from the waste collection bay. The analysis has been undertaken in AutoTURN vehicle tracking software using a custom waste vehicle template that best matches the specifications of the City's waste truck. A vertical clearance check has also been undertaken to ensure that there is adequate overhead and ground clearance along the ramp between the ground and basement level 1. The vertical clearance check has been undertaken using the Australian Standard Medium Rigid Vehicle template that has been modified to match the dimensions of the City's waste truck and is based on the default ground clearance of 150mm.

The results of the analysis are attached as **Appendix A** and these demonstrate that there is sufficient room for the waste vehicle to enter and exit the site in a forward direction and access the waste collection bay. The vertical clearance check indicates that the City's waste truck will have sufficient overhead and ground clearance along the proposed ramp.

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5. Traffic Generation

5.1. Proposed Development

The volume of traffic generated by the proposed building has been estimated using trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation* as detailed in **Table 3**.

The peak hour trip rates are based on the peak hour of the adjacent road network typically occurring between 7 to 9am and between 4 to 6pm.

Table 3: Proposed Development Vehicle Trip Generation

Land Use	Units	Quantity	Generation Rate		Number of Trips	
			AM Peak	PM Peak	AM Peak	PM Peak
Multi-family Housing – Mid-Rise	Dwellings	29	0.37	0.39	11	11

As shown, the proposed development is predicted to generate approximately 11 trips during the morning peak hour and 11 during the afternoon peak hour.

According to the WAPC TIA guidelines, an increase of between 10 to 100 peak hour vehicles is considered to have a low to moderate impact and is generally deemed acceptable without requiring detailed capacity analysis.

The estimated 11 vehicles per hour is at the lower end of this range and so the development traffic is considered to have a low impact and can be accommodated within the existing capacity of the road network.

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6. Pedestrian and Cyclist Access

6.1. Accessibility

There are existing paths along the west side of Thomas Street and both sides of Stirling Highway. Most other roads in the surrounding area have at least one footpath. The external path network is well established and considered to be adequate for pedestrians and cyclists to safely travel between the site and surrounding areas.

6.2. Bicycle Parking

The bicycle parking requirements for residential developments according to the RDC2 are outlined in **Table 4**.

Table 4: RDC2 Bicycle Bay Requirements

Land Use	Unit	Requirement	Quantum	Required Bays
Apartment	Resident	0.5 space per dwelling	29	15
	Visitor	1 space per 10 dwelling	29	3
Total Required				18

As above, the development requires a minimum of 15 bicycle bays for residents and 3 bicycle bays for visitors. 29 bicycle racks are proposed for residents within the basement levels and 5 spaces are proposed along the Thomas Street frontage for visitors. The bicycle parking provision satisfies the minimum requirements according to the RDC2.

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7. Public Transport Access

The following public transport services currently operate within reasonable walking distance of the site:

- Transperth Bus Route 23 which operates between Perth and Claremont Station. The closest stops are located on Stirling Highway west of Broadway, approximately 500m walking distance from the site.
- Transperth Bus Route 25 which operates between Shenton Park Station and Claremont Station. The closest stops are located on Dalkeith Road north of Stirling Highway, approximately 550m walking distance from the site.
- Transperth Bus Route 103 which operates between Perth and Claremont Station.
- Transperth Bus Route 995 which operates between Perth and Claremont Station. This is a high frequency bus services which operates at least every 15 minutes between 7am and 7pm Monday to Friday, between 8am and 7pm on Saturdays and between 9am and 7pm on Sundays.
- Transperth Circle Route 998 and 999 which are circle routes operating around the Perth Metropolitan area.

The closest stops for Routes 103, 995, 998 and 999 are on Stirling Highway both east and west of Thomas Street, within 200m walking distance from the site.

The existing available services are adequate to meet the likely demand.

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8. Site Specific Issues and Safety Issues

8.1. Crash History

The crash history of the adjacent road network was obtained from the MRWA Reporting Centre. The search included the length of Thomas Street between Stirling Highway and Edward Street. A summary of the recorded incidents over the five-year period ending December 2023 is shown in **Figure 15**.

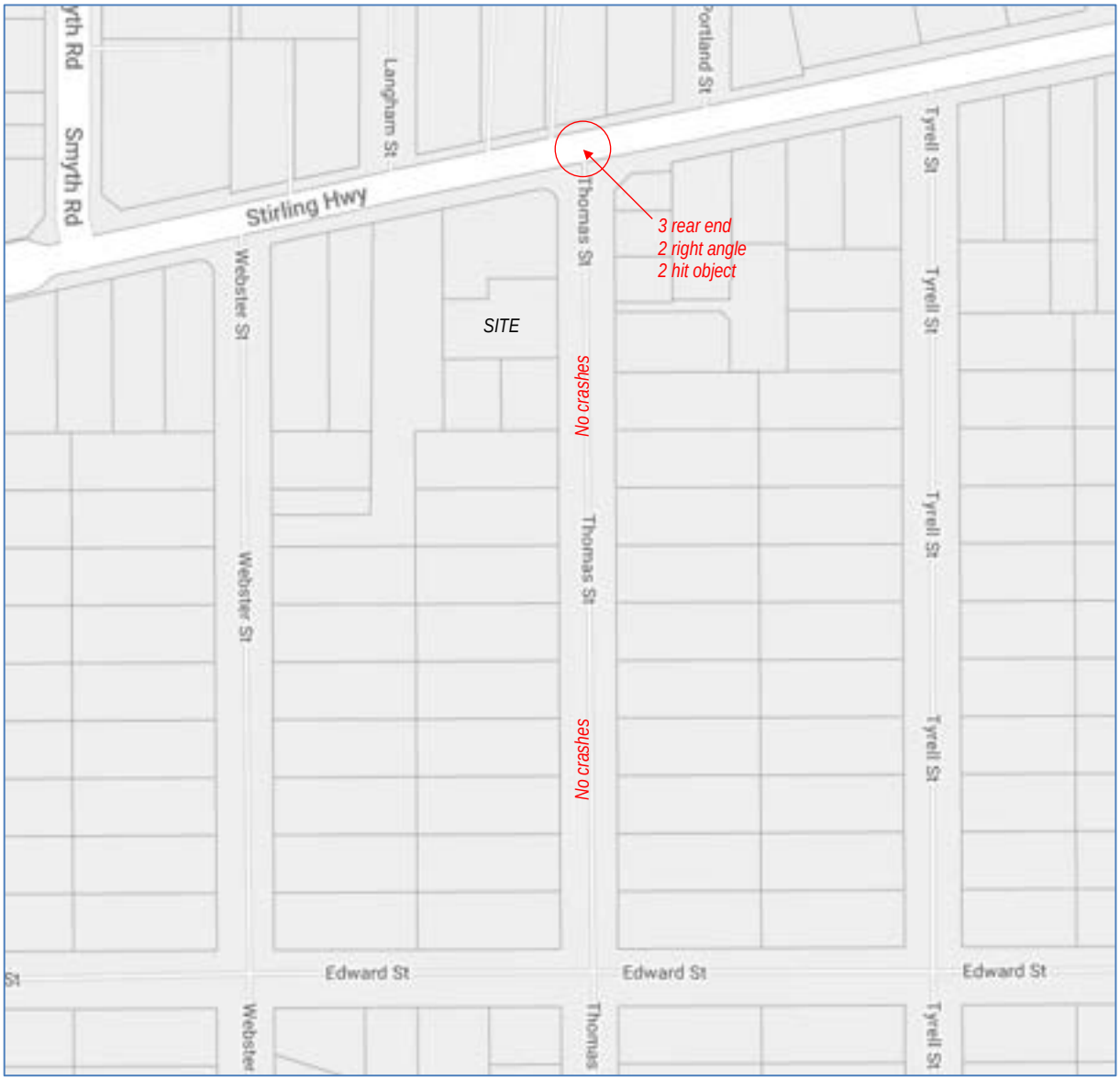

Figure 15: Crash History January 2019 to December 2023

The historic number of crashes is low and there does not appear to be any particular safety issue that needs to be addressed. The proposed development will generate a low volume of traffic and there is no indication that the development would increase the risk of crashes to unacceptable levels.

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9. Conclusion

This Transport Impact Statement for the proposed residential development at 1A Thomas Street in Nedlands concludes the following:

- The proposed development is predicted to generate approximately 11 trips during the morning peak hour and 11 during the afternoon peak hour. This volume of traffic is low and the existing road network will have sufficient capacity to accommodate the traffic generated by the development.
- The minimum required sight distance is achieved at the proposed vehicle access in both directions.
- The crossover width complies with the City's specifications.
- The development requires a minimum of 29 resident bays and 6 visitor bays. The development proposes 58 resident bays and 5 visitor bays which is short of the minimum requirements by 1 visitor bay. The minor shortfall is considered acceptable as the site has excellent access to public transport, including high frequency bus services along Stirling Highway within very short walking distance. It is also noted that kerbside parking is permitted along sections of Thomas Road as indicated by existing parking signs. The RDC2 advises that visitor parking may be reduced where there is on-street or public parking in the vicinity.
- The car parking layout is compliant with AS2890.1.
- A vehicle swept path analysis has been undertaken to check the manoeuvrability to and from the waste collection bay. A vertical clearance check has also been undertaken to ensure that there is adequate overhead and ground clearance along the ramp between the ground and basement level 1. The analysis demonstrates that there is sufficient room for the waste vehicle to enter and exit the site in a forward direction and access the waste collection bay. The vertical clearance check indicates that the City's waste truck will have sufficient overhead and ground clearance along the proposed ramp.
- The existing external path network is considered to be adequate.
- The existing public transport services are considered to be adequate.
- The crash history does not indicate any issues with the road network. The traffic generated by the site will be low and is unlikely to increase the risk of crashes to unacceptable levels.

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Appendix A – Swept Paths

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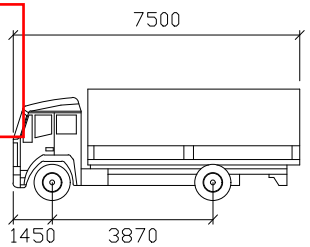

7.5m Refuse Vehicle (Custom)

	mm
Width	: 2500
Track	: 2500
Lock to Lock Time	: 6.0
Steering Angle	: 34.0

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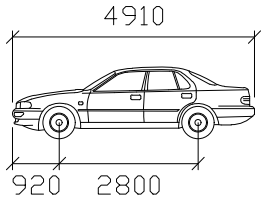
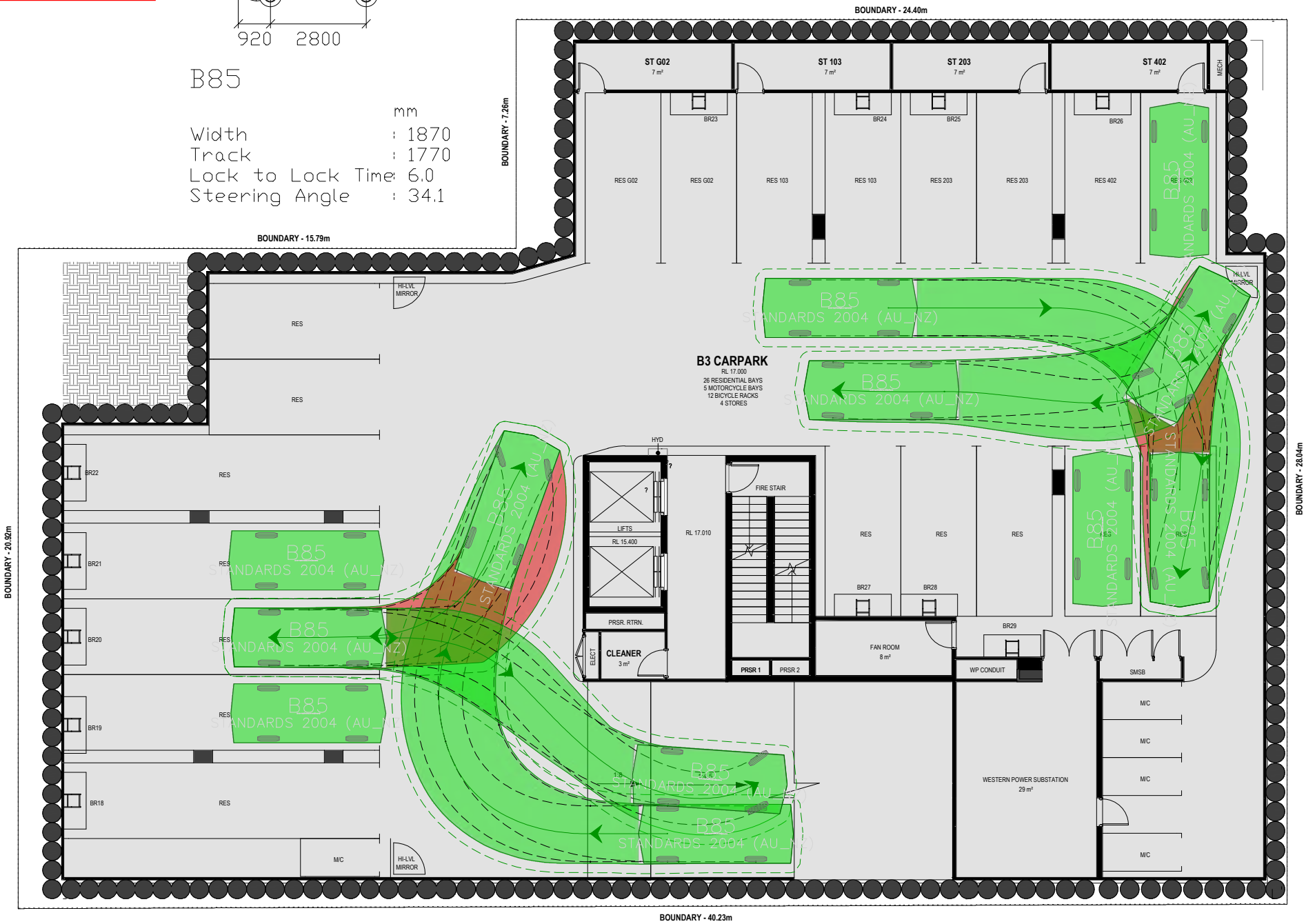


B85

	mm
Width	: 1870
Track	: 1770
Lock to Lock Time	: 6.0
Steering Angle	: 34.1



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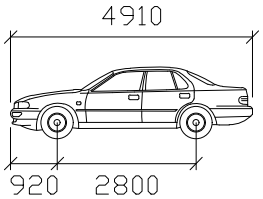

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Width	: 1870
Track	: 1770
Lock to Lock Time	: 6.0
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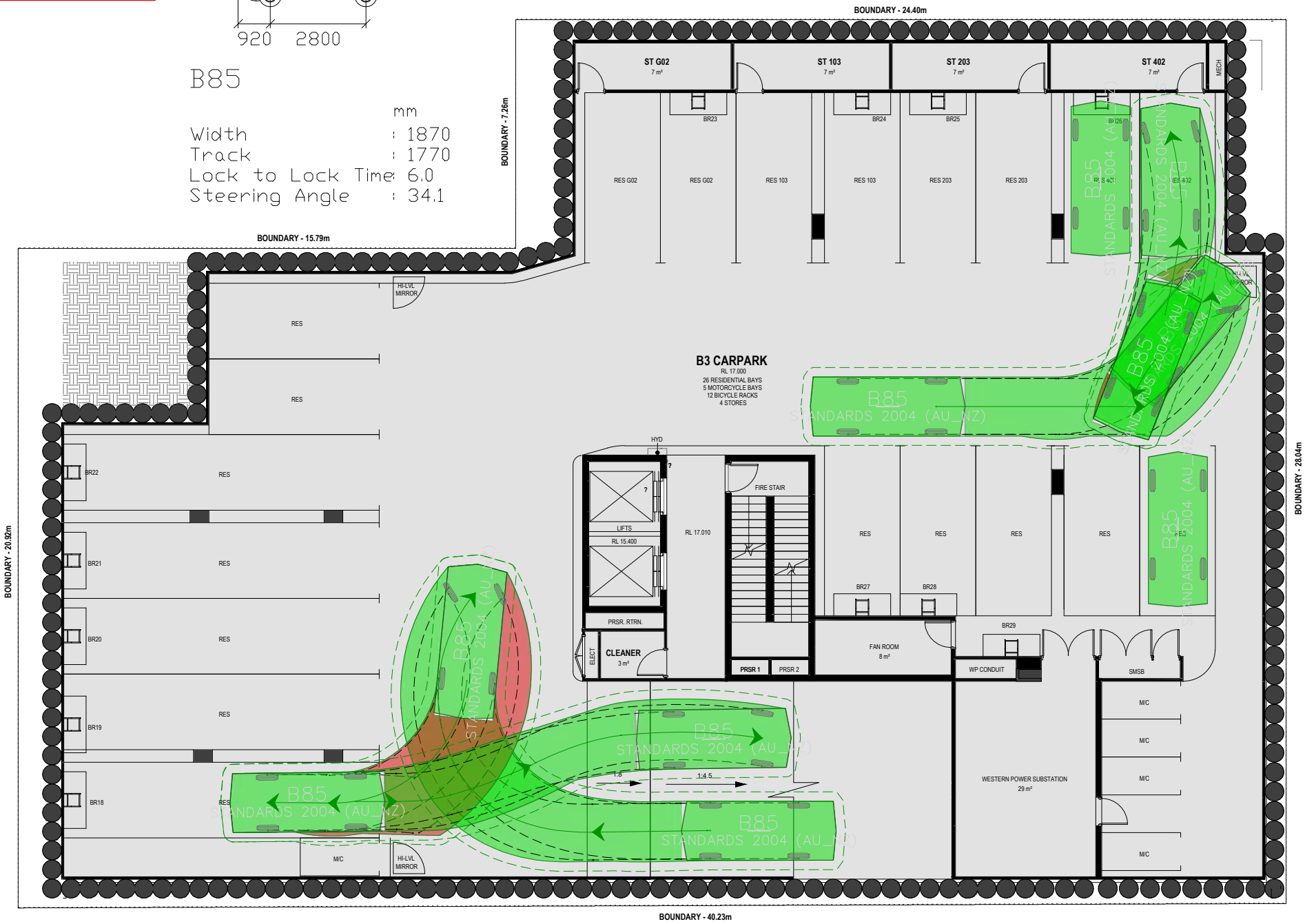

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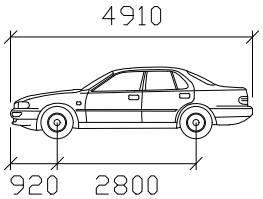

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	mm
Width	: 1870
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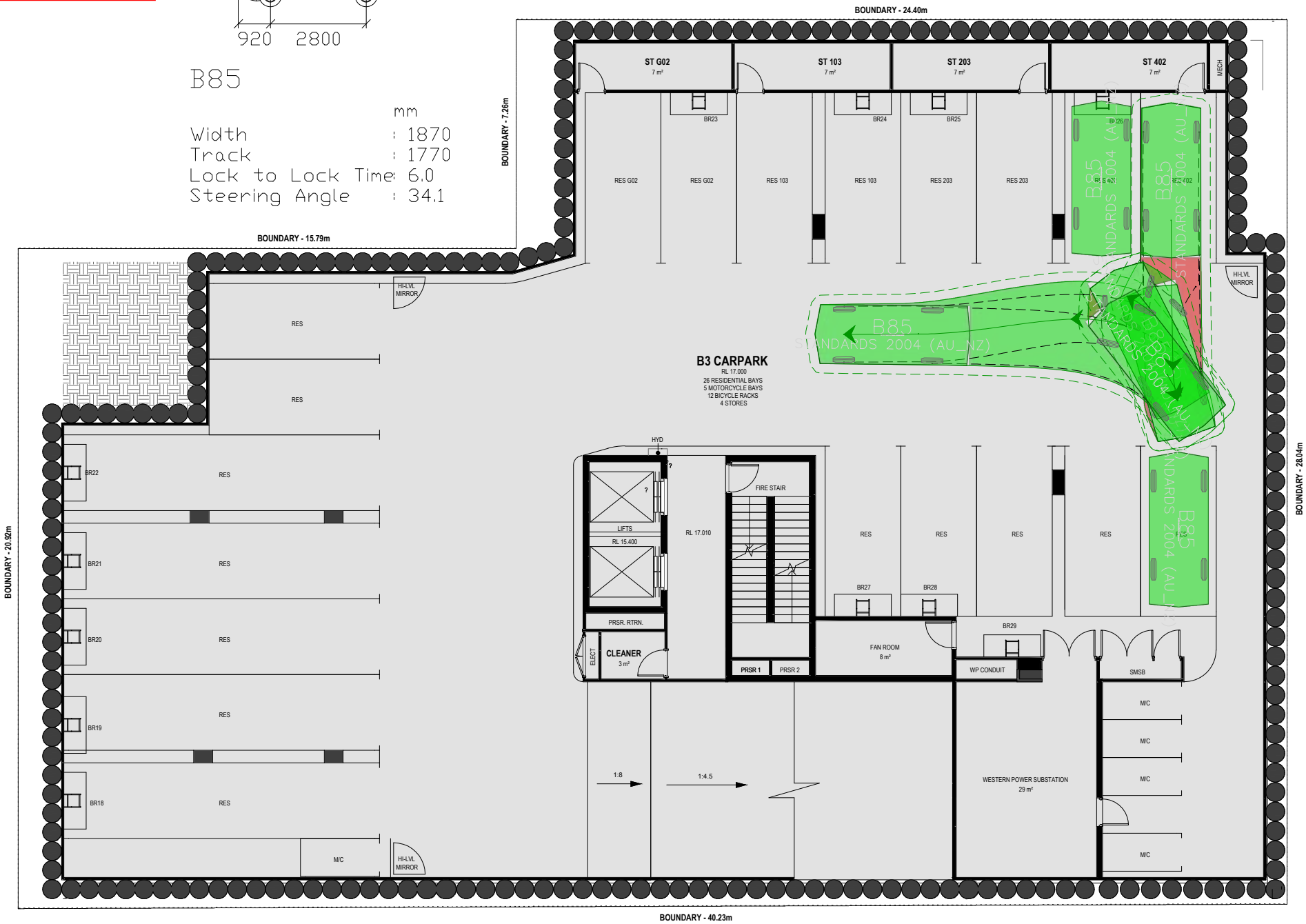
Steering Angle	: 34.1



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EMERGEN

SUSTAINABILITY DESIGN REPORT

FORET

1A Thomas Street, Nedlands 6009

PREPARED BY

NYONIKA OBERAI

Project: 125023

Published date.

14/12/2023

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DRAWING NO.	DRAWING TITLE	REVISION NO.
DA1-01 – DA2-06	Architectural Drawings	Design Approval

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DISCLAIMER

The contents of this report are based on the documentation and plans provided by the Client to EMERGEN/CADDS Group. The outcomes presented are representative of schematic systems, schedules, and project design. These results should not be considered as actual energy usage.

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1 STATE PLANNING POLICY SUMMARY

EMERGEN (a division of CADDS GROUP), in collaboration with the design team (RAD Architects) has developed a sustainable design strategy for the proposed 1A Thomas Street, Nedlands 6009, aligning with *State Planning Policy 7.0*, which focuses on the Design of the Built Environment - specifically, Principle 5: Sustainability.

This report serves the vital purpose of bolstering the development application by articulating the sustainability principles and commitments for the project site. We acknowledge the significance of State Planning Policy 7.0 in promoting sustainability within the built environment. Good design, as outlined in the policy, is not only about aesthetics but also optimises the sustainability of our built surroundings, yielding positive outcomes on environmental, social, and economic fronts.

Our approach to sustainable landscape and urban design adheres closely to the established water-sensitive urban design principles, ensuring minimal adverse impacts on existing natural features and ecological processes while promoting green infrastructure at all scales of the project. Furthermore, our strategy for sustainable built environments embraces passive environmental design measures tailored to local climate and site conditions. This includes careful consideration of optimal orientation, shading, building envelope, and natural ventilation, ultimately reducing reliance on energy-intensive heating and cooling technologies. This, in turn, results in reduced energy consumption, decreased resource usage, and lowered operating costs throughout the project's lifecycle.

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1.1 DESIGN AND CONSTRUCT TO AUSTRALIAN BEST PRACTICE

The design team will utilise a structured approach to a sustainable outcome for the design and construction of the development including the following Sustainable Targets.

Table 1:Sustainability Targets

DESCRIPTION	GOAL	SUSTAINABILITY COMMITMENTS
CLEAR AIR	Improve indoor environment quality and health and wellbeing of occupants.	Outdoor air provided to primary areas at a rate at least **50%** greater than minimum in AS 1668.2:2012. *(TBC based on mechanical consultant).*
LIGHT QUALITY		Above **40%** of the regularly occupied areas have high level of daylight (above 160 Lux).
EXPOSURE TO TOXINS		The building's paints adhesives, sealants, and carpets are low in TVOC or non-toxic. The building's engineered wood products are low in TVOC or non-toxic. Occupants are not exposed to banned or highly toxic materials in the building.
HEAT RESILIENCE	Reduce impacts of long-term performance.	Light Roof Colour (SRI below 0.50)
ENERGY USE	Reduce emissions and water use.	A minimum of **30%** offset in operational energy usage
WATER USE		High WELS Ratings (these equal to above **30%** reduction in potable water).
LIGHTING USE		**20%** reduction in lighting power when compared to NCC DTS.
MOVEMENT AND PLACE	Low carbon options.	Provision for 2 x EV Charging Bays
DESIGN FOR INCLUSION	Social health.	Disability Access and inclusive design

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1.2 TARGETS FOR NCC + DESIGN WA

The proposed development is designed to exceed the minimum requirement of the NCC by reducing its heating and cooling requirement by 48%

Table 2 NatHERS Rating

Requirement	NCC	Design WA	Thomas
Worst case NatHERS rating	5	5.5	6.5
Overall average NatHERS rating	6	6.5	7.5
Estimate average energy load	70	61	44

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2 PROJECT INFORMATION

CADDS Group (Emergen) has developed a sustainable strategy on the proposed development at 1A Thomas Street, Nedlands.

The purpose of this report is to support the development application by identifying the principles incorporated in the design that meet sustainable objectives and targets for the

Figure 1: Existing site image

3 ENERGY USE

3.1 BUILDING FABRIC FOR RESIDENTIAL

The modelling demonstrated ability to achieve compliance.

Table 3: Assumed construction type.

CONSTRUCTION		MATERIALS
EXTERNAL & PARTY WALLS	External Wall Type 1:	Precast Concrete Wall + Internal Plasterboard Lining. **Insulated with R1.5 Insulation Batts**
	External Wall Type 2:	Fibre Cement Stud-Frame Wall + Internal Plasterboard Lining **Insulated with 90mm R2.5HD Insulation Batts**
	Party Walls:	Double-Stud Frame + Internal Plasterboard Lining **Insulated with R1.5 Insulation Batts on each side.**

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	Corridor Walls:	Fibre Cement Stud-Frame Wall + Internal Plasterboard Lining **Insulated with 90mm R2.5HD Insulation Batts**
	Stairs/Lifts Walls:	300mm Concrete Wall + 15mm Air gap + Internal Plasterboard Lining
INTERNAL WALLS	Internal Apartment Walls Type 1:	Internal Stud-Frame Walls
FLOORS	Construction Type 1:	250mm Suspended Concrete Slab
	Construction Type 2:	250mm Suspended Concrete Slab **30mm R1.3 K10 Soffit Insulation to exposed slab areas**
	Coverings	*Tiles to Wet areas, Carpet to Bedroom and WIR areas and Timber to remaining.*
CEILINGS/ ROOF	Construction Type 1:	250mm Suspended Concrete Slab
	Construction Type 2:	250mm Suspended Concrete Slab **R4.0 Insulation Batt to exposed roof areas**

GLAZING SPECIFICATION FOR APARTMENTS		U-Value	SHGC (+/- 5%)
AWNING WINDOW	Single-Glazed Clear, in Aluminium Frame	6.7	0.57
SLINDING/FIXED WINDOW	Single-Glazed Clear, in Aluminium Frame	6.7	0.70
DG WINDOW	Double-Glazed Clear, in Aluminium Frame	3.6	0.54

3.1.1 NATHERS RESULTS

Table 4: NatHERS Outcome

APARTMENT NO.	COOLING (MJ/M^2)	HEATING (MJ/M^2)	ORIGINAL STAR RATING	INSULATION	DOUBLE GLAZING
G01	45.1	37.8	5.3	5.9	7.3
G02	62.0	34.9	4.7	5.6	7.1
G03	47.8	36	5.3	6.1	7.3

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101	19.6	29.7	7.2	7.2	8.2
102	100.6	27.5	7.8	7.8	8.4
103	27.2	28	6.8	7.4	8.2
104	34.1	43.2	5.6	5.8	7.3
105	13.6	31.8	7.4	7.4	8.2
201	20.2	29	7.2	7.2	8.2
202	11.1	27.3	7.8	7.8	8.4
203	43	52.8	4.7	6.7	7.7
204	60.5	62.3	3.9	5.3	6.8
205	34.9	44.7	5.4	6.9	7.9
301	63.8	52	4.1	6	7.3
302	32.0	31.3	6.4	6.6	8.1
303	20.5	35.1	6.8	6.8	8.1
401	14.3	44.3	6.6	6.7	8.2
402	37.7	39.7	5.6	6.2	7.9
403	23.6	53.6	5.6	5.6	7.2
501	12	48.3	6.5	6.5	7.9
502	43	45.5	5.0	5	7.1
601, 701, 801	11.9	47.7	6.6	6.6	7.9
602, 702, 802	42.8	46.0	5.0	5.0	7.2
901	49	71	3.9	5.3	6.8
902	71.6	57.7	3.7	4.5	6.6
AVERAGE				**6.24**	**7.64**

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3.2 BUILDING FABRIC FOR COMMERICIAL

Based on the modelled outcome EMERGEN suggest the following building fabric and glazing specification.

Table 5: Proposed Building Specification

CONSTRUCTION		DESCRIPTION	REQUIREMENT
ENVELOPE WALLS	**External Concrete Wall**	150mm Concrete tilt wall. External finishes as per elevations.	**No Insulation Required.**
	Steel Framed Wall	FC Cladding on 90mm steel framed stud with plasterboard lining. External finishes as per elevations.	**R2.5 Insulation Batts** & **R0.2 Thermal Break.**
INTERNAL WALLS	**Steel Framed Wall**	FC Cladding on 90mm steel framed stud with plasterboard lining. External finishes as per elevations.	**R2.5 Insulation Batts** & **R0.2 Thermal Break.**
	Steel Framed Wall	Steel framed stud with plasterboard lining.	**R1.5 Insulation Batts.** **No Insulation Required.**
FLOORS	**Slab on Ground**	Concrete slab with ground contact. Floor coverings as per plans.	**No Insulation Required.**
	Suspended Concrete Slab	Suspended concrete slab. Floor coverings as per plans.	**No Insulation Required.**
ROOFS	**Suspended Concrete Slab**	Suspended concrete slab. Floor coverings as per plans.	**No Insulation Required.** **R3.0 Insulation Batts** to dropped plasterboard ceilings
	Roof Type 1	Metal deck roof sheeting. **Surfmist (SA: 0.55).**	**60mm Anticon (R1.3) with R3.0 Insulation Batts** to dropped plasterboard ceilings

WINDOW SPECIFICATION		U-Value	SHGC
TYPE 1	Double Toned glazing in aluminium frame. (i.e., 6.00mm **VFloat Grey**, or equal)	**3.5**	**0.62**

Note: Glazing values provided are for Whole System (Frame + Glass)

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RESULTS

The figures shown below demonstrate the difference in performance between the proposed building and the reference building, allowing for a quantifiable comparison on the performance of each building.

Table 6: Estimated Energy Use

MODEL	HEATING	COOLING	FANS	LIGHTS	EQUIP	PV	TOTAL
REFERENCE (KWH/M2)	15.6	30.6	26.9	88.4	0.0		**161.4**
PROPOSED (KWH/M2)	13.3	31.9	26.3	85.9	2.3		**159.7**
ENERGY REDUCTION							**1.09%**

Table 7:Predicted Mean Vote (PMV) Summary

PREDICTED MEAN VOTE - % HOURS IN RANGE FOR	<= -1.00	>-1.00 TO <=1.00	>1.00
Class 2	0	100.0	0

3.2.1 SOLAR PV

The development has looked at multiple scenarios for size and output of the PV system. The solar panels will allow for a 5-degree angle.

Table 8: Energy reduction with solar PV

MODEL	HEATING	COOLING	FANS	LIGHTS	EQUIP	PV	TOTAL
REFERENCE (KWH/M2)	15.6	30.6	26.9	88.4	0.0	-	**161.4**
PROPOSED (KWH/M2)	13.3	31.9	26.3	85.9	2.3	- 43.3	**116.4**
ENERGY REDUCTION							**27.88%**

A **25kW** solar PV system has been modelled with the proposed building to help offset total energy consumption.

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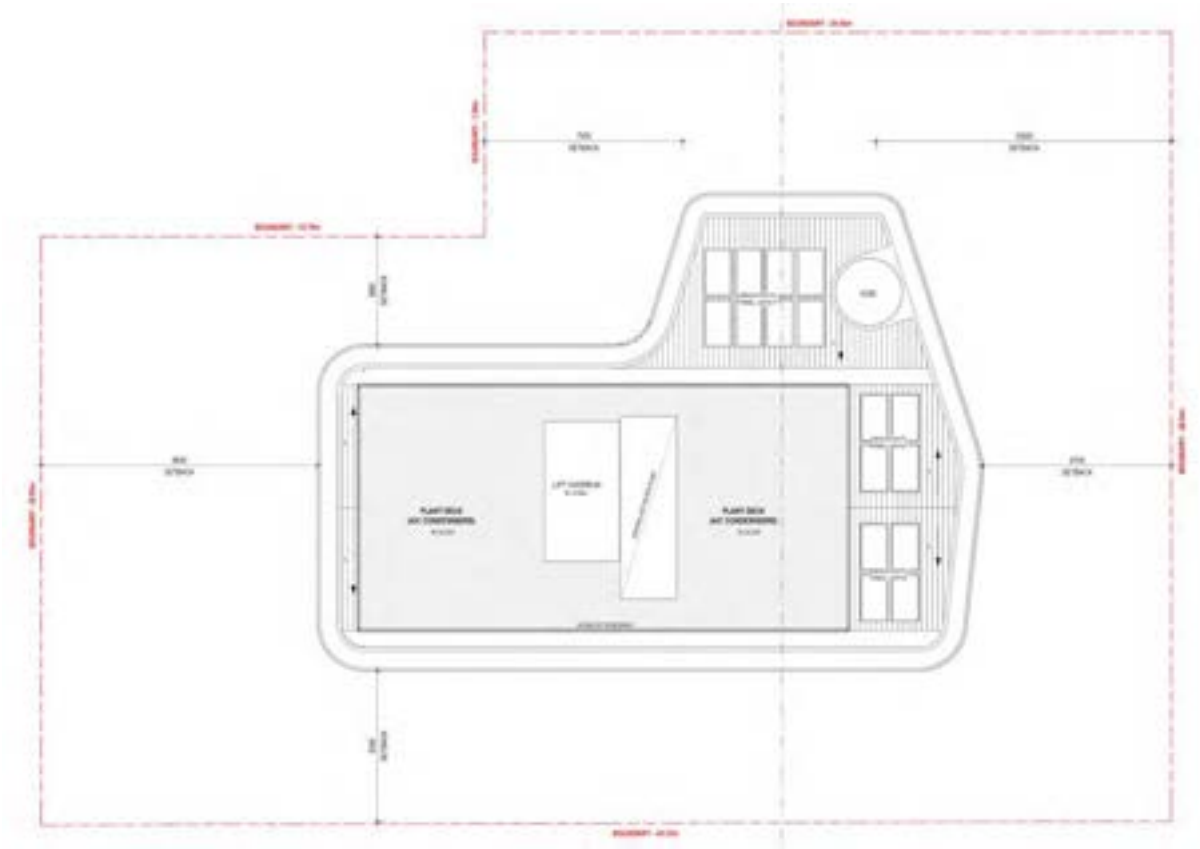

Figure 2 Solar PV

4 HEALTH AND WELLBEING

Through the enhancement of indoor environment quality, occupants will see improvements to health along with benefits to thermal and visual comfort resulting in a more inviting and liveable internal environment.

The apartments have been designed to provide comfortable conditions within the building producing high NatHERS ratings. This will minimise the requirement for heating and cooling.

4.1 PLACES FOR PEOPLE

The project is socially sustainable with the inclusion of places to gather. The communal open space provides residents with opportunities to socialise and foster connections. The current design of the communal area responds to microclimate and site conditions with access to sun in winter.

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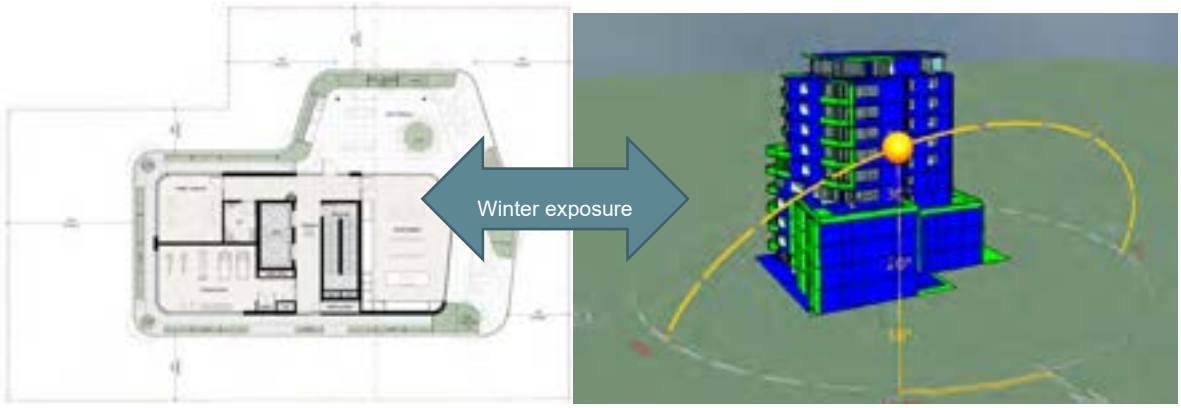

Figure 3: Communal open space

4.2 PROVISIONS FOR INCREASED OUTDOOR AIR

Pollutants entering the building are minimised, and a high level of fresh air is provided to ensure levels of indoor pollutants are maintained at acceptable levels. It is proposed that outdoor air provided to primary areas will be at a rate at least 50% greater than minimum in AS 1668.2:2012, this will need to be confirmed by the mechanical engineer.

5 LIGHTING COMFORT

Lighting within the building must meet the following criteria:

- All lighting must be flicker-free.
- Light sources must have a minimum Colour Rendering Index (CRI) average R1 to R8 of 85 or higher and have a CRI R9 of 50 or higher.
- Light sources must meet best practice illuminance levels for each task within each space type with a maintained illuminance that meets the levels recommended in AS/NZS 1680.1:2006 series applicable to the project type and including maintenance.
- The maintained Illuminance values must achieve a uniformity of no less than that specified in Table 3.2 of AS/NZS 1680.1:2006, with a maintenance factor method as defined in AS/NZS 1680.4.; and
- All light sources must have a minimum of 3 MacAdam Ellipses.
- The walls within the field of view of occupants in regularly occupied spaces must have an average surface reflectance value of 0.70 and an average surface illuminance of at least 50% of the horizontal illuminance levels required for task.
- Vertical illuminance in workspaces: ensure that 50% of the horizontal task illuminance reaches the average eye height for 90% of primary spaces using vertical illuminance calculation grid.
- The illuminance values must be calculated in accordance with AS/NZS 1680 series for the relevant task.

5.1 EFFICIENT LIGHTING AND CONTROL

The installed aggregate illumination power has been designed to be **20%** below the maximum illumination power based on maximum allowable lighting power densities defined in Table J6.2a of the NCC 2019. Motion Detectors and daylight sensors are provided to reduce demand.

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Table 9: Lighting Characteristics

PARAMETER	PROPOSED BUILDING	REFERENCE BUILDING
LIGHTING TYPE	LED light fittings	LED light fittings
DESIGN ILLUMINANCE (LUX)	Various lux	Various lux
NOMINAL LIGHTING POWER DENSITY (W/M^2)	**20%** less compared to NCC max requirements.	As per NCC max requirements.
OCCUPANT SENSOR CONTROLS	Motion sensors	N/A
DAYLIGHT CONTROLS	Yes	N/A
OTHER LIGHTING CONTROLS	Timer switches	N/A
ADJUSTMENT FACTOR APPLIED	0.9 – Motion sensor 1 0.7 – Motion sensor 2 0.55 – Motion sensor 3	Room Aspect Ratio

5.2 DAYLIGHTING AND VISUAL COMFORT

Emergen have completed preliminary daylight modelling. The analysis has been undertaken using IES software at finished floor level based on CIE standard overcast sky. The study boundary includes Primary Spaces only.

Table 10: Calculations Conditions - Daylight

CALCULATION CONDITIONS	
TEST FACTOR	Daylight Factor
SKY FACTOR	CIE Overcast Sky
DATE	March 21st 12:00pm

Table 11: Daylighting

BUILDING	PROPOSE USAGE	NOMINATED AREA (M²)	COMPLIANT AREA (M²)	COMPLIANT AREA (%)
TYPICAL FLOOR	Primary	3478.296	2566.037	73.8

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78% of the nominated floor area has been designed to high levels of daylight during hours of occupancy

Table 12: Daylight per floor

SPACE	Area (m^2)	Daylit Area (m^2)	Daylit %
GROUND LEVEL			
BEDROOMS	108.47	107.34	99.0
LIVING DINING	174.66	95.83	54.9
LEVEL 1			
BEDROOMS	170.85	163.53	95.7
LIVING DINING	288.27	150.02	52.0
LEVEL 2			
BEDROOMS	170.85	163.53	95.7
LIVING DINING	288.27	150.02	52.0
LEVEL 3			
BEDROOMS	133.63	123.58	92.5
LIVING DINING	185.59	112.75	60.8
LEVEL 4			

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BEDROOMS	82.14	68.82	83.8
LIVING DINING	175.45	144.06	82.1
LEVEL 5			
BEDROOMS	97.61	95.49	97.8
LIVING DINING	140.98	114.54	81.2
LEVEL 6			
BEDROOMS	97.61	95.49	97.8
LIVING DINING	140.98	114.54	81.2
LEVEL 7			
BEDROOMS	97.61	95.49	97.8
LIVING DINING	140.98	114.54	81.2
LEVEL 8			
BEDROOMS	97.61	95.49	97.8
LIVING DINING	140.98	114.54	81.2
LEVEL 9			
BEDROOMS	97.61	95.49	97.8
LIVING DINING	140.98	114.54	81.2
TOTAL	**2971.225**	**2329.734**	**78.41%**

6 WATER EFFICIENCY

6.1 SUSTAINABLE WATER INITIATIVES

All new water fixtures are to ensure that high WELS rating fixtures and fitting are to be specified in line with minimum benchmarks below.

Table 13: WELS Ratings

FIXTURE / EQUIPMENT TYPE	WELS RATING
TAPS	5 Star (3l/min)
TOILETS	5 Star (6l/min)
SHOWERS	3 Star (6l/min)
DISHWASHERS	5 Star

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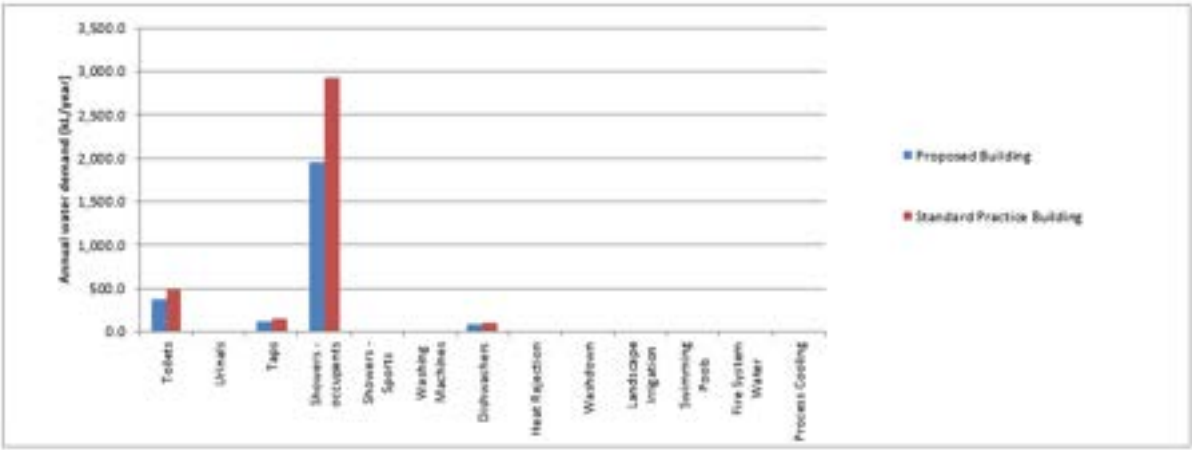
Table 14: Estimated Water Use

FITTINGS	PROPOSED BUILDING WATER DEMAND (KL/YEAR)	STANDARD PRACTICE BUILDING WATER DEMAND (KL/YEAR)
TOILETS	369.5	492.6
INDOOR TAPS	120.5	150.6
SHOWERS	1,950.6	2,925.9
DISHWASHERS	82.9	110.6
REDUCTION	**41.0%**	



7 MOVEMENT AND PLACE

7.1 BICYLCE PARKING FACILITIES & SUSTAINABLE TRANSPORT FACILITIES

It is the intention of this category to reduce occupant's dependency on carbon intensive vehicles. The development will install infrastructure to allow for future installation of EV charging stations.

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Figure 4: Bike Racks

7.2 ENCOURAGING WALKABILITY

The building's design and location encourage walking to and from a number of amenities. This means designing roads within the building boundary to prioritise pedestrians, and either providing within, or being located close to, several amenities.

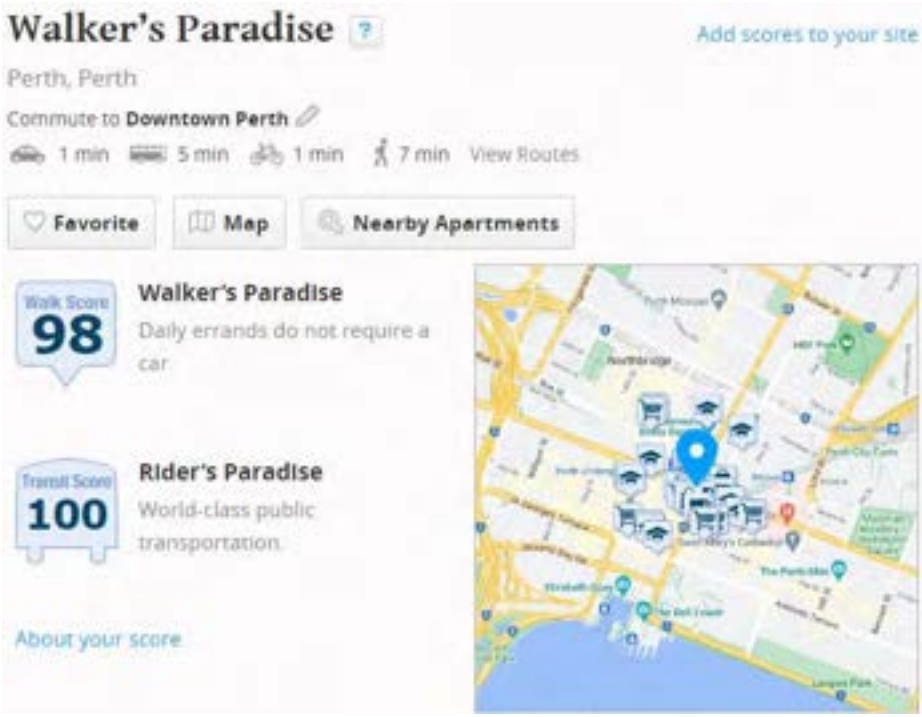

Figure 5: Walkability score of the site

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8 LAND USE AND ECOLOGY

8.1 HEAT ISLAND EFFECT

The project will dedicate more than **50%** of the entire site area to include one or a combination of the following:

- Vegetation.
- Roofing materials, including shading structures, having the following:
  - For roof pitched <15°– a three-year SRI of minimum 64; or
  - For roof pitched >15°– a three-year SRI of minimum 34.
- Only where the three-year Solar Reflectance Index (SRI) for products is not available, use the following:
  - For roof pitched <15° – an initial SRI of minimum 82; or
  - For roof pitched >15° – an initial SRI of minimum 39.
- Unshaded hard-scaping elements with a three-year SRI of minimum 34 or an initial SRI of minimum 39.
- Hardscaping elements shaded by overhanging vegetation or roof structures, including solar hot water panels and photovoltaic panels.

8.2 WASTE EFFICIENCY

A waste planning expert will produce a Waste Management Plan (OWMP) that addresses best practice in waste management, including:

- Identifying the objectives of the plan, by setting diversion from landfill targets and / or target for reducing total materials generation (general waste materials + recyclable / reusable materials);
- Clearly identify waste streams including general waste, paper and cardboard, glass and plastic;
- Clearly identify applicable bins for various waste streams, that allow for separation of recyclable streams – or use of comingled systems where appropriate.
- Clearly identify at least one other waste stream that can be recycled, and for which recycling facilities are provided.
- Clearly identify storage areas for all waste streams identified in the OWMP.
  - Area to be sized sufficiently for all streams nominated above, based on waste generated by the project and the collection frequency for each stream; and
  - Calculations shall be based on third-party best practice guidelines.
- Outline best practice access requirements for the collection of all waste streams identified in the OWMP.
- Outline individual roles responsible for delivering and reviewing the OWMP

9 EXPOSURE TO TOXINS

9.1 PAINTS, ADHESIVES, SEALANTS AND CARPETS

To meet the requirements, at least 95% of internally applied paints, adhesives, sealants (by volume), and carpets (by area) must meet TVOC (Total Volatile Organic Compounds) limits. Compliance with these limits can be achieved through one of the following methods:

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1. Product Certification Scheme: The contractor can use products that are certified under a recognized and current Product Certification Scheme at the time of purchase. These schemes assess and verify the TVOC content of the materials, ensuring they meet the specified limits.
2. Laboratory Product Testing: If there are no certified products available, the contractor can conduct laboratory testing on the paints, adhesives, sealants, and carpets to determine their TVOC content. The testing should be carried out using the whole paint, including water and tinters, to obtain accurate results.
3. Absence of Non-compliant Materials: Alternatively, if none of the materials mentioned (paints, adhesives, sealants, and carpets) are present at the time of practical completion (PC), and thus no TVOC emissions are expected, compliance can be achieved.

All paints used for internal application on the job are to have a low TVOC content as outlined below. TVOC content must be based on whole paint (water and tinters included):

Table 15: Paint VOC limits

PRODUCT TYPE / SUBCATEGORY	MAX TVOC CONTENT (G/L OF READY TO USE PRODUCT)
Walls and ceilings – Any gloss level	16
Trim, varnishes and wood stains	75
Primers, sealers and prep coats	65

Maximum TVOC Content Limits for Paints, Varnishes and Protective Coatings

*EU Directive

The TVOC content of the 'ready-to-use' paint shall be theoretically calculated as the sum total of the VOCs of each of the raw material component comprising the paint.

Where the TVOC content of individual components is not known, it must be determined experimentally by one of the following testing methods as appropriate:

- ISO Method 17895 (2005), for a material with a presumed VOC content <1%;
- ISO Method 11890-2 (2006), for a material with a presumed VOC <15%;
- ISO Method 11890-1 (2007), for a material with a presumed VOC content >15%;
- ASTM D3960, which is comprised of four individual testing procedures that measures TVOC (D2369) as well as density (D1475) and water content (D4017). Exempt compounds (D4457) must not be subtracted in the calculation of VOC content.

The contractor must obtain written approval from the design team before using any sealant, adhesive, paint, flooring or fit out items. This approval will be contingent on the provision of proof that the product has a VOC content below that noted above.

At the end of construction, the contractor is required to undertake a final audit to ensure that the correct products have been used.

All sealants used in an internal application on the job are to have a low TVOC content as outlined below.

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Table 16: Adhesives/Sealants VOC limits

PRODUCT	MAXIMUM TVOC CONTENT (G/LITRE)
General purpose adhesives and sealants	50
Acoustic sealants, architectural sealant, waterproofing membranes and sealant, fire retardant sealants and adhesives	250
Structural glazing adhesive, wood flooring and laminate adhesives and sealants	100
Primers, sealers and prep coats	65
One and two pack performance coatings for floors	140

Maximum TVOC limits for Adhesives & Sealants

*Sealants used to enhance the fire- and water-proofing properties are included.

The testing method applicable to adhesive and sealants is only ASTM D3960 as detailed above for paints. For more information on ASTM D3960 refer to South Coast Air Quality Management District Rule 1168.

The contractor must obtain written approval from the design team before using any sealant, adhesive, paint, flooring or fitout items. This approval will be contingent on the provision of proof that the product has a VOC content below that noted above.

At the end of construction, the contractor is required to undertake a final audit to ensure that the correct products have been used.

All carpets and/or other flooring used on the project are to have low TVOC emission rates as outlined below.

Table 17: Carpet VOC limits

ALL CARPET/FLOORING PRODUCTS MUST COMPLY WITH TVOC EMISSION LEVELS	
Total VOC limit	0.5 mg/m^2 per hour
4-pc (4-Phenolcycohexene) limit	0.05 mg/m^2 per hour

Compliance Testing: Refer to Carpet and Rug Institute Green Label (US) OR American Society for Testing and Materials (ASTM) D5116 Guide for Small-Scale Environmental Chamber Determinations of Organic Emissions from Indoor Material/Products OR

For carpets and laminate floor coverings, an option for demonstrating compliance with TVOC levels is as follows: ISO 10580 (also known as ISO/TC 219) – Document N238 – Resilient,

Textile and Laminate Floor Coverings Evaluation of Volatile Organic Compounds Emissions, with a limit of 500µg/m^2/hr at 24 hours. OR

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For floor coverings (other than carpet), an option for demonstrating compliance with TVOC levels is as follows:

ISO16000 parts 9, 10 and 11 (also known as the EN 13419), with a TVOC limit at three days of 5mg/m²/h and 0.5mg/m²/h at 28 days.

Carpet or other flooring installed as part of the base building works prior to fit out works, can be deemed re-used for the purpose of this credit.

The contractor must obtain written approval from the design team before using any sealant, adhesive, paint, flooring or fit out items. This approval will be contingent on the provision of proof that the product has a VOC content below that noted above.

At the end of construction, the contractor is required to undertake a final audit to ensure that the correct products have been used.

There are two options for demonstrating compliance for carpets, as follows:

Option A - Product Certification:

Carpets certified under a relevant Product Certification Scheme standard recognised by the GBCA under the GBCA assessment Framework for Product Certification Schemes are deemed to satisfy the requirements of this criterion. Relevant GBCA recognized standards are listed on the GBCA web site. The certificate must be current at the time of project registration or submission and list the relevant product name and model.

A UL GREENGUARD Children & Schools® certification current at the time of project registration or submission is another acceptable evidence for demonstrating compliant TVOC levels for carpets.

Option B - Experimental Testing

All carpets comply with the Total VOC (TVOC) limits within Table below. The emission levels detailed in this table must be established by a NATA or another ISO/IEC17025 accreditation laboratory.

Table 18: Flooring VOC limits

ALL CARPET/FLOORING PRODUCTS MUST COMPLY WITH TVOC EMISSION LEVELS – TO ASTM D5116 TEST PROTOCOL	
Carpets using ASTM D5116 Test Protocol:	
Total VOC limit	0.5 mg/m^2 per hour
4-pc (4-Phenolcycohexene) limit	0.05 mg/m^2 per hour
Carpet using ISO 16000 test protocol (also known as EN 13419)	
TVOC at three days-	0.5 mg/sqm per hour
Flooring using ISO 10580 (also known as ISO/TC 219) – Document	
TVOC at 24 hours - 0	0.5mg/sqm per hour

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9.2 FORMALDEHYDE MINIMISATION

All engineered wood products used internally, including exposed and concealed applications, must have low formaldehyde emissions as defined in the table below, or contain no formaldehyde. Engineered wood products are defined as particleboard, plywood, veneer, MDF, Laminated Veneer Lumber (LVL), High-Pressure Laminate (HPL), Compact Laminate and decorative overlaid wood panels and include both finished and unfinished products.

These requirements are not applicable to exterior applications, formwork, internal car park applications, reused engineered wood products or raw timber.

The contractor must obtain approval from the design team before substituting any product.

The limits listed here are defined according to the test method. The levels listed are equivalent results for different test procedures.

Table 19: Formaldehyde emission limits

TEST PROTOCOL	EMISSION LIMIT/ UNIT OF MEASUREMENTS
AS/NZS 2269:2004, testing procedure AS/NZS 2098.11:2005 method 10 for Plywood	< 1.0 mg/L
AS/NZS 1859.1:2004 - Particle Board, with use of testing procedure AS/NZS 4266.16:2004 method 16	< 1.5 mg/L
AS/NZS 1859.2:2004 - MDF, with use of testing procedure AS/NZS 4266.16:2004 method 16	< 1.0 mg/L
JIS A 5908:2003- Particle Board and Plywood, with use of testing procedure JIS A 1460	< 1.0 mg/L
JIS A 5905:2003 - MDF, with use of testing procedure JIS A 1460	< 1.0 mg/L
JIS A1901 (not applicable to Plywood)	< 1.0 mg/L
ASTM D5116	<0.1 (+/- 0.0005) mg/m²hr (may also be represented as mg/m²/hr)
ISO 16000 part 9, 10 and 11 (also known as EN 13419)	<0.1 (+/- 0.0005) mg/m²hr (may also be represented as mg/m²/hr)
ASTM D6007	0.12mg/m³*
ASTM E1333	0.12mg/m³**
EN 717-1 (also known as DIN EN 717-1)	0.12 mg/m³
EN 717-2 (also known as DIN EN 717-2)	3.5 mg/m²hr (may also be represented as mg/m²/hr).
*The test report must confirm that the conditions of Table 1 comply for the particular wood product type, the final results must be presented in EN 717-1 equivalent (as presented in the table) using the correlation ratio of 0.98.	

** The final results must be presented in EN 717-1 equivalent (as presented in the table), using the correlation ratio of 0.98.

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10 CONCLUSION

In conclusion, the presented report provides a comprehensive overview of sustainability commitments that harmonize seamlessly with the core principles of the sustainability philosophy. These initiatives centre around the critical areas of energy conservation, water conservation, and waste reduction, showcasing a concerted effort to create a more environmentally responsible and resource-efficient approach. By prioritising these fundamental aspects, the report underscores a commitment to fostering a greener and more sustainable future.

Table 20: Sustainability Commitments

DESCRIPTION	GOAL	SUSTAINABILITY COMMITMENTS
CLEAR AIR	Improve indoor environment quality and health and wellbeing of occupants.	Outdoor air provided to primary areas at a rate at least **50%** greater than minimum in AS 1668.2:2012. *(TBC based on mechanical consultant).*
LIGHT QUALITY		Above **40%** of the regularly occupied areas have high level of daylight (above 160 Lux).
EXPOSURE TO TOXINS		The building's paints adhesives, sealants, and carpets are low in TVOC or non-toxic. The building's engineered wood products are low in TVOC or non-toxic. Occupants are not exposed to banned or highly toxic materials in the building.
HEAT RESILIENCE	Reduce impacts of long-term performance.	Light Roof Colour (SRI below 0.50)
ENERGY USE	Reduce emissions and water use.	A minimum of **30%** offset in operational energy usage
WATER USE		High WELS Ratings (these equal to above **30%** reduction in potable water).
LIGHTING USE		**20%** reduction in lighting power when compared to NCC DTS.
MOVEMENT AND PLACE	Low carbon options.	Provision for 2 x EV Charging Bays
DESIGN FOR INCLUSION	Social health.	Disability Access and inclusive design

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1A Thomas St Nedlands

Acoustics Report

Development Application

Attention: Capital Way Pty Ltd

Date: 8 December 2023

Prepared by: Jason Lim & Imran Khan

Ref: 301250573

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Stantec

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Revision

Revision	Date	Comment	Prepared By	Approved By
001	15/12/2021	DA Report	JLM	IK
002	15/12/2021	Development Application Issue	JLM	IK
003	10/03/2022	Development Application Issue - Updated	JLM	IK
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Executive Summary

Stantec has been appointed by Capital Way Pty Ltd to undertake acoustic assessment for the proposed residential development, expected to be located at 1A Thomas St. The project will see the development of a multi-storey residential development to be located at the above street address in Nedlands WA 6009.

As part of the development approval process for the residential development, an acoustic assessment has been carried out in order to satisfy the requirements stated in the relevant policies and guidelines applicable to the project. This includes:

- Western Australian Environmental Protection (Noise) Regulation 1997 (EPNR);
- Australian and New Zealand Standard AS/NZS 2107:2016 - Acoustics – Recommended design sound levels and reverberation times for building interiors (AS2107);
- State Planning Policy 5.4 – Road and Rail Noise 2019 (SPP 5.4); and
- National Construction Code 2019, Building Code of Australia (NCC 2019).

The acoustic criteria derived from the aforementioned documentation forms the basis of acoustic assessment for the project and includes the following acoustic details;

- Applicable criteria for Airborne sound insulation and impact sound isolation between adjoining apartments;
- Internal noise levels resulting from noise intrusion from mechanical services and via the façade due to external sources;
- Noise emissions from the proposed development to the nearest noise sensitive receivers.

Noise Intrusion Assessment

Traffic Corridors

As per the SPP 5.4 requirements, traffic noise assessment has been carried out and the minimum recommended external façade construction has been provided in the form of glazing, roof and wall configurations. The predicted noise levels at the building façades were obtained using the 3D noise modelling software Package, SoundPLAN 8.2.

On-site unattended measurements have been conducted in order to calibrate the sound model.

Façade Glazing

Based on the highest predicted external noise levels, a detailed noise intrusion assessment was carried out. Recommended glazing configurations have been provided as summarized in the table below.

Façade Orientation	Location	Glazing Configuration	$R_W + C_{tr}$
Northern, North-Eastern, Western Façade	Bedrooms and Living Rooms	6mm glass + 12mm Air Gap + 6.38mm laminated glass	**33 (38;-5)**
All other orientations		6mm glass + 12mm air gap + 6mm glass	**29 (36;-7)**

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SPP5.4 Outdoor Noise Target

Typically for developments more than 1-2 storeys high it is impractical treatments are provided to have individual balconies / outdoor areas meet the outdoor noise targets. State planning Policy 5.4 Implementation guidelines provides guidance on use of Quiet house solutions to meet the requirements of the policy. As part of quiet house package, it states minimum one outdoor area that achieves compliance to the SPP5.4 target outdoor noise levels.

The outdoor kitchen BBQ area has been identified as a communal space that can be treated to achieve the outdoor noise targets as per the SPP5.4 policy. Based on the predicted noise levels from the 3-D model, a solid noise wall will be required to be incorporated into the level 10 outdoor Kitchen and BBQ area at the location detailed in this report.

Noise walls to be effective are required to be without air gaps or features that would allow sound to be transmitted through the material and is to be at minimum 1m high. Typical barrier shall be constructed using materials having a surface density of 15kg/m^2. Example materials include fibre cement sheet or clear Perspex.

Noise Emission Assessments

Level 10 Fitness Studio

Considering that the Fitness Studio will be enclosed with mainly glazed elements, it is expected that the noise levels impacting the surrounding noise sensitive receivers will be compliant to the relevant EPNR assigned noise levels. This has been modelled using 3-D sound modelling software SoundPlan v8.2.

It is assumed that the Fitness Studio will only be used between 0700 – 2200 hours for all days.

Amplified music may be present in the Fitness Studio. Speakers shall be limited to a sound power level of 80 dB(A) and a sound pressure level of 70-75 dB(A) at the Fitness Studio façade internally.

Floor treatments have also been provided in this report in order to mitigate noise transmission to the floor below.

Level 10 Outdoor Kitchen & BBQ area

Noise emissions from the Outdoor Kitchen & BBQ area has been modelled using 3-D modelling software and is expected to be compliant to EPNR criteria using the assumed operating hours and intent of usage of the area.

Additionally, the noise generated from general conversation is expected to be masked by ambient noise levels generated from Stirling Highway. The Outdoor Kitchen & BBQ area is not to be used during night-time periods (2200 – 0700).

Waste Collection Trucks

It is expected that service vehicles used for waste collection will be conducted in the Basement 1 enclosed carpark.

Therefore, noise generated from waste collection vehicles is not expected to significantly impact the surrounding noise sensitive receivers. It is therefore expected for noise emitted from waste collection activities to achieve compliance to EPNR assigned noise levels at all nearby sensitive receivers.

Mechanical Services and Fire Pump Room

The latest architectural drawing indicate the following services are to be incorporated into the proposed development:

- Fire Pump Room
- Fans and Condensing units serving carpark and residential tenancies

At this stage no information has been provided regarding mechanical service selection. In order to assess noise emissions from the respective units, Stantec has assumed units based on previous experience on projects of similar size and capacity.

Services have been assessed to achieve compliance to EPNR at the nearest noise sensitive receivers. Acoustic treatments have been detailed where required in this report.

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1. Introduction

1.1 Overview

Stantec has been appointed by Capital Way Pty Ltd to undertake acoustic assessment for the proposed residential development, expected to be located at 1A Thomas St. The project will see the development of a multi-storey residential development to be located at the above street address in Nedlands WA 6009.

As part of the development approval process for the residential development, an acoustic assessment has been carried out in order to satisfy the requirements stated in the relevant policies and guidelines applicable to the project. This includes:

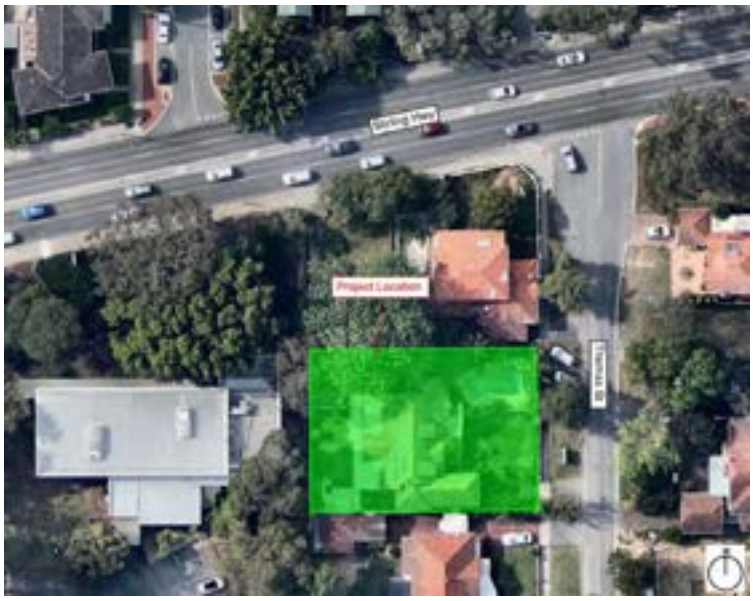
- Western Australian Environmental Protection (Noise) Regulation 1997 (EPNR);
- Australian and New Zealand Standard AS/NZS 2107:2016 - Acoustics – Recommended design sound levels and reverberation times for building interiors (AS2107);
- State Planning Policy 5.4 – Road and Rail Noise 2019 (SPP 5.4); and
- National Construction Code 2019, Building Code of Australia (NCC 2019).

The acoustic criteria derived from the aforementioned documentation forms the basis of acoustic assessment for the project and includes the following acoustic details;

- Applicable criteria for Airborne sound insulation and impact sound isolation between adjoining apartments;
- Internal noise levels resulting from noise intrusion from mechanical services and via the façade due to external sources;
- Noise emissions from the proposed development to the nearest noise sensitive receivers.

1.2 Project Layout

The project site is located in Nedlands with major traffic corridor Stirling Hwy to the north approximately 30m away. The surrounding area is primarily residentially zoned developments with sparse commercial and mixed-used developments with a 450m radius. Figure 1 below shows the surrounding area of the project location.



Source: Nearmap

Figure 1: Site location and surrounding area

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2. Acoustic Criteria

The acoustic criteria presented in this Development Application report are derived from the following documentation;

- Western Australian Environmental Protection (Noise) Regulation 1997 (EPNR);
- Australian and New Zealand Standard AS/NZS 2107:2016 - Acoustics – Recommended design sound levels and reverberation times for building interiors (AS2107);
- State Planning Policy 5.4 – Road and Rail Noise 2019 (SPP 5.4);
- National Construction Code 2019 Volume 1, Building Code of Australia Class 2, 3 Buildings (NCC 2019);

2.1 Environmental Protection (Noise) Regulations 1997

Environmental noise impacts resulting from the noise emissions from the project are addressed through the Environmental Protection Act 1986, with the regulatory requirements detailed in the Environmental Protection (Noise) Regulations 1997 (EPNR).

The EPNR establishes the maximum permissible noise emission levels (assigned levels) to be received at all adjacent noise-sensitive premises during specific periods of the day as a result of the cumulative noise emissions from all sources proposed for the project site. Compliance to relevant noise limits outlined in the EPNR is compulsory.

The EPNR states noise emissions from any premises are considered not to *significantly contribute to* the noise at a receiver if the noise emissions are 5 dB or below the assigned levels.

In brief, the assigned levels are determined by considering of the amount of commercial and industrial zones, as well as main transport corridors and sporting venues surrounding the noise sensitive premises. The assigned levels apply at premises receiving the noise (noise sensitive receiver) and not to areas within the project site or lot. In addition, the Environmental Protection (Noise) Regulations 1997 identify the following in Schedule 3, clause 2A.

"If the land within either of the circles is categorised on the land use map as land in respect of which mixed uses are permitted, the use of that land that results in the highest influencing factor is to be used in the determination of the influencing factor."

The nearest noise sensitive receivers to the project site have been identified as the residential premises located at 56 Stirling Hwy, Nedlands WA 6009.

The Local Planning Scheme 3 (LPS3) for the City of Nedlands were used to determine the influencing factor.

Traffic data for roads surrounding the nearest noise sensitive receiver were obtained from Main Roads Western Australia (MRWA) on the 05th December 2023. The available traffic data has been presented in Table 1.

Table 1: Traffic count data (MRWA)

Transport Corridors	EPNR Classification 1)	Average Daily Traffic Volumes					
		2016/17	2017/18	2018/19	2019/20	2020/21	2021/2022
Stirling Hwy (East of Smyth Rd)	Major Road	-	38346	39277	36546	-	36071

1) As defined by the EPNR. Secondary roads have between 6000-15000 vehicles per day. Major roads have greater than 15000 vehicles per day.

2.1.1 Influencing Factor

The influencing factor for 56 Stirling Hwy, which results from identifying major roads, commercial and industrial areas for nearest noise sensitive receiver is 9dB, as summarised in Table 2.

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Table 2: Influencing factor (IF) noise sensitive receiver

Noise Sensitive Premises	Commercial Zones	Industrial Zones	Transport Corridors	Influencing Factor
56 Stirling Hwy	47 % within a 100 m radius 11 % within a 450 m radius	None	Major road (Stirling Hwy) within 100m radius	**9 dB**

Figure 2 indicates the land use zones surrounding 56 Stirling Hwy.

Source: City of Nedlands online mapping system

Figure 2: Zoning map of areas surrounding receiver

Table 3 summarises the assigned levels at the nearest noise sensitive premises. It is required that all noise emissions from the development are below the assigned level criteria for all defined periods of the day and at the lot boundary of the receiver or 15m from any associated building.

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Table 3: Assigned levels

Type of premises receiving noise	Time of day	Assigned Level (dB)		
		L_{A10}	L_{A1}	L_{Amax}
Noise sensitive premises: Highly sensitive area	0700 to 1900 hours Monday to Saturday	54	64	74
	0900 to 1900 hours Sunday & public holidays	49	59	74
	1900 to 2200 hours all days	49	59	64
	2200 hours on any day to 0700 hours Monday to Saturday, and 0900 hours Sunday & public holidays	44	54	64
Noise sensitive premises: any area other than highly sensitive areas	All Hours	60	75	80
Commercial premises	All Hours	60	75	80
Industrial and utility premises	All Hours	65	80	90

2.1.2 Noise Character Adjustments

Regulation 7 states that the noise character must be "free" of annoying characteristics, namely —

1) Tonality, e.g. whining, droning;
2) Modulation, e.g. like a siren; and
3) Impulsiveness, e.g. banging, thumping.

Regulation 9 (1) establishes the methodology for determining noise characteristics. If these characteristics cannot be reasonably and practicably removed, a series of adjustments to the measured levels are required, indicated in Table 4.

Table 4: Noise character adjustment

Adjustment where noise emission is not music these adjustments are cumulative to a maximum of 15 dB			Adjustment where noise emission is music	
Where tonality is present	Where modulation is present	Where impulsiveness is present	Where impulsiveness is not present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

The EPNR assigned noise levels only apply at the <u>premises receiving the noise only</u> and not to noise within the project site. It is important that noise emissions from the site do not present any form of tonality, modulation or impulsiveness (defined in the EPNR).

Given the data from mechanical services manufacturers is generally limited to broadband data or in 1/1 octave band value it is not possible to objectively determine tonality, as it is described in the EPNR. 1/3 octave band data is required, yet is typically unavailable. Therefore, a 5 dB penalty shall be conservatively assigned to the noise criteria as indicated in Table 4.

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Therefore, a +5 dB correction shall be conservatively assigned when assessing noise emissions from mechanical equipment. In summary, Noise emissions from mechanical equipment shall comply with L_{A10} 44 dB at the nearest noise sensitive receivers.

2.2 State Planning Policy 5.4

The SPP 5.4 establishes the outdoor noise criteria that apply to a noise sensitive land use due to noise emissions from road and rail transport.

The noise criteria provided in Table 5 applies to new noise-sensitive development proposals at 1 m from the most exposed, habitable façade.

Table 5: Noise target criteria for SPP5.4

Proposal	New/Upgrade	Noise Targets		
		Outdoor		Indoor
		Day (L_{Aeq} (Day) dB) (6am - 10 pm)	Night (L_{Aeq} (Night) dB) (10pm - 6am)	L_{Aeq} dB
Noise-Sensitive land-use and/or development	New noise-sensitive land-use and/or development within the trigger distance of an existing/proposed transport corridor	55	50	Day: L_{Aeq} 40 (living and work areas) Night: L_{Aeq} 35 (Bedrooms)

The policy requires outdoor targets are to be met at all outdoor areas as far as is reasonable and practical to do so using the various noise mitigation measures outlined in the guidelines.

2.3 Internal Noise Levels

2.3.1 Australian Standard AS2107:2016

The internal noise level criteria detailed in this section are based on the recommendations provided in the Australian / New Zealand Standard AS 2107:2016 'Acoustics – Recommended design sound levels and reverberation times for building interiors' (AS 2107:2016).

AS2107 provides recommended internal noise levels (defined as the equivalent continuous A-weighted sound pressure level — $L_{Aeq,t}$) for optimising the acoustic amenity in occupied spaces. The level of noise in an enclosed space typically consists of noise from building services and/or noise intrusion due to external sources (e.g. traffic).

The relevant internal noise level criteria have been outlined in Table 6 below.

Table 6: Recommended internal noise levels from AS2107

Type of occupancy/activity	Recommended design sound level, Leq dB(A)
Residential Buildings – Houses and apartments in inner city areas or entertainment districts or near major roads –	
Sleeping areas (night-time)	35 – 40
Living areas	35 – 45
Common areas (foyer, lift lobby)	45 – 50
General Areas	

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Type of occupancy/activity	Recommended design sound level, Leq dB(A)
Enclosed Carpark	< 65
Washroom and toilets	45 – 55
Fitness Studio	45 – 50
Resident Co-working Space	40 – 45
Indoor Kitchen/Dining Entertaining	40 – 45
Games/Karaoke	45 – 50

The internal noise level criteria in AS2107 recommend continuous equivalent (L_{Aeq}) levels for background noise. This document is a common reference for establishing satisfactory goals for quasi-static mechanical and external traffic noise ingress.

2.4 Sound Transmissions and Insulation — National Construction Code 2019

The acoustic requirements for inter-tenancy walls, floors etc. in residential buildings are outlined in the National Construction Code 2019 Volume 1, Building Code of Australia Class 2, 3 and 9c Buildings (NCC 2019). The acoustic requirements outlined in NCC 2019 are summarised in Table 7.

Table 7: Sound insulation requirements in accordance with NCC 2019

Construction	Condition	Deemed-to-Satisfy Requirements	Verification Requirements
Walls	**Airborne Sound Insulation**		
	Between sole-occupancy units	Minimum $R_w + C_{tr}$ 50	Minimum $D_{nT,w} + C_{tr}$ 45
	Between a sole-occupancy unit and a plant room, lift shaft, stairway corridor, public corridor or the like	Minimum R_w 50	Minimum $D_{nT,w}$ 45
	Impact Sound Insulation		
	Between a laundry, kitchen, bathroom or sanitary compartment in a sole-occupancy unit, and a habitable room in an adjoining unit	Discontinuous construction [1)]	As deemed to satisfy
	Between a sole-occupancy unit and a plant room or lift shaft	Discontinuous construction [1)]	As deemed to satisfy
Floors	**Airborne Sound Insulation**		
	Between sole-occupancy units and between sole occupancy unit and lift shaft, stairway or public corridor	Minimum $R_w + C_{tr}$ 50	Minimum $D_{nT,w} + C_{tr}$ 45
	Impact Sound Insulation		
	Between sole-occupancy units and between sole occupancy unit and lift shaft, stairway or public corridor	Maximum $L_{n,w}$ 62	Maximum $L_{nT,w}$ 62
Services	**Airborne Sound Insulation**		

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Construction	Condition	Deemed-to-Satisfy Requirements	Verification Requirements
	Between a habitable room (other than a kitchen) in a sole-occupancy unit and a duct, soil, waste or water supply pipe duct (if the duct or pipe is located in a wall or floor cavity and serves or passes through more than one sole-occupancy unit)	Minimum $R_w + C_{tr}$ 40	N/A
	Between a kitchen or non-habitable room in a sole-occupancy unit and a duct, soil, waste or water supply pipe duct (if the duct or pipe is located in a wall or floor cavity and serves or passes through more than one sole-occupancy unit	Minimum $R_w + C_{tr}$ 25	N/A
	If a storm water pipe passes through a sole-occupancy unit (habitable room other than kitchen)	Minimum $R_w + C_{tr}$ 40	N/A
	If a storm water pipe passes through a sole-occupancy unit (kitchen or non-habitable room)	Minimum $R_w + C_{tr}$ 25	N/A

1) For the purposes of this Part, "discontinuous construction" means a wall having a minimum 20 mm cavity between two separate leaves.

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3. Noise Emission Assessment

Noise emissions from the proposed development will be primarily due to the following sources:

- Level 10 Fitness Studio, Games / Karaoke;
- Level 10 Outdoor Kitchen & BBQ area
- Service vehicles (Waste collection);
- Mechanical services within the development serving the apartments; and
- Ground Floor - Fire Pump Room

3.1 Communal Areas

3.1.1 Level 10 Fitness Studio, Games/ Karaoke and Outdoor Kitchen & BBQ area

The latest architectural drawings indicate a Fitness Studio, Games/ Karaoke and Outdoor Kitchen & BBQ (including Outdoor Seating) area is proposed to be located on level 10 as shown in Figure 3.

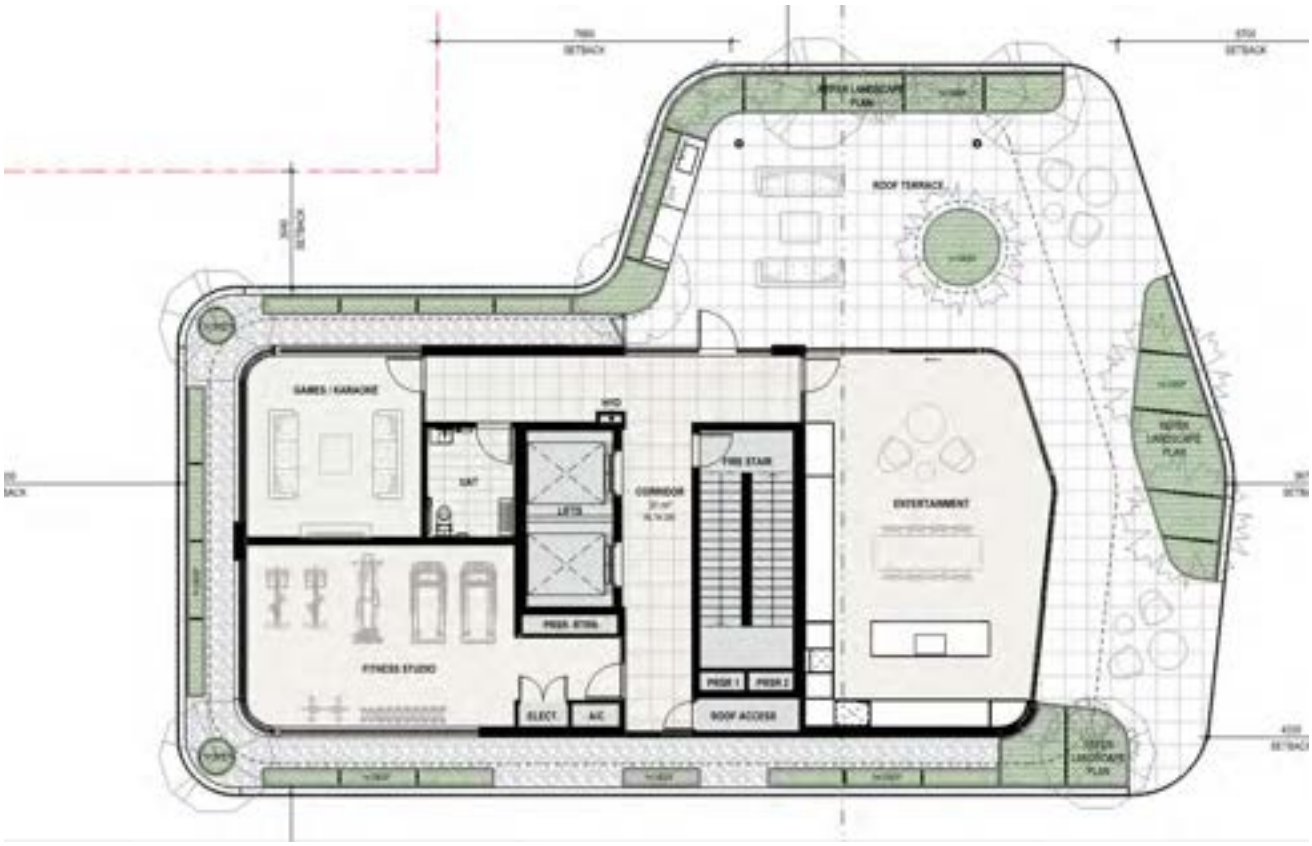

Figure 3: Level 10 Fitness Studio, Games/ Karaoke and Outdoor Kitchen & BBQ area

Noise levels are required to be compliant to the relevant EPNR assigned noise levels at the nearest noise sensitive receivers.

In order to assess a wort case scenario, noise levels have been predicted at the nearest noise sensitive developments using building heights at the present time of assessment, as well as a future scenario in which buildings are constructed to similar or equivalent height of the proposed project development.

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Sound PLAN v8.2 (3D noise modelling software) was used to simulate noise emissions expected from the sources shown in Figure 3 with the general inputs as described in the following sections.

3.1.2 Outdoor Kitchen & BBQ area

3.1.3 Assumptions

It is assumed that typical operating hours of the Outdoor Kitchen & BBQ area will be between 0700 – 2200 hours for all days.

Any PA system proposed at the outdoor area to play music will be primarily for background/ambient purposes and must be limited so it is not audible at nearby receivers.

Patron Noise Level

The source of noise for the level 10 Outdoor Kitchen & BBQ area will be due to patron activities.

Expected noise levels from patrons have been established using the articles below;

- Technical research paper "Prediction of Noise from Small to Medium Sized Crowds", (Hayne et al., Nov 2011, *Proceedings of Acoustics*, Conference Gold Coast Australia, pp. 133-140); and
- Consensus reached by Members of the Australian Acoustical Society (Western Australian Division) in the technical meeting (Mar 2016) on the topic of "Crowd Noise Sound Power Level for Alfresco Areas / Beer Gardens."

Considering that the data contained in the study done by Hayne et. Al has been viewed by many acoustic professionals as an over-prediction of sound power levels, the following equation has been used in order to predict a more reasonable overall noise level of the patrons:

- L_{A10} Sound Power Level = 15 log N + 64 dB(A)

It is expected that the area will be used by residents and guests only and may typically have 5-10 patrons at any give-time and is not expected to have loud music playing.

The resulting predicted overall sound power level and octave band levels for the patrons are summarised in Table 8.

Table 8: Patron noise levels

Noise Source	Sound Power Level, L_{A10} dB(A)	Octave Band Spectrum Noise Level (dB)					
		250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
Level 10 Outdoor Kitchen and BBQ area	**79**	72	69	72	73	73	72

The noise source used for the patrons was the area source parameter in order to replicate an evenly distributed noise source across the outdoor areas. The noise source was positioned at a height of 1.5 meters from the roof floor level.

3.1.4 Results and Recommendations

The 3D noise model indicates that the worst case predicted noise levels were observed in the future scenario due to the patron activities on the roof at the nearest sensitive receivers have been summarized in Table 9.

Table 9: Predicted Noise Levels Due to the Outdoor Kitchen & BBQ area (future scenario)

Location	Predicted Noise Level dB(A)	Evening Time EPNR Criteria L_{A10} dB(A)	Compliance to the EPNR Criteria (Y/N)
56 Stirling Hwy	46	L_{A10} 49 dB(A)	**Y**
1B Thomas St	41		**Y**

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As shown in Table 9, noise from patron activities within the rooftop outdoor areas are compliant to the EPNR criteria at the most stringent assessable period (evening-time 1900 – 2200 hours all days). Therefore, no further measures are required.

Additionally, the noise generated from general conversation is expected to be masked by ambient noise levels generated from Stirling Highway.

The Outdoor Kitchen & BBQ area is not to be used during night-time periods (2200 – 0700).

3.1.5 Noise at façade

The highest predicted noise levels from the Outdoor Kitchen & BBQ area were found to be in the range of 38-40 dB(A) on the eastern façade of the development. Considering the façade glazing configurations recommended in Section 6.2 of this report, no further treatment is required to achieve compliance to SPP5.4 internal noise levels due to noise generated from the Outdoor Kitchen & BBQ area.

3.1.6 Fitness Studio & Games/ Karaoke

3.1.7 Assumptions

It is assumed that the Fitness Studio and Games/ Karaoke room will only be used between 0700 – 2200 hours for all days.

Speakers

Amplified music may be present in these areas. At this stage details regarding the speakers as well as location has not been provided, the noise levels from the speakers shall be limited to a sound power level of 80 dB(A) and a sound pressure level of 70-75 dB(A) at the Fitness Studio and Games/ Karaoke façade internally.

Glazing Recommendation

Considering that the rooms will be enclosed with mainly glazed elements, it is expected that the noise levels impacting the surrounding noise sensitive receivers will be compliant to the EPNR regulations criteria as well as the AS2107 internal noise level criteria with the glazing configurations as per Table 10.

Table 10: Fitness Studio and Games/ Karaoke room External Glazing Requirements

Location	Glazing Configuration	$R_W + C_{tr}$	Spectrum Sound Transmission Loss (dB)						
			63 Hz	125 Hz	250 Hz	500 Hz	1k Hz	2kHz	4k Hz
Fitness Studio and Games/ Karaoke	6mm glass + 12mm air gap + 6.38mm laminated glass	**33 (38;-5)**	22	24	24	35	43	44	49

Note: Glazing performance provided for glass only. Overall performance of the glazing system including the frames and seals shall not degrade by more than 3 dB as per the performance requirement stated.

3.1.8 Results and Recommendations

Using 3D noise model and the glazing recommended in Table 10, the worst case predicted noise levels were observed in the future scenario which has been have been summarized in Table 11.

Table 11: Predicted Noise Levels from Fitness Studio and Games/ Karaoke (future scenario)

Location	Predicted Noise Level dB(A)	Night-Time EPNR Criteria L_{A10} dB(A)	Compliance to the EPNR Criteria (Y/N)
56 Stirling Hwy	11	L_{A10} 44 dB(A)	**Y**

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Location	Predicted Noise Level dB(A)	Night-Time EPNR Criteria L_{A10} dB(A)	Compliance to the EPNR Criteria (Y/N)
1B Thomas St	18		**Y**

Considering the predicted noise levels in Table 11, noise from the Fitness Studio is expected to be compliant to the EPNR criteria at the all times of the day. Therefore, no further measures are required.

3.1.9 Fitness Studio Floor/ceiling construction

Activities in Fitness Studio and fitness centres may often result in structure-borne noise transfer within the building, where they are not treated.

Mitigation strategies for structure-borne noise in buildings are almost always more effective and inexpensive when implemented at the source, which is why floor coverings and underlays are often the most appropriate means of isolating vibration, particularly in Fitness Studio and fitness centers.

Free weights

Based on the latest architectural backgrounds, the following equipment is expected to be housed within the Fitness Studio:

- Free weights benches
- Rowing Machines
- Stretching area

If free weights are to be used in the Fitness Studio, it will require a spring-isolated floor system that achieves between 15-25mm static deflection. The springs will also require having internal damping insert to provide stability to the light weight floor system and also to prevent any oscillation under impact. This is based on the assumption that weights greater than 25 kg will not drop from heights above 200mm.

The following spring-isolated system with damping rubber inserts is to be installed:

- Embelton Gym Floor Damped Spring NXS-14 installed as per manufacturer specifications with 20mm ImpactaMat 900 floor finish or alternatively Regupol FX50

A typical system is shown in Figure 4. The supplier of the floor system shall ensure the natural frequency of the floor system under load does not coincide with the natural frequency of the structural slab to prevent any resonance effects.

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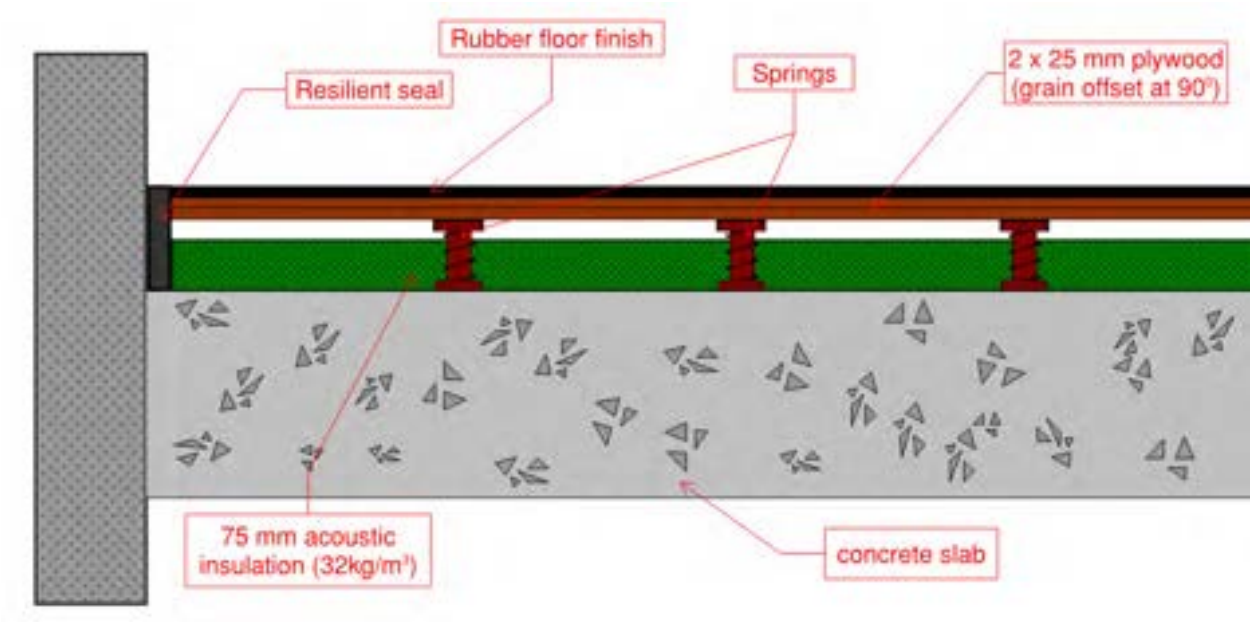

Note: Drawing not to scale

Figure 4: Typical Fitness Studio floor isolation

The supplier of the systems shall ensure a minimum isolation efficiency of 98% is achieved from the overall system under load.

3.2 Waste Collection Vehicles

The latest architectural layouts indicate waste collection vehicles will utilize the enclosed carpark in the basement levels to service the building at the location shown in Figure 5.

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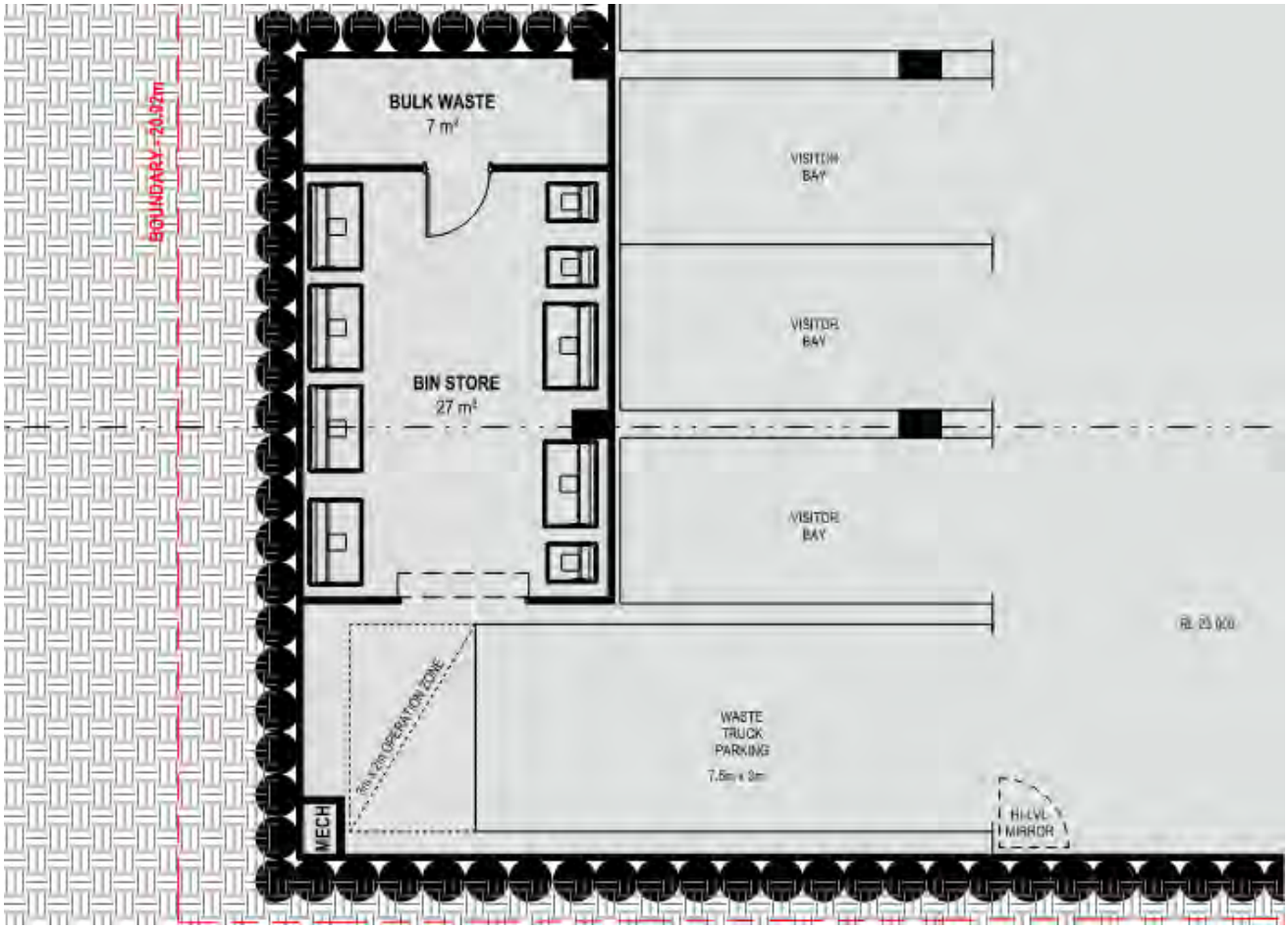

Figure 5: Truck carpark location for waste collection

Therefore, noise generated from waste collection vehicles is not expected to significantly impact the surrounding noise sensitive receivers. It is therefore expected for noise emitted from waste collection activities to achieve compliance to EPNR assigned noise levels at all nearby sensitive receivers.

3.3 Mechanical Services

The latest architectural drawings indicate that the following mechanical services will be incorporated into the building as summarized in Table 12.

Table 12: Expected mechanical services

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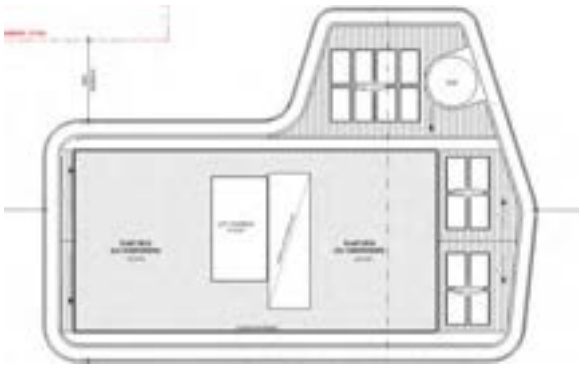
Mechanical equipment	Location
Fans and condensers serving apartments	

Noise emissions from mechanical equipment shall comply with L_{A10} 44 dB at the nearest noise sensitive receiver with a +5 dB penalty to be conservatively applied to account for the likely presence of sound tonality.

In order to assess noise emissions from the respective units at development application stage, Stantec has assumed units based on previous experience on projects of similar size and capacity.

3.3.1 Condensing Units

The following condensing unit has been used to assess noise levels from the proposed roof plant:

- Daikin RXYQ8AYM – Sound Power Level 69 dB(A)
- The latest backgrounds provided does not indicate the condensing units on plant deck, however we based our assessment considering that 28 condensing units will be incorporated as detailed in previous DA acoustic report issued by Stantec 'AC-DA-001-301250573_004' on 15th March 2022. They have been assumed to be all typical units.

In order to achieve compliance to EPNR at the nearest noise sensitive receivers for the future scenario (worst-case), a noise barrier is required to be implemented at the location(s) shown in Figure 6.

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Figure 6: Noise barrier extent and location

The barrier is to extend at minimum 1m above the top height of the tallest condensing unit. The noise barrier shall be without air gaps or features that would allow sound to be transmitted through the material. Typical barrier shall be constructed using materials having a surface density of 15kg/m^2. Example materials include fibre cement sheet or Perspex.

Results

Provided the noise wall is incorporated at the location shown in Figure 6, the predicted noise levels for the future scenario has been summarized in Table 13.

Table 13: Predicted Noise Levels from condensers (future scenario) including noise wall

Location	Predicted Noise Level dB(A)*	Night-Time EPNR Criteria L_{A10} dB(A)	Compliance to the EPNR Criteria (Y/N)
56 Stirling Hwy	43	L_{A10} 44 dB(A)	**Y**
1B Thomas St	44		**Y**

Predicted noise levels have include a +5dB correction for tonality.

From the predicted noise levels in Table 18, noise from the condenser deck is expected to be compliant to the EPNR criteria at all times of the day.

3.3.2 Carpark extract fan

No information has been provided on the location or sound power level of the car park extract/supply fan that will be implemented in the proposed development. From Stantec's previous experience of projects of similar size and capacity, an ducted in-line fan is typically incorporated. Noise emissions from mechanical equipment shall comply with L_{A10} 44 dB at the nearest noise sensitive receiver with a +5 dB penalty to conservatively be applied to account for the likely presence of sound tonality.

Whilst it is difficult to assess the noise that may be generated, the following treatments can generally be applied in order to achieve compliance to the EPNR noise criteria at the nearest noise sensitive receivers:

- Ductwork to be internally lined with 50mm thick insulation
- Incorporate attenuators to the supply/intake side in order to achieve to compliance to the relevant AS2107 internal noise levels or EPNR assigned noise levels

When a full schedule of mechanical equipment is available, a review will be conducted during the design phase prior to the issue of Building Permit ensure compliance to the relevant noise criteria is achieved.

3.4 Fire Pump room

The latest architectural drawings indicate a fire pump room is proposed to be located Ground floor as shown in Figure 7.

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Figure 7: Ground floor Fire Pump Room

At this stage no information has been provided regarding fire pump model. The following unit has been assumed to assess noise emissions into the adjacent spaces surrounding the fire pump room.

- Allied Pump APFH-6315-DDHC-EI-66905 – SWL 120dB(A)

It is recommended that monthly tests are carried out between 7am-5pm Monday – Saturday as the assigned noise levels are the least strict during this time period.

Testing is to be conducted when the residents in the units 102 and 103 directly above are not present within in the apartment. Residents are to be notified of testing ahead of time.

The following acoustic treatment is required to achieve compliance to the EPNR and to achieve acceptable internal noise levels within the surrounding enclosed carpark as per the AS 2017:

- Fire pump selection with a Class 1 attenuation package and Super Critical Grade Muffler
- Fire pump room walls: 100mm thick concrete wall
- Doors: 50mm thick metal doors with acoustic seals rated to R_W 35;
- Ceiling/Soffit: 200mm concrete slab adequate
- Louvres: No louvred areas are currently shown. As a preliminary measure, it is recommended that the any louvred areas achieve compliance to the following static insertion losses shown in Table 14.

Table 14: Louvre static insertion loss

	Statc Insertion Loss, dB							
	63	125	250	500	1000	2000	4000	8000
Fantech SBL 2	5	10	14	22	27	25	21	17

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4. Site Survey

4.1 Measurement Methodology

4.1.1 Measurement Locations

As per the requirements of SPP5.4, long term unattended noise measurements were undertaken to establish the surrounding acoustic environment and for use in calibrating the sound model.

Measurements were conducted between 29th November 2023 to 05th December 2023 at the location shown in Figure 8.

Source: Nearmap

Figure 8: Measurement locations

4.1.2 Equipment Details

Unattended measurements have been conducted using instrumentation equivalent to an integrating sound level meter equipped with one octave and one-third octave band filters, and an omni-directional condenser microphone. All instrumentation meets Type 1 specifications as per ANSI S1.4 and ANSI S1.43.

The sound level meter was calibrated by an authorised NATA (National Association of Testing Authorities) laboratory less than 2 years ago and have successfully passed all AS 1259 and AS/NZS 4476 standards and specifications.

The time constant for the RMS detector were set to a slow response (1 sec) for all measurements on all sound level meters. The sound level meter was calibrated before and after the measurement session using a Type 1 acoustic calibrator. The calibrator was also calibrated less than 2 years ago and is in compliance with AS IEC 60942-2004.

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A complete schedule of all equipment used during for acoustic measurements is provided in Table 15. A copy of calibration certificates for the relevant instrumentation may be provided upon request.

Table 15: Equipment and Calibration Details

Manufacturer / Model	Serial Number
Bruel & Kjaer – Sound Level Meter	3009772

4.2 Noise Measurement Summary

Long term unattended noise measurements were undertaken to establish the surrounding acoustic environment at position shown in Figure 8. Weather data from Bureau of Meteorology from Perth was used and was compared against the conditions defined by Main Roads WA. The data impacted due to adverse meteorological conditions has been excluded in the calculation of any relevant noise parameters used for the purposes of this acoustic assessment.

The noise levels obtained from the unattended noise measurements have been provided in Appendix B.

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5. Noise Intrusion Assessment

The main sources of noise considered in the noise intrusion assessment are as follows:

- Road traffic noise from Stirling Highway

5.1 Traffic Noise Impact

5.1.1 Assessment Methodology

Noise Modelling was undertaken in accordance with SPP 5.4 to determine road traffic noise impacts affecting the project site.

Detailed methodology and assessment specifications are detailed in the SPP 5.4 *Road and Rail Noise Guidelines September 2019* (referred to as the Guidelines in the remainder of this report). Sound PLAN v8.2 (3D noise modelling software) was used to simulate noise emissions expected from road transport corridors and, subsequently, to determine noise levels 1 metre from the façade as well as external noise sensitive areas.

The noise modelling checklist used in the following assessment as provided by SPP5.4 has been given in Appendix B.

5.1.2 Noise Source Inputs

Topography

Topographical and elevation data for the project site and surrounding areas was based on data imported and modelled from data obtained from the Intergovernmental Committee on Surveying and Mapping online database. The model was calibrated using the latest satellite imagery obtained from Nearmap.

Ground Absorption

To suit the current conditions of the project location, a ground condition of 0.6 has been used in the model, which is in between a soft ground condition (1) and a reflective ground condition (0).

Road Traffic

The road traffic noise assessment has been conducted based on the methodology described by the Calculation of Road Traffic Noise algorithm (CoRTN, UK Transport Agency).

The CoRTN algorithm has been developed to calculate $L_{A10,18hr}$ noise levels. However, SPP5.4 requires road noise assessments to be based upon the energy averaged $L_{Aeq,16hr}$ and $L_{Aeq,8hr}$ noise descriptors for the daytime and night-time respectively. Conversions are applied using the method outlined in the DEFRA publication, *"Method for Converting the UK Road Traffic Noise Index $L_{A10,18hour}$ to the EU Noise Indices for Road Noise Mapping."*

This algorithm considers the following parameters;

- Traffic volume during each period of the day, and for current and future scenarios;
- Average traffic speeds;
- Height of each individual noise source (passenger vehicles, heavy vehicles – engine and exhaust);
- Percentage of heavy vehicles; and
- Gradient and surface of road.

Road traffic noise source heights were incorporated into the noise model in accordance to the description detailed by the Guidelines. The modelled heights of vehicle "strings" are provided below;

- Passenger vehicles: + 0.5 m

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- Heavy vehicles — Engine noise: + 1.5 m
- Heavy vehicles — Exhaust: + 3.6 m

The Main Roads Traffic Modelling Branch has provided traffic count and projection data for the surrounding Major transport corridors: Stirling Hwy (MRWA Reference No 42764). These have been provided in the form of a ROM24 2021 validation plot and 2021 and 2041 link volume plots. Validation and link volume plots used have been provided in Appendix D.

Historical hourly traffic volumes provided on the MRWA website were used to determine the proportion of vehicles during the day and night along transit Stirling Hwy.

SPP 5.4 requires all noise assessments to consider changes in traffic volumes expected over the next 20 years.

Using the data provided by Mainroads, the following traffic count growth rates have been calculated for each major transport corridor summarised in Table 16. Observed traffic count volumes were used as source inputs to model and assess a worst-case scenario.

Table 16: Major Transport Corridor Growth Rates

Major Transport Corridor	Overall Traffic count growth rate, %/y
Stirling Hwy (East of Smyth Rd)	1.1

Table 17 summarises the current and future predicted traffic volumes used in the assessment model.

Table 17: Current and Predicted Future Traffic Volumes

Road	Assessment Year	Predicted Daily Vehicle Volume	Day time [1] vehicle volume per hour	Night-time [1] vehicle volume per hour	Heavy Vehicle Percentage	Mean Speed
Stirling Hwy (East of Smyth Rd)	Current - 2023	36776	2159	278	8 % - Day	60 km/h
					7 % - Night	
	Future - 2043	44278	2600	335	8 % - Day	
					7 % - Night	

1) Day time period refers to 0600 AM – 2200 PM. Night-time refers to 2200 PM – 0600 AM.

Noise Logging Data Calibration

The noise logging data obtained as per Section 4 was viewed as acceptable with no major disturbances. The average L_{Aeq} noise levels during day and night-time periods were used to calibrate the traffic noise source within the 3D model. The average noise measured during day and night-time has been summarised in Table 18:

Table 18: Average Measured Noise Levels ($L_{eq,T}$)

Reference	Time	L_{Aeq} dB(A)
001	Day 06:00 AM to 22:00 PM	56
	Night 22:00 PM to 06:00 AM	48

The noise model was calibrated using the on-site noise measurements. An appropriate correction factor was implemented into the sound model to calibrate the model.

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5.1.3 Noise Modelling Results

Road traffic noise impact for the future year (2043) predicted the highest external noise levels for the day and night-time periods to be at the following façade location(s):

- North-Western Façade, Day-time scenario; **66dB(A)**
- North-Western Façade, Night-time scenario; **57dB(A)**

Coloured noise maps are provided in Appendix E. The majority of the predicted noise levels at the façade are above the 'noise target' values in SPP5.4. Therefore, acoustic treatments are required to achieve compliance.

Typically for developments more than 1-2 storeys high it is impractical treatments are provided to have individual balconies / outdoor areas meet the outdoor noise targets. State planning Policy 5.4 Implementation guidelines provides guidance on use of Quiet house solutions to meet the requirements of the policy. As part of quiet house package, it states minimum one outdoor area that achieves compliance to the SPP5.4 target outdoor noise levels.

It is generally accepted where noise levels do not comply to the outdoor noise target at resident balcony areas, that a minimum of one outdoor communal area compliant to the noise target may be provided in lieu of this. This has previously been accepted in the past by the City of Nedlands on projects worked on by Stantec including 17 Louise St *'AC-001-44938_DA_006'* issued 15 June 2020.

5.1.4 Outdoor Areas

As per SPP5.4 policy, the proposed development is to maintain at minimum one outdoor communal area that achieves compliance to the SPP5.4 target outdoor noise levels.

The latest architectural drawings indicate a communal outdoor Kitchen & BBQ area will be located on level 10 as shown in Figure 9.

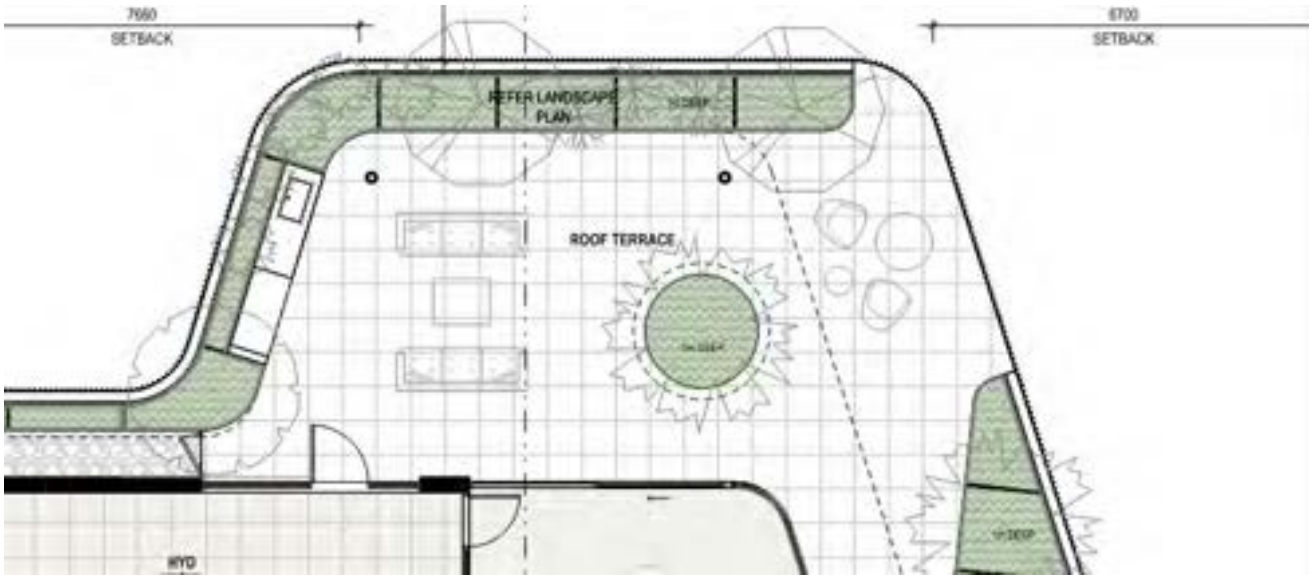

Figure 9: Communal outdoor Kitchen & BBQ area

Predicted noise levels from the 3-D sound model were found to be exceeding the outdoor noise target within the level 10 outdoor area during day-time and night-time periods for the future scenario (2043).

To achieve compliance to a solid noise wall will be required to be incorporated into the design at the location shown in Figure 10.

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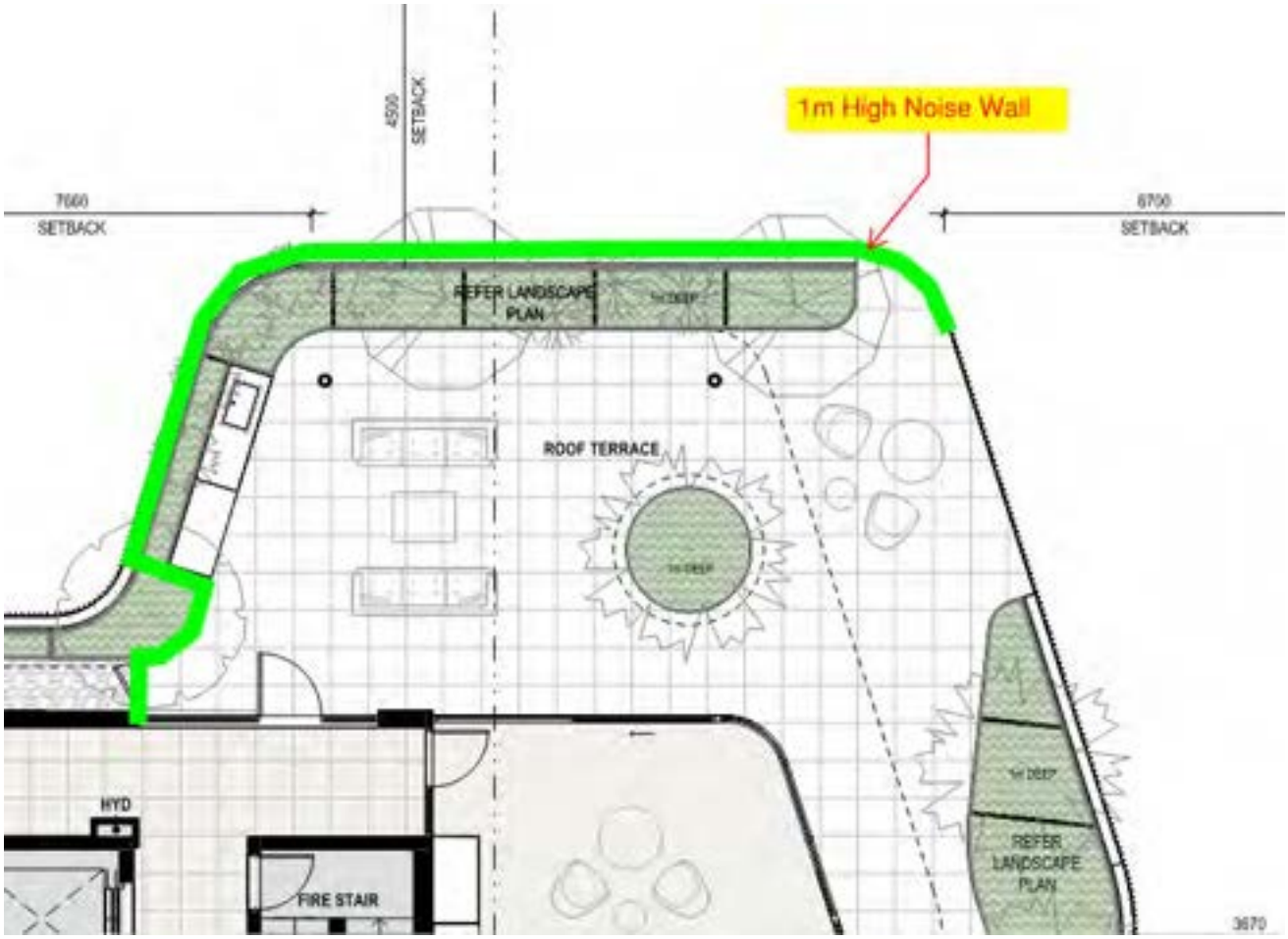

Figure 10: Communal outdoor Kitchen & BBQ area noise wall location

Noise walls to be effective are required to be without air gaps or features that would allow sound to be transmitted through the material and is to be at minimum 1m high. Typical barrier shall be constructed using materials having a surface density of 15kg/m^2. Example materials include fibre cement sheet or clear Perspex.

A noise contour has been provided in Appendix E.

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6. External Envelope

Noise intrusion calculations were undertaken following the methodology described in British Standard BS EN 12354:2000 and by utilizing the worst case (i.e. highest predicted) noise levels predicted at each façade to determine suitable glazing to achieve the required internal noise levels. Appropriate corrections were applied to the linear spectral noise levels to compensate for potential losses due to flanking paths and façade correction.

6.1 External Wall

The noise intrusion has been calculated for all façade elements, which is relative to their surface area.

Stantec recommends solid wall elements have a minimum performance of $R_w + C_{tr}$ 40 - 45. The proposed construction is typical in achieving the required performance:

1) 110mm Concrete Panel; OR

2) 110mm brick work + 50mm air gap + 90mm brickwork

Alternative construction material may be used to achieve the required performance. This will, however, require review and approval of the Acoustic Engineer.

Where lightweight construction is proposed, this will result in reduced acoustic performance specifically in the lower frequencies. As a result, this may have some impact on the recommended glazing types. The following constructions are recommended if lightweight walls are to be used (Table 19), to ensure compliance with the recommended internal noise levels for residential units as specified in SPP 5.4.

Table 19: Lightweight External Wall Configurations

Façade Orientation	Airborne Sound Insulation Performance	Configuration
Northern, Western Façade	$R_w + C_{tr}$ 40 - 45	One row of 92mm studs at 600mm centres with – • Min. 100mm thick glasswool insulation (min. density 14kg/m^3) positioned between row of studs; • One-layer 9mm fibre cement sheet to outside face; and • Two layers 13mm thick fire rated plasterboard fixed to the other side of the row of studs
All other façade orientations	R_w 40 - 45	One row of 92mm studs at 600mm centres with – • Min. 100mm thick glass wool insulation (min. density 14kg/m^3) positioned between row of studs; • One-layer 9mm fibre cement sheet to outside face; and • One layer 13mm thick standard plasterboard fixed to the other side of the row of studs

6.2 Glazing

Glazing systems and entryway elements typically provide lower airborne sound insulation performance than external walls, forming weak acoustic links in the building envelope.

To satisfy internal noise level design targets, glazed elements located at the façades are determined based on the composite sound reduction index (i.e. the combined sound insulation performance of all façade elements relative to their surface area).

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Glazing types for each noise sensitive space located at each façade of the proposed development have been comparatively assessed against the noise levels detailed in this report. The table below provides the glazing performance and proposed locations required to satisfy internal noise level design targets.

The performance ratings outlined in Table 20 are required for compliance to internal noise level design targets and apply to the glazing system as a whole (i.e. frame, seals and window hardware), with a maximum allowable deviation of 2-3dB only.

Table 20: Glazing configuration

Façade Orientation	Location	Glazing Configuration	$R_W + C_{tr}$	Spectrum Sound Transmission Loss (dB)						
				63 Hz	125 Hz	250 Hz	500 Hz	1k Hz	2kHz	4k Hz
Northern, North-Eastern, Western Façade	Bedrooms and Living Rooms	6mm glass + 12mm Air Gap + 6.38mm laminated glass	**33 (38;-5)**	22	24	24	35	43	44	49
All other orientations		6mm glass + 12mm air gap + 6mm glass	**29 (36;-7)**	22	23	19	36	45	41	43

Note: Glazing performance provided for glass only. Overall performance of the glazing system including the frames and seals shall not degrade by more than 3 dB as per the performance requirement stated.

6.3 Roof Construction

Roof construction should be adequately designed to control external noise intrusion from noise sources identified in this report to satisfactorily provide internal noise levels which are compliant with the criteria established in Section 2.3.

The following roof configuration is expected to achieve the above objectives:

One layer of Colorbond sheet metal or similar (0.42 mm); and

3) 75 mm thick high-density Anticon insulation hard-fixed to the underside of roof and over steel purlins;

4) Min. 50 mm thick glasswool insulation (min. 11kg/m^3) one layer of 13 mm standard plasterboard.

Where concrete is proposed, a minimum 150-200mm thick slab is typically adequate.

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7. Conclusion

As part of the development approval process for the 1A Thomas St Nedlands project, an acoustic assessment has been carried out as detailed in this report.

Traffic noise assessment has been carried out as per the SPP 5.4 and the minimum recommended external façade construction has been provided in the form of glazing and wall configurations. The predicted noise levels at the building façades were obtained through the use of the 3D noise modelling software Package, SoundPLAN 8.2. On-site unattended measurements have been conducted in order to calibrate the model.

Noise levels from the level 10 Fitness Studio, Games/ Karaoke and Outdoor Kitchen and BBQ area have been modelled and predicted to be compliant at the nearest noise sensitive developments.

Façade recommendations have been provided to achieve compliance to the most stringent indoor noise criteria stated in AS2107 and SPP 5.4 guidelines.

7.1 Future Works

Note that the following items will be required to be assessed as the design progresses further into the design phases of the project:

- Mechanical Service Equipment
  - When a complete mechanical schedule information has been provided a detailed noise assessment will need to be conducted to ascertain the specific acoustic treatments required.
- Fire Pump Room
  - When the nominated fire pump model becomes available, an acoustic assessment will be conducted to ensure compliance to the relevant EPNR assigned noise levels are achieved at all nearest noise sensitive receivers.
- Internal Architectural Acoustics
  - Intertenancy wall and floor construction between tenancies to achieve compliance to the respective NCC ratings to be provided

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Appendix A Glossary of Acoustic Terms

NOISE	
Acceptable Noise Level:	The acceptable LAeq noise level from industrial sources, recommended by the EPA (Table 2.1, INP). Note that this noise level refers to all industrial sources at the receiver location, and not only noise due to a specific project under consideration.
Adverse Weather:	Weather conditions that affect noise (wind and temperature inversions) that occur at a particular site for a significant period of time. The previous conditions are for wind occurring more than 30% of the time in any assessment period in any season and/or for temperature inversions occurring more than 30% of the nights in winter).
Acoustic Barrier:	Solid walls or partitions, solid fences, earth mounds, earth berms, buildings, etc. used to reduce noise.
Ambient Noise:	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Assessment Period:	The period in a day over which assessments are made.
Assessment Location	The position at which noise measurements are undertaken or estimated.
Background Noise:	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level.
Decibel [dB]:	The units of sound pressure level.
dB(A):	A-weighted decibels. Noise measured using the A filter.
Extraneous Noise:	Noise resulting from activities that are not typical of the area. Atypical activities include construction, and traffic generated by holidays period and by special events such as concert or sporting events. Normal daily traffic is not considered to be extraneous.
Free Field:	An environment in which there are no acoustic reflective surfaces. Free field noise measurements are carried out outdoors at least 3.5m from any acoustic reflecting structures other than the ground
Frequency:	Frequency is synonymous to pitch. Frequency or pitch can be measured on a scale in units of Hertz (Hz).
Impulsive Noise:	Noise having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
Intermittent Noise:	Level that drops to the background noise level several times during the period of observation.
LAmax	The maximum A-weighted sound pressure level measured over a period.
LAmin	The minimum A-weighted sound pressure level measured over a period.
LA1	The A-weighted sound pressure level that is exceeded for 1% of the time for which the sound is measured.
LA10	The A-weighted sound pressure level that is exceeded for 10% of the time for which the sound is measured.
LA90	The A-weighted level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
LAeq	The A-weighted “equivalent noise level” is the summation of noise events and integrated over a selected period of time.

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LAeqT	The constant A-weighted sound which has the same energy as the fluctuating sound of the traffic, averaged over time T.
Reflection:	Sound wave changed in direction of propagation due to a solid object met on its path.
R-w:	The Sound Insulation Rating R-w is a measure of the noise reduction performance of the partition.
SEL:	Sound Exposure Level is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain Leq sound levels over any period of time and can be used for predicting noise at various locations.
Sound Absorption:	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound Level Meter:	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound Pressure Level:	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound Power Level:	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise:	Containing a prominent frequency and characterised by a definite pitch.

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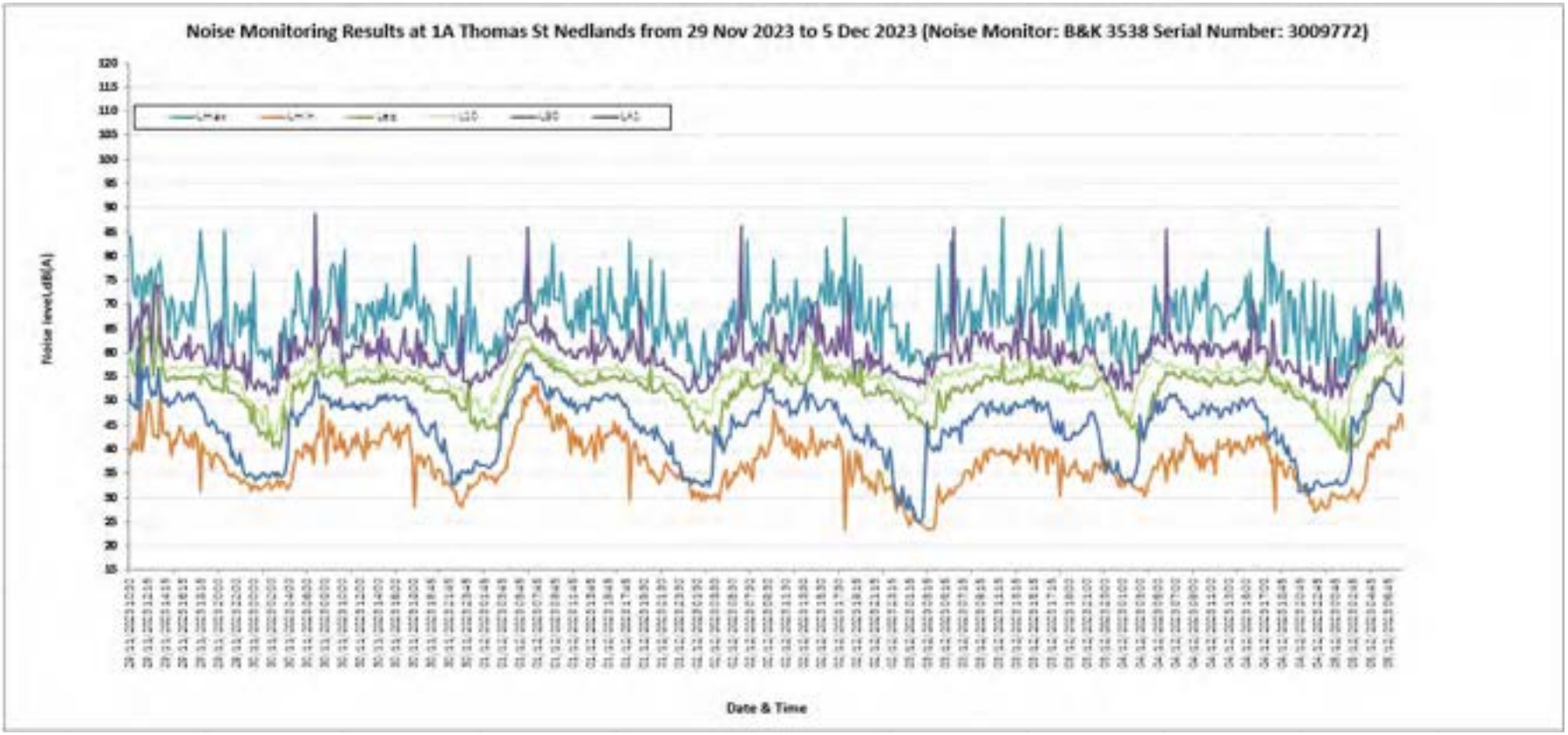
Appendix B Unattended Noise Measurement Data



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Appendix C Noise Modelling Checklist

Checklist item		Action
Road traffic input data		
Road name	**Stirling Hwy (North of Marmion St) 2019/20**	
	16-hr daytime road traffic volume	34426
	Percentage of heavy vehicles (daytime)	7
	8-hr night-time road traffic volume	1645
	Percentage of heavy vehicles (night-time)	9
Road pavement	Dense grade Asphalt	
Road traffic heights	Have the road emissions sources been modelled at the following heights?	
	Light and heavy vehicle tyre-road height at +0.5 m	Y
	Heavy vehicle engine height at +1.5 m	Y
	Heavy vehicle exhaust height at +3.6 m	Y
Traffic speed	What is the modelled road posted (signal) traffic speed?	60 km/h

Noise prediction corrections			
Traffic emission	If using the Calculation of Road Traffic Noise algorithms, have the following corrections been applied?		
	-0.8 dB correction to heavy vehicle engine emission?		Y
	-8.0 dB correction to the heavy vehicle exhaust emission?		Y
Road pavement	Has one of the following corrections been applied to the tyre/road emission?		Y
	14 mm chip seal	+3.5 dB	
	10 mm chip seal	+2.5 dB	
	5 mm chip seal	+1.5 dB	
	Dense graded asphalt	0.0 dB	Y
	Novachip	-0.2 dB	
	Stone mastic asphalt	-1.5 dB	
	Open graded asphalt	-2.5 dB	
Australian traffic	Has a -1.7 dB Australian Road Research correction or reasonable equivalent applied?		Y
Receptor façade	Has a +2.5 dB building façade correction been applied?		Y

Road noise barriers		
Noise barriers	Have noise barriers been modelled as being fully reflective?	N/A
	If noise barriers have not been modelled as being fully reflective, have absorptive barrier designs been considered?	N/A

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Appendix D Mainroads Validation and Link Volume plots

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2021 ROM24 Scenario - Validation Plot for Stirling Hwy, Nedlands Noise Assessment
All Day
Land Use Scenario: DAEDS Version 3.1

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31 December 2023

MODEL ASSUMPTIONS

NETWORK: 2021 ROM24 Network (20-Year Road Network Development Plan)
LAND USE: 2021 DAEDS V3.1 Land Use

ROM24 Multi-Modal Model V4.40
24-Hour Traffic Volumes & Observed Counts

Terms & Conditions :
MRWA Traffic Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations. This data should not be used for any purpose other than the stated purpose for which it was requested from MRWA. The MRWA ROM is for estimating regional traffic volumes on regional and major local roads, and it should not be used for estimating local traffic on local roads. The MRWA ROM includes local roads but this is to provide connectivity in the model.
MRWA Traffic Modelling Data should be interpreted by an experienced/qualified person.
This data should not be used in making decisions relating to commercial or residential developments.

1 Lane Each Direction
2 Lanes Each Direction
3 Lanes Each Direction
>=4 Lanes Each Direction
Zone Connector
2021 Modelled
2021 Observed data from Trafficmap

mainroads WESTERN AUSTRALIA

Transport Modelling Section
Enquiries Clare Yu 9323 4967
MRWA Reference Job #42764
Thu 30 Nov 2023
T:\VOYAGER\JOBS_V2023\42764\Reports\Validation\42764_Validation_Y21 DAEDS V31_Stirling Hwy_Nedlands.VPR

MRWA Transport Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations

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(Licensed to)

2021 ROM24 Scenario - Link Volume Plot for Stirling Hwy, Nedlands Noise Assessment
All Day
Land Use Scenario: DAEDS Version 3.1

City of Nedlands
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21 December 2023

MODEL ASSUMPTIONS

NETWORK: 2021 ROM24 Network (20-Year Road Network Development Plan)
LAND USE: 2021 DAEDS V3.1 Land Use

ROM24 Multi-Modal Model V4.40
24-Hour Traffic Volumes (Factor X 100)

Terms & Conditions :
MRWA Traffic Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations. This data should not be used for any purpose other than the stated purpose for which it was requested from MRWA. The MRWA ROM is for estimating regional traffic volumes on regional and major local roads, and it should not be used for estimating local traffic on local roads. The MRWA ROM includes local roads but this is to provide connectivity in the model.
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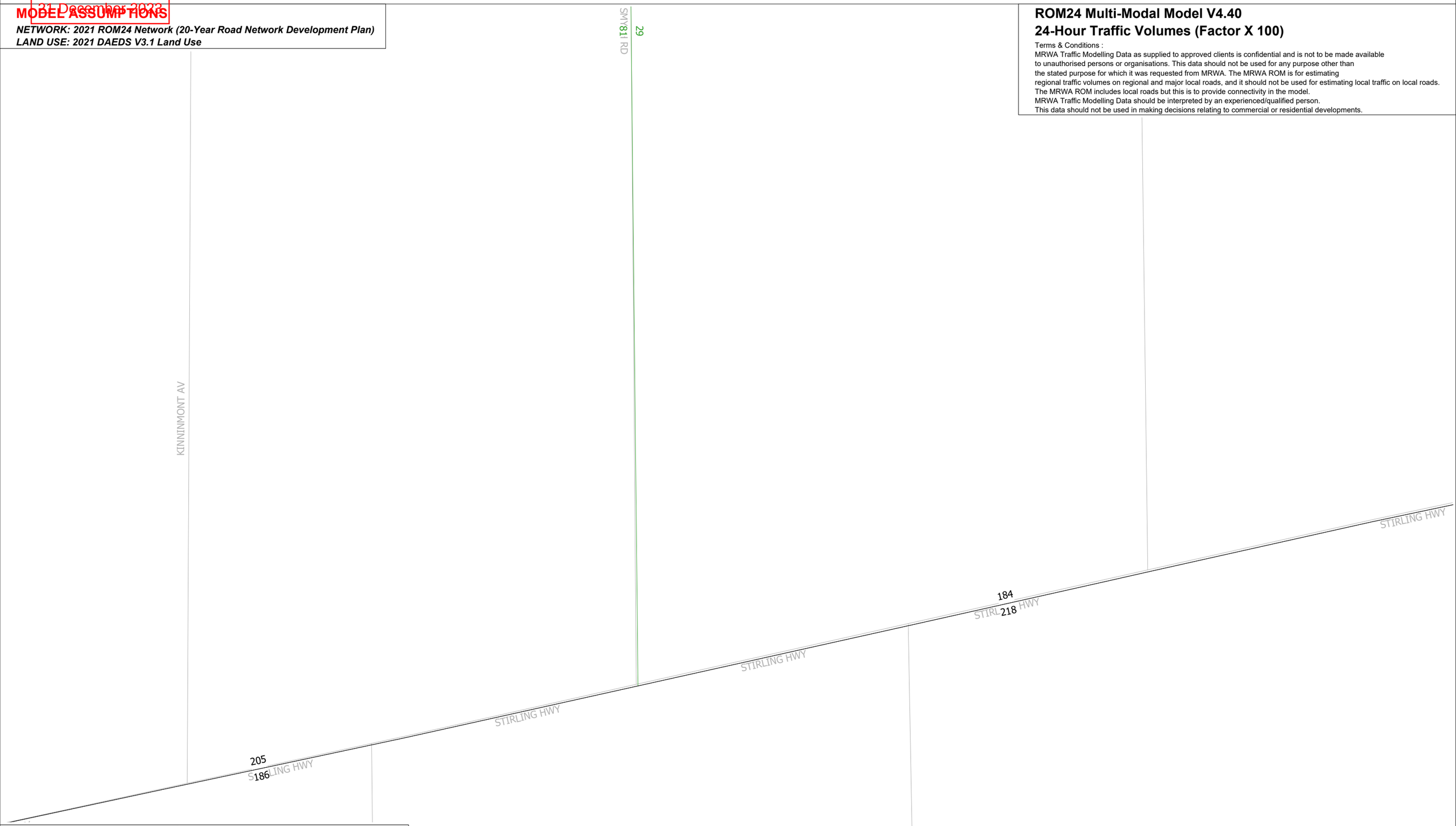

mainroads WESTERN AUSTRALIA

Transport Modelling Section
Enquiries Clare Yu 9323 4967
MRWA Reference Job #42764
Mon 27 Nov 2023
T:\VOYAGER\JOBS_V2023\42764\Reports\LVP\42764_All Day_LVP_Y21 DAEDS V31_Stirling Hwy_Nedlands.VPR

- 1 Lane Each Direction
- 2 Lanes Each Direction
- 3 Lanes Each Direction
- >=4 Lanes Each Direction
- Zone Connector

MRWA Transport Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations

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2041 ROM24 Scenario - Link Volume Plot for Stirling Hwy, Nedlands Noise Assessment
All Day
Land Use Scenario: DAEDS Version 3.1

City of Nedlands
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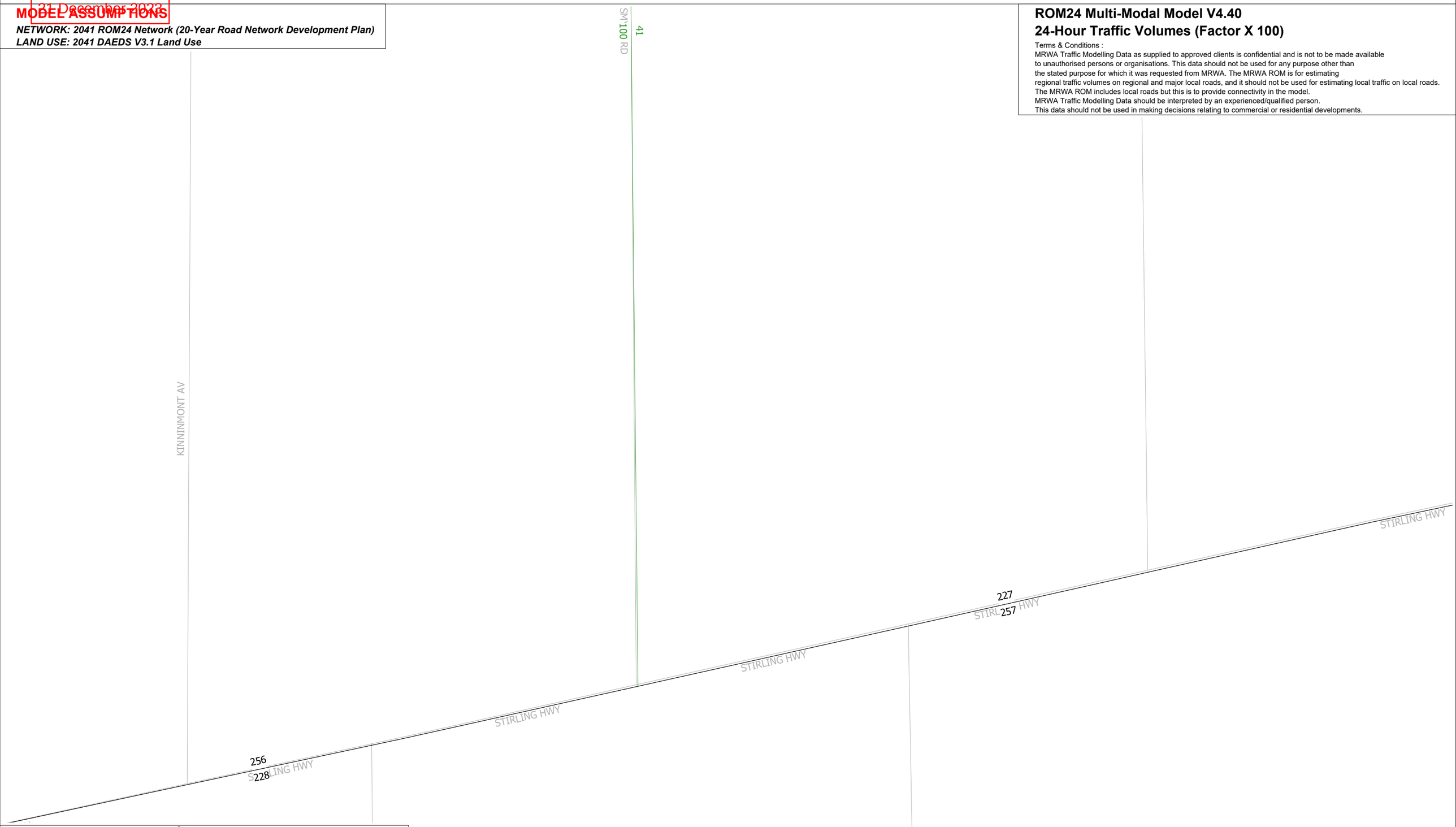
31 December 2023

MODEL ASSUMPTIONS

NETWORK: 2041 ROM24 Network (20-Year Road Network Development Plan)
LAND USE: 2041 DAEDS V3.1 Land Use

ROM24 Multi-Modal Model V4.40
24-Hour Traffic Volumes (Factor X 100)

Terms & Conditions :
MRWA Traffic Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations. This data should not be used for any purpose other than the stated purpose for which it was requested from MRWA. The MRWA ROM is for estimating regional traffic volumes on regional and major local roads, and it should not be used for estimating local traffic on local roads. The MRWA ROM includes local roads but this is to provide connectivity in the model.
MRWA Traffic Modelling Data should be interpreted by an experienced/qualified person.
This data should not be used in making decisions relating to commercial or residential developments.



mainroads WESTERN AUSTRALIA

Transport Modelling Section
Enquiries Clare Yu 9323 4967
MRWA Reference Job #42764
Mon 27 Nov 2023
T:\VOYAGER\JOBS_V2023\42764\Reports\LVP\42764_All Day_LVP_Y41 DAEDS V31_Stirling Hwy_Nedlands.VPR

1 Lane Each Direction
2 Lanes Each Direction
3 Lanes Each Direction
>=4 Lanes Each Direction
Zone Connector

MRWA ROM24 Base Network - Version 2014
MRWA Transport Modelling Data as supplied to approved clients is confidential and is not to be made available to unauthorised persons or organisations

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Appendix E Traffic Noise Contours

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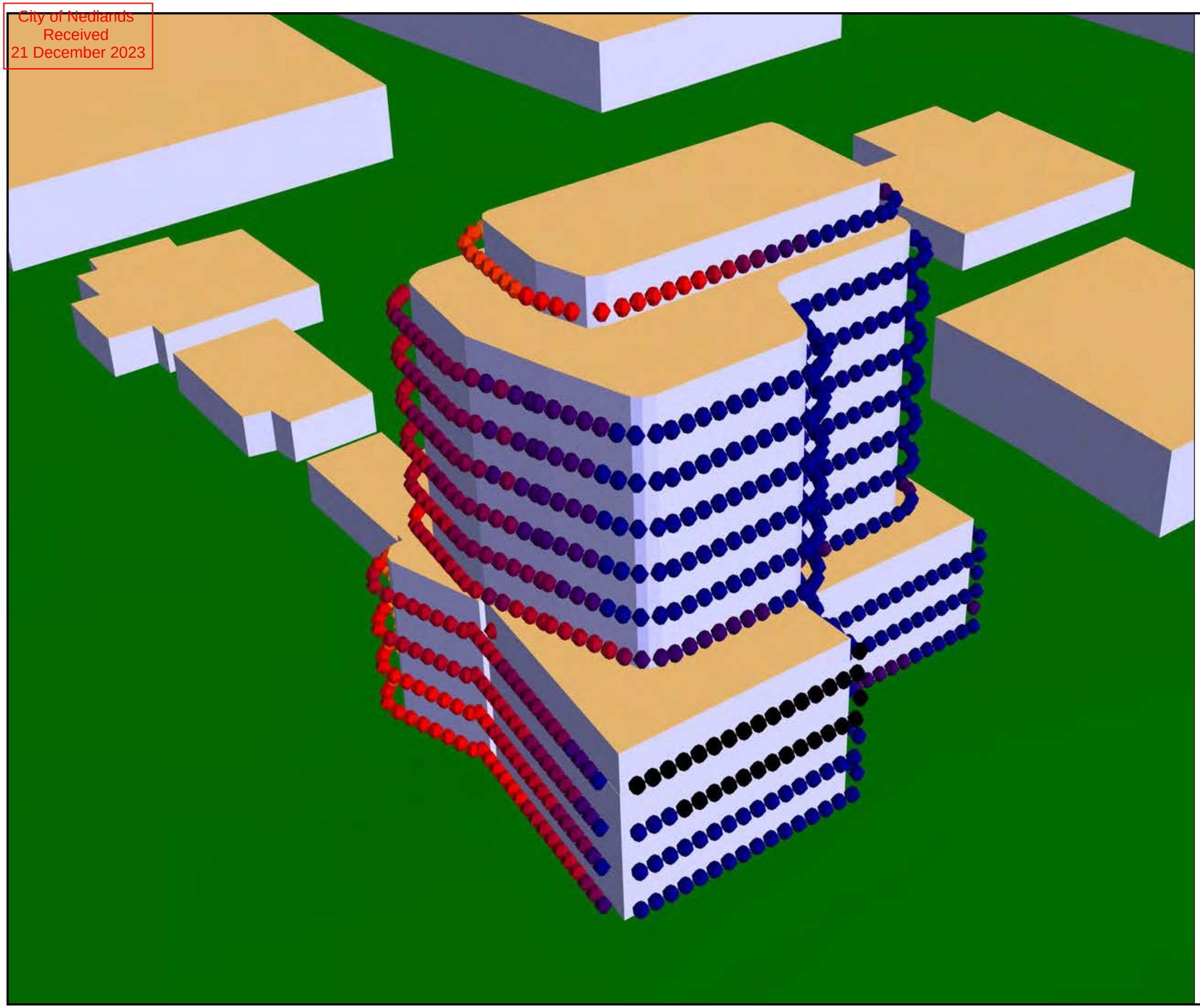


1A Thomas St
Nedlands

301250573
12/7/2023
JLM

FUTURE DAY TIME
SCENARIO (2043)

FACADE NOISE
CONTOUR (NORTH-EAST)

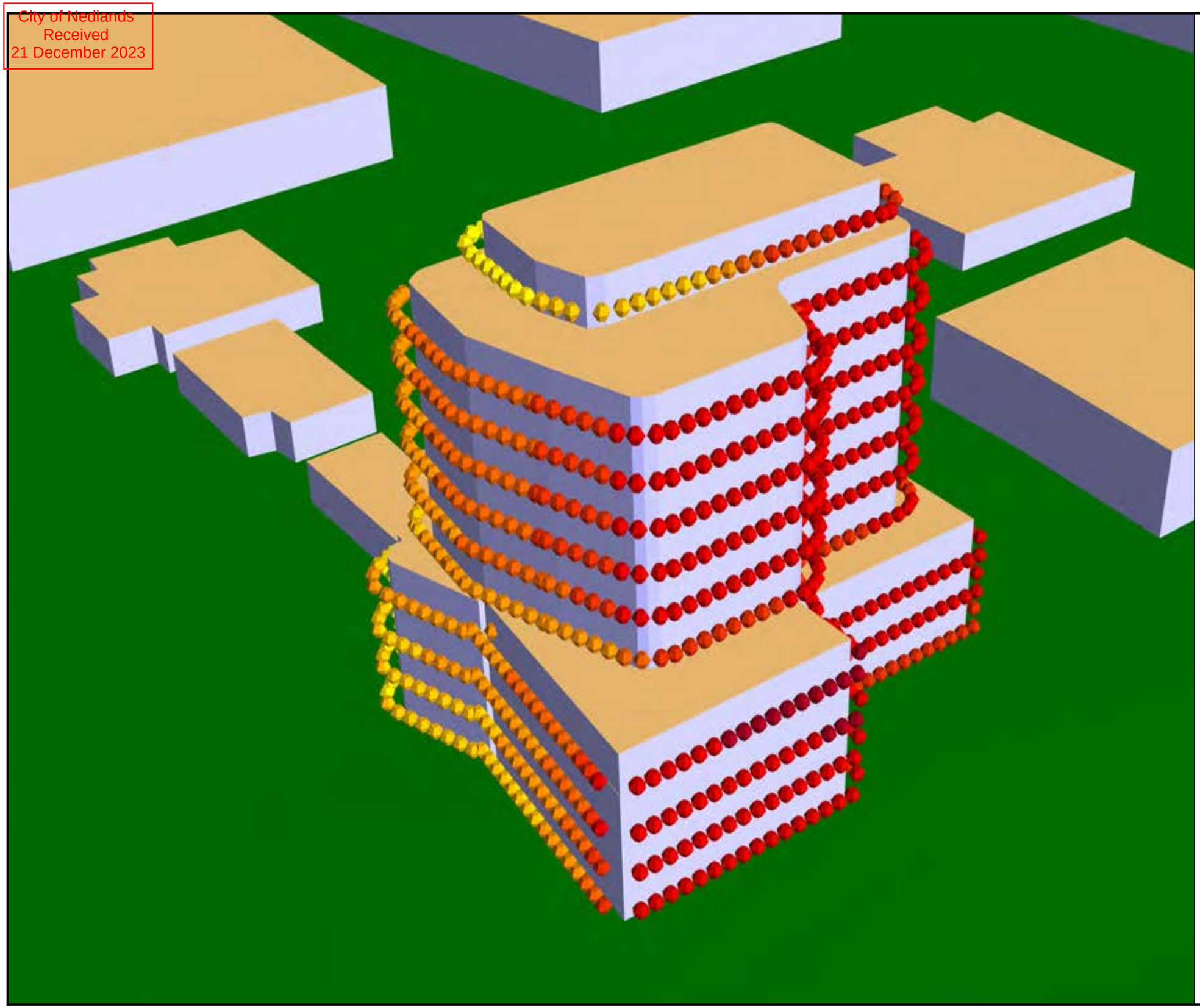
Noise level
in dB(A)

	< 35.0
35.0 <=	< 37.0
37.0 <=	< 39.0
39.0 <=	< 41.0
41.0 <=	< 43.0
43.0 <=	< 45.0
45.0 <=	< 47.0
47.0 <=	< 49.0
49.0 <=	< 51.0
51.0 <=	< 53.0
53.0 <=	< 55.0
55.0 <=	< 57.0
57.0 <=	< 59.0
59.0 <=	< 61.0
61.0 <=	< 63.0
63.0 <=	< 65.0
65.0 <=	< 67.0
67.0 <=	< 69.0
69.0 <=	

0 3 6 9 12

Stantec

City of Nedlands
Received
21 December 2023



1A Thomas St
Nedlands

301250573
12/6/2023
JLM

FUTURE NIGHT TIME
SCENARIO (2043)

FACADE NOISE
CONTOUR (NORTH-EAST)

Noise level
in dB(A)

	< 35.0
35.0 <=	< 37.0
37.0 <=	< 39.0
39.0 <=	< 41.0
41.0 <=	< 43.0
43.0 <=	< 45.0
45.0 <=	< 47.0
47.0 <=	< 49.0
49.0 <=	< 51.0
51.0 <=	< 53.0
53.0 <=	< 55.0
55.0 <=	< 57.0
57.0 <=	< 59.0
59.0 <=	< 61.0
61.0 <=	

0 3 6 9 12

Stantec

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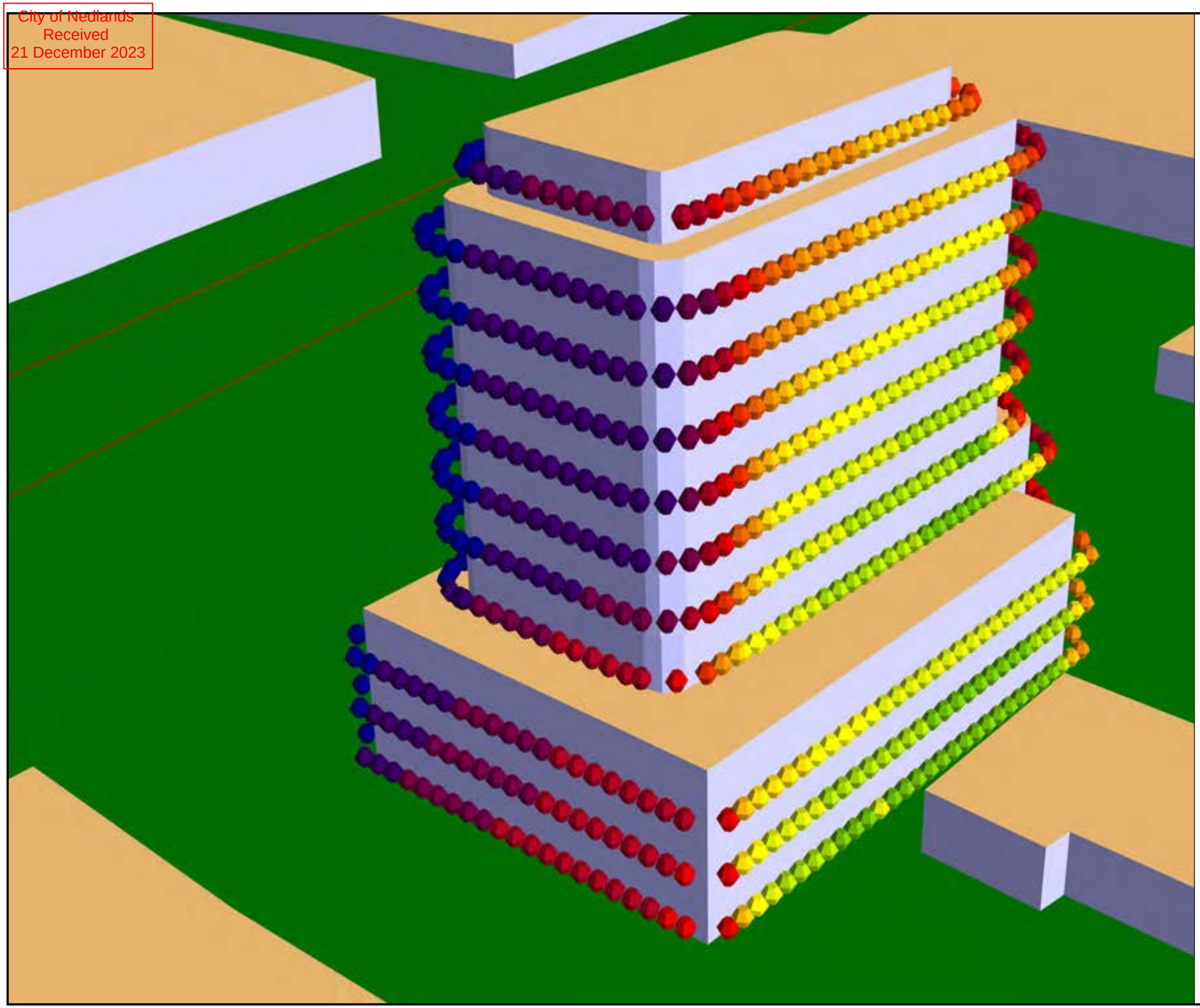
21 December 2023



1A Thomas St
Nedlands

301250573
12/6/2023
JLM

FUTURE DAY TIME
SCENARIO (2043)

FACADE NOISE
CONTOUR (SOUTH-WEST)

Noise level
in dB(A)

	< 35.0
35.0 <=	< 37.0
37.0 <=	< 39.0
39.0 <=	< 41.0
41.0 <=	< 43.0
43.0 <=	< 45.0
45.0 <=	< 47.0
47.0 <=	< 49.0
49.0 <=	< 51.0
51.0 <=	< 53.0
53.0 <=	< 55.0
55.0 <=	< 57.0
57.0 <=	< 59.0
59.0 <=	< 61.0
61.0 <=	< 63.0
63.0 <=	< 65.0
65.0 <=	< 67.0
67.0 <=	

0 3 6 9 12

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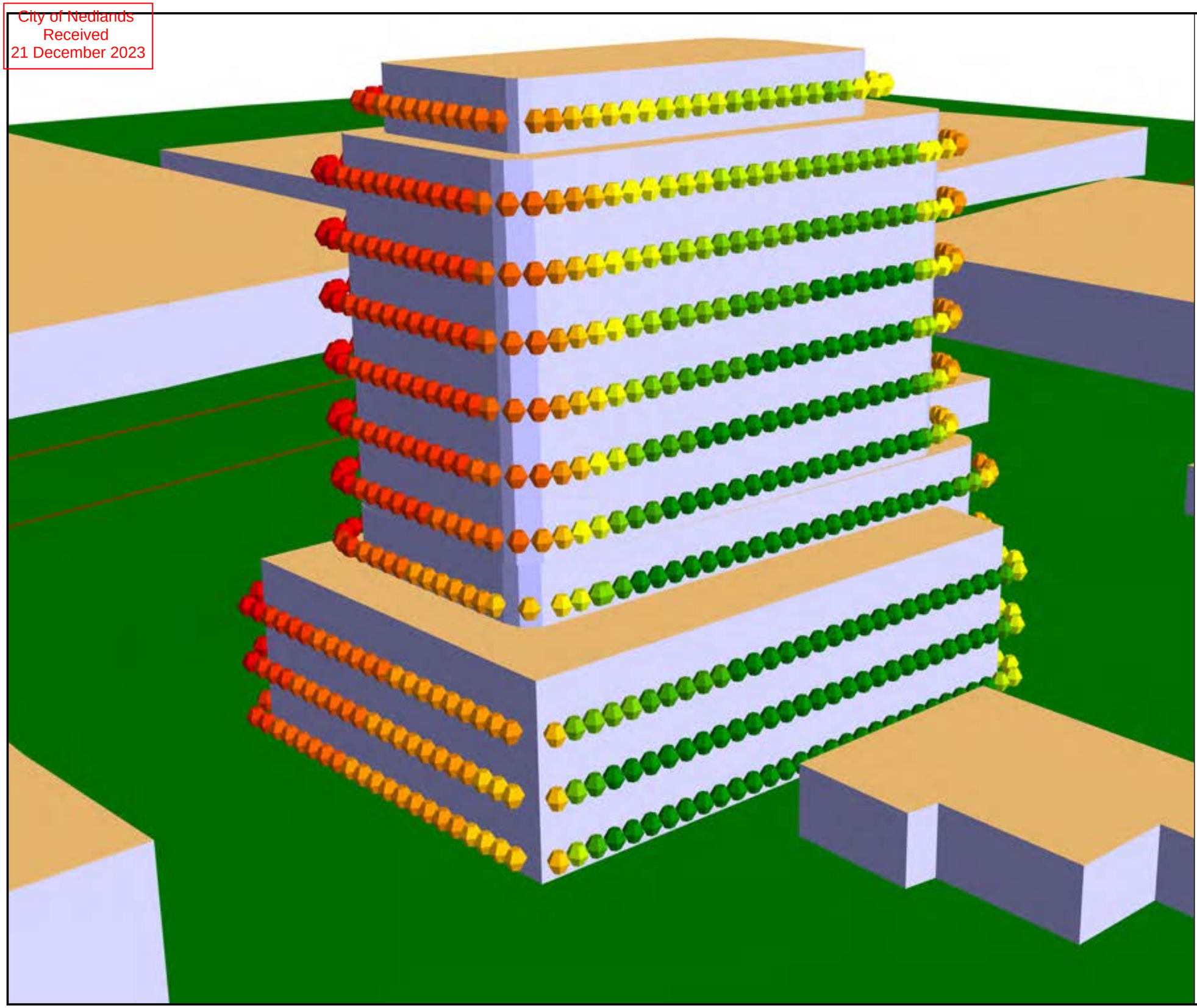

1A Thomas St
Nedlands

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FUTURE NIGHT TIME
SCENARIO (2043)

FACADE NOISE
CONTOUR (SOUTH-WEST)

Noise level
in dB(A)

	< 35.0
35.0 <=	< 37.0
37.0 <=	< 39.0
39.0 <=	< 41.0
41.0 <=	< 43.0
43.0 <=	< 45.0
45.0 <=	< 47.0
47.0 <=	< 49.0
49.0 <=	< 51.0
51.0 <=	< 53.0
53.0 <=	< 55.0
55.0 <=	< 57.0
57.0 <=	< 59.0
59.0 <=	< 61.0
61.0 <=	

0 3 6 9 12

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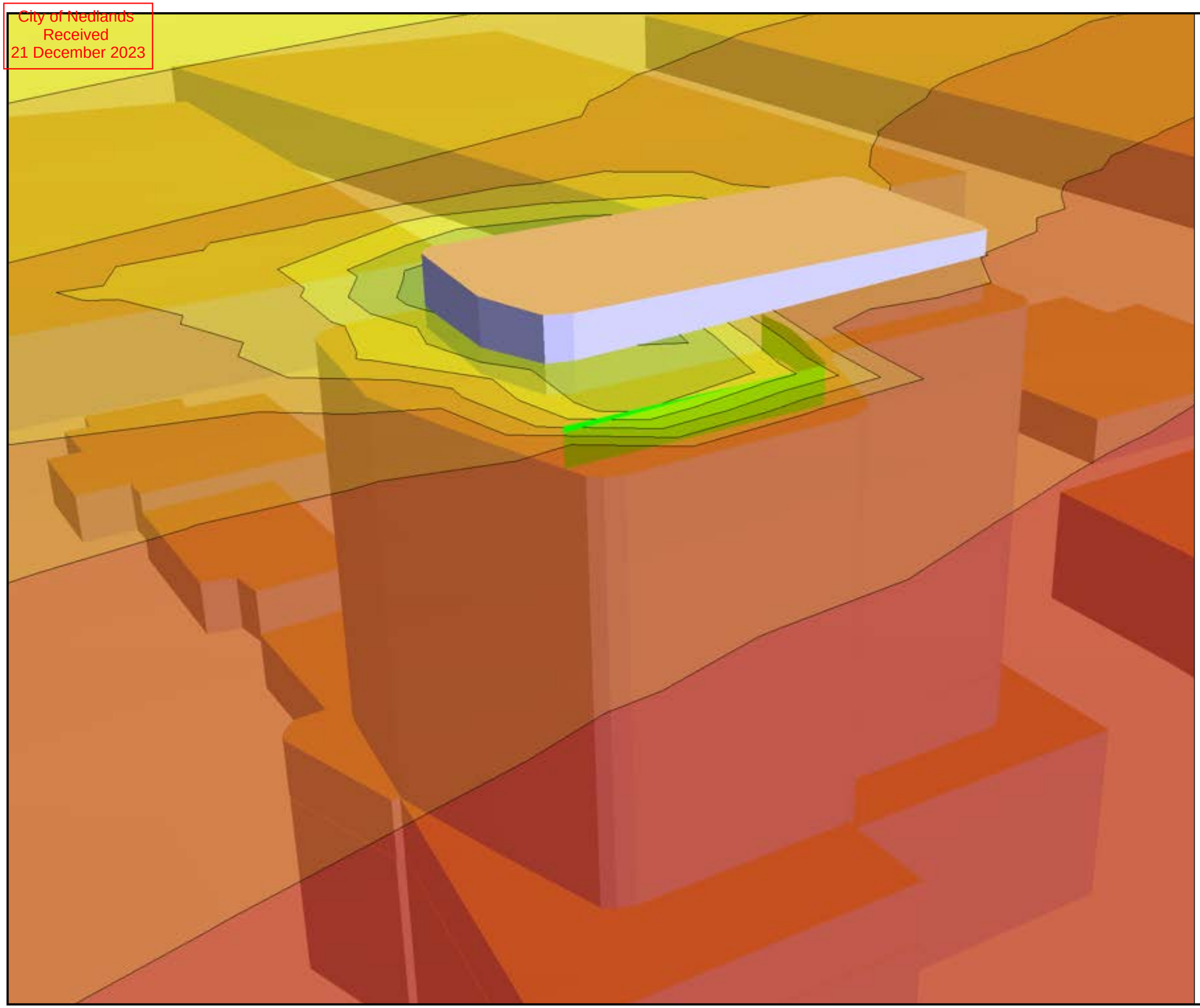

1A Thomas St
Nedlands

301250573
12/7/2023
JLM

FUTURE DAY TIME
SCENARIO (2043)

NOISE CONTOUR AT
Level 10
(1.4m RECEIVER HEIGHT)

1m High Noise Wall

Noise level
in dB(A)

	< 45.0
45.0 <=	< 47.0
47.0 <=	< 49.0
49.0 <=	< 51.0
51.0 <=	< 53.0
53.0 <=	< 55.0
55.0 <=	< 57.0
57.0 <=	< 59.0
59.0 <=	< 61.0
61.0 <=	< 63.0
63.0 <=	< 65.0
65.0 <=	< 67.0
67.0 <=	< 69.0
69.0 <=	< 71.0
71.0 <=	< 73.0
73.0 <=	< 75.0
75.0 <=	< 77.0
77.0 <=	< 79.0
79.0 <=	< 81.0
81.0 <=	

0 8 16 24 32 40 m

Stantec

City of Nedlands
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21 December 2023

Design with
community in mind

Ground Floor
226 Adelaide Terrace
Perth WA 6000
Tel +61 8 6222 7000

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Document Set ID: 76155
Version: 1, Version Date: 15/12/2023

LOT 1 (80) STIRLING HIGHWAY, LOT 22 (2) AND LOT 6 (23) FLORENCE ROAD AND LOT 33 (7) AND LOT 32 (9) STANLEY STREET, NEDLANDS – SHOPPING CENTRE – AMENDMENT TO WORDING OF CONDITION 35

Form 2 – Responsible Authority Report
(Regulation 17)

DAP Name:	Metro Inner Development Assessment Panel	
Local Government Area:	City of Nedlands	
Proposed Amendments:	Modification to Condition 35 wording (road widening) of DAP/19/01651	
Applicant:	Greg Rowe, Rowe Group	
Owner:	ML Wordsworth Pty Ltd Bucking Horse Pty Ltd Florence Holdings Pty Ltd Grey Owl Pty Ltd Princep Holdings Pty Ltd Rain Cloud Pty Ltd	
Value of Amendment:	N/A	
Responsible Authority:	City of Nedlands	
Authorising Officer:	Roy Winslow - A/Director of Planning and Development	
LG Reference:	DA23-90803	
DAP File No:	DAP/19/01651	
Date of Original DAP decision:	10 February 2023	
Application Received Date:	28 November 2023	
Application Statutory Process Timeframe:	60 Days (with an additional 15 days agreed)	
Attachment(s):	1. Location Plan 2. Previous Determination Notice – DAP/19/01651 approved 10 February 2023 3. Applicants Cover letter & Ceding Plan 4. Main Roads WA Advice 5. WAPC Letter	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes ☐ N/A	Complete Responsible Authority Recommendation section
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

It is recommended that the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **Approve** DAP Application reference DAP/19/01651 and accompanying plans (Attachment 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the proposed amendment to the wording of Condition 35 of the approved Shopping Centre at 80 Stirling Highway, Nedlands.

Amended Condition:

35. Prior to occupation of the development:

    a. The 1m wide strip of land (including truncations) along Stirling Highway (as depicted in Attachment 3 of this Development Approval) shall be set aside as a separate lot and is to be ceded free of cost to Main Roads WA; and

    b. The balance of the Metropolitan Region Scheme Reserve (including truncations) for Stirling Highway shall be set aside as a separate lot for future acquisition pending future road widening requirements. An easement is to be provided over the balance lot and to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.

All other conditions remain as per the Determination Notice dated 20 February 2023.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban Regional Road Reservation
Local Planning Scheme	City of Nedlands – Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Mixed Use (R-AC1) Regional Road Reservation
Use Class and permissibility:	No changes proposed
Lot Size:	12,678m^2
Existing Land Use:	Hotel Regional Road Reservation
State Heritage Register	Yes (Captain Stirling Hotel)
Local Heritage	☐ N/A ☒ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☒ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

This proposal is for an amendment to Condition 35 of the approved Shopping Centre at 80 Stirling Highway, Nedlands dated 10 February 2023. The application has been made in accordance with r.17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulations 2011* as it amends an aspect of the development which does not substantially change the original development that has been approved.

The current wording of Condition 35:

> *"35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads."*

The proposed wording of Condition 35:

> *"Prior to occupation of the development:*
>
> *a. The 1m wide strip of land (including truncations) along Stirling Highway (as depicted in Attachment 3 of this Development Approval) shall be set aside as a separate lot and is to be ceded free of cost to Main Roads WA; and*
>
> *b. The balance of the Metropolitan Region Scheme Reserve (including truncations) for Stirling Highway shall set aside as a separate lot for future acquisition pending future road widening requirements. An easement is to be provided over the balance lot and to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.*

Background:

<u>Site Context</u>

The development site comprises of 6 individually owned properties, being 80 Stirling Highway, 2-6 Florence Road, and 7 and 9 Stanley Street. It is occupied by the Captain Stirling Hotel and vacant lots.

The site is zoned 'Mixed Use' in the Metropolitan Region Scheme, with a portion of Lot 1 (80 Stirling Highway) reserved for 'Primary Regional Road'.

<u>Process to date</u>

The development application was originally lodged in August 2019. During the review process, comments were sought from Main Roads and the State Heritage Office, which both responded with concerns. Additionally, the application was referred to the State Design Review Panel on two separate occasions.

In June 2020, the JDAP resolved to defer the application for 90 days to allow the applicant to respond to the following:

- *To provide greater certainty on the traffic, transport and access issues*

- *To provide further information on heritage issues*
- *To address the integration of the project in the Nedlands Town Centre*

The applicant subsequently chose to take a 'deemed refusal' under clause 75 of the Deemed Provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015* and applied to the State Administrative Tribunal (SAT) for a review. SAT mediations were ongoing from 2020, culminating in amended plans and documentation being submitted on 4 November 2022 for a S.31 reconsideration. Further information and amended plans were submitted in late December 2022.

On 10 February 2023, the Metro Inner-North JDAP approved the application with Condition 35 which reads –

> *"35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads."*

Amalgamation of the site is required by Condition 5 of the Development Approval. On 11 September 2023 the WAPC granted subdivision approval for the amalgamation of all six lots. The determination letter for the subdivision included a condition which gives the option to the applicant for the lot to be set aside for acquisition pending future road widening requirements rather than cede free of costs.

> *"1. The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening"*

In November 2023, the applicant applied to make a change to Condition 35 of the Development Approval, to read as Condition 1 of the Subdivision approval. This was made in accordance with r.17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulations 2011* as it amends an aspect of the development which does not substantially change the original development that has been approved.

Main Roads objected to the change on the grounds that the land is reserved for Primary Regional Road Reservation and is required to offset the development's impact on the State Road network (Stirling Highway). In addition, the significant development itself is the nexus for this land to be provided and to enable orderly and proper planning of Stirling Highway to occur.

The City did not concur with Main Roads objection or rationale as there are circumstances where it is considered unreasonable to request land to be ceded free of cost for road widening where there is no long-term project for those works. Rather, the City was of the opinion that the proponent's original wording of the condition should not be supported on the grounds that there was a clear need and nexus between the proposal and minor upgrades to Stirling Highway, Florence and Stanley Street intersection needed on safety grounds. This would result in a minor boundary adjustment which would need to be ceded free of cost. The balance should be set aside only when it is needed by the State for future road upgrades.

On the basis of the requested wording by the applicant, and on the grounds that recommending approval for the City's proposed modification of the wording could be construed as a de facto refusal, the City recommended that the request to amend Condition 35 as proposed be refused.

Prior to the finalisation of this report, the applicant applied for an extension of time to amend Condition 35 to read as –

> *"Prior to occupation of the development:*
>
> *c. The 1m wide strip of land (including truncations) along Stirling Highway (as depicted in Attachment 3 of this Development Approval) shall be set aside as a separate lot and is to be ceded free of cost to Main Roads WA; and*
>
> *d. The balance of the Metropolitan Region Scheme Reserve (including truncations) for Stirling Highway shall set aside as a separate lot for future acquisition pending future road widening requirements. An easement is to be provided over the balance lot and to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening.*

The issue comes down to the differing wording of a condition imposed by the WAPC versus the wording imposed by the MRWA. Given that the City is making a recommendation contrary to MRWA advice, it is necessary for the WAPC to prepare a dual report to the DAP. The City considers this a preferable pathway as it will allow the state planning authority to directly review the request holistically from a state perspective.

Legislation and Policy:

<u>Legislation</u>

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- Metropolitan Region Scheme
- City of Nedlands Local Planning Scheme No. 3

<u>State Government Policies</u>

- *State Planning Policy 7.0 – Design of the Built Environment*
- *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2)*
- *Draft Operational Policy 1.12 – Planning Proposals Adjoining Regional Roads in Western Australia (OP1.12)*

<u>Local Policies</u>

- Local Planning Policy – Waste Management
- Local Planning Policy – Consultation of Planning Proposals

- Local Planning Policy – Parking
- Local Planning Policy – Dalkeith Road to Stanley Street Laneway

Strategies

- City of Nedlands Local Planning Strategy

Consultation:

Public Consultation

The development application was not advertised to the public for comment. The alteration of the condition wording will not have an impact on the amenity of the surrounding lots and will not affect the external appearance, height, bulk or nature of the development. As such, the amendment is considered minor in significance and nature to the extent that public consultation was not necessary.

Main Roads WA

In accordance with the Instrument of Delegation DEL 2017/02, the application was referred to Main Roads for comment, as the lot is affected by the Primary Regional Road Reservation which Condition 35 relates to.

Main Roads objected to the original amendment (i.e. to cede entire area at a cost). The rationale provided stated:

> *"The land reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS) is required to offset the development's impact on the State Road network (Stirling Highway). The development will cause congestion to the network and will impact on the safety and efficiency of vehicular movement, which can only be mitigated by works being undertaken by the State, however the land is required to be provided by the developer".*

In response to the letter dated 19 January 2024, additional information was provided to Main Roads.

The application was referred to Main Roads regarding the modified condition (i.e. to cede a portion that is needed). Main Roads objected as the current agreement to cede land will ensure future mitigation of all impacts associated with the increase in right turn movements from Stirling Highway into Stanley Street related to this development **(Attachment 4).**

WAPC

Although not formally referred, the WAPC wrote to the City and the applicant verifying the position of imposing Condition 1 of the subdivision approval **(Attachment 5).** In summary, the WAPC determined that there was insufficient nexus between the amalgamation application and the ceding of Stirling Highway free of cost, but that decision should not be taken as the WAPC or the State's view with respect to the development application, given they are fundamentally different proposals. In relation to the development approval, WAPC note that the Main Roads have conveyed the State's position.

Planning Assessment:

City officers met with both the WAPC and Main Roads to discuss the positions more clearly. The crux of the issue, as the City sees it, comes down to whether the entirety of the land should be ceded now for free (using the current condition on the development approval), or partially ceded with the remainder acquired at a cost only when Main Roads have plans to upgrade the road (proposed condition wording). In considering that request, the following assessment has been undertaken and was proposed as a mediated outcome considering the need and nexus of this development.

Stirling Highway & Future Upgrades

Stirling Highway and its future land requirements was first reserved as Primary Regional Roads in the MRS in the 1960s. Several studies and concepts over the years have been developed and considered by the State for long term road designs for this area. In the current development approval issued in February 2023, Main Roads advised (advice note xiii) that upgrading Stirling Highway is not within Main Roads's 4 year forward estimated construction program and therefore is not considered a long-term project. This advice remains consistent to date.

Need and Nexus

Land reserved or identified for Regional Road purposes may be required to be ceded free of cost as a condition of subdivision and/or development approval where there is a clear need and nexus between the planning proposal and/or its impact on the safety and function of the relevant Regional Road. This could be, for example, the development requiring a new intersection, or an improved transport design that is based on the efficiency of the road and intersection and which is a result of a development's undue impact on the road network.

In reviewing the original application and history, traffic and access was a fundamental consideration for this development. Lengthy negotiation was undertaken to create a southern laneway on the subject site to be used as a public vehicle accessway. By doing so it would facilitate movement of traffic and provide a dedicated entry for delivery vehicles and waste management. It would also ease any overall concerns to traffic safety and existing congestion issues along Stirling Highway and address Main Roads's original concerns that direct access from individual lots to the Highway should be removed. The initiative for a dedicated rear laneway access has been highlighted more recently with the advertised Local Planning Scheme Amendment 13, relating to all properties along Stirling Highway and future development.

Further, in the most recent determination, City Officers concurred with the results of the Traffic Impact Assessment that the existing road network can cater for the expected trip generation from this development without significant impacts on traffic flow both at a local at state level.

Traffic mitigation works along Stirling Highway and intersections of Florence Road and Stanley Road, as highlighted in the Traffic Impact Assessment, were recommended on safety grounds and/or amenity improvements only. These works included:

- A proposed median island on Stirling Highway to prevent right in and right-out movements of Boronia Avenue, and right in and right out movement of Florence Road;

- A proposed median island on Stirling Highway to prevent right-out movement of Stanley Street onto Stirling Highway;
- A proposed median island on Stanley Street to prevent the right-out movement of Stanley Street onto Stirling Highway;
- Western sweep of Stanley Street intersection to be reconstructed to facilitate left in, left out movements; and
- Re-alignment to facilitate 2000mm wide pedestrian refuge. A minor portion of Stirling Highway road reserve widening is needed to facilitate the crossing and pram ramp (amenity improvement)

The City does not concur with Main Road's objection or rationale to reject the request of the re-wording. Nor does the City agree that the ceding of the entire portion of land zoned Primary Regional Road reservation, as shown in Plan 1.7138/1 should remain (current wording of Condition 35). Draft Operational Policy 1.12 notes of circumstances where it considers it unreasonable to request land to be ceded free of cost for road widening. The Policy specifically references it to be unreasonable in situations where there is a long-term project and the land is not required immediately. As noted in the current development approval (advice note xiii) MRWA states that upgrading Stirling Highway is not within their 4 year forward estimated construction program and therefore is not considered a long-term project. Therefore, only the portion of land needed to implement the road works contemplated by the Transport Impact Assessment of the development (and subsequent approval) should be ceded free of cost now. The balance should be set aside for later purchase when the Stirling Highway project is imminent.

The proposed concept, as shown in Stirling Highway Carriage Pattern Design Plan (1.7237) provided by Main Roads has been prepared well before this development. The ceding of land to facilitate any works will require ceding of land of other sites. It is understood that unless development occurs on those sites to request the ceding free of cost, it is will not be considered an imminently funded project.

The City is of the opinion that the most recent proposed wording of Condition 35 by the applicant should be supported on the grounds that there is a clear need and nexus between the proposal and the relatively minor upgrades to Stirling Highway, Florence and Stanley Street intersections needed on safety grounds. This will result in a minor boundary adjustment which will need to be ceded free of cost with costs for safety improvement upgrades at the expense of the applicant as per the development approval.

<u>Validity of the Planning Condition</u>

In considering the imposition to keep the original condition, the "Newbury Test" is applied to ensure the validity and appropriateness of the condition. This considers whether the condition is for a proper planning purpose, whether it fairly and reasonably relates to the development and whether the condition is not so unreasonable that no planning authority could have imposed it.

The City is of the view that in terms of the second test, the requirement to cede the entirety of the reserve fails in that it does not fairly and reasonably relate to the development. As identified in the report accompanying the development application, the development itself does not result in the need to significantly upgrade Stirling Highway. This is found in the Traffic Impact Assessment, which was accepted by all agencies and the City at the time of approval. The assessment accepted that the development could occur without undue safety impacts subject to minor modifications to the road network and a further study.

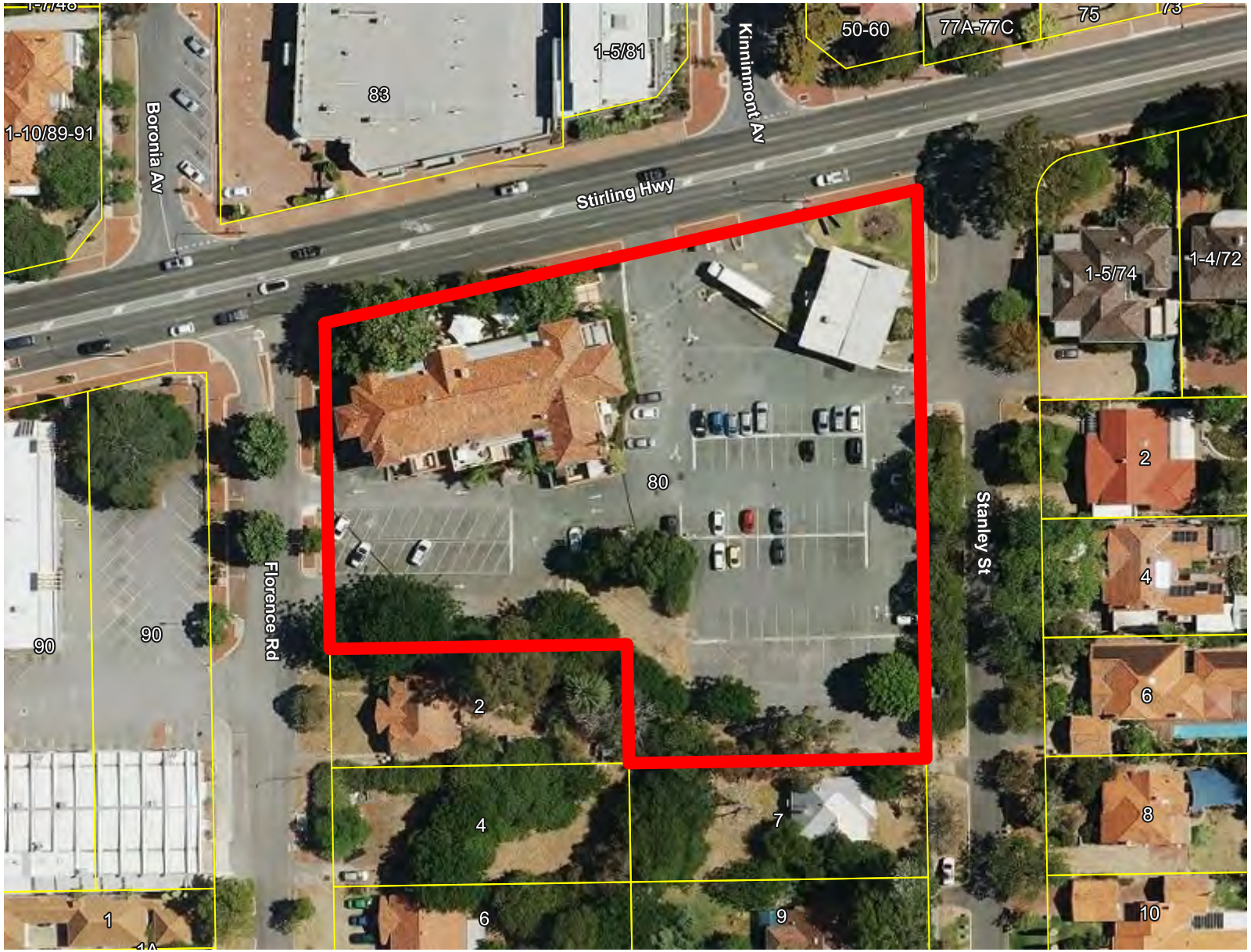
There are no immediate plans to upgrade Stirling Highway, nor firm plans to upgrade the whole portion of the road adjacent to the site to create a new lane, for example. The proposed condition wording identifies the clear connection between this development and the works that should be provided now. In doing so, a 1m portion is given free of cost with the balance to remain until such time as there are firm proposals in place for Stirling Highway. At that point, the land can still be acquired to facilitate Main Roads's plan.

Conclusion:

The proponent's proposed wording of Condition 35 is supported by the City as there is a need and nexus from this development that some upgrades are needed to Stirling Highway on safety grounds. Land for these immediate upgrades should be ceded free of cost and works undertaken at the applicant's expense. The balance of land should be acquired at a cost only when Main Roads requires the land as part of the 4-year construction program.

On review, the City does not support Main Road's objection or rationale that the entire portion of land zoned Primary Regional Road reservation, as shown in Plan 1.7138/1 should be ceded free of cost either (current condition 35).

Given that the City is making a recommendation contrary to MRWA advice, it is necessary for the WAPC to prepare a dual report to the DAP. Should the WAPC not provide a report to DAP in time for consideration, DAP will have to defer the application.



Labels
House Numbers
Road Names
Boundaries
Nedlands LGA Boundary
Surrounding LGAs
Suburbs
Property Boundaries

City of Nedlands

The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

11/03/2024

1:1000

Government of Western Australia
Development Assessment Panels

LG Ref: DA19-38512
DAP Ref: DAP/19/01651

Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 160/2020

Property Location:	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands
Application Details:	Shopping Centre

Please be advised that the Metro Inner-North Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 160/2020, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 10 February 2023.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

20 February 2023

Encl: Amended DAP Determination Notice

Cc:

Fabcot Pty Ltd C/- Urbis

State Solicitor's Office

Mr Nathan Blumenthal
City of Nedlands

Planning Appeals

Government of Western Australia
Development Assessment Panels

Planning and Development Act 2005

City of Nedlands Local Planning Scheme No. 3

Metro Inner-North Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands
Application Details: Shopping Centre

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro Inner-North JDAP, at its meeting on 10 February 2023, has reconsidered its decision dated 1/01/0001 in respect to the above application, SAT Ref. DR 160/2020 and has resolved to:

Reconsider its decision dated 13 October 2020 and **SET ASIDE the decision and substitute a new** decision to **approve** DAP Application reference DAP/19/01651 and accompanying plans dated 20 December 2022 including Plan 1.7138/1 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The indicative residential component does not form part of this approval and is hereby deleted.

4. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site. Works within the road reserve and verge do not form part of this approval and require separate approval from the ~~relevant~~ City or Main Roads WA.

5. Prior to occupation, No. 80 (Lot 1) Stirling Highway, Nos. 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road, and Nos. 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Nedlands, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works, to ensure that that the development and use approved on the lots operate concurrently at all times.

Building and Engineering

6. Prior to occupation, suitable arrangements are to be made to provide for public access over the vehicle accessway at the south of the site in perpetuity, in accordance with the approved plans, at the proponents cost and to the satisfaction of the City of Nedlands. Care and maintenance of the accessway is to be carried out by the applicant/owner and to the satisfaction of the City for the life of the development.

7. Prior to occupation, the acoustic wall along the southern boundary is to be constructed, and the laneway at the rear of the site is to be constructed, drained and line marked to its full width, all at the proponents expense and to the satisfaction of the City.

8. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.

9. Prior to the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands 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:

   Lots 1-5 (No. 74) Stirling Highway, Nedlands
   Lot 7 (No. 2) Stanley Street, Nedlands
   Lot 40 (No. 4) Stanley Street, Nedlands
   Lot 41 (No. 6 Stanley Street, Nedlands
   Lot 42 (No. 8) Stanley Street, Nedlands
   Lot 43 (No. 10) Stanley Street, Nedlands
   Lot 31 (No. 11) Stanley Street, Nedlands
   Lot 88 (No. 1) Florence Road, Nedlands
   Lot 89 (No. 1A) Florence Road, 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.

10. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1% AEP. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.

Design

11. Prior to the issue of a building permit, the timber-look fins and glazing of the Commercial tenancies along the eastern façade are to permit a minimum of 75% visual permeability to the street to the satisfaction of the City.

12. Prior to the issue of a building permit, the proponents shall submit a final schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Nedlands.

13. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.

14. All signage is to be installed and maintained for the life of the development in accordance with the signage plan dated received 20 December 2022, including any modifications agreed to in writing by the City, to the satisfaction of the City of Nedlands.

15. Prior to occupation, utilities to be integrated into the building and landscape design so they are not visually obtrusive from the street or civic spaces in the development, to the satisfaction of the City of Nedlands.

Traffic, Parking and Waste

16. Prior to occupation, a Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City. The Plan will include details on:
    a) how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes;
    b) times of deliveries and numbers of daily deliveries; and
    c) agreement that delivery vehicles will turn off engines, freezer and fridge compressor units of trucks while unloading.

    The approved plan (and any amendments approved by the City in writing) is required to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

17. Prior to the issue of a building permit, dynamic parking availability signage shall be shown at entry points to clearly communicate the number of available bays available in each car park, and to minimise the demand for recirculation between parking levels to the satisfaction of the City of Nedlands. Signage is to be installed prior to occupation of the development.

18. Prior to occupation, the 19 public bicycle racks, and 7 internal bicycle racks and associated end of trip facilities as shown on the plans shall be provided in accordance with Australian Standard for AS 2890.3 to the satisfaction of the City of Nedlands. The bicycle racks shall remain in place for the duration of the development.

19. Prior to occupation, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.

20. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.

21. Prior to the issue of a building permit, plans are to show all crossovers shall have a clear zone of 2m x 2.5x at the property boundary to ensure sufficient sight distance for pedestrians crossing as per AS/NZS 2890.1:2004 to the satisfaction of the City of Nedlands. Clear zones are to be provided on-site prior to the occupation of the development and maintained for the life of the development.

22. Prior to the issue of a building permit, an amended Waste Management Plan is to be submitted that updates the figures to match the approved plans to the satisfaction of the City of Nedlands. The amended Waste Management Plan is to be adhered to for the life of the development to the satisfaction of the City.

23. Prior to the issue of a Building Permit, a Road Safety Audit of the engineering design(s) is to be prepared and approved by the City at the 15% design stage. Particular regard is to be had to the safe manoeuvrability of 12.5m delivery vehicles into and out of the rear accessway at both Florence Road and Stanley Street. The Road Safety Audit is to determine whether the proposed development will compromise the safety of road users, and if so, make recommendations for corrective actions. Any recommended corrective actions are to be implemented to the satisfaction of the City of Nedlands and at the proponents expense.

24. In the event that the laneway between Dalkeith Road and Florence Road is constructed, a Road Safety Audit of the engineering designs is to be prepared and approved by the City prior to use of the laneway by 12.5m delivery vehicles from this site. Particular regard is to be had to 12.5m delivery trucks exiting the subject site and entering the Dalkeith-Florence laneway. The Road Safety Audit is to determine whether the proposed development will compromise the safety of road users, and if so, make recommendations for corrective actions. Any recommended corrective actions are to be implemented to the satisfaction of the City of Nedlands and at the proponents expense.

25. Within 12 months of occupancy of the development, the proponent is to undertake analysis of the impact of the development on the local road network to the specifications and satisfaction of the City of Nedlands. The outcomes of the analysis are to inform the preparation of a Local Area Traffic Treatment Plan by the applicant, if deemed necessary by the analysis.

<u>Environmental Health</u>

26. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties and shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting and is to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

27. Prior to the issue of a building permit, the Herring Storer Acoustic Report dated received 9 January 2023 is to be amended as follows to the satisfaction of the City of Nedlands:
    - Unless approved under Regulation 14A of the Environmental Protection (Noise) Regulations 1997, any activity associated with waste collection including bin movement between a bin store to a collection location is to occur between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or 0900 hours and 1900 hours on a Sunday or public holiday.
    - Noise from the gymnasium must demonstrate compliance with assigned levels in relation to the other commercial tenancies.
    - An engine or a refrigeration unit of any vehicle is to be turned off when undertaking any loading or unloading activity within the loading area of the development.

    The amended acoustic report is to be adhered to for the life of the development to the satisfaction of the City.

28. Prior to the issue of a building permit, an acoustic report is to be submitted and approved by the City demonstrating that the mechanical services, and the construction and operational phase of the development, will comply with the Environmental Protection (Noise) Regulations 1997. Any recommendations within the report are to be implemented for the duration of construction and the life of the development to the satisfaction of the City.

<u>Landscaping</u>

29. Prior to occupation, a Noise Management Plan is to be submitted and approved by the City of Nedlands detailing measures that will be undertaken to ensure noise levels during operation of the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 to the specifications and satisfaction of the City of Nedlands. The Noise Management Plan shall be adhered to at all times for the life of the development.

30. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots.

31. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by SeeDesign dated received 20 December 2022, or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.

32. Prior to the issue of a building permit, a tree relocation plan is to be submitted by a suitably qualified arborist detailing the process by which the trees proposed to be relocated are prepared and moved. This plan is to be approved and adhered to to the satisfaction of the City of Nedlands. Should the trees not survive the process, suitable replacements are to be planted to the satisfaction of the City.

33. The street tree(s) within the verge are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the proponents and to the satisfaction of the City of Nedlands.

Sustainability

34. Prior to issue of a building permit, evidence from a suitably qualified assessor is to demonstrate that the design achieves a 4 star Green Star or better rating. Any actions arising from the assumptions and requirements within the evidence are to be carried out and adhered to for the life of the development to the satisfaction of the City.

Main Roads WA

35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

36. No part of the building/development (e.g. structures, car parking, dining area, services, utilities, significant landscaping etc.) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.7138/1.

37. Prior to the issue of the Building Permit, the proponent must submit a revised Landscape Plan to Main Roads requirements and the satisfaction of the City of Nedlands for temporary landscaping and pedestrian access located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety. Permanent landscaping must be limited and maintained to a mature height of 1 metre.

38. The maximum length of heavy vehicles accessing the site shall not exceed 12.5m.

39. Stormwater discharge (if any) shall not exceed pre-development discharge to the Stirling Highway Road Reserve or the widened road reservation.

40. The proponent is to repair any damage to the existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.

41. No works are permitted within the Stirling Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.

42. Prior to applying for a Building Permit, the applicant must submit engineering drawings and specifications demonstrating that a 12.5m vehicle can access the site via Stirling Highway to the satisfaction of Main Roads. Approval by Main Roads is required prior to the construction of modifications to Stirling Highway. The proponent is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, re-location of services, street lighting, design checks and inspections.

43. Private infrastructure contained within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1.7138/1 is to be removed and the verge made good at the proponents expense.

44. No waste collection is permitted from the Stirling Highway Road Reserve or widened road reservation.

45. The signs and sign structures must not overhang or encroach upon the existing or widened road reserve.

46. Any proposed illumination of the sign must not exceed 300cd.m2 (candela per square metre) during the hours of night, and not flash, pulsate or chase during all hours.

47. The signs must not be electronic/digital format.

48. The signs must not contain fluorescent, reflective or retro reflective colours or materials.

49. Prior to the submission of a building permit, a Traffic Management Plan (for construction) must be submitted and approved by the City of Nedlands on advice of Main Roads. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.

<u>Department of Planning, Lands and Heritage</u>

50. A Heritage Agreement between the proponent and the Heritage Council shall be executed prior to the issue of a Building Permit to the satisfaction of the City on advice from the Heritage Council.

51. Conservation works shall be completed prior to the issue of Occupancy Permit for the whole development to the satisfaction of the City on advice from the Heritage Council.

52. A program of monitoring any structural movement and potential vibration impacts on the Captain Stirling Hotel building shall be implemented at the commencement of works. Should any impact occur, the Heritage Council is to be notified immediately by the proponent and advised on a recommended course of action by a suitably qualified structural engineer to be undertaken at the proponent's expense.

53. Prior to the application for a Building Permit, the following items shall be submitted to the satisfaction of the City of Nedlands on advice from the Director Historic Heritage Conservation at the Heritage Council:
    a. Construction Management Plan that provides for the protection methodology and foundation underpinning of the heritage building;
    b. Details of the proposed treatment of the walls where fabric is proposed for removal;
    c. Colour palette, material schedule and the lighting strategy for the Captain Stirling Hotel building;
    d. Detailed Landscape Plan.

Advice Notes

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

ii. A building permit is required for the works.

iii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands

iv. The applicant and landowner are advised that the approved uses (Office, Shop, Private – recreation, Medical centre, Liquor store – small and Restaurant/café) are defined in accordance with LPS3.

v. Prior to commencing a Food Business, a proprietor shall lodge with the City a Food Business Registration / Notification Form. A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.

vi. In order to reduce the likelihood of introducing or transferring plant pathogens:
    a. Use Australian Standard AS 4454 mulch
    b. Ensure machinery and equipment is clean before accessing the site.
    c. Use plant stock sourced from a nursery with accreditation from Nursery Industry Accreditation Scheme Australia (NIASA).

vii. Service and/or delivery vehicles are not to service the premises before 7.00 am 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 otherwise approved by the City.

viii. The landowner is advised that all mechanical equipment (e.g. air-conditioner) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.

<u>Main Roads Advice</u>

ix. Approval of signals or intersection modifications on Stirling Highway do not form part of this application. Signalisation proposals and intersection upgrade all rely on third party land that does not form part of this application, therefore cannot form part of the scope of this Development Application.

x. If safety becomes a significant problem along this section of Stirling Highway then Main Roads will need to make modifications to Stirling Highway that could include removal of the right turn out from Stanley Street or construction of a solid median in Stirling Highway to prevent right turn movements.

xi. Condition 37 requires a landscape plan to be submitted. Deep soil plantings are not suitable within the future road widening. Proposed trees are to be potted and removable.

xii. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

xiii. The upgrading of Stirling Highway is not in Main Roads' current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning *and Development (Development Assessment Panels) Regulations 2011*.

City of Nedlands
Amended Plans Received
20 December 2022

NEDLANDS SQUARE

DEVELOPMENT APPLICATION - ARCHITECTURAL DRAWINGS

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

DRAWING LIST

No.	Sheet Name
SD001	COVER SHEET
SD002	VIEW FROM FLORENCE ROAD AND STIRLING HIGHWAY CORNER
SD003	VIEW OF FLORENCE ROAD ENTRY
SD004	VIEW OF PLAZA FROM STIRLING STREET ENTRY
SD005	VIEW OF PLAZA FROM SUPERMARKET ENTRY
SD006	VIEW OF RETAIL SHOPFRONTS ALONG PLAZA
SD010	LOCATION & SURVEY PLAN
SD011	SITE PLAN - OVERALL
SD100	EXISTING AND DEMOLITION PLAN
SD120	DEMOLITION PLAN - CAPTAIN STRILING HOTEL
SD200	UNDERCROFT
SD201	GROUND FLOOR
SD202	LEVEL 1
SD206	ROOF PLAN
SD210	UNDERCROFT - INDICATIVE RESIDENTIAL STAGE
SD211	GROUND FLOOR - INDICATIVE RESIDENTIAL STAGE
SD212	LEVEL 1 - INDICATIVE RESIDENTIAL STAGE
SD213	LEVEL 2 - INDICATIVE RESIDENTIAL STAGE
SD214	LEVEL 3 - INDICATIVE RESIDENTIAL STAGE
SD215	LEVEL 4 - INDICATIVE RESIDENTIAL STAGE
SD220	UNDERCROFT - CAPTAIN STIRLING HOTEL
SD221	GROUND FLOOR - CAPTAIN STIRLING HOTEL
SD222	LEVEL 1 - CAPTAIN STIRLING HOTEL
SD280	DELIVERIES AND WASTE COLLECTION ROUTE
SD281	PEDESTRIAN MOVEMENT DIAGRAM - UNDERCROFT
SD282	PEDESTRIAN MOVEMENT DIAGRAM - GROUND LEVEL
SD290	OVERSHADOWING DIAGRAMS
SD291	OVERSHADOWING DIAGRAMS
SD400	PROPOSED ELEVATIONS - EXTERNAL
SD401	PROPOSED ELEVATIONS - EXTERNAL
SD402	PROPOSED ELEVATION - INTERNAL
SD420	ELEVATIONS - CAPTAIN STIRLING HOTEL
SD421	ELEVATIONS - CAPTAIN STIRLING HOTEL
SD600	SECTION AA
SD601	SECTION BB
SD602	SECTION CC
SD603	LANEWAY TRELLIS
A900(DA)	SIGNAGE - LAYOUT PLAN
A901(DA)	SIGNAGE - WOOLWORTHS & BWS SIGNAGE SIGHTLINES
A902(DA)	EXTERNAL SIGNAGE - LOCATION PLAN
A903(DA)	EXTERNAL SIGNAGE - ELEVATIONS
A904(DA)	EXTERNAL SIGNAGE - ELEVATIONS
A908(DA)	INTERNAL SIGNAGE - ELEVATIONS
A910(DA)	SIGNAGE - SCHEDULE
SHEETS: 44	

OVERALL AREA (NLA)

Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	353 m²
	2	353 m²
GROUND FLOOR		
KIOSK	2	50 m²
LIQUOR	1	250 m²
MEDICAL CENTRE	1	522 m²
RESTAURANT/CAFE	2	582 m²
SHOP	2	714 m²
SUPERMARKET	1	3365 m²
	9	5483 m²
LEVEL 1		
COMMERCIAL	4	1286 m²
RECREATION - PRIVATE	1	634 m²
	5	1920 m²
TOTAL NLA :	16	7756 m²

CAR PARKING PROVIDED - OVERALL

Type	Count
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	191
ON-STREET	
6600 x 2100 Parallel Bays	4
8600 x 2100 Parallel Loading Bays	1
	5
LONG TERM BICYCLE PARKING	
PFL PUSHBIKE CRADLE	7
	7
LEVEL 1	
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
LANEWAY	
5400 x 2600 Standard Parking	29
	29
TOTAL BAY:	395

MOTORCYCLE PARKING PROVIDED

Type	Count
UNDERCROFT	
2500 x 1200 Motorcycle Parking	7
MOTORCYCLE PARKING :	7

BICYCLE PARKING PROVIDED - OVERALL

TYPE	Count
LONG TERM BICYCLE PARKING	7
SHORT TERM BICYCLE PARKING	19
	26

KIT COMPLIANCE CHECKLIST

	REQUIRED Y/N	COMPLIANT Y/N	COMMENTS IF NON COMPLIANT, WHAT IS ACTUALLY PROVIDED
(A) CAR PARK RATIO 5 CAR SPACES PER 100m² OF GLA	Y	Y	5 BAYS/ 100m²
(B) SHADE SAILS MIN. 35% OF CAR BAYS REQUIRED TO BE COVERED	Y	Y	
(C) CAR BAY SIZE MINIMUM 2.6 x 5.5m	Y	Y	
(D) CAR PARK AISLE WIDTH MINIMUM 6.5m	Y	Y	
(E) 80% OF CARS WITH 100m RADIUS OF SUPERMARKET ENTRY	Y	Y	
(F) 2 WAY CAR PARK CIRCULATION THROUGHOUT	Y	Y	
(G) MIN. 1:40 FALL ACROSS CAR PARK	Y	Y	
(H) TROLLEY BAYS MINIMUM 1 PER 40 CAR BAYS	Y	Y	1 PER 20 CAR BAYS
(J) CAR PARK ACCESS POINTS MINIMUM 7.2m WIDE SPLAY	Y	Y	

WOOLWORTHS GROUP

COVER SHEET
NEDLANDS SQUARE

Status: FOR INFORMATION — FOR REVIEW
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

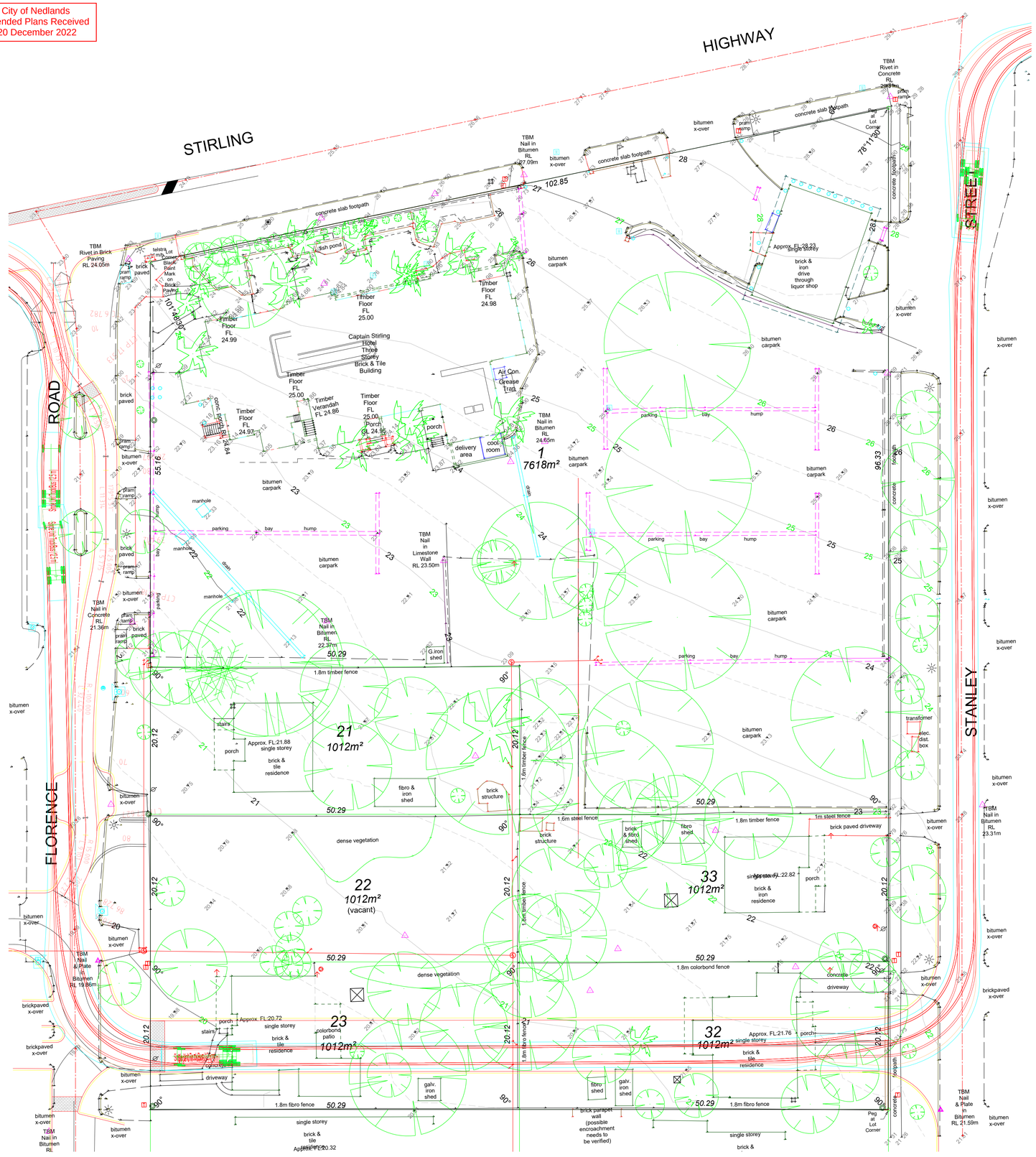
Scale: NTS

© Hames Sharley:

Project Number: 43444
Drawing Number: SD001
Revision: B
Date: 16/12/22

Hames Sharley

City of Nedlands
Amended Plans Received
20 December 2022



SURVEY PLAN
1 : 300

SERVICE LEGEND

WATER
STOP VALVE
HYDRANT
FLUSH POINT — fp
WATER TAP
WATER MARKER — wm
WATER METER

DRAINAGE
SW MANHOLE
GRATE
SIDE ENTRY PIT
UNDEFINED MANHOLE

SEWERAGE
SEWER MANHOLE
INSPECT. SHAFT — is
INSPECT. OPENING

POWER
CONSUMER POLE
POWER POLE
LIGHT POLE
STAY POLE
S.WIRE ANCHOR — swa
U.G CABLE BOX
CABLE M/H
CABLE DOME

TELSTRA
TELSTRA MARKER — tm
TELSTRA PIT
TELSTRA M/H — tmh

GAS
GAS MARKER — g
GAS METER
GAS VALVE — gv

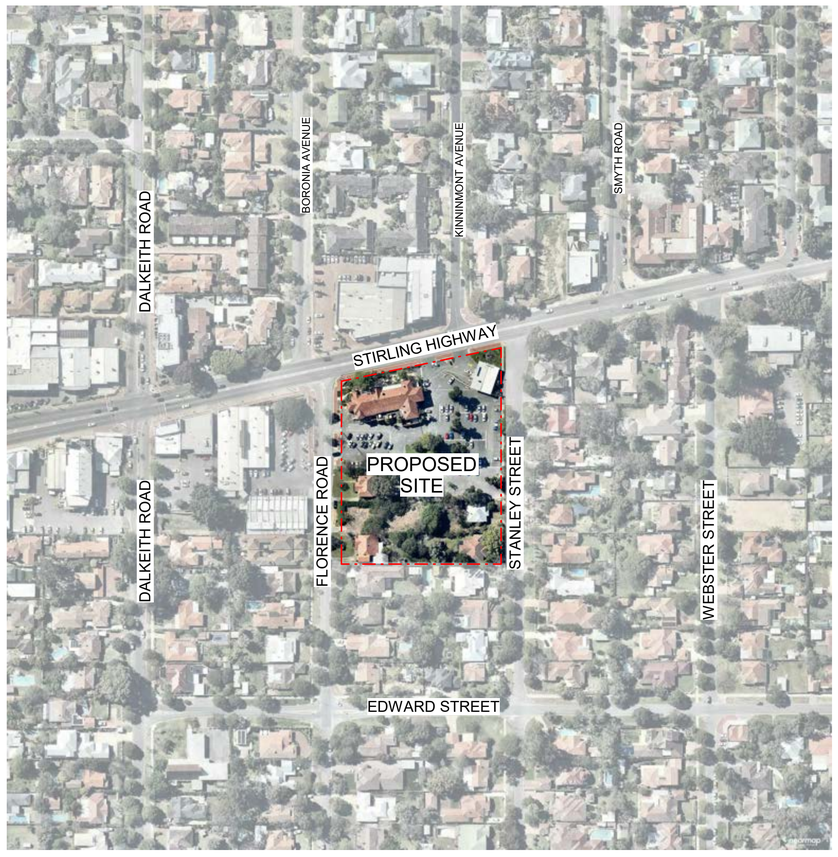
LINE STYLES
SEWER LINE
TOP OF BANK
BASE OF BANK
POWER LINE
FENCE
BOUNDARY
ROAD CENTRELINE
TOP OF WALL
BASE OF WALL
BUILDING LINE
TOP OF KERB
WINDOW

FEATURES
STREET SIGN
CLOTHES HOIST
BORE COVER
GATE

SURVEY
PEG FOUND — pf
PEG DISTURBED — pd
PEG GONE — pg
CONTROL POINT
DATUM

0.5m CONTOUR INTERVAL

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023



LOCATION PLAN
1 : 2000

WOOLWORTHS GROUP

LOCATION & SURVEY PLAN
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:300 @ A1
0 — 24

North:

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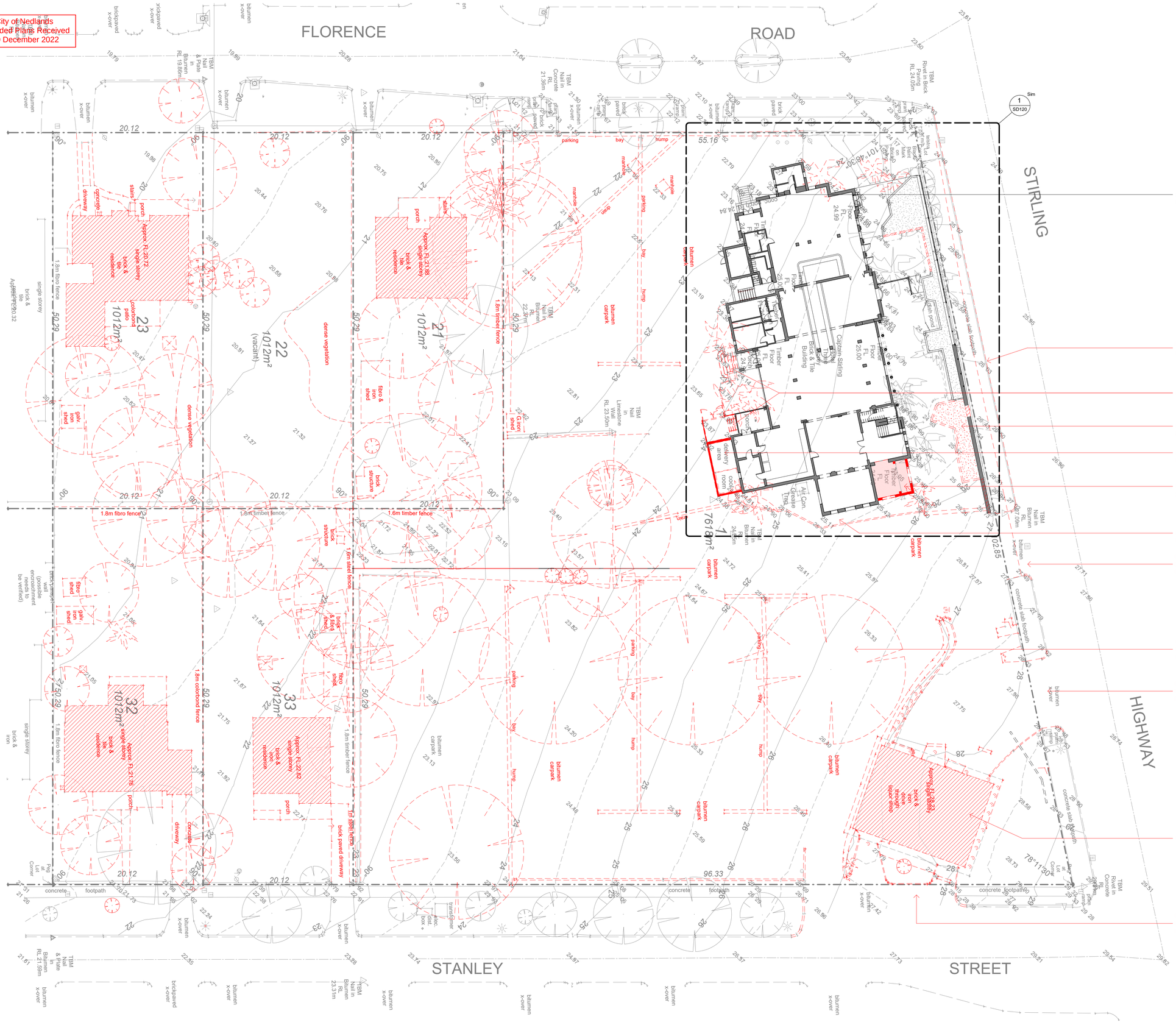
Project Number: 43444
Drawing Number: SD010
Revision: A
Date: 4/11/22

Hames Sharley

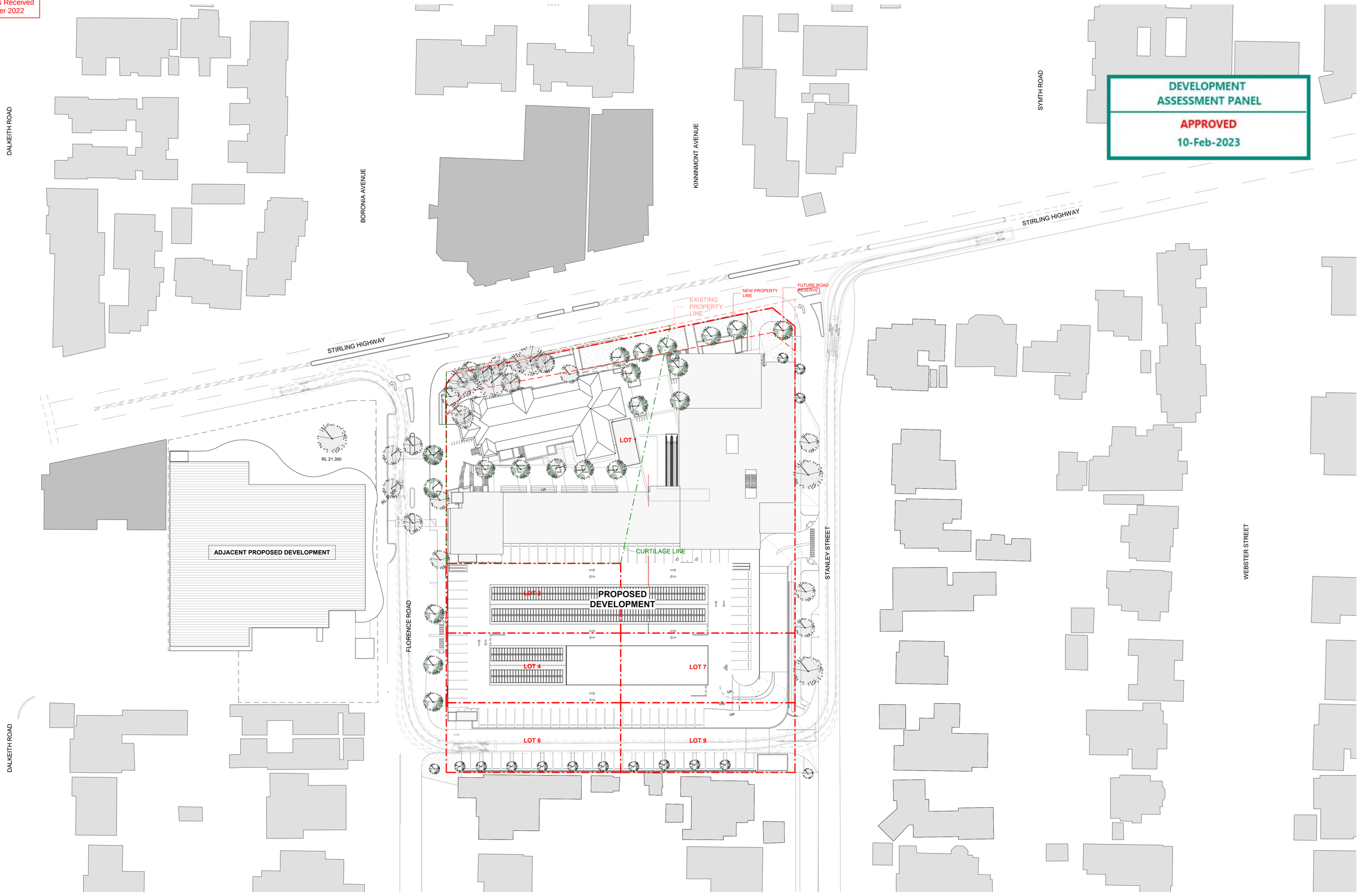
City of Nedlands
Amended Plans Received
20 December 2022

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023


FLORENCE
ROAD
STIRLING
HIGHWAY
STANLEY
STREET
Captain Stirling Hotel
Brick & Tile Building
Timber Floor
Floor FL 25.00
Floor FL 24.99
Floor FL 25.01
Floor FL 24.88
Floor FL 24.65
Floor FL 24.76
Floor FL 24.14
Floor FL 24.16
Floor FL 24.30
Floor FL 24.45
Floor FL 24.81
Floor FL 24.76
Timber Floor FL
Timber Floor FL 24.16
Timber Floor FL 24.30
Timber Floor FL 24.45
Timber Floor FL 24.81
Timber Floor FL 24.76
Timber Floor FL 24.14

City of Nedlands
Amended Plans Received
20 December 2022

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023



WOOLWORTHS GROUP

SITE PLAN - OVERALL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:500 @ A1
0 — 40

North:

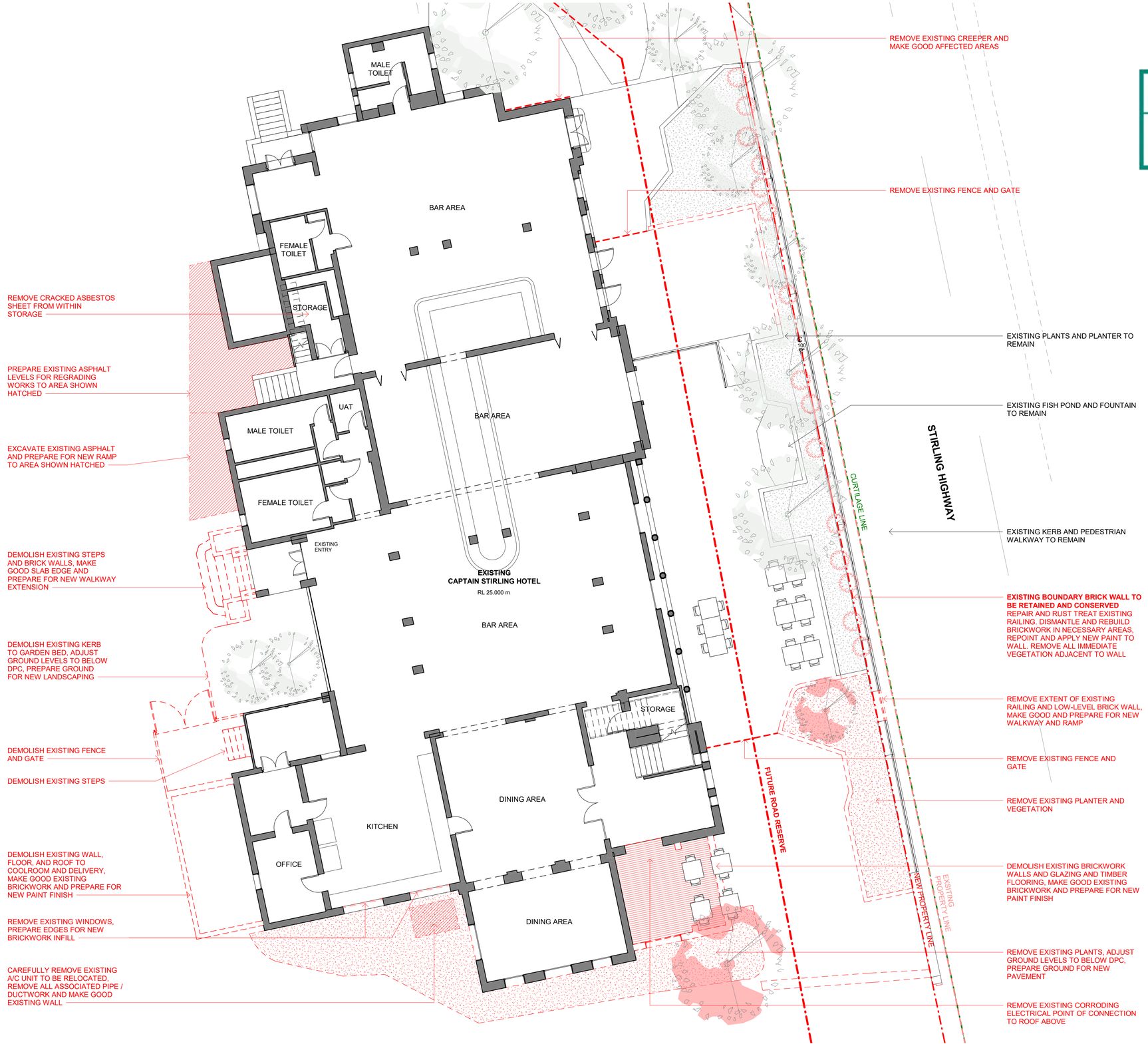
© Hames Sharley:

Project Number: 43444
Drawing Number: SD011
Revision: B
Date: 16/12/22

Hames Sharley

City of Nedlands
Amended Plans Received
20 December 2022

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023



GENERAL DEMOLITION NOTES:

1. MAKE GOOD ALL EXISTING SURFACES AFFECTED BY REMOVAL AND DEMOLITION WORKS
2. REMOVE ALL SURFACE-MOUNTED SERVICES

WOOLWORTHS GROUP

DEMOLITION PLAN - CAPTAIN STRILING HOTEL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\Lazhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:100 @ A1
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North:

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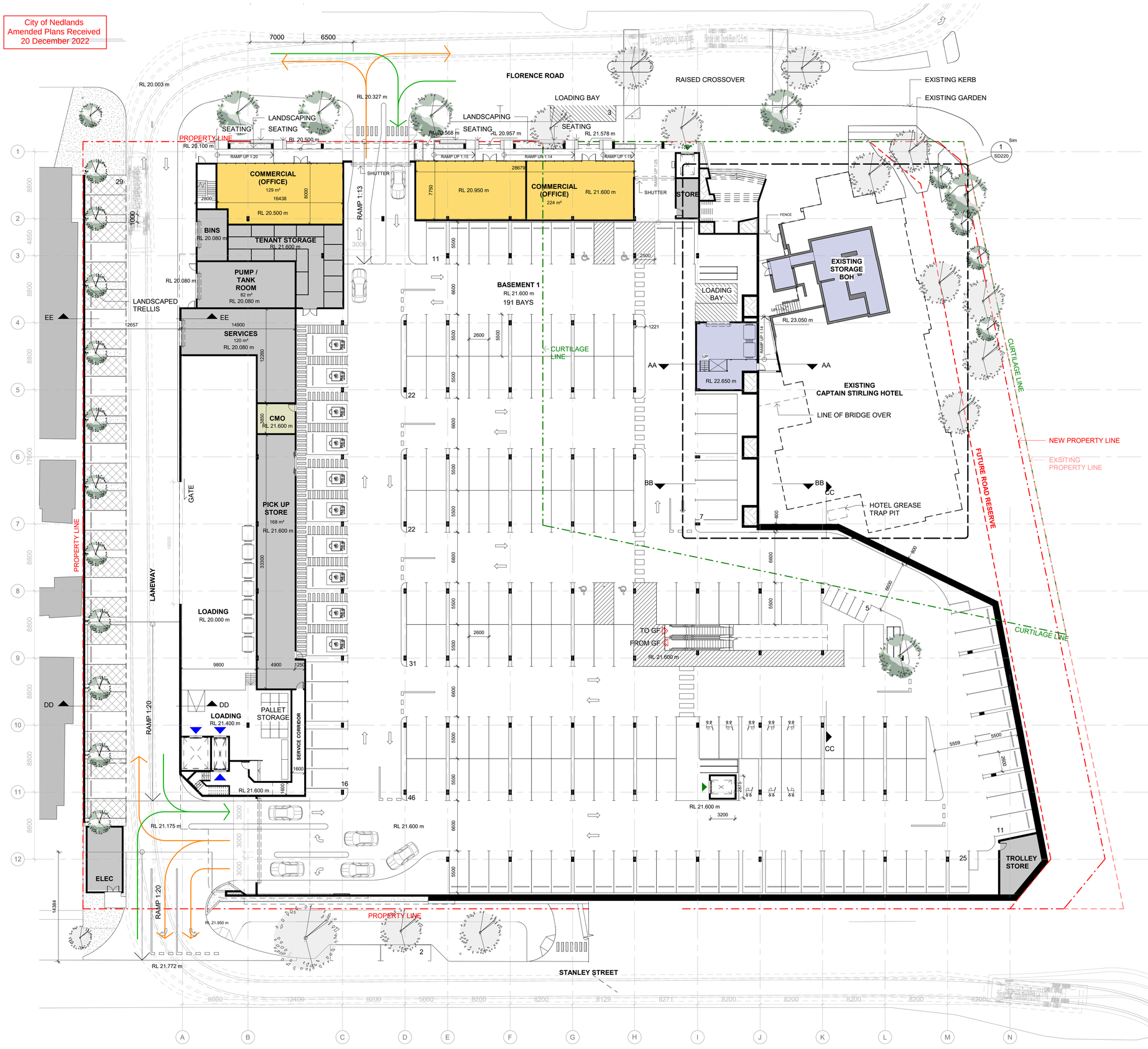
Project Number: 43444
Drawing Number: SD120
Revision: A
Date: 4/11/22

Hames Sharley

City of Nedlands
Amended Plans Received
20 December 2022



UNDERCROFT FLOOR AREA (NLA)

Name	Count	Area
		353 m²
		353 m²

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

	Count
5400 x 2600 Standard Parking	29
	29
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	191
TOTAL BAYS	220

MOTORCYCLE BAYS: 7

TREE LEGEND

NEW TREES

EXISTING TREES

RETAIL AREAS

CMO
COMMERCIAL
HOTEL
SERVICES

WOOLWORTHS GROUP

UNDERCROFT
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:250 @ A1
0 — 20

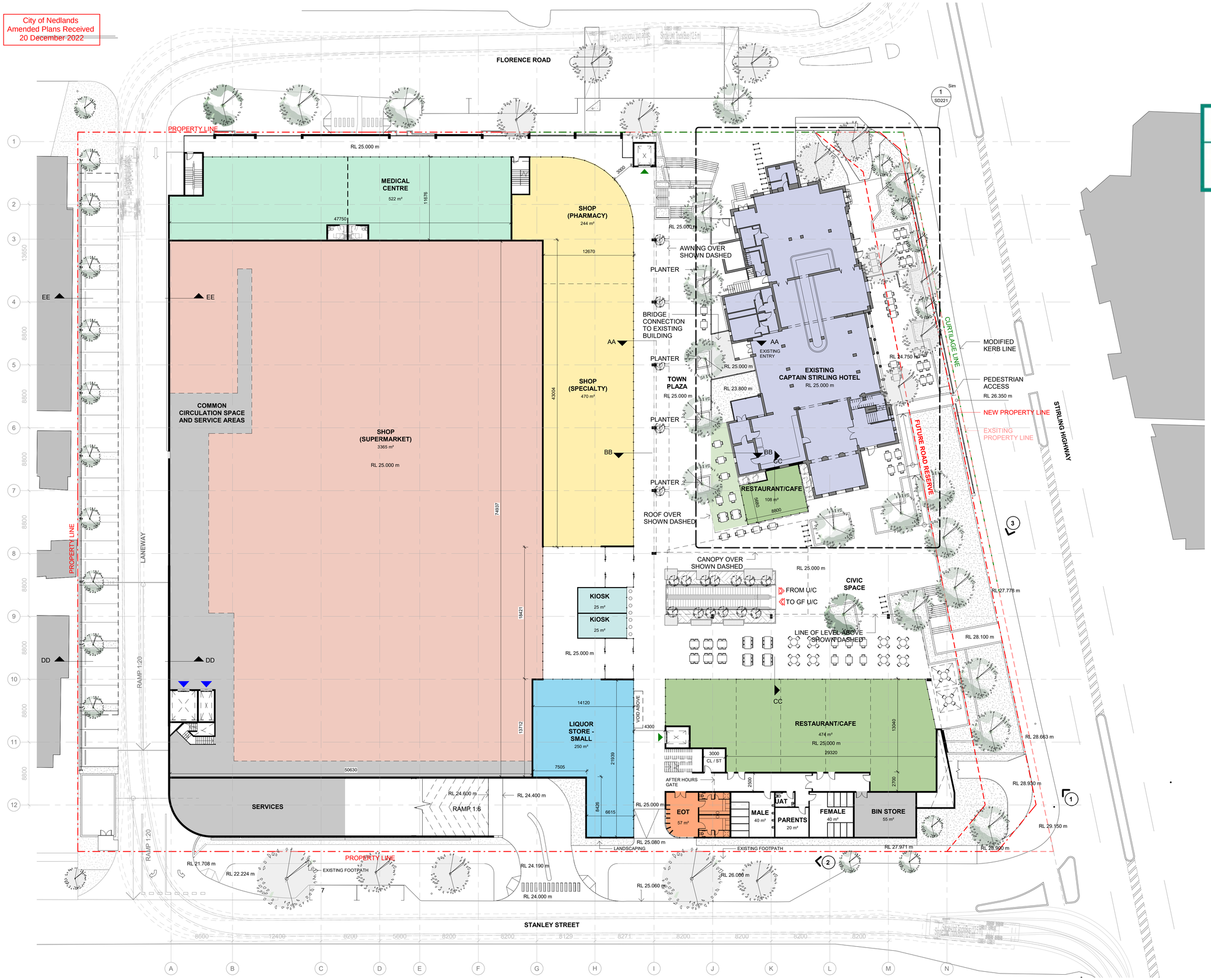
North:

© Hames Sharley:

Project Number: 43444
Drawing Number: SD200
Revision: B
Date: 16/12/22

HAMES SHARLEY

City of Nedlands
Amended Plans Received
20 December 2022



GROUND FLOOR AREA (NLA)

Name	Count	Area
		50 m²
		250 m²
		522 m²
		582 m²
		714 m²
		3365 m²
		5483 m²

DEVELOPMENT ASSESSMENT PANEL

APPROVED

10-Feb-2023

1

2

3

TREE LEGEND

- NEW TREES
- EXISTING TREES

RETAIL AREAS

- AMENITIES
- BACK OF HOUSE
- EOT
- HOTEL
- KIOSK
- LIQUOR
- MEDICAL CENTRE
- RESTAURANT/CAFE
- SERVICES
- SHOP
- SUPERMARKET

WOOLWORTHS GROUP

GROUND FLOOR
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:250 @ A1
0 — 20

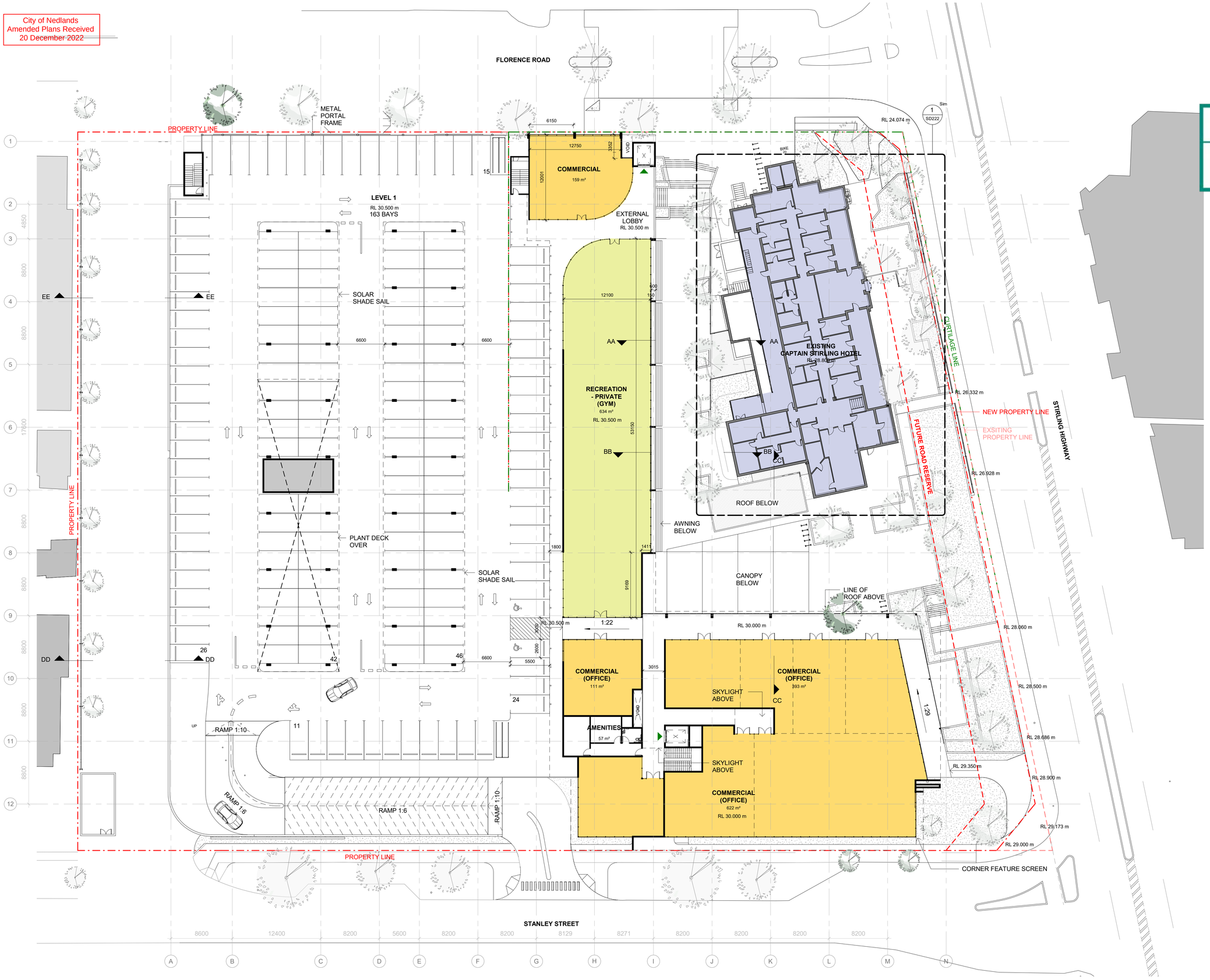
North:

© Hames Sharley:

Project Number: 43444
Drawing Number: SD201
Revision: B
Date: 16/12/22

Hames Sharley

City of Nedlands
Amended Plans Received
20 December 2022



LEVEL 1 AREA (NLA)

Name	Count	Area
		1286 m²
		634 m²
		1920 m²

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

	Count
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
TOTAL BAY:	163

OVERALL AREA (NLA)

Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	353 m²
	2	353 m²
GROUND FLOOR		
KIOSK	2	50 m²
LIQUOR	1	250 m²
MEDICAL CENTRE	1	522 m²
RESTAURANT/CAFE	2	582 m²
SHOP	2	714 m²
SUPERMARKET	1	3365 m²
	9	5483 m²
LEVEL 1		
COMMERCIAL	4	1286 m²
RECREATION - PRIVATE	1	634 m²
	5	1920 m²
TOTAL NLA :	16	7756 m²

PARKING - OVERALL BY LEVEL

Type	Count
UNDERCROFT	
5400 x 2600 Standard Parking	29
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	220
GROUND FLOOR	
6600 x 2100 Parallel Bays	4
8600 x 2100 Parallel Loading Bays	1
	5
LEVEL 1	
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
TOTAL PARKING PROVIDED :	388

MOTORCYCLE BAYS: 7

TOTAL PARKING REQUIRED : 367 BAYS

RETAIL PARKING REQUIRED : 247 @ 5 BAYS / 100m²
COMMERCIAL/ MEDICAL PARKING REQUIRED : 70 @ 2.5 BAYS / 100m²
HOTEL PARKING REQUIRED : 50 BAYS

MOTORCYCLE PARKING IS NOT INCLUDED IN THE PLANS - CAR BAY NUMBER WILL BE REDUCED BY APPROX 8 BAYS

SERVICES LAYOUT TO LEVEL 01 IS SUBJECT TO CONSULTANT INPUT AND MAY FURTHER REDUCE PARKING NUMBERS

TREE LEGEND

NEW TREES

EXISTING TREES

RETAIL AREAS

- AMENITIES
- COMMERCIAL
- HOTEL
- PLANT
- RECREATION - PRIVATE

WOOLWORTHS GROUP

LEVEL 1
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:250 @ A1
North:

© Hames Sharley:

Project Number: 43444
Drawing Number: SD202
Revision: B
Date: 16/12/22

Hames Sharley

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

19 January 2024

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Email: council@nedlands.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT.

Further to Main Roads correspondence dated 22nd of December 2023 and our meeting please be advised Main Roads objects to the proposed amendment to remove condition 35. The land required by this condition is reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS) and will offset the developments impact on the road network.

The development will cause congestion and will impact on the safety and efficiency of movement within the road network, which can only be mitigated by works being undertaken by the State, however the land is required to be provided by the developer.

Further information is required to inform the assessment is listed below:

1. Complete copy of the approved development application including but not limited to development plans, technical reports, modelling files and conditions.
2. Any documents approved or reviewed i.e. technical reports, audits etc undertaken post development approval.
3. Swept path analysis in DWG and PDF format.

In the interim, if you have any queries please do not hesitate to contact Maryanne Thornely on the above number.

Yours sincerely

Ian Thompson
A/Director Road Access and Planning

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

12 March 2024

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

ATT: Aviva Micevski
Email: council@nedlands.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT

Further to your email on dated 27 February 2024 please be advised Main Roads objects to the proposed amendment to condition 35. The proposed amendment involves:

1. Ceding the 1m wide strip of land along Stirling Highway, including truncations; and
2. Setting aside the balance of the Primary Regional Road reservation (approximately 7m wide) as a separate lot for future acquisition, including truncations.

As you would be aware, land required by this condition is reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS). The current agreement to cede land under condition 35 will ensure future mitigation of all impacts associated with the increase in right turn movements from Stirling Highway into Stanley Street related to this development.

The above was discussed at length with the applicant before recommending the ceding of all land within the PRRR being adopted as a reasonable contribution as informed by the Carriageway Pattern Profile 1.7237 (see attached). This was recommended as any improvement to Stirling Highway would require significant funding and additional land outside of this development, making this proposal unviable for the applicant.

Collaboration and partnership between the State and developer is required to achieve desired community outcomes for significant development proposals. This was established throughout the negations and is considered an agreement as detailed in State Planning Policy 3.6 below:

"(iii) Developer Agreements

Developer Agreements may be considered in limited circumstances – usually large-scale projects under single ownership − and pursuant to a request from the landowner or developer. Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles,

including the provision of facilities of a higher-quality or specification than standard, should be a voluntary decision by all parties to the agreement"

Specifically, the following conditions were recommended and agreed to:

35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

36. No part of the building/development (e.g. structures, car parking, dining area, services, utilities, significant landscaping etc.) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.7138/1.

37. Prior to the issue of the Building Permit, the proponent must submit a revised Landscape Plan to Main Roads requirements and the satisfaction of the City of Nedlands for temporary landscaping and pedestrian access located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety. Permanent landscaping must be limited and maintained to a mature height of 1 metre.

The applicant and landowner agreed to the conditions via the last JDAP determination and any variation to the conditions should have been raised at this time.

I trust the above demonstrates the amendment is not suitable.

In the interim, if you have any queries, please do not hesitate to contact Maryanne Thornely on 9323 4078 or via email at maryanne.thornley@mainroads.wa.gov.au

Yours sincerely

Jerko Ostoic
Director Road Access and Planning

ENC
Land Protection Plan 1.7138/1
Carriageway Pattern Profile 1.7237

1.7138/1

Legend

Proposed reservation boundary

Western Australian Planning Commission

Plan in operation Plan number 1.7138/1

and APPROVED by RESOLUTION at a meeting

Date on 20 - 06 - 2017 Minute No WAPC 208 16/3

Signed: Authorised Officer

Effective 30/01/2017

Standard truncation

Note: all truncations are standard unless otherwise shown

Western Australian Planning Commission

GDA

Stirling Highway - Stanley Street to Bay Road

Primary Regional Roads - proposed land requirement

Project manager: J. O'Neille

Draftsperson: T. Lynch

Examined:

Revised:

Date:

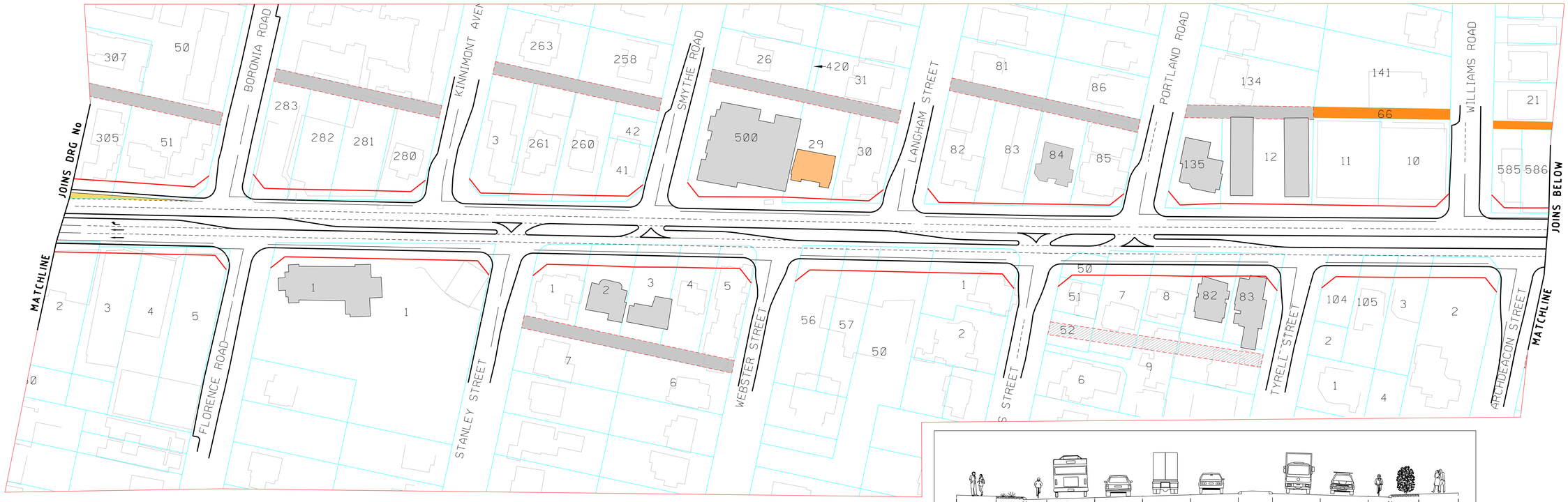
N

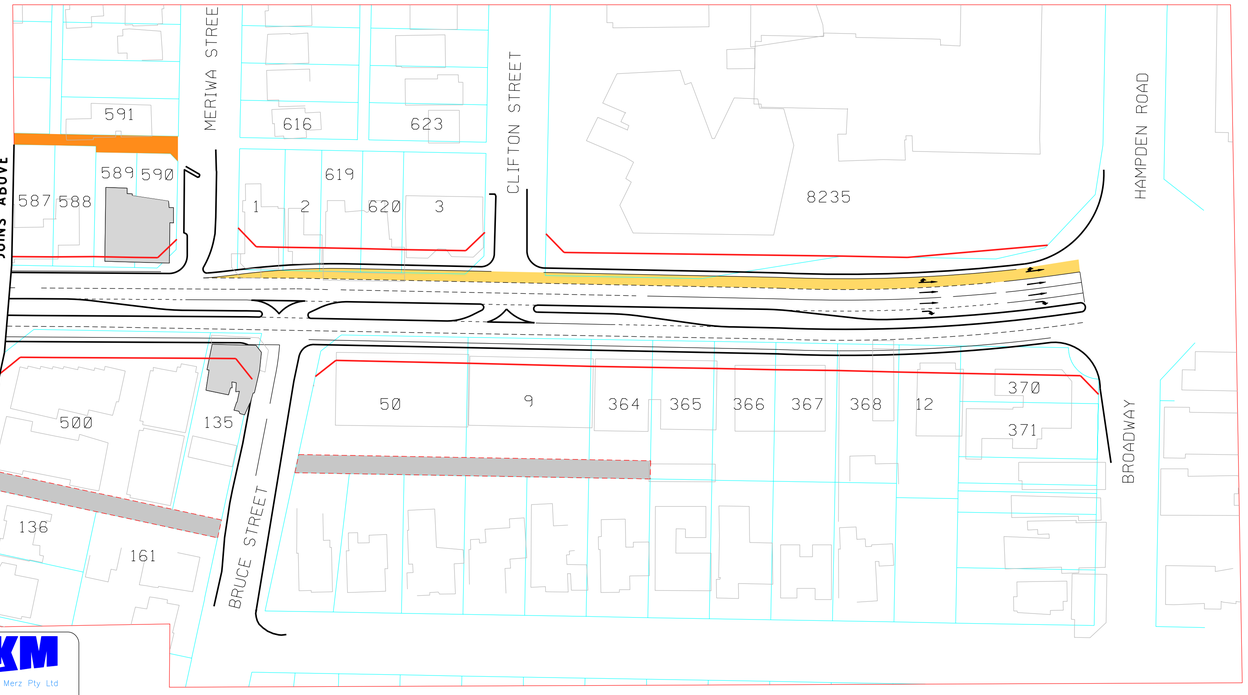
Scale 1:2000

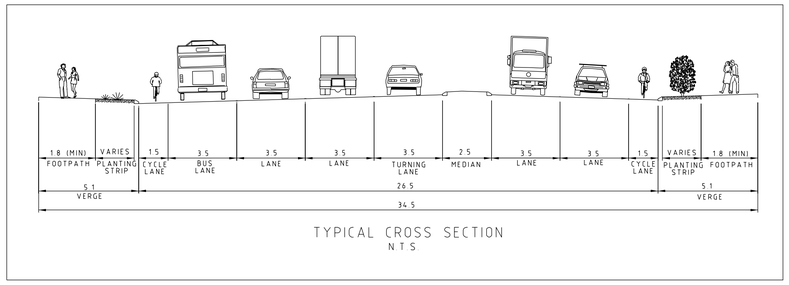
Plan number

1.7138/1

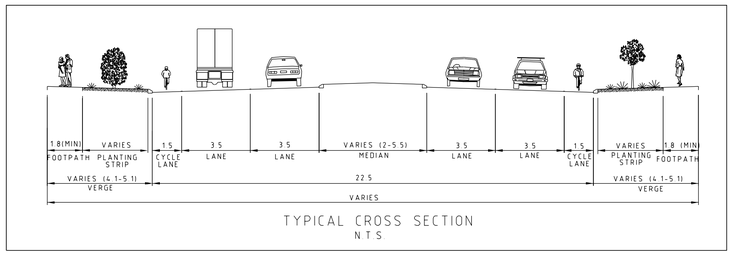
Supersedes plan 1.7138







TYPICAL CROSS SECTION
N.T.S.



TYPICAL CROSS SECTION
N.T.S.

LEGEND

- PROPOSED KERB LINE
- DESIGN LINE MARKING
- PROPOSED BUS PRIORITY LANE
- PROPOSED ROAD RESERVE ROAD RESERVATION
- EXISTING REAR LANE
- PROPOSED REAR LANE (INDICATIVE POSITION)
- PROPOSED REAR LANE (SUBJECT TO FURTHER INVESTIGATION)
- BUILDING WITH LOCAL HERITAGE LISTING OR OF SIGNIFICANT CHARACTER
- STATE HERITAGE LISTING

DETAILS SHOWN ON THIS PLAN ARE PRELIMINARY ONLY. STAGE CONSTRUCTION AND ULTIMATE DEVELOPMENT MAY DIFFER FROM DETAILS SHOWN.

NOTES

1 FOR LAND REQUIREMENT REFER TO
2 SUPERSEDES DRG No
3 DRAINAGE INVESTIGATION SUBJECT TO DETAILED DESIGN

SCALE 1:1000 20 10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

SKM
Sinclair Knight Merz Pty Ltd
A.C.N. 001 024 095
Durack Centre 263 Adelaide Tce
Perth Western Australia 6000
Ph (08) 9268 4400 Fax (08) 9268 4488

BASE DATA SUPPLIED BY LI 430-2009-2
DATE OF AERIAL PHOTOGRAPHY DEC 2008

AMENDMENTS

IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

DESIGNED : SKM		CHECKED :	
DRAWN : GXW SKM		APPROVED :	
FILENAME : r:projects/stirling highway/skm loch_hampden/20090813/fma/			
FILE REF :			

NORTH

SHEET SIZE A1

STIRLING HIGHWAY - Route 9

CARRIAGEWAY PATTERN

FLORENCE ROAD TO HAMPDEN ROAD

CITY OF NEDLANDS

AECOM VERSION

URBAN TRANSPORT SYSTEMS DIRECTORATE

PLAN No. 1.7237

ROWE GROUP

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 8465
8 November 2023

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Attention: Planning Department

Dear Sir

APPLICATION FOR AMENDMENT TO DEVELOPMENT APPROVAL
80 (LOT 1) STIRLING HIGHWAY, 2 (LOT 21), 4 (LOT 22) AND 6 (LOT 23) FLORENCE ROAD AND 7 (LOT 33) AND 9 (LOT 32) STANLEY STREET, NEDLANDS

Rowe Group acts on behalf of the landowners of 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands (the 'subject site'). We have been instructed by our Client to prepare and lodge, for the Joint Development Assessment Panel's (JDAP) consideration, an application to alter the existing Development Approval (Ref: DAP/19/01651) to amend Condition 35, relating to the road widening of Stirling Highway.

This Application is made under the provisions of Regulation 17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulations* 2011.

With respect to this Application, we provide the following:

- Completed City of Nedland's Application for Development Approval form, Metropolitan Region Scheme Form 1, and DAP Form 2;
- A Copy of the current Certificates of Title;
- A Copy of the Development Approval; and
- Further information and supporting material.

Payment of the lodgement fees will be made to the City of Nedlands following receipt of the Form 2 Amendment to Development Approval.

LOCATION

The subject site is located in the Municipality of the City of Nedlands, approximately 5.5km west of the Perth Central Area.

The subject site is situated in the suburb of Nedlands and located on the corner of Stirling Highway, Florence Road and Stanley Street.

SITE DESCRIPTION

The subject site includes six individually owned properties, comprising a total land area of 12,678m^2 and is legally described as follows:

- Lot 1 on Deposited Plan 043486 Certificate of Title Volume 2214 Folio 526.
- Lot 21 on Deposited Plan 001747 Certificate of Title Volume 1639 Folio 380.
- Lot 22 on Deposited Plan 001747 Certificate of Title Volume 1247 Folio 469.
- Lot 23 on Deposited Plan 001747 Certificate of Title Volume 1904 Folio 874.
- Lot 33 on Deposited Plan 001747 Certificate of Title Volume 916 Folio 155.
- Lot 32 on Deposited Plan 001747 Certificate of Title Volume 1787 Folio 939.

Refer to **Attachment 1 - Certificates of Title.**

The subject site is occupied by the Captain Stirling Hotel, a drive-through liquor store with associated car parking, single houses and the remaining lots being vacant. The subject site has frontage to three roads, including a 100m primary frontage to Stirling Highway, 112m and 133m frontages to Florence Road and Stanley Street, respectively. Stirling Highway is reserved as a Primary Regional Road under the Metropolitan Region Scheme (MRS) Refer to **Attachment 2 – MRS Reservation**. The subject site is zoned Mixed Use under the City of Nedlands Local Planning Scheme No. 3 (LPS 3).

EXISTING DEVELOPMENT APPROVAL

The original Development Approval ('Approval') subject of this application was issued on 10 February 2023. The approval was issued through a Section 31 reconsideration request of the *State Administrative Tribunal Act 2004*. The Approval related to:

- The demolition of all existing structures on all lots, except for the Captain Stirling Hotel;
- The development of a new two to three storey shopping centre development consisting of offices, medical centre, gymnasium, pharmacy, liquor store (with drive through), large supermarket and restaurants/cafes;
- Works to refurbish the existing heritage listed hotel;

- A plaza for a civic space to the south of the hotel;
- Publicly accessible vehicle accessway at the south of the site;
- An acoustic boundary wall on the southern boundary; and
- Landscaping, solar panels to the roof, bicycle parking, end of trip facilities, 382 car parking bays and associated site works.

While the Development Approval is yet to be implemented, the Western Australian Planning Commission (WAPC) has granted Subdivision Approval (WAPC Ref: 163867) for the amalgamation of the six lots on 11 September 2023. Amalgamation of the site is required by Condition 5 of the Development Approval and the Subdivision Approval is consistent with the approved development plans.

Refer to **Attachment 3 – Development Approval and Attachment 4 - Subdivision Approval.**

PROPOSED AMENDMENT (REGULATION 17 REQUEST)

This application proposes to amend the previous Development Approval issued by the JDAP by amending Condition 35 of the Development Approval relating to the Stirling Highway road widening. We are seeking to amend Condition 35 to be consistent with the wording imposed on the recent Subdivision Approval (WAPC Ref: 163867) for the subject site, to ensure consistency in conditions. Condition 35 of the Development Approval states:

> *"35. Prior to the occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads."*

Condition 1 of the Subdivision Approval states:

> *"1. The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"*

TOWN PLANNING CONSIDERATIONS

<u>Planning and Development (Development Assessment Panels) Regulations 2011</u>

The ability to amend an approval granted by a JDAP is provided by Clause 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011* ('Regulations').

Clause 17(1) of the Regulations states the following:

"(1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following —

(a) to amend the approval so as to extend the period within which any development approved must be substantially commenced under regulation 16A(2);

(b) to amend or delete any condition to which the approval is subject;

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;

(d) to cancel the approval."

In considering the proposal against Clause 17 of the Regulations, the proposed Application is appropriate, for the following reasons:

- The original Approval is within the four year approval period and therefore remains valid;
- The amendment relates to a condition of approval; and
- The amendment to Condition 35 proposed by this Application will not substantially change the nature of the original approved development.

RELEVANT CONSIDERATIONS

Stirling Highway and its future land requirements was first reserved as a Primary Regional Road in the MRS in 1963. In 1999 the Stirling Highway Reservation Planning Review was commenced by Main Roads WA, which enabled the preparation of Concept Design Plans demonstrating the long-term road designs for Stirling Highway. These designs formed the base justification for the Department of Planning Lands and Heritage to undertake the Stirling Highway Access Corridor Study and subsequently MRS Amendment for the Rationalisation of Stirling Highway that was progressed between 2010 and adopted in 2017.

During the consultation period for the original Development Application, advice obtained from Main Roads WA that subsequently formed an Advice Note on the Development Approval (Advice Note xiii), clearly identifies that the upgrading of Stirling Highway is not within Main Roads' 4 year forward estimated construction program and therefore is considered a long-term project. A review of Main Roads WA website indicates the upgrade works for Stirling Highway is not identified as part of future works and initiatives.

In addition to the above, Subdivision Approval was more recently issued by the WAPC for the site, which included Condition 1, which states:

"The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications

and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"

The WAPC, being the authority responsible for implementing the MRS , made its position known on this matter, through the imposition of Condition 1 on the subdivision approval. Condition 1 is consistent with the provisions of Draft Operational Policy 1.12 – Planning Proposals Adjoining Regional Roads in Western Australia (OP1.12) which identifies that there may be circumstances where it is not appropriate for land to be ceded free of cost, particularly in long term projects where it is not required immediately. OP1.12 identifies that such land may be required to be set aside as a separate lot pending acquisition by the local government, Main Roads WA or the WAPC. This is subject to the WAPC being satisfied that adequate access is maintained to the original lot for vehicles and public utilities.

As mentioned above, Main Roads WA has advised that the upgrading of Stirling Highway is a long-term project and adequate access to the site is provided. The WAPC, in including Condition 1 on the Subdivision Approval, considers it appropriate to set aside the land required for the widening for future acquisition by Main Roads, or WAPC.

When considering the appropriateness of imposing a condition on a planning approval, the need for that condition and the connection between the development and the demand created by the development should be clearly demonstrated. This criteria is known as the 'nexus test' and has been dealt with in both the State Administrative Tribunal (SAT) and the Supreme Court of Western Australia.

In particular, we refer to the matter of *Reid v WAPC [2016] WASCA* 181. Paragraph 37 of the decision of Reid v WAPC states:

> *"Those principles require the establishment of a connection or relationship between the planning purpose for which the condition has been imposed, and the likely or possible consequences of the proposed subdivision* (or development)*. That connection or relationship must be established as a matter of fact. A relevant connection or relationship will not be established merely because the application for subdivision* (or development) *approval provides an opportunity or occasion to impose a condition in the furtherance of a proper planning purpose. Rather, the relevant connection or relationship must be between the planning purpose to be served by the condition and the likely or possible consequences of the proposed subdivision* (or development) - *such as a need for public open space, or a foreshore reserve, or improved road access as a consequence of residential subdivision and development."*

The decision of *Reid v WAPC [2016] WASCA 181* demonstrates that a 'proper planning purpose' is the connection of a planning purpose to a development or subdivision, usually by considering its likely impacts, and the need to impose conditions to mitigate those impacts.

As previously mentioned, it is our view that the ceding of land free of cost, as provided by Condition 35, cannot be applied to this development because neither the development or the Development Approval creates any link between development and the need to immediately upgrade the road.

Further, State Planning Policy 3.6 – Infrastructure Contributions and the associated Guidelines to the SPP (SPP 3.6) provides an examination of similar principles and outlines the need for specific infrastructure requirements to be clearly demonstrated and a connection between development and the demand for those infrastructure requirements to be established. Whilst the Development Approval and Condition 35 do not specifically relate to contributions, the same principles must apply. The need for the land to be ceded free of cost for the widening of Stirling Highway is not required by the demand generated by the development. Rather, the land is identified under the MRS and is subject to future upgrade works, the demand for which is not created by this development. The amount of land required for the upgrade works to Stirling Highway is extensive and the timing of works is likely to be in the long-term future, as indicated by the project not being included in the Main Roads' future listed projects and initiatives.

It is a well-tested and recognised planning principle that a condition imposed on a planning approval should meet three tests to ensure validity (or appropriateness) of such conditions, being:

- The condition is for a proper planning purpose, and;
- The condition fairly and reasonably relates to the development; and
- The imposition of the condition is not so unreasonable that no planning authority could have imposed it;

The existing Condition 35 is considered to meet the first test of it being for a planning purpose, insofar as the land required for the widening of Stirling Highway is clearly defined within the MRS and the inclusion of a condition limited to setting the land aside for future acquisition is implementing a planning framework. The WAPC has recognised and accepted this limitation in its condition on the amalgamation approval.

In terms of the second test, it is considered Condition 35 fails in that it does not fairly and reasonably relate to the development. As demonstrated above, the development itself does not bring about the need to immediately upgrade Stirling Highway and therefore cede the land free of cost. Instead, the need to set land aside for future acquisition is considered to relate to the development fairly and reasonably, given there is no immediate need to upgrade the road through the approved development.

The imposition of the condition for the ceding of the land free of cost, with no estimated timeframe for the upgrade works, and the reliance on acquiring other surrounding land for the upgrade and widening works, is unreasonable and therefore fails the third test of validity and is unreasonable in its current form.

It is our view that if Condition 35, as it is currently written, were to be retained, it does not meet the three tests of validity or have a valid nexus underpinning it. In this regard, the Condition imposed by the WAPC on the Subdivision Approval, requiring the land required for road widening to be set aside for future acquisition, is considered reasonable and appropriate to the future upgrade works of Stirling Highway.

Finally, imposing the current Condition 35 cannot be construed as being appropriate, in terms of cost saving for Government agencies with the intention to pass this cost (unreasonably) to the Applicant / Landowner. The land required for the widening of Stirling Highway, as explained in this submission, has been set aside under the MRS

for many decades. The MRS is supported by the Metropolitan Region Improvement Tax (MRIT) and the subsequent Metropolitan Region Improvement Fund (MRIF), funded by the MRIT. The purpose of the MRIT / MRIF is to provide Government Agencies with sufficient funds to facilitate the acquisition and development of regionally significant, and regionally necessary, infrastructure. It is our understanding the MRIF is currently well funded and would have adequate resources to meet any land acquisition for a lot created by the Subdivision Approval associated with this development. This Condition 35 cannot be used as a means of reallocating the responsibility (burden) of funding a regionally significant infrastructure requirement (the land acquisition for the widening of Stirling Highway) to the private landowner.

With all of the above, set against the unreasonableness and inappropriateness of the current Condition 35, it is considered reasonable to request Condition 35 of the Development Approval be amended to reflect the wording of the Subdivision Approval condition, ensuring consistency between both Subdivision and Development Approvals.

CONCLUSION

The application seeks a minor amendment to Condition 35 of the Development Approval issued by the JDAP, such that it does not substantially change the nature of the original approved development. The amendment seeks to ensure consistency between relevant approvals issued for the site, and reflects the long-term nature of the upgrading of Stirling Highway.

On this basis, we request the City's favourable recommendation of this Application to the JDAP.

Should you require any further information or clarification in relation to this matter, please contact the writer on 9221 1991.

Yours faithfully,

Greg Rowe
Rowe Group

Encl.

ROWE GROUP

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 8465
5 March 2024

City of Nedlands
PO Box 9
NEDLANDS WA 6909

Attention: Aviva Micevski

Dear Aviva

APPLICATION FOR AMENDMENT TO DEVELOPMENT APPROVAL
80 (LOT 1) STIRLING HIGHWAY, 2 (LOT 21), 4 (LOT 22) AND 6 (LOT 23) FLORENCE ROAD AND 7 (LOT 33) AND 9 (LOT 32) STANLEY STREET, NEDLANDS

Rowe Group acts on behalf of the landowners of 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands. A Form 2 Application for Amendment to Development Approval was submitted to the City of Nedlands on 14 November 2023 which proposed to amend Condition 35 of the Development Approval dated 10 February 2023. Condition 35 currently states:

> *"35. Prior to the occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads."*

The Form 2 Application for an Amendment to the Development Approval proposes to amend Condition 35 to be consistent with the wording imposed on the recent subdivision Approval (WAPC Ref: 163867) for the subject site, to ensure consistency in conditions (the 'Proposal'). Condition 1 of the Subdivision Approval states:

> *"1. The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"*

During the assessment process, an option was presented to Rowe Group that differs to the original Form 2 Proposal. The following provides a summary of events that has led to a departure from the abovementioned proposal to be presented to the Joint Development Assessment Panel (JDAP):

- Rowe Group submitted a Form 2 Application ('Proposal') to amend Condition 35 of the Development Approval dated 10 February 2023, to require the entire Metropolitan Region Scheme (MRS) Primary Regional Road reservation to be set aside as a separate lot for future acquisition, as previously mentioned.
- The Proposal was referred to relevant authorities, including to Main Roads WA (MRWA).
- MRWA provided a recommendation that it did not support the Proposal and that Condition 35 should be retained requiring the land to be provided by the developer.
- Following the MRWA advice, a meeting was held between MRWA, the City of Nedlands and the Department of Planning Lands and Heritage (DPLH). We understand that MRWA issued formal advice to the City of Nedlands following this meeting, reiterating that it did not support the Proposal.
- A second meeting was arranged with MRWA and the City of Nedlands, which Rowe Group attended. MRWA again reiterated it would not support the Proposal.
- Following this meeting and to continue working constructively, the City presented an option for our Client to consider which would likely achieve a supportive officer recommendation in its Responsible Authority Report (RAR) to the Joint Development Assessment Panel (JDAP). This included:
    - Ceding the 1m wide strip of land along Stirling Highway, (including truncations); and
    - Setting aside the balance of the Primary Regional Road reservation as a separate lot for future acquisition (including truncations).
- Rowe Group discussed the above option with our Client and prepared a draft plan depicting our understanding of this outcome. Refer to **Attachment 1 – Alternative Option.**
- Rowe Group relayed our Client's acceptance of the option presented by the City of Nedlands, on the basis that it achieves an approval by the JDAP. We also noted that in the event this is unsuccessful, we would revert to our original Proposal described in our Form 2 Application, submitted on 14 November 2023.

This correspondence is prepared without prejudice to confirm acceptance of the option presented by the City, being to amend Condition 35 of the Development Approval dated 10 February 2023 to require:

- The 1m wide strip of land (including truncations) along Stirling Highway to be ceded free of cost; and
- The balance of the MRS Primary Regional Road reservation (including truncations) to be set aside as a separate lot for future acquisition.

The above outcome is depicted on the plans contained within **Attachment 1**.

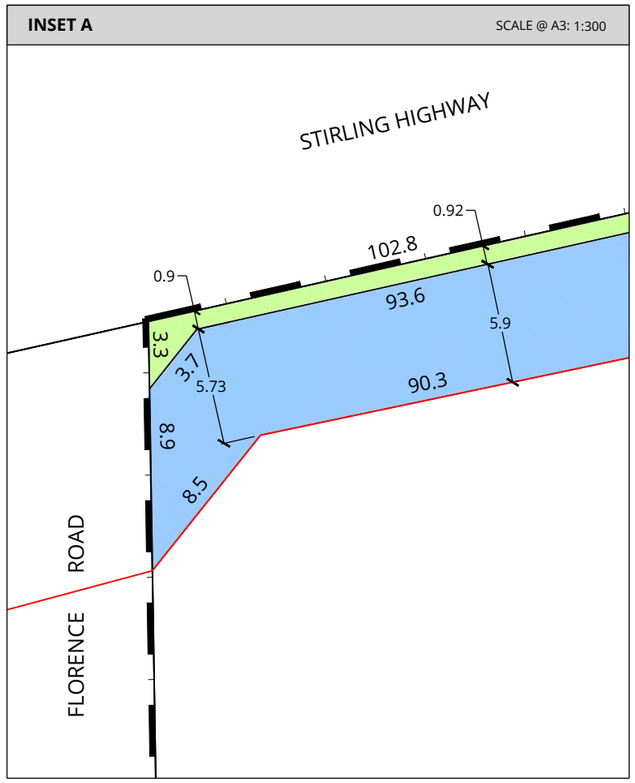
Should the above be unsuccessful, we revert to our original Proposal, as described within our Form 2 Application and accompanying report dated 8 November 2023 and submitted on 14 November 2023.

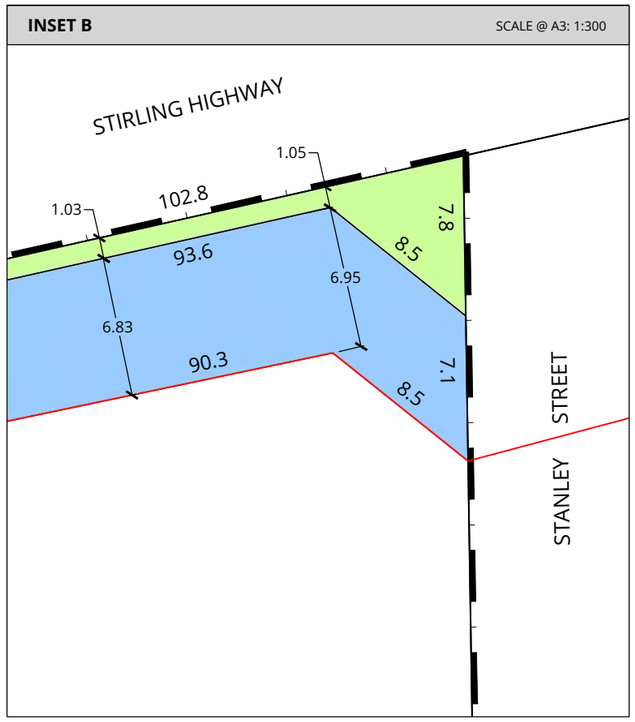
Should you require any further information or clarification in relation to this matter, please contact Ashleigh Maple on 9221 1991.

Yours faithfully,

Ashleigh Maple
Rowe Group

Encl. Attachment 1 – Alternative Option





LEGEND

- SUBJECT SITE
- LOT BOUNDARIES
- 7 LOT NUMBERS
- MRS - PRIMARY REGIONAL ROADS

ROAD WIDENING AREAS

- PORTION OF LOT 1 TO BE CEDED
- PORTION OF LOT 1 TO BE ACQUIRED

AREA SUMMARY	LOT 1
LOT 1 AREA	7618m²
PORTION OF LOT 1 TO BE CEDED	125m²
PORTION OF LOT 1 TO BE ACQUIRED	664m²
TOTAL ROAD WIDENING AREA	789m²
LOT 1 REMAINING AREA	6829m²

N:\TOWN PLANNING\8000-8999\8465\02 DRAFTING\A-CAD - WC - 2024.02.16

ROAD WIDENING - AREA REQUIREMENTS

VARIOUS LOTS - NEDLANDS SQUARE

NEDLANDS

DRAFT

N

0 25 m

SCALE @ A3: 1:1000

8465-FIG-01-A

DRAWN: WC
DATE CREATED: 2024.02.16
PROJECTION: MGA50 GDA94
CADASTRE: LANDGATE

This document may not be reproduced without the written consent of Rowe Group. All areas and dimensions are subject to survey.

ROWE GROUP

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

19 January 2024

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Email: council@nedlands.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT.

Further to Main Roads correspondence dated 22nd of December 2023 and our meeting please be advised Main Roads objects to the proposed amendment to remove condition 35. The land required by this condition is reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS) and will offset the developments impact on the road network.

The development will cause congestion and will impact on the safety and efficiency of movement within the road network, which can only be mitigated by works being undertaken by the State, however the land is required to be provided by the developer.

Further information is required to inform the assessment is listed below:

1. Complete copy of the approved development application including but not limited to development plans, technical reports, modelling files and conditions.
2. Any documents approved or reviewed i.e. technical reports, audits etc undertaken post development approval.
3. Swept path analysis in DWG and PDF format.

In the interim, if you have any queries please do not hesitate to contact Maryanne Thornely on the above number.

Yours sincerely

Ian Thompson
A/Director Road Access and Planning

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

12 March 2024

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

ATT: Aviva Micevski
Email: council@nedlands.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT

Further to your email on dated 27 February 2024 please be advised Main Roads objects to the proposed amendment to condition 35. The proposed amendment involves:

1. Ceding the 1m wide strip of land along Stirling Highway, including truncations; and
2. Setting aside the balance of the Primary Regional Road reservation (approximately 7m wide) as a separate lot for future acquisition, including truncations.

As you would be aware, land required by this condition is reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS). The current agreement to cede land under condition 35 will ensure future mitigation of all impacts associated with the increase in right turn movements from Stirling Highway into Stanley Street related to this development.

The above was discussed at length with the applicant before recommending the ceding of all land within the PRRR being adopted as a reasonable contribution as informed by the Carriageway Pattern Profile 1.7237 (see attached). This was recommended as any improvement to Stirling Highway would require significant funding and additional land outside of this development, making this proposal unviable for the applicant.

Collaboration and partnership between the State and developer is required to achieve desired community outcomes for significant development proposals. This was established throughout the negations and is considered an agreement as detailed in State Planning Policy 3.6 below:

"(iii) Developer Agreements

Developer Agreements may be considered in limited circumstances – usually large-scale projects under single ownership − and pursuant to a request from the landowner or developer. Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles,

including the provision of facilities of a higher-quality or specification than standard, should be a voluntary decision by all parties to the agreement"

Specifically, the following conditions were recommended and agreed to:

35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

36. No part of the building/development (e.g. structures, car parking, dining area, services, utilities, significant landscaping etc.) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.7138/1.

37. Prior to the issue of the Building Permit, the proponent must submit a revised Landscape Plan to Main Roads requirements and the satisfaction of the City of Nedlands for temporary landscaping and pedestrian access located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety. Permanent landscaping must be limited and maintained to a mature height of 1 metre.

The applicant and landowner agreed to the conditions via the last JDAP determination and any variation to the conditions should have been raised at this time.

I trust the above demonstrates the amendment is not suitable.

In the interim, if you have any queries, please do not hesitate to contact Maryanne Thornely on 9323 4078 or via email at maryanne.thornley@mainroads.wa.gov.au

Yours sincerely

Jerko Ostoic
Director Road Access and Planning

ENC
Land Protection Plan 1.7138/1
Carriageway Pattern Profile 1.7237

1.7138/1

Legend

Proposed reservation boundary

Western Australian Planning Commission

Plan in operation Plan number 1.7138/1

and APPROVED by RESOLUTION at a meeting

Date on 20 - 06 - 2017 Minute No WAPC 208 16/3

Signed: Authorised Officer

Effective 30/01/2017

Standard truncation

Note: all truncations are standard unless otherwise shown

Western Australian Planning Commission

GDA

Stirling Highway - Stanley Street to Bay Road

Primary Regional Roads - proposed land requirement

Project manager: J. O'Neille

Draftsperson: T. Lynch

Examined:

Revised:

Date:

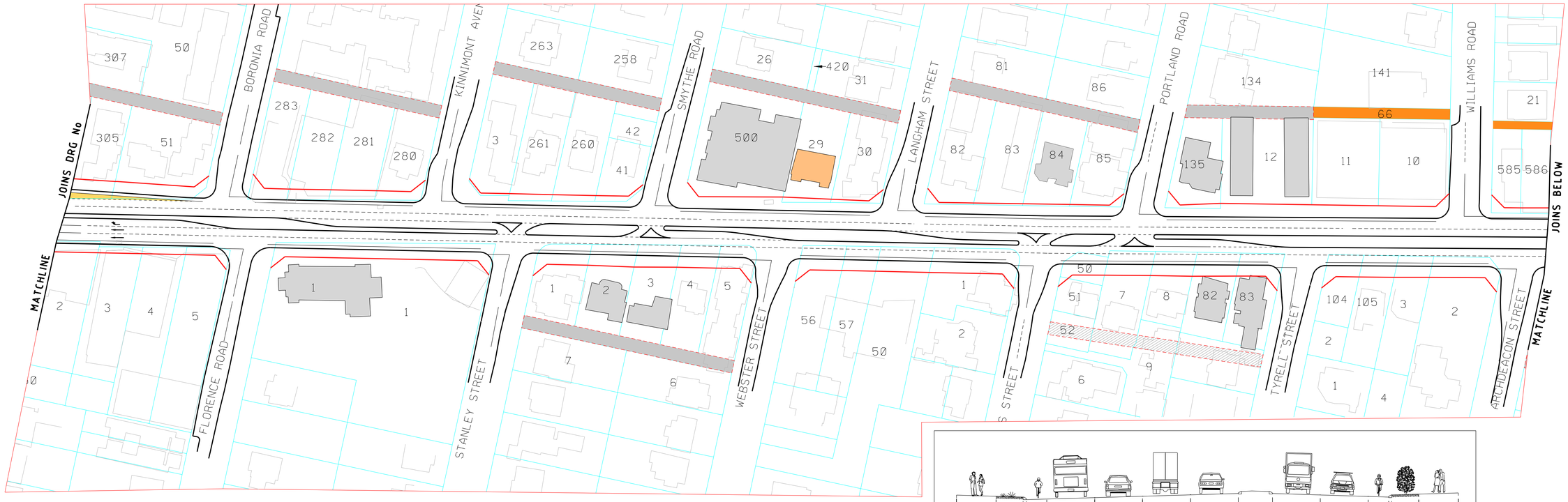
N

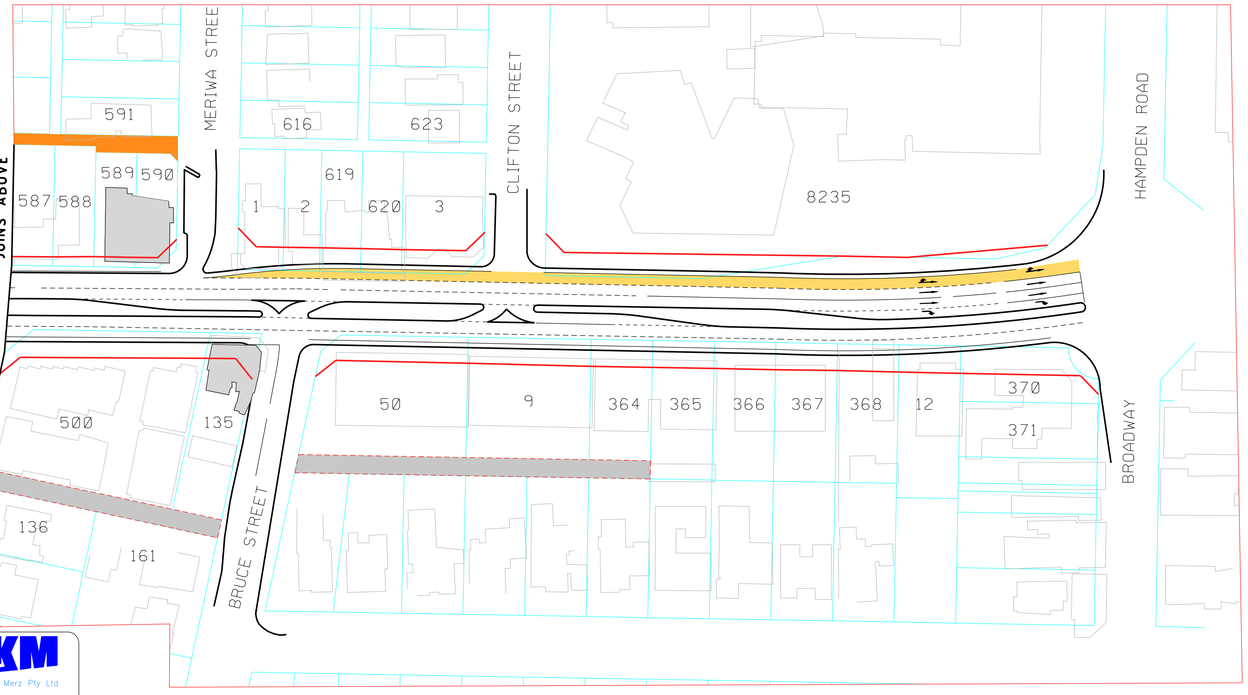
Scale 1:2000

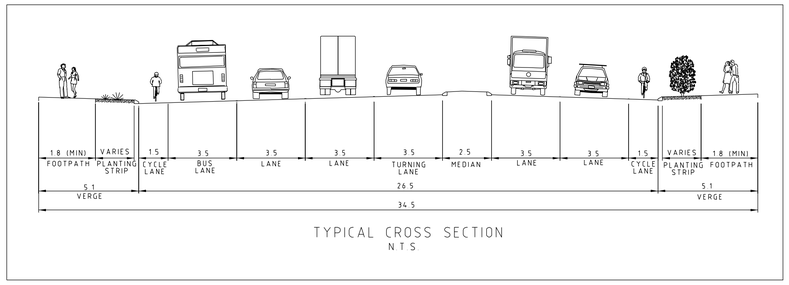
Plan number

1.7138/1

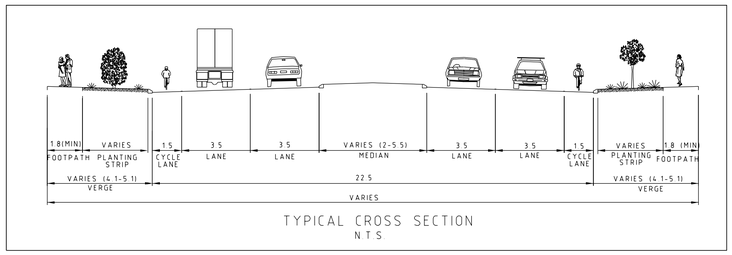
Supersedes plan 1.7138







TYPICAL CROSS SECTION
N.T.S.



TYPICAL CROSS SECTION
N.T.S.

LEGEND

- PROPOSED KERB LINE
- DESIGN LINE MARKING
- PROPOSED BUS PRIORITY LANE
- PROPOSED ROAD RESERVE ROAD RESERVATION
- EXISTING REAR LANE
- PROPOSED REAR LANE (INDICATIVE POSITION)
- PROPOSED REAR LANE (SUBJECT TO FURTHER INVESTIGATION)
- BUILDING WITH LOCAL HERITAGE LISTING OR OF SIGNIFICANT CHARACTER
- STATE HERITAGE LISTING

DETAILS SHOWN ON THIS PLAN ARE PRELIMINARY ONLY. STAGE CONSTRUCTION AND ULTIMATE DEVELOPMENT MAY DIFFER FROM DETAILS SHOWN.

NOTES

1 FOR LAND REQUIREMENT REFER TO
2 SUPERSEDES DRG No
3 DRAINAGE INVESTIGATION SUBJECT TO DETAILED DESIGN

SCALE 1:1000 20 10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

SKM
Sinclair Knight Merz Pty Ltd
A.C.N. 001 024 095
Durack Centre 263 Adelaide Tce
Perth Western Australia 6000
Ph (08) 9268 4400 Fax (08) 9268 4488

BASE DATA SUPPLIED BY LI 430-2009-2
DATE OF AERIAL PHOTOGRAPHY DEC 2008

AMENDMENTS

IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

DESIGNED : SKM		CHECKED :	
DRAWN : GXW SKM		APPROVED :	
FILENAME : r:projects/stirling highway/skm loch_hampden/20090813/fma/			
FILE REF :			

NORTH

SHEET SIZE A1

STIRLING HIGHWAY - Route 9

CARRIAGEWAY PATTERN

FLORENCE ROAD TO HAMPDEN ROAD

CITY OF NEDLANDS

AECOM VERSION

URBAN TRANSPORT SYSTEMS DIRECTORATE

PLAN No. 1.7237

Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

Your ref: DA19-38512
Enquiries: Jeremy Thompson (6551 9937)

Kirsty Klimcke
Urban Planner
City of Nedlands
Via email to: kklimcke@nedlands.wa.gov.au

Dear Kirsty

RECONSIDERATION OF CONDITION OF DEVLEOPMENT APPROVAL – LOTS 1, 21, 22, 23, 32 AND 33 (LOT 1) STIRLING HIGHWAY, FLORENCE ROAD AND STANLEY STREET, NEDLANDS (DAP/19/01651)

The Department of Planning, Lands and Heritage (the Department) is aware that a reconsideration request has been lodged in respect of Condition 35 of the Metro Inner-North's 10 February 2023 development approval for a Shopping Centre at the above site. Condition 35 of the approval requires land identified for the future widening of Stirling Highway to be ceded to the State free of cost.

The letter supporting the applicant's reconsideration request, dated 8 November 2023, refers to the Western Australian Planning Commission's (WAPC's) 11 September 2023 approval to amalgamate the site as justification for the reconsideration of the condition of development approval. The WAPC's amalgamation approval is subject to several conditions, including the following:

"1. The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"

The condition is supported by the following advice note:

"'In regard to Condition 1, should the applicant wish to cede the land, in line with conditions of the approved development application, this can be represented through the deposited plan process. If the land is to be ceded, the access restriction required from Condition 2 shall be pursuant to Section 150 of the Planning and Development Act 2005.'

The purpose of this letter is to confirm that while the WAPC determined that there was insufficient nexus between the amalgamation application and the ceding of the Stirling Highway Primary Regional Road reserve free of cost, that decision should not be taken as the WAPC or State's view with respect to the development application for the site.

While they relate to the same site, the amalgamation and development applications are fundamentally different proposals and need to be considered independent of one another. To this end the Department understands that the State's position on the development application has previously been conveyed through Main Roads Western Australia.

Should you have any queries regarding this matter, please contact Jeremy Thompson on telephone 6551 9937 or via email to Jeremy.Thompson@dplh.wa.gov.au.

Yours sincerely

Ben Hesketh
Planning Manager – Metro Central North

4 January 2023

Cc: Main Roads Western Australia
Cc: Rowe Group

PART B - ITEM 4.1b - NO. 80 (LOT 1) STIRLING HIGHWAY, NOS. 2 (LOT 21), 4 (LOT 22) AND 6 (LOT 23) FLORENCE ROAD, AND NOS. 7 (LOT 33) AND 9 (LOT 32) STANLEY STREET, NEDLANDS

Form 2 – Responsible Authority Report
(Regulation 17)

DAP Name:	Metro Inner Development Assessment Panel
Local Government Area:	City of Nedlands
Proposed Amendments:	Amendment to wording of Condition 35
Applicant:	Rowe Group
Owner:	Bucking Horse Pty Ltd, Florence Holdings Pty Ltd, Grey Owl Pty Ltd, ML Wordsworth Pty Ltd, Princep Holdings Pty Ltd, Rain Cloud Pty Ltd
Value of Amendment:	N/A
Responsible Authority:	Western Australian Planning Commission
Authorising Officer:	Planning Director, Land Use Planning
WAPC Reference:	08-281-2
DAP File No:	DAP/19/01651
Date of Original DAP decision:	10 February 2023
Application Received Date:	2 April 2024
Application Statutory Process Timeframe:	N/A - due date as agreed with applicant.
Attachment(s):	Attachment 1 - 10 February 2023 Determination Letter and Plans Attachment 2 – Zoning Plan Attachment 3 - Applicant Justification (November 2023) Attachment 4 – MRWA Comments (March 2024)

Responsible Authority Recommendation

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and

2. **Refuse** DAP Application reference DAP/19/01651 as detailed on the DAP Form 2 dated 28 November 2023, in accordance with Clause 30(1) of the Metropolitan Region Scheme, for the proposed amendment to Condition 35.

Reason

1. The condition imposed by the Metro Inner-North Joint Development Assessment Panel to cede the portion of the site reserved as Primary Regional Road under the Metropolitan Region Scheme satisfies the requirements of a valid planning condition and should be retained without modification.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban Regional Road Reservation
Local Planning Scheme	City of Nedlands – Local Planning Scheme No. 3
Local Planning Scheme Zone/Reserve	Mixed Use (R-AC1) Regional Road Reservation
Use Class (proposed) and permissibility:	N/A
Lot Size:	12,678m^2
Existing Land Use:	Shops, Liquor Store and Hotel
State Heritage Register	Yes
Local Heritage	☐ N/A ☒ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The development application proposes to modify a previous approval granted at No. 80 (Lot 1) Stirling Highway, Nos. 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and Nos. 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands (the subject site). The development application seeks to amend Condition 35 of the previous approval, which states:

35. Prior to the occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

The applicant proposes the condition be modified to state:

"The land required for road widening as shown on the WAPC's Plan No 1.7138/1 for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening."

Background:

On 20 June 2020 the former Metro Inner-North Joint Development Assessment Panel (JDAP) resolved to refuse a development application for a mixed-use development at the subject site. The applicant appealed the decision through the State Administrative Tribunal and, following mediation, the JDAP was invited to reconsider its decision

pursuant to Section 31 of the *State Administrative Tribunal Act 2004*. On 10 February 2023 the JDAP resolved to reconsider its decision and approve the development subject to 53 conditions. The approval letter and stamped plans are included as **Attachment 1 – 10 February 2023 Determination Letter and Plans**. The JDAP's approval included the following conditions:

5. *Prior to occupation, No. 80 (Lot 1) Stirling Highway, Nos. 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road, and Nos. 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Nedlands, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works, to ensure that that the development and use approved on the lots operate concurrently at all times.*

35. *Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.*

The extent of reserve to be set aside by Condition 35 is approximately 785m^2, and aligns with the Primary Regional Road reserve that affects the site, as indicated in **Attachment 2 – Zoning Plan**.

On 21 July 2023 an application was submitted to the Western Australian Planning Commission (WAPC) to amalgamate the subject lots in accordance with condition 5 of the development approval. The amalgamation was approved by the WAPC on 11 September 2023 subject to various conditions, including:

1. *The land required for road widening as shown on the WAPC's Plan No. 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)*

The WAPC's condition of subdivision approval requires land affected by the Stirling Highway Primary Regional Road reservation to be set aside as a separate lot pending future acquisition (i.e. – purchasing), whereas the JDAP's condition requires the affected land to be ceded to MRWA free of cost. The amalgamation application did not, in itself, create additional traffic generation and therefore did not create a need for the ceding of land for road widening. The amalgamation approval also contained an advice note indicating that if the applicant wished to cede the land in accordance with the JDAP condition, this would also be acceptable and carried out at the relevant stages of title creation.

On 28 November 2023 the subject application was lodged with the City to amend Condition 35 of its approval by replacing it with the condition imposed on the WAPC's abovementioned subdivision approval. This would result in the applicant being compensated for the acquisition of the road widening land, rather than ceding it free of cost. The applicant's justification for the amendment is included in **Attachment 3 – Applicant's Justification (November 2023)**. No modifications to the design of the development are proposed.

Delegation

The WAPC has delegated the majority of its powers under the Metropolitan Region Scheme (MRS) to local government via its *Notice of Delegation DEL2017/02 – Powers of Local Governments and Department of Transport*. Local governments have delegation to determine development applications on land on or abutting a Primary Regional Road reserve, as is the case in this instance, subject to the consultation process set out in the delegation. Schedule 4(b) of the delegation states:

"Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination".

The City referred the application to Main Roads WA (MRWA) for comment on 7 December 2023. On 12 March 2024, MRWA advised that it objects to the application, including an alternative proposal suggested by the City and applicant for a reduced extent of land to be ceded. This alternative configuration is discussed in the City's Responsible Authority Report (RAR).

At its Council meeting of 26 March 2024, the City resolved to support the proposal with a reduced extent of land to be ceded. Given the City's position is not in line with the recommendation provided by MRWA, the application was referred to the Department of Planning, Lands and Heritage (the Department) on 2 April 2024. This has resulted in a dual-reporting process whereby the JDAP must consider separate RARs from the City and Department under the City of Nedlands Local Planning Scheme No. 3 (LPS 3) and MRS, respectively.

Legislation and Policy:

Legislation

Planning and Development Act 2005
Metropolitan Region Scheme

State Government Policies

State Planning Policy 3.6 – Infrastructure Contributions

Development Control Policy 5.1 – Regional Road (Vehicle Access)

Draft Operational Policy 1.2 - Planning proposals adjoining Regional Roads in Western Australia (Draft OP 1.2)

Consultation:

Main Roads WA

The application was referred to MRWA for comment by the City in accordance with the Instrument of Delegation DEL 2017/02 as the subject site is affected by the Stirling Highway Primary Regional Road reserve. MRWA provided comments to the City on 19 January 2024 and 12 March 2024. These comments are covered within the City's RAR.

When it became apparent the delegation to the City would be removed, the Department sought further comment from MRWA, seeking specific input on the need for the ceding of the land. On 28 March 2024 MRWA provided an updated referral response (**Attachment 4 – MRWA Comments (March 2024**) which recommended Condition 35 should remain unchanged as the development necessitates the ceding of the Primary Regional Road reserve for the following reasons:

- The development, as demonstrated through the Traffic Impact Assessment, necessitates a right turn pocket from Stirling Highway (eastbound) into Stanley Street due to the number of vehicle movements it will generate. This pocket cannot not wait for the overall Stirling Highway upgrade to occur.
- The overall development will have a significant impact on the road network since it is proposed as the 'Town Centre' under the City's Local Planning Strategy.
- Various provisions under clause 67 of the *Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015* require the ceding of the land.

The merit of the first point is discussed in the Planning Assessment of the report. The other matters raised by MRWA are not considered relevant for the current matter, as:

- The designation of the site in the City's Local Planning Strategy is not directly relevant to the impact of the subject development on Stirling Highway and vehicle movements.
- As the subject application relates to the MRS, the provisions of Local Planning Scheme 3 (and subsequently, items to be considered under clause 67 of the Deemed Provisions) are not applicable.

City of Nedlands

The City did not provide formal comment on the proposal, however, will formally assess the application against its local planning framework as part of its RAR.

Public Consultation

The application was not advertised due to the nature of the amendment being sought. The initial application (determined 10 February 2023) was subject to consultation prior to consideration by the JDAP.

Planning Assessment:

In considering the proposed amendment to Condition 35, the WAPC is required to consider if the initial condition is valid. This is done through application of the Newbury Test to determine if the condition has a planning purpose, fairly and reasonably relates to the development and is not so unreasonable that no reasonable planning authority could have imposed it.

The applicant's submission (**Attachment 3**) accepts the condition is for a planning purpose, given the widening land is reserved for Primary Regional Road purposes under the MRS. The applicant contends the condition does not fairly or reasonably relate to the development and is not a reasonable condition.

Does the condition fairly and reasonably relate to the development

The MRWA advice (**Attachment 4**) indicates that the development triggers the need for a channelised right turn (CRT) from Stirling Highway (eastbound) into Stanley Street to accommodate the significant increase of right turn movements. Currently the intersection has between 6 – 8 right turn movements per peak, which is deemed to be background traffic. The Traffic Impact Report, prepared by Stantec (Cardno) in support of the previous application, anticipates the number of right turn movements to increase to between 33 – 40 per peak period, when considering the development in isolation, and between 63 – 70 per peak period where considering the development and other turn restrictions associated with the development. The Main Roads Supplement to the Austroads Guide to Traffic Management - Part 6 states that a CRT is required once turning movements reach six.

MRWA provided a concept for the CRT in its updated referral response (page 12 within **Attachment 4)**. This upgrade to the intersection is required in direct response to the traffic generated by the development, as set out above, and could not wait for the overall Stirling Highway upgrade.

Draft Operational Policy 1.2 - Planning proposals adjoining Regional Roads in Western Australia (Draft OP 1.2) also requires a need and nexus to be established between a development and the requirement for land to be ceded. The Draft OP identifies that ceding of land may be required to facilitate improved intersection design to improve safety and efficiency. The works proposed by MRWA are to improve safety and efficiency of the intersection of Stirling Highway to Stanley Street.

On this basis the condition to cede the land has a clear need and nexus to the development.

Is the condition unreasonable

The applicant contends that the works required are not reasonable in that there is no defined timeframe for them to be undertaken. This was initially confirmed through advice note xiv of the JDAP's 10 February 2023 approval, which stated.

"The upgrading of Stirling Highway is not in Main Roads' current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided."

Notwithstanding, as discussed above, the development generates the need for a CRT to be constructed within a shorter timeframe in response to the subject development. While the timing of the proposed work is not able to be determined at this stage, this is still deemed acceptable as;

- The subject development is the catalyst for the proposed works, and a funding request can proceed until there is certainty the development is proceeding.
- The scale of the CRT works is significantly smaller than the overall upgrading of Stirling Highway, meaning its possible the works can be undertaken in a timely manner.
- MRWA is required to undertake various processes to procure funding in which timeframes cannot be directly set.

In addition, the works are proposed to be undertaken by and at the cost of MRWA, with the applicant only responsible for providing the necessary land to accommodate the CRT.

On this basis the condition to cede the land is fair and reasonable.

Conclusion:

The development proposes the modification of Condition 35 of the JDAP's development approval granted 10 February 2023, from a condition requiring the ceding the land free of cost, to a condition requiring land to be set aside as a separate lot pending future acquisition. The applicant contends the current condition is not valid, on the basis that it is not reasonable and has no link to the development. MRWA's latest advice on the proposal, however, demonstrates there is a valid link to the development based on the right turn movements it would generate from Stirling Highway onto Stanley Street and the condition is reasonable.

It is recommended the application to amend the condition be refused and the existing condition be retained.

Government of Western Australia
Development Assessment Panels

LG Ref: DA19-38512
DAP Ref: DAP/19/01651

Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 160/2020

Property Location:	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands
Application Details:	Shopping Centre

Please be advised that the Metro Inner-North Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 160/2020, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 10 February 2023.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

20 February 2023

Encl: Amended DAP Determination Notice

Cc:

Fabcot Pty Ltd C/- Urbis

State Solicitor's Office

Mr Nathan Blumenthal
City of Nedlands

Planning Appeals

Government of Western Australia
Development Assessment Panels

Planning and Development Act 2005

City of Nedlands Local Planning Scheme No. 3

Metro Inner-North Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands
Application Details: Shopping Centre

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro Inner-North JDAP, at its meeting on 10 February 2023, has reconsidered its decision dated 1/01/0001 in respect to the above application, SAT Ref. DR 160/2020 and has resolved to:

Reconsider its decision dated 13 October 2020 and **SET ASIDE the decision and substitute a new** decision to **approve** DAP Application reference DAP/19/01651 and accompanying plans dated 20 December 2022 including Plan 1.7138/1 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The indicative residential component does not form part of this approval and is hereby deleted.

4. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site. Works within the road reserve and verge do not form part of this approval and require separate approval from the relevant City or Main Roads WA.

5. Prior to occupation, No. 80 (Lot 1) Stirling Highway, Nos. 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road, and Nos. 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Nedlands, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works, to ensure that that the development and use approved on the lots operate concurrently at all times.

Building and Engineering

6. Prior to occupation, suitable arrangements are to be made to provide for public access over the vehicle accessway at the south of the site in perpetuity, in accordance with the approved plans, at the proponents cost and to the satisfaction of the City of Nedlands. Care and maintenance of the accessway is to be carried out by the applicant/owner and to the satisfaction of the City for the life of the development.

7. Prior to occupation, the acoustic wall along the southern boundary is to be constructed, and the laneway at the rear of the site is to be constructed, drained and line marked to its full width, all at the proponents expense and to the satisfaction of the City.

8. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.

9. Prior to the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands 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:

   Lots 1-5 (No. 74) Stirling Highway, Nedlands
   Lot 7 (No. 2) Stanley Street, Nedlands
   Lot 40 (No. 4) Stanley Street, Nedlands
   Lot 41 (No. 6 Stanley Street, Nedlands
   Lot 42 (No. 8) Stanley Street, Nedlands
   Lot 43 (No. 10) Stanley Street, Nedlands
   Lot 31 (No. 11) Stanley Street, Nedlands
   Lot 88 (No. 1) Florence Road, Nedlands
   Lot 89 (No. 1A) Florence Road, 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.

10. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1% AEP. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.

Design

11. Prior to the issue of a building permit, the timber-look fins and glazing of the Commercial tenancies along the eastern façade are to permit a minimum of 75% visual permeability to the street to the satisfaction of the City.

12. Prior to the issue of a building permit, the proponents shall submit a final schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Nedlands.

13. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.

14. All signage is to be installed and maintained for the life of the development in accordance with the signage plan dated received 20 December 2022, including any modifications agreed to in writing by the City, to the satisfaction of the City of Nedlands.

15. Prior to occupation, utilities to be integrated into the building and landscape design so they are not visually obtrusive from the street or civic spaces in the development, to the satisfaction of the City of Nedlands.

Traffic, Parking and Waste

16. Prior to occupation, a Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City. The Plan will include details on:
    a) how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes;
    b) times of deliveries and numbers of daily deliveries; and
    c) agreement that delivery vehicles will turn off engines, freezer and fridge compressor units of trucks while unloading.

    The approved plan (and any amendments approved by the City in writing) is required to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

17. Prior to the issue of a building permit, dynamic parking availability signage shall be shown at entry points to clearly communicate the number of available bays available in each car park, and to minimise the demand for recirculation between parking levels to the satisfaction of the City of Nedlands. Signage is to be installed prior to occupation of the development.

18. Prior to occupation, the 19 public bicycle racks, and 7 internal bicycle racks and associated end of trip facilities as shown on the plans shall be provided in accordance with Australian Standard for AS 2890.3 to the satisfaction of the City of Nedlands. The bicycle racks shall remain in place for the duration of the development.

19. Prior to occupation, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.

20. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.

21. Prior to the issue of a building permit, plans are to show all crossovers shall have a clear zone of 2m x 2.5x at the property boundary to ensure sufficient sight distance for pedestrians crossing as per AS/NZS 2890.1:2004 to the satisfaction of the City of Nedlands. Clear zones are to be provided on-site prior to the occupation of the development and maintained for the life of the development.

22. Prior to the issue of a building permit, an amended Waste Management Plan is to be submitted that updates the figures to match the approved plans to the satisfaction of the City of Nedlands. The amended Waste Management Plan is to be adhered to for the life of the development to the satisfaction of the City.

23. Prior to the issue of a Building Permit, a Road Safety Audit of the engineering design(s) is to be prepared and approved by the City at the 15% design stage. Particular regard is to be had to the safe manoeuvrability of 12.5m delivery vehicles into and out of the rear accessway at both Florence Road and Stanley Street. The Road Safety Audit is to determine whether the proposed development will compromise the safety of road users, and if so, make recommendations for corrective actions. Any recommended corrective actions are to be implemented to the satisfaction of the City of Nedlands and at the proponents expense.

24. In the event that the laneway between Dalkeith Road and Florence Road is constructed, a Road Safety Audit of the engineering designs is to be prepared and approved by the City prior to use of the laneway by 12.5m delivery vehicles from this site. Particular regard is to be had to 12.5m delivery trucks exiting the subject site and entering the Dalkeith-Florence laneway. The Road Safety Audit is to determine whether the proposed development will compromise the safety of road users, and if so, make recommendations for corrective actions. Any recommended corrective actions are to be implemented to the satisfaction of the City of Nedlands and at the proponents expense.

25. Within 12 months of occupancy of the development, the proponent is to undertake analysis of the impact of the development on the local road network to the specifications and satisfaction of the City of Nedlands. The outcomes of the analysis are to inform the preparation of a Local Area Traffic Treatment Plan by the applicant, if deemed necessary by the analysis.

<u>Environmental Health</u>

26. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties and shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting and is to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

27. Prior to the issue of a building permit, the Herring Storer Acoustic Report dated received 9 January 2023 is to be amended as follows to the satisfaction of the City of Nedlands:
    - Unless approved under Regulation 14A of the Environmental Protection (Noise) Regulations 1997, any activity associated with waste collection including bin movement between a bin store to a collection location is to occur between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or 0900 hours and 1900 hours on a Sunday or public holiday.
    - Noise from the gymnasium must demonstrate compliance with assigned levels in relation to the other commercial tenancies.
    - An engine or a refrigeration unit of any vehicle is to be turned off when undertaking any loading or unloading activity within the loading area of the development.

    The amended acoustic report is to be adhered to for the life of the development to the satisfaction of the City.

28. Prior to the issue of a building permit, an acoustic report is to be submitted and approved by the City demonstrating that the mechanical services, and the construction and operational phase of the development, will comply with the Environmental Protection (Noise) Regulations 1997. Any recommendations within the report are to be implemented for the duration of construction and the life of the development to the satisfaction of the City.

<u>Landscaping</u>

29. Prior to occupation, a Noise Management Plan is to be submitted and approved by the City of Nedlands detailing measures that will be undertaken to ensure noise levels during operation of the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 to the specifications and satisfaction of the City of Nedlands. The Noise Management Plan shall be adhered to at all times for the life of the development.

30. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots.

31. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by SeeDesign dated received 20 December 2022, or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.

32. Prior to the issue of a building permit, a tree relocation plan is to be submitted by a suitably qualified arborist detailing the process by which the trees proposed to be relocated are prepared and moved. This plan is to be approved and adhered to to the satisfaction of the City of Nedlands. Should the trees not survive the process, suitable replacements are to be planted to the satisfaction of the City.

33. The street tree(s) within the verge are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the proponents and to the satisfaction of the City of Nedlands.

Sustainability

34. Prior to issue of a building permit, evidence from a suitably qualified assessor is to demonstrate that the design achieves a 4 star Green Star or better rating. Any actions arising from the assumptions and requirements within the evidence are to be carried out and adhered to for the life of the development to the satisfaction of the City.

Main Roads WA

35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

36. No part of the building/development (e.g. structures, car parking, dining area, services, utilities, significant landscaping etc.) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.7138/1.

37. Prior to the issue of the Building Permit, the proponent must submit a revised Landscape Plan to Main Roads requirements and the satisfaction of the City of Nedlands for temporary landscaping and pedestrian access located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety. Permanent landscaping must be limited and maintained to a mature height of 1 metre.

38. The maximum length of heavy vehicles accessing the site shall not exceed 12.5m.

39. Stormwater discharge (if any) shall not exceed pre-development discharge to the Stirling Highway Road Reserve or the widened road reservation.

40. The proponent is to repair any damage to the existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.

41. No works are permitted within the Stirling Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.

42. Prior to applying for a Building Permit, the applicant must submit engineering drawings and specifications demonstrating that a 12.5m vehicle can access the site via Stirling Highway to the satisfaction of Main Roads. Approval by Main Roads is required prior to the construction of modifications to Stirling Highway. The proponent is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, re-location of services, street lighting, design checks and inspections.

43. Private infrastructure contained within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1.7138/1 is to be removed and the verge made good at the proponents expense.

44. No waste collection is permitted from the Stirling Highway Road Reserve or widened road reservation.

45. The signs and sign structures must not overhang or encroach upon the existing or widened road reserve.

46. Any proposed illumination of the sign must not exceed 300cd.m2 (candela per square metre) during the hours of night, and not flash, pulsate or chase during all hours.

47. The signs must not be electronic/digital format.

48. The signs must not contain fluorescent, reflective or retro reflective colours or materials.

49. Prior to the submission of a building permit, a Traffic Management Plan (for construction) must be submitted and approved by the City of Nedlands on advice of Main Roads. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.

<u>Department of Planning, Lands and Heritage</u>

50. A Heritage Agreement between the proponent and the Heritage Council shall be executed prior to the issue of a Building Permit to the satisfaction of the City on advice from the Heritage Council.

51. Conservation works shall be completed prior to the issue of Occupancy Permit for the whole development to the satisfaction of the City on advice from the Heritage Council.

52. A program of monitoring any structural movement and potential vibration impacts on the Captain Stirling Hotel building shall be implemented at the commencement of works. Should any impact occur, the Heritage Council is to be notified immediately by the proponent and advised on a recommended course of action by a suitably qualified structural engineer to be undertaken at the proponent's expense.

53. Prior to the application for a Building Permit, the following items shall be submitted to the satisfaction of the City of Nedlands on advice from the Director Historic Heritage Conservation at the Heritage Council:
    a. Construction Management Plan that provides for the protection methodology and foundation underpinning of the heritage building;
    b. Details of the proposed treatment of the walls where fabric is proposed for removal;
    c. Colour palette, material schedule and the lighting strategy for the Captain Stirling Hotel building;
    d. Detailed Landscape Plan.

Advice Notes

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

ii. A building permit is required for the works.

iii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands

iv. The applicant and landowner are advised that the approved uses (Office, Shop, Private – recreation, Medical centre, Liquor store – small and Restaurant/café) are defined in accordance with LPS3.

v. Prior to commencing a Food Business, a proprietor shall lodge with the City a Food Business Registration / Notification Form. A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.

vi. In order to reduce the likelihood of introducing or transferring plant pathogens:
    a. Use Australian Standard AS 4454 mulch
    b. Ensure machinery and equipment is clean before accessing the site.
    c. Use plant stock sourced from a nursery with accreditation from Nursery Industry Accreditation Scheme Australia (NIASA).

vii. Service and/or delivery vehicles are not to service the premises before 7.00 am 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 otherwise approved by the City.

viii. The landowner is advised that all mechanical equipment (e.g. air-conditioner) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.

<u>Main Roads Advice</u>

ix. Approval of signals or intersection modifications on Stirling Highway do not form part of this application. Signalisation proposals and intersection upgrade all rely on third party land that does not form part of this application, therefore cannot form part of the scope of this Development Application.

x. If safety becomes a significant problem along this section of Stirling Highway then Main Roads will need to make modifications to Stirling Highway that could include removal of the right turn out from Stanley Street or construction of a solid median in Stirling Highway to prevent right turn movements.

xi. Condition 37 requires a landscape plan to be submitted. Deep soil plantings are not suitable within the future road widening. Proposed trees are to be potted and removable.

xii. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

xiii. The upgrading of Stirling Highway is not in Main Roads' current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning *and Development (Development Assessment Panels) Regulations 2011*.

City of Nedlands
Amended Plans Received
20 December 2022

NEDLANDS SQUARE

DEVELOPMENT APPLICATION - ARCHITECTURAL DRAWINGS

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

DRAWING LIST

No.	Sheet Name
SD001	COVER SHEET
SD002	VIEW FROM FLORENCE ROAD AND STIRLING HIGHWAY CORNER
SD003	VIEW OF FLORENCE ROAD ENTRY
SD004	VIEW OF PLAZA FROM STIRLING STREET ENTRY
SD005	VIEW OF PLAZA FROM SUPERMARKET ENTRY
SD006	VIEW OF RETAIL SHOPFRONTS ALONG PLAZA
SD010	LOCATION & SURVEY PLAN
SD011	SITE PLAN - OVERALL
SD100	EXISTING AND DEMOLITION PLAN
SD120	DEMOLITION PLAN - CAPTAIN STRILING HOTEL
SD200	UNDERCROFT
SD201	GROUND FLOOR
SD202	LEVEL 1
SD206	ROOF PLAN
SD210	UNDERCROFT - INDICATIVE RESIDENTIAL STAGE
SD211	GROUND FLOOR - INDICATIVE RESIDENTIAL STAGE
SD212	LEVEL 1 - INDICATIVE RESIDENTIAL STAGE
SD213	LEVEL 2 - INDICATIVE RESIDENTIAL STAGE
SD214	LEVEL 3 - INDICATIVE RESIDENTIAL STAGE
SD215	LEVEL 4 - INDICATIVE RESIDENTIAL STAGE
SD220	UNDERCROFT - CAPTAIN STIRLING HOTEL
SD221	GROUND FLOOR - CAPTAIN STIRLING HOTEL
SD222	LEVEL 1 - CAPTAIN STIRLING HOTEL
SD280	DELIVERIES AND WASTE COLLECTION ROUTE
SD281	PEDESTRIAN MOVEMENT DIAGRAM - UNDERCROFT
SD282	PEDESTRIAN MOVEMENT DIAGRAM - GROUND LEVEL
SD290	OVERSHADOWING DIAGRAMS
SD291	OVERSHADOWING DIAGRAMS
SD400	PROPOSED ELEVATIONS - EXTERNAL
SD401	PROPOSED ELEVATIONS - EXTERNAL
SD402	PROPOSED ELEVATION - INTERNAL
SD420	ELEVATIONS - CAPTAIN STIRLING HOTEL
SD421	ELEVATIONS - CAPTAIN STIRLING HOTEL
SD600	SECTION AA
SD601	SECTION BB
SD602	SECTION CC
SD603	LANEWAY TRELLIS
A900(DA)	SIGNAGE - LAYOUT PLAN
A901(DA)	SIGNAGE - WOOLWORTHS & BWS SIGNAGE SIGHTLINES
A902(DA)	EXTERNAL SIGNAGE - LOCATION PLAN
A903(DA)	EXTERNAL SIGNAGE - ELEVATIONS
A904(DA)	EXTERNAL SIGNAGE - ELEVATIONS
A908(DA)	INTERNAL SIGNAGE - ELEVATIONS
A910(DA)	SIGNAGE - SCHEDULE
SHEETS: 44	

OVERALL AREA (NLA)

Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	353 m²
	2	353 m²
GROUND FLOOR		
KIOSK	2	50 m²
LIQUOR	1	250 m²
MEDICAL CENTRE	1	522 m²
RESTAURANT/CAFE	2	582 m²
SHOP	2	714 m²
SUPERMARKET	1	3365 m²
	9	5483 m²
LEVEL 1		
COMMERCIAL	4	1286 m²
RECREATION - PRIVATE	1	634 m²
	5	1920 m²
TOTAL NLA :	16	7756 m²

CAR PARKING PROVIDED - OVERALL

Type	Count
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	191
ON-STREET	
6600 x 2100 Parallel Bays	4
8600 x 2100 Parallel Loading Bays	1
	5
LONG TERM BICYCLE PARKING	
PFL PUSHBIKE CRADLE	7
	7
LEVEL 1	
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
LANEWAY	
5400 x 2600 Standard Parking	29
	29
TOTAL BAY:	395

MOTORCYCLE PARKING PROVIDED

Type	Count
UNDERCROFT	
2500 x 1200 Motorcycle Parking	7
MOTORCYCLE PARKING :	7

BICYCLE PARKING PROVIDED - OVERALL

TYPE	Count
LONG TERM BICYCLE PARKING	7
SHORT TERM BICYCLE PARKING	19
	26

KIT COMPLIANCE CHECKLIST

	REQUIRED Y/N	COMPLIANT Y/N	COMMENTS IF NON COMPLIANT, WHAT IS ACTUALLY PROVIDED
(A) CAR PARK RATIO 5 CAR SPACES PER 100m² OF GLA	Y	Y	5 BAYS/ 100m²
(B) SHADE SAILS MIN. 35% OF CAR BAYS REQUIRED TO BE COVERED	Y	Y	
(C) CAR BAY SIZE MINIMUM 2.6 x 5.5m	Y	Y	
(D) CAR PARK AISLE WIDTH MINIMUM 6.5m	Y	Y	
(E) 80% OF CARS WITH 100m RADIUS OF SUPERMARKET ENTRY	Y	Y	
(F) 2 WAY CAR PARK CIRCULATION THROUGHOUT	Y	Y	
(G) MIN. 1:40 FALL ACROSS CAR PARK	Y	Y	
(H) TROLLEY BAYS MINIMUM 1 PER 40 CAR BAYS	Y	Y	1 PER 20 CAR BAYS
(J) CAR PARK ACCESS POINTS MINIMUM 7.2m WIDE SPLAY	Y	Y	

WOOLWORTHS GROUP

COVER SHEET
NEDLANDS SQUARE

Status: FOR INFORMATION — FOR REVIEW
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Scale: NTS

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Project Number: 43444
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Revision: B
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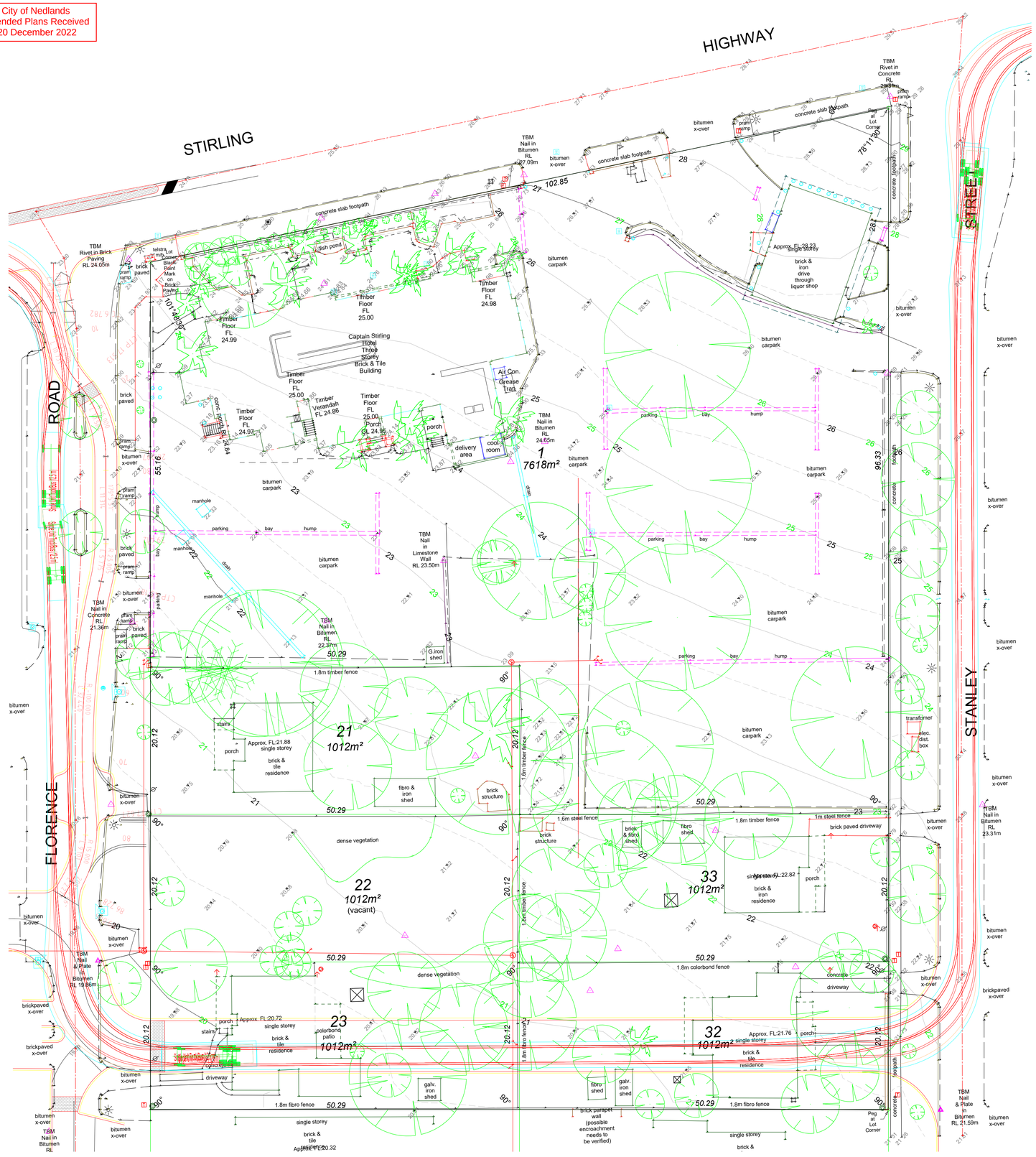


SURVEY PLAN
1 : 300

SERVICE LEGEND

WATER
STOP VALVE
HYDRANT
FLUSH POINT — fp
WATER TAP
WATER MARKER — wm
WATER METER

DRAINAGE
SW MANHOLE
GRATE
SIDE ENTRY PIT
UNDEFINED MANHOLE

SEWERAGE
SEWER MANHOLE
INSPECT. SHAFT — is
INSPECT. OPENING

POWER
CONSUMER POLE
POWER POLE
LIGHT POLE
STAY POLE
S.WIRE ANCHOR — swa
U.G CABLE BOX
CABLE M/H
CABLE DOME

TELSTRA
TELSTRA MARKER — tm
TELSTRA PIT
TELSTRA M/H — tmh

GAS
GAS MARKER — g
GAS METER
GAS VALVE — gv

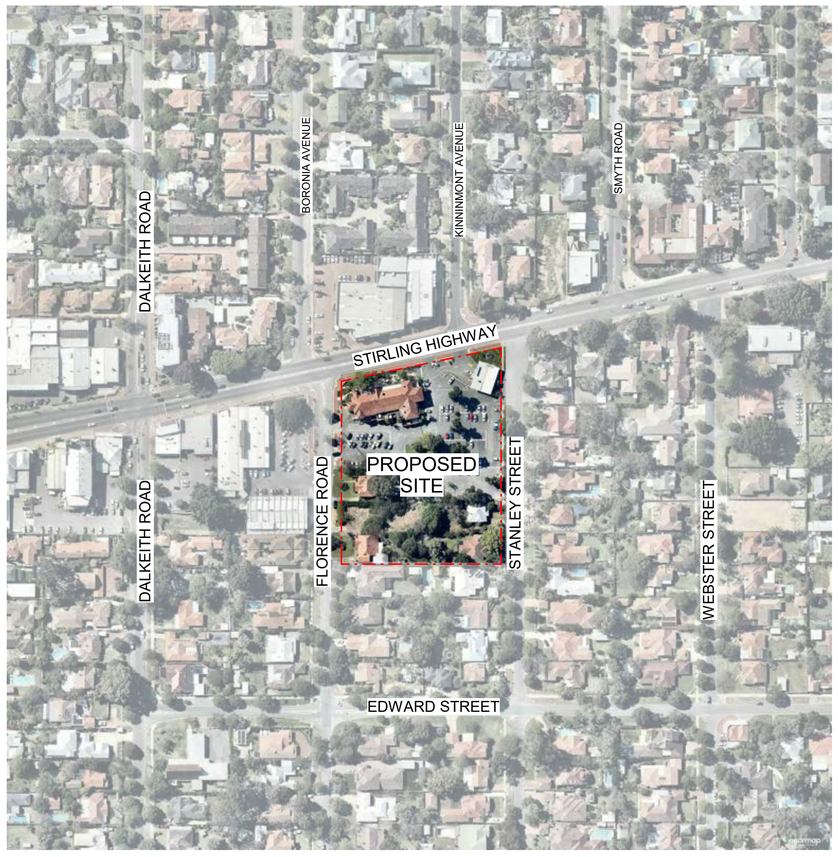
LINE STYLES
SEWER LINE
TOP OF BANK
BASE OF BANK
POWER LINE
FENCE
BOUNDARY
ROAD CENTRELINE
TOP OF WALL
BASE OF WALL
BUILDING LINE
TOP OF KERB
WINDOW

FEATURES
STREET SIGN
CLOTHES HOIST
BORE COVER
GATE

SURVEY
PEG FOUND — pf
PEG DISTURBED — pd
PEG GONE — pg
CONTROL POINT
DATUM

0.5m CONTOUR INTERVAL

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023



LOCATION PLAN
1 : 2000

WOOLWORTHS GROUP

LOCATION & SURVEY PLAN
NEDLANDS SQUARE

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0 — 24

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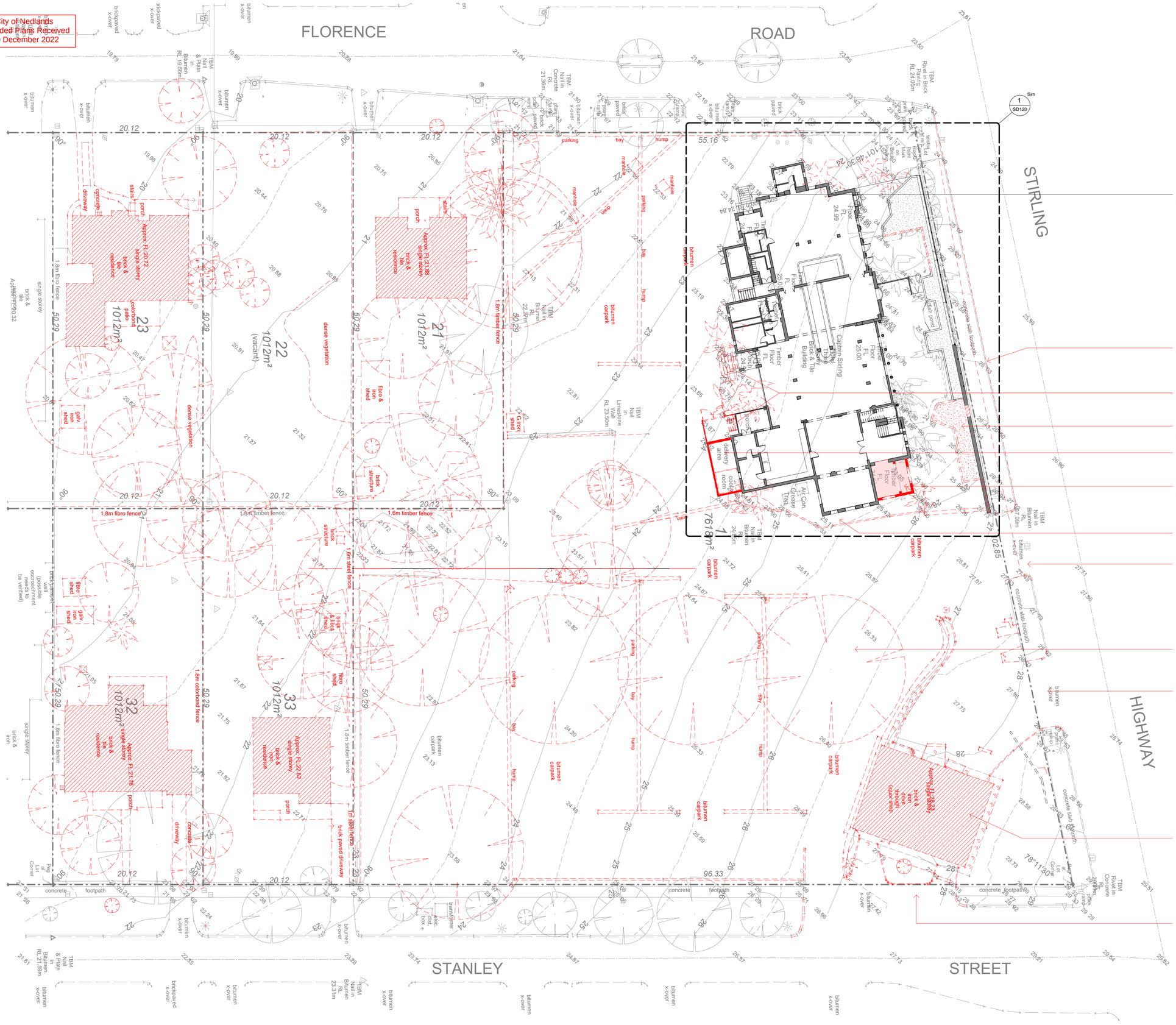
APPROVED
10-Feb-2023


FLORENCE
ROAD
STIRLING
HIGHWAY
STANLEY
STREET
Captain Stirling Hotel
Brick & Tile Building
Timber Floor
Floor FL 25.00
Floor FL 24.99
Floor FL 25.01
Floor FL 24.88
Floor FL 24.65
Floor FL 24.76
Floor FL 24.14
Floor FL 24.16
Floor FL 24.30
Floor FL 24.45
Floor FL 24.81
Floor FL 24.76
Timber Floor FL
Timber Floor FL 24.16
Timber Floor FL 24.30
Timber Floor FL 24.45
Timber Floor FL 24.81
Timber Floor FL 24.76
Timber Floor FL 24.14

City of Nedlands
Amended Plans Received
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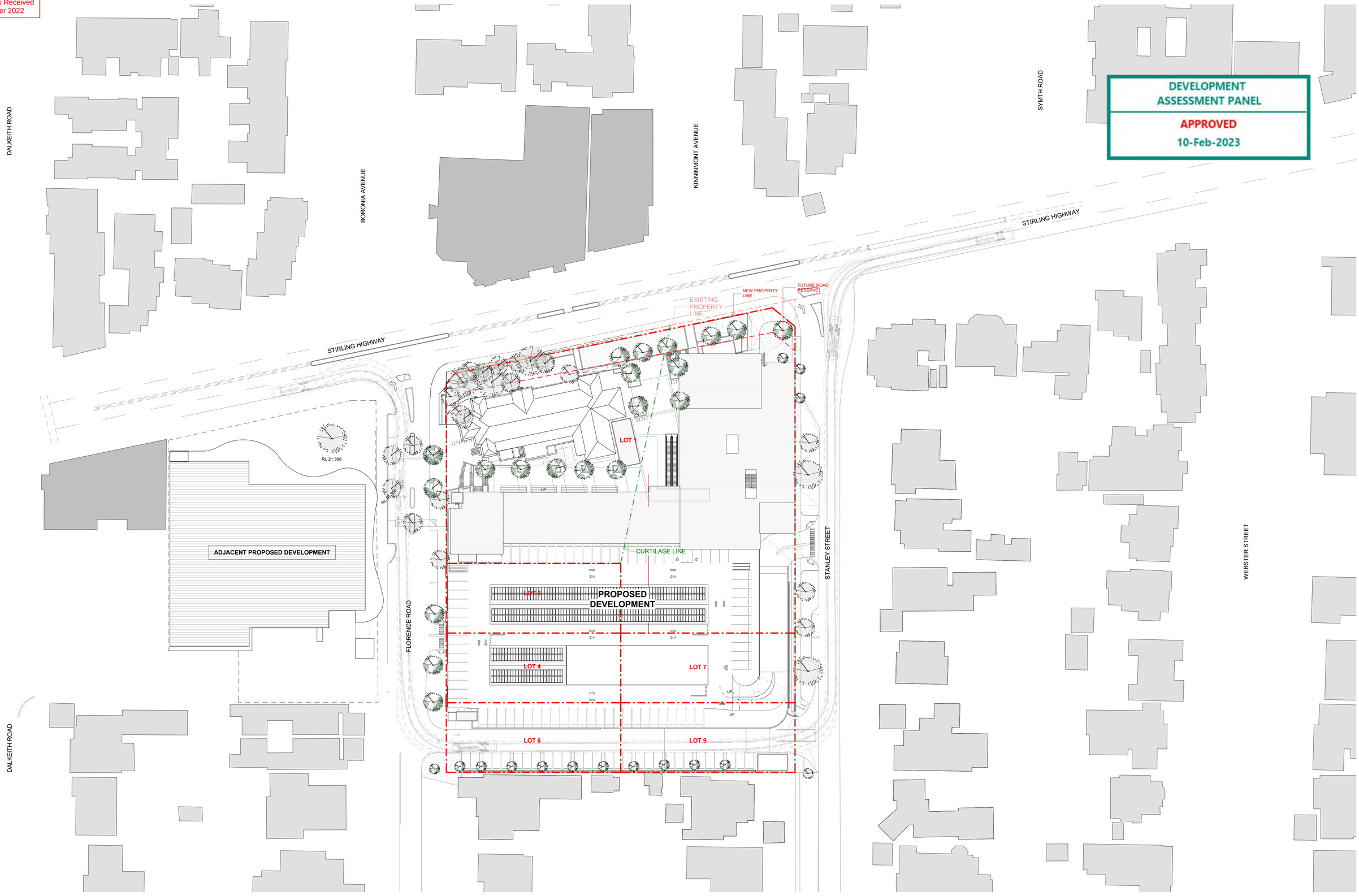

WOOLWORTHS GROUP

SITE PLAN - OVERALL
NEDLANDS SQUARE

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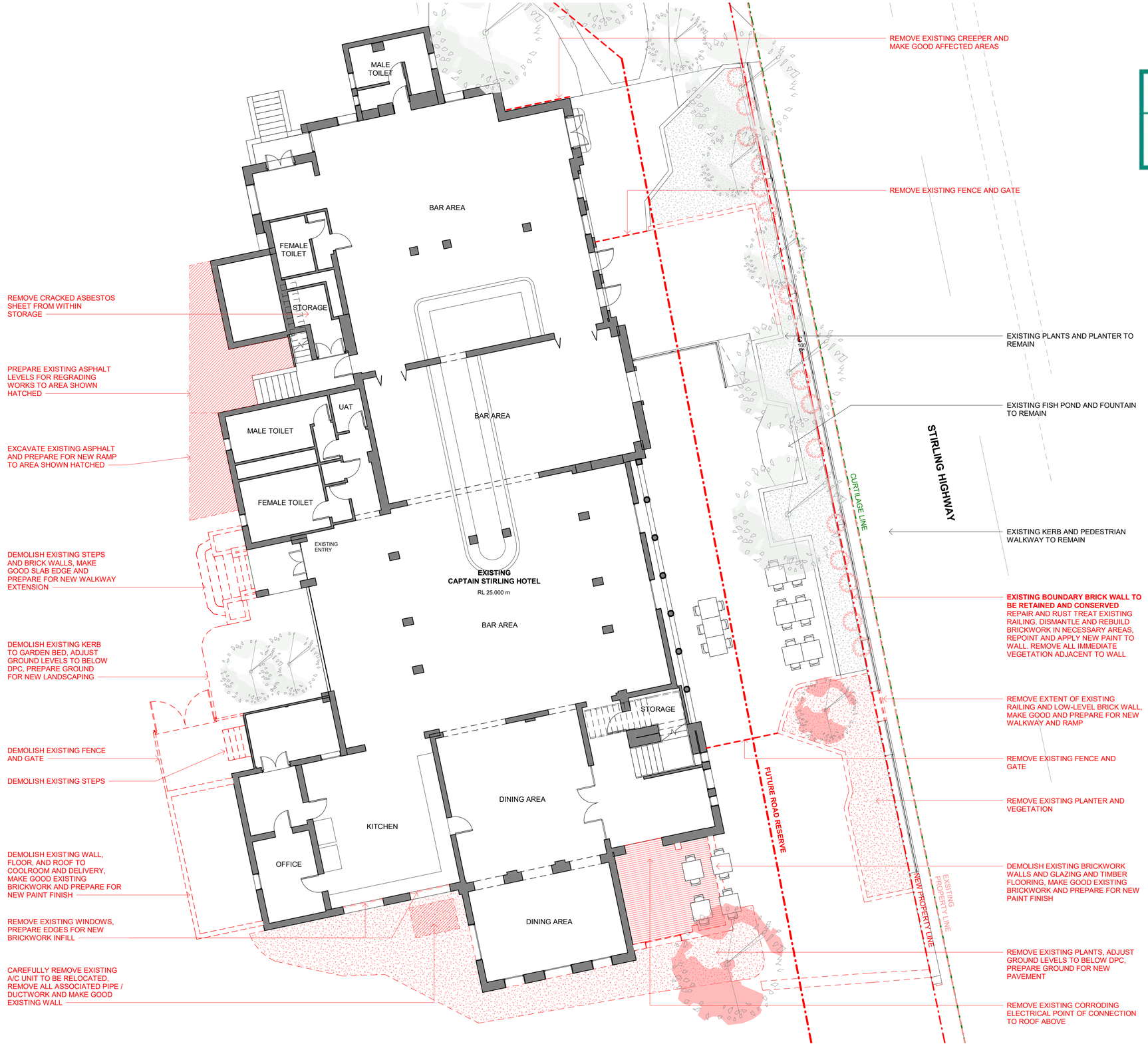

GENERAL DEMOLITION NOTES:

1. MAKE GOOD ALL EXISTING SURFACES AFFECTED BY REMOVAL AND DEMOLITION WORKS
2. REMOVE ALL SURFACE-MOUNTED SERVICES

WOOLWORTHS GROUP

DEMOLITION PLAN - CAPTAIN STRILING HOTEL
NEDLANDS SQUARE

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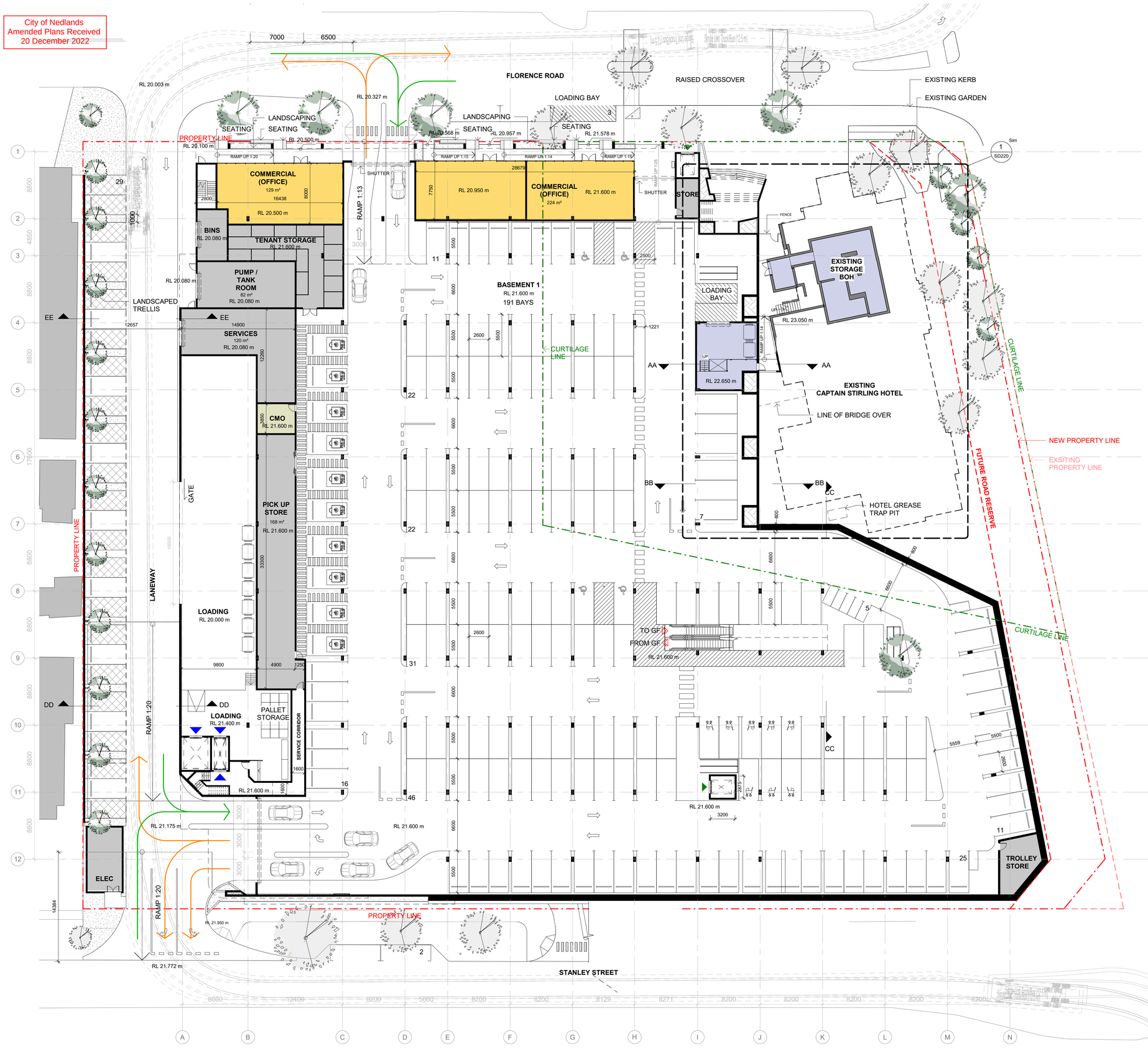

UNDERCROFT FLOOR AREA (NLA)

Name	Count	Area
		353 m²
		353 m²

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

	Count
5400 x 2600 Standard Parking	29
	29
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	191
TOTAL BAYS	220

MOTORCYCLE BAYS: 7

TREE LEGEND

NEW TREES

EXISTING TREES

RETAIL AREAS

CMO
COMMERCIAL
HOTEL
SERVICES

WOOLWORTHS GROUP

UNDERCROFT
NEDLANDS SQUARE

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0 — 20

North:

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Drawing Number: SD200
Revision: B
Date: 16/12/22

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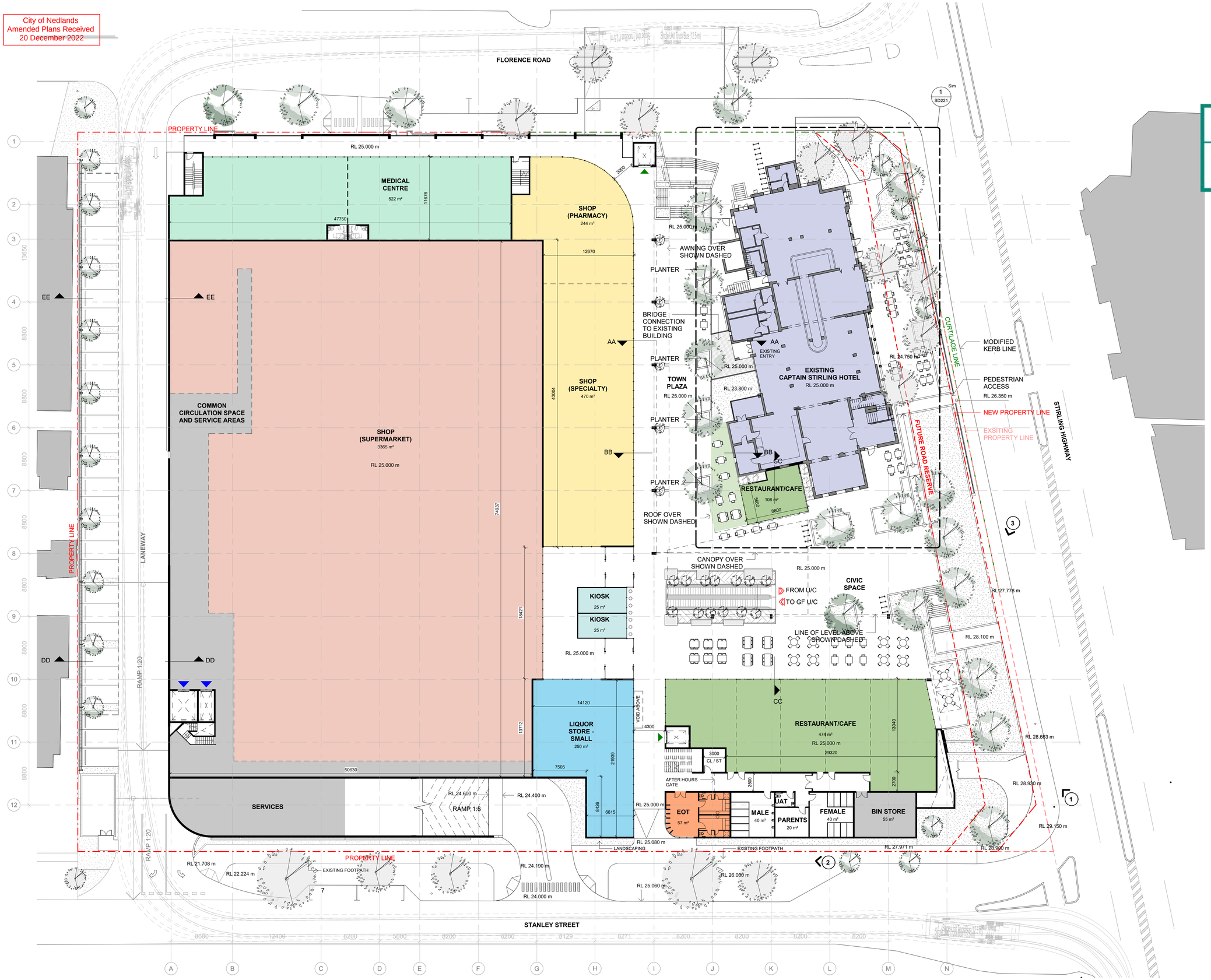

GROUND FLOOR AREA (NLA)

Name	Count	Area
		50 m²
		250 m²
		522 m²
		582 m²
		714 m²
		3365 m²
		5483 m²

DEVELOPMENT ASSESSMENT PANEL

APPROVED

10-Feb-2023

1

2

3

TREE LEGEND

- NEW TREES
- EXISTING TREES

RETAIL AREAS

- AMENITIES
- BACK OF HOUSE
- EOT
- HOTEL
- KIOSK
- LIQUOR
- MEDICAL CENTRE
- RESTAURANT/CAFE
- SERVICES
- SHOP
- SUPERMARKET

WOOLWORTHS GROUP

GROUND FLOOR
NEDLANDS SQUARE

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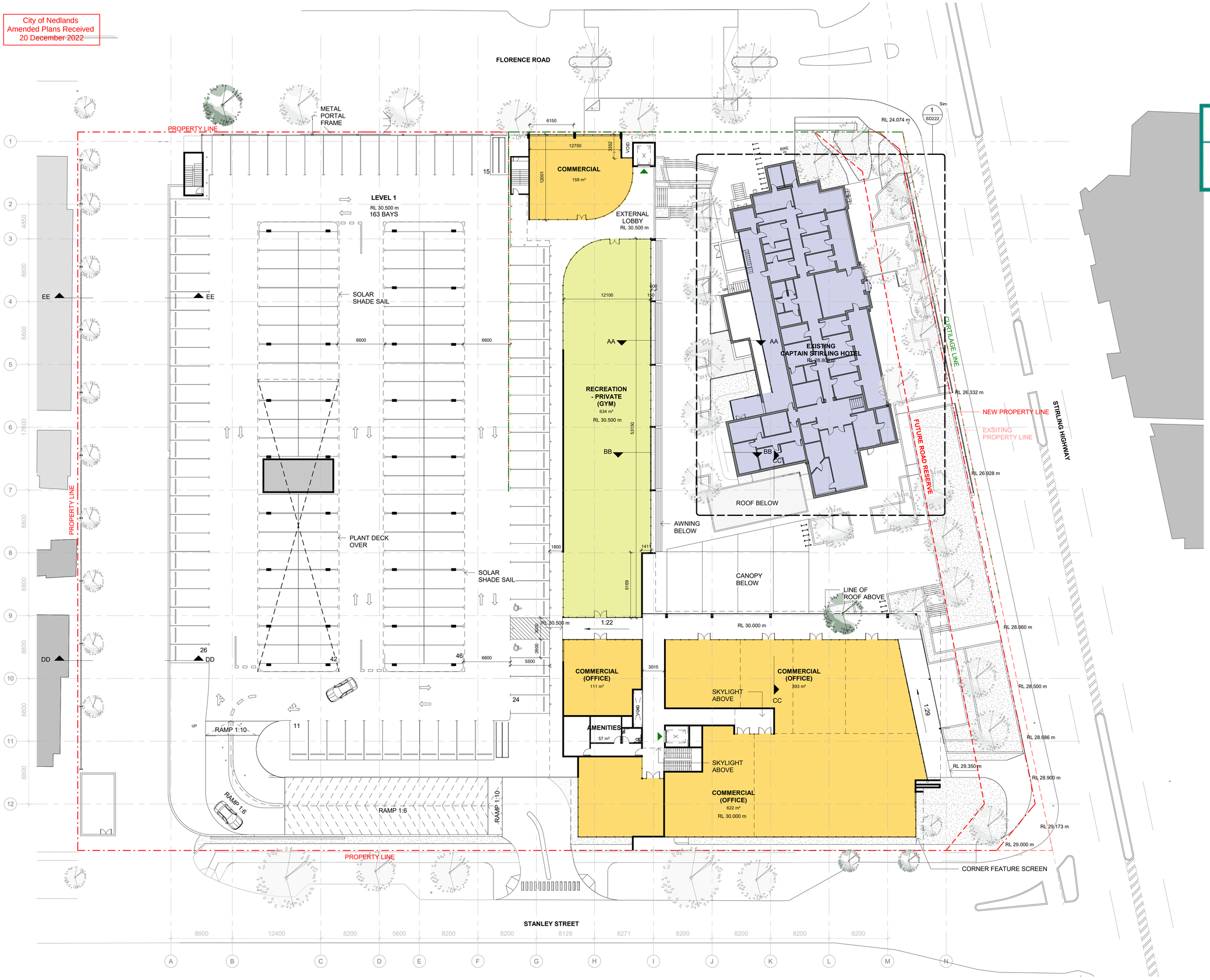

LEVEL 1 AREA (NLA)

Name	Count	Area
		1286 m²
		634 m²
		1920 m²

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

	Count
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
TOTAL BAY:	163

OVERALL AREA (NLA)

Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	353 m²
	2	353 m²
GROUND FLOOR		
KIOSK	2	50 m²
LIQUOR	1	250 m²
MEDICAL CENTRE	1	522 m²
RESTAURANT/CAFE	2	582 m²
SHOP	2	714 m²
SUPERMARKET	1	3365 m²
	9	5483 m²
LEVEL 1		
COMMERCIAL	4	1286 m²
RECREATION - PRIVATE	1	634 m²
	5	1920 m²
TOTAL NLA :	16	7756 m²

PARKING - OVERALL BY LEVEL

Type	Count
UNDERCROFT	
5400 x 2600 Standard Parking	29
5400 x 3000 Drive-Thru Pick-Up	10
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	169
	220
GROUND FLOOR	
6600 x 2100 Parallel Bays	4
8600 x 2100 Parallel Loading Bays	1
	5
LEVEL 1	
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
TOTAL PARKING PROVIDED :	388

MOTORCYCLE BAYS: 7

TOTAL PARKING REQUIRED : 367 BAYS

RETAIL PARKING REQUIRED : 247 @ 5 BAYS / 100m²
COMMERCIAL/ MEDICAL PARKING REQUIRED : 70 @ 2.5 BAYS / 100m²
HOTEL PARKING REQUIRED : 50 BAYS

MOTORCYCLE PARKING IS NOT INCLUDED IN THE PLANS - CAR BAY NUMBER WILL BE REDUCED BY APPROX 8 BAYS

SERVICES LAYOUT TO LEVEL 01 IS SUBJECT TO CONSULTANT INPUT AND MAY FURTHER REDUCE PARKING NUMBERS

TREE LEGEND

NEW TREES

EXISTING TREES

RETAIL AREAS

- AMENITIES
- COMMERCIAL
- HOTEL
- PLANT
- RECREATION - PRIVATE

WOOLWORTHS GROUP

LEVEL 1
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
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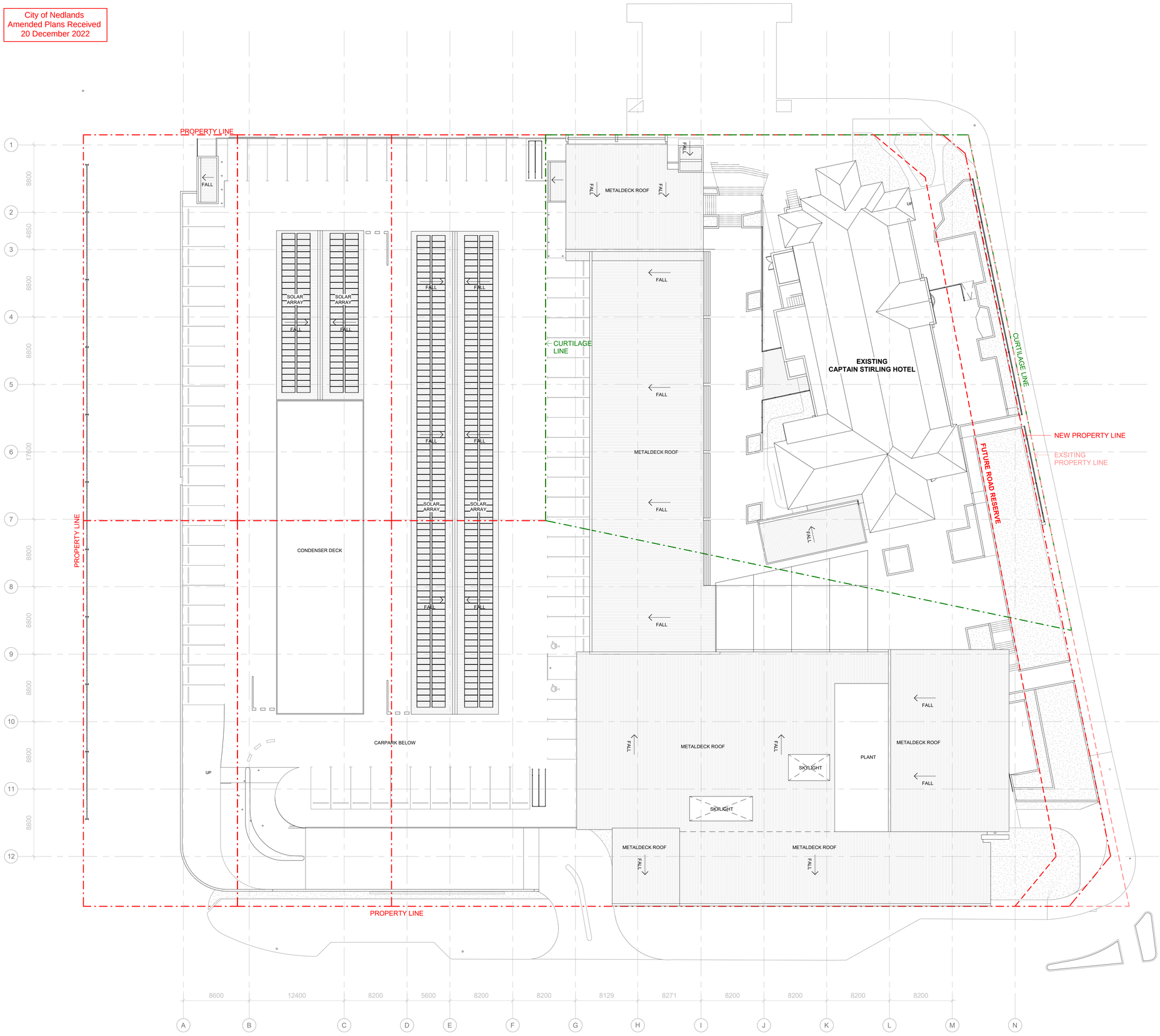

WOOLWORTHS GROUP

ROOF PLAN
NEDLANDS SQUARE

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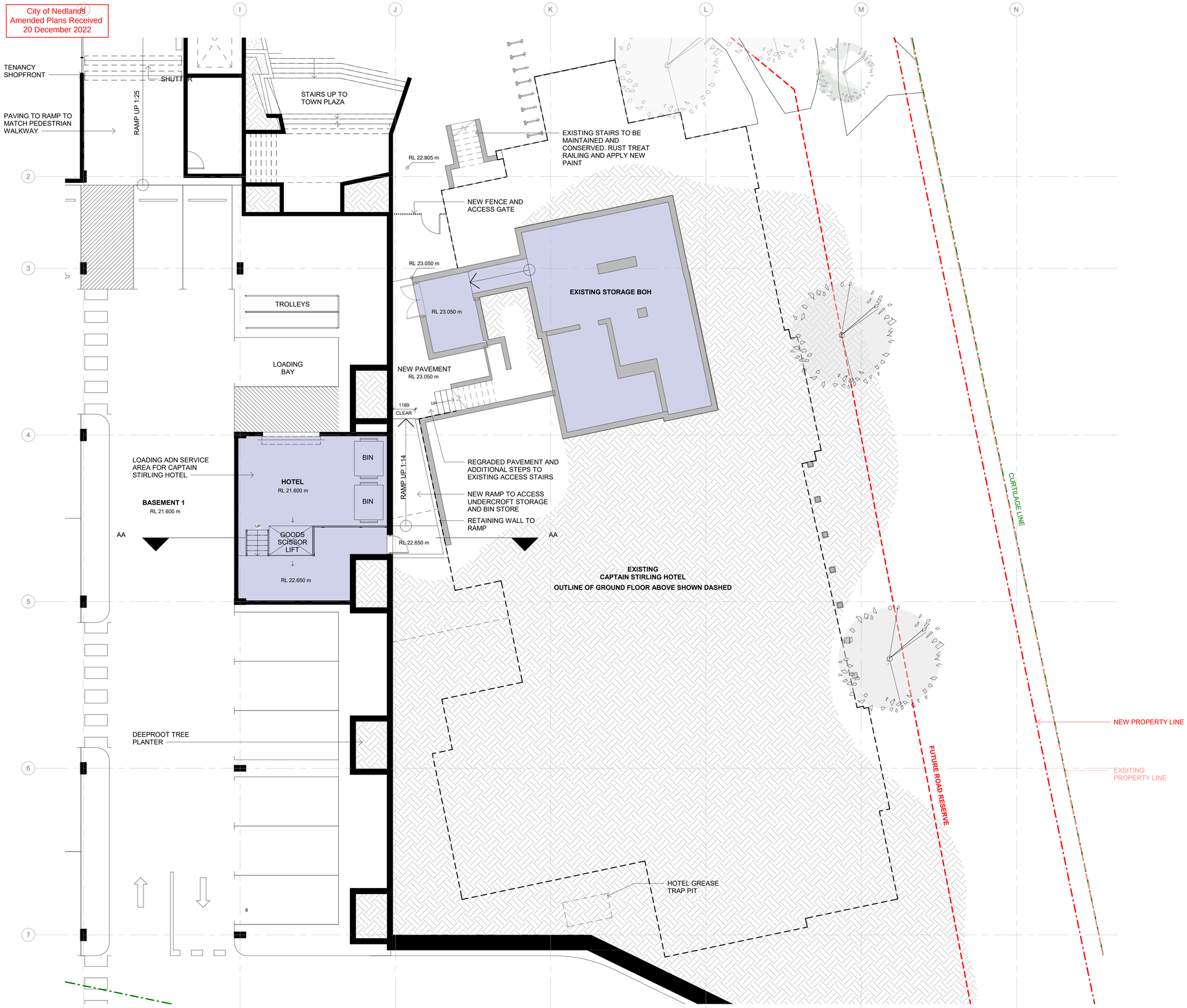

RETAIL AREAS

HOTEL

WOOLWORTHS GROUP

UNDERCROFT - CAPTAIN STIRLING HOTEL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
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0 — 8

North:

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Drawing Number: SD220
Revision: A
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City of Nedlands
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DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

RETAIL AREAS

HOTEL

WOOLWORTHS GROUP

GROUND FLOOR - CAPTAIN STIRLING HOTEL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
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0 — 8

North:

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Drawing Number:	SD221
Revision:	A
Date:	4/11/22

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City of Nedlands
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DEVELOPMENT ASSESSMENT PANEL
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RETAIL AREAS

HOTEL

WOOLWORTHS GROUP

LEVEL 1 - CAPTAIN STIRLING HOTEL
NEDLANDS SQUARE

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Scale: 1:200 @ A1
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North:

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Drawing Number: SD222
Revision: A
Date: 4/11/22

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DEVELOPMENT ASSESSMENT PANEL
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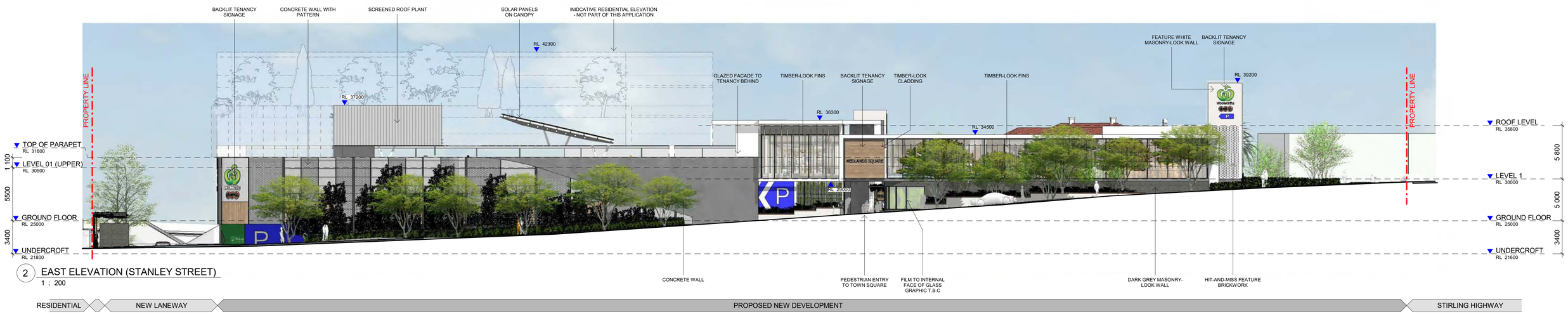
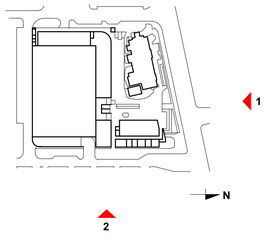
10-Feb-2023

1 NORTH ELEVATION (STIRLING HIGHWAY)
1 : 200



2 EAST ELEVATION (STANLEY STREET)
1 : 200



CONCRETE WALL WITH PATTERN

FEATURE WHITE MASONRY-LOOK WALL

GREY MASONRY-LOOK WALL

TIMBER-LOOK SCREENING BATTENS

WOOLWORTHS GROUP

PROPOSED ELEVATIONS - EXTERNAL
NEDLANDS SQUARE

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Scale: 1:200 @ A1
0 — 16

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Project Number: 43444
Drawing Number: SD400
Revision: A
Date: 4/11/22

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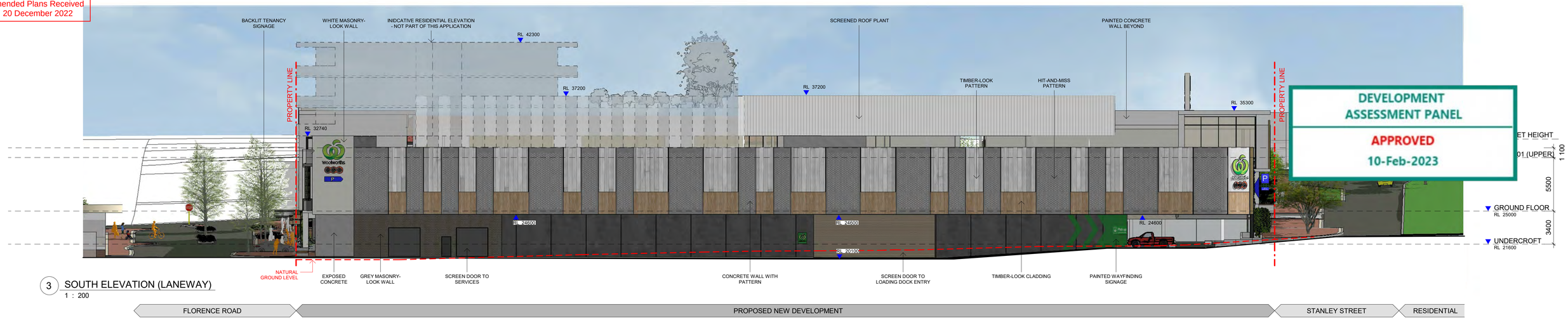
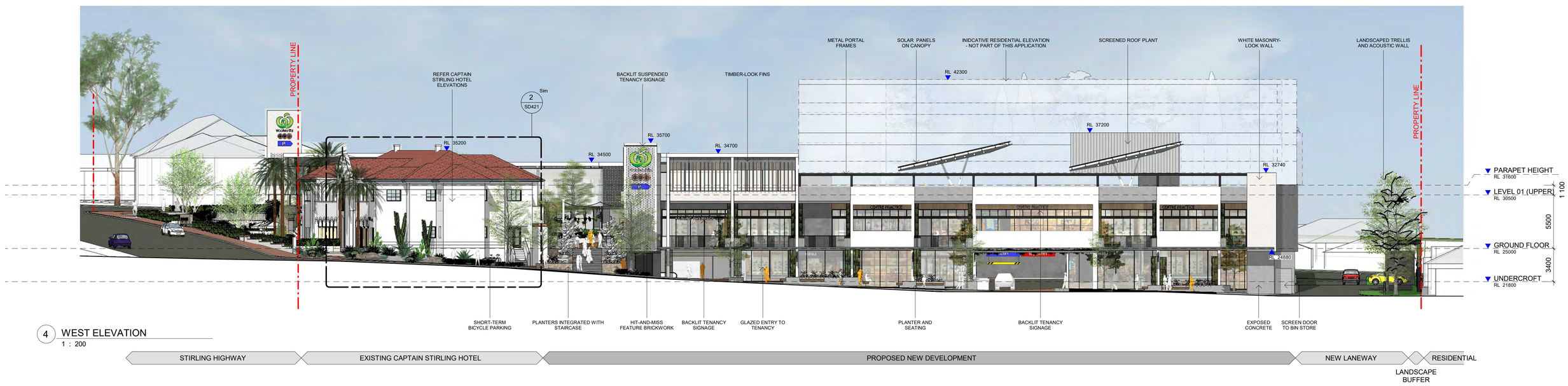
20 December 2022

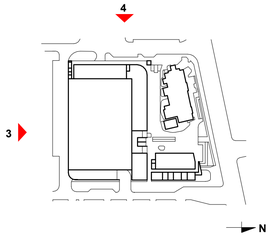


DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

3 SOUTH ELEVATION (LANEWAY)
1 : 200



4 WEST ELEVATION
1 : 200



CONCRETE WALL WITH PATTERN

GREY MASONRY-LOOK WALL

FEATURE WHITE MASONRY-LOOK WALL

STEPS WITH INTEGRATED LANDSCAPE

FEATURE SCREENING BATTENS

WOOLWORTHS GROUP

PROPOSED ELEVATIONS - EXTERNAL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:200 @ A1
0 16

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Project Number: 43444
Drawing Number: SD401
Revision: A
Date: 4/11/22

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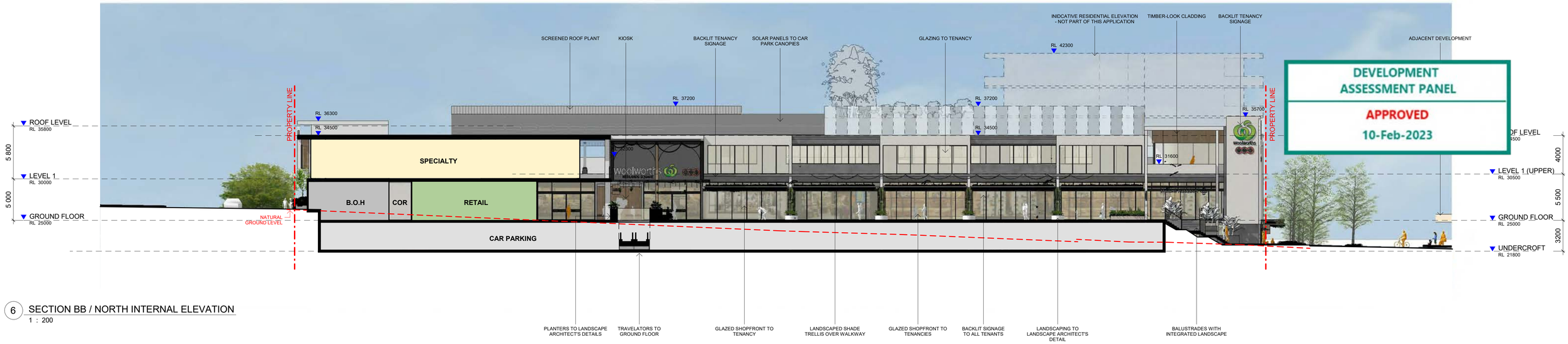
20 December 2022



DEVELOPMENT ASSESSMENT PANEL
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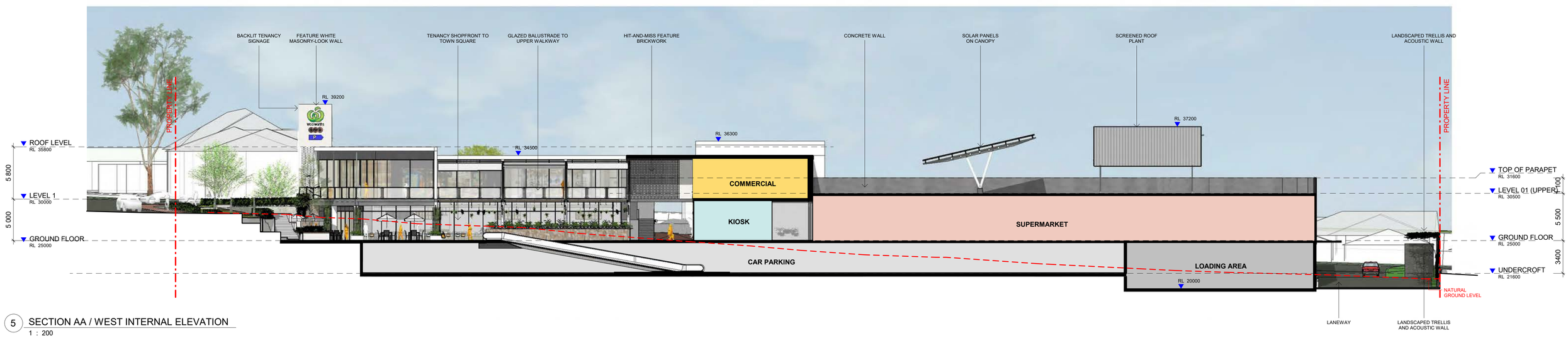
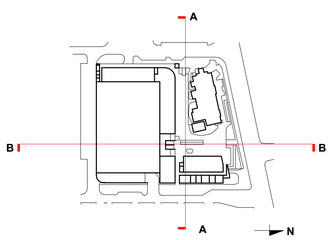
10-Feb-2023

6 SECTION BB / NORTH INTERNAL ELEVATION
1 : 200



5 SECTION AA / WEST INTERNAL ELEVATION
1 : 200



DARK GREY MASONRY-LOOK WALL

CLIMBING PLANT

FEATURE BATTENS

WOOLWORTHS GROUP

PROPOSED ELEVATION - INTERNAL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:200 @ A1
0 16

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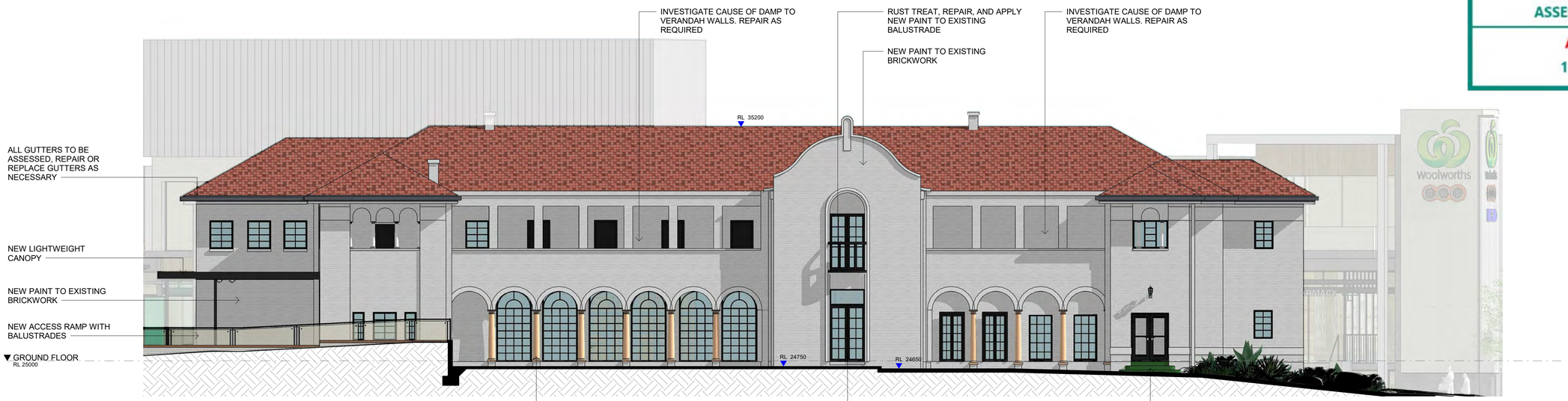
10-Feb-2023



1 HOTEL - NORTH ELEVATION
1 : 100

2 HOTEL - EAST ELEVATION
1 : 100

GENERAL NOTES:

1. ALL NEW PAINT TO BE BASED ON EVIDENCE FROM PAINT SCRAPE TESTING
2. ALL UNPROTECTED WALL PENETRATIONS TO BE MADE GOOD
3. REPAIR AND APPLY NEW PAINT TO ALL EXISTING DOWNPIPES AND OTHER ORIGINAL HARDWARE
4. REPAIR, RUST TREAT, AND APPLY NEW PAINT TO ALL EXISTING DOORS AND WINDOWS

ROOF ASSESSMENT TO BE CONDUCTED PRIOR TO COMMENCEMENT OF WORKS

ALL WORKS IDENTIFIED AS 'PRE-CONSTRUCTION' IN THE CONSERVATION MANAGEMENT STRATEGY TO BE COMPLETED PRIOR TO THE COMMENCEMENT OF WORKS

WOOLWORTHS GROUP

ELEVATIONS - CAPTAIN STIRLING HOTEL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
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Scale: 1:100 @ A1
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APPROVED
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1 HOTEL - SOUTH ELEVATION
1 : 100

2 HOTEL - WEST ELEVATION
1 : 100

GENERAL NOTES:

1. ALL NEW PAINT TO BE BASED ON EVIDENCE FROM PAINT SCRAPE TESTING
2. ALL UNPROTECTED WALL PENETRATIONS TO BE MADE GOOD
3. REPAIR AND APPLY NEW PAINT TO ALL EXISTING DOWNPIPES AND OTHER ORIGINAL HARDWARE
4. REPAIR, RUST TREAT, AND APPLY NEW PAINT TO ALL EXISTING DOORS AND WINDOWS

ROOF ASSESSMENT TO BE CONDUCTED PRIOR TO COMMENCEMENT OF WORKS

ALL WORKS IDENTIFIED AS 'PRE-CONSTRUCTION' IN THE CONSERVATION MANAGEMENT STRATEGY TO BE COMPLETED PRIOR TO THE COMMENCEMENT OF WORKS

WOOLWORTHS GROUP

ELEVATIONS - CAPTAIN STIRLING HOTEL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:100 @ A1
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Drawing Number: SD421
Revision: A
Date: 4/11/22

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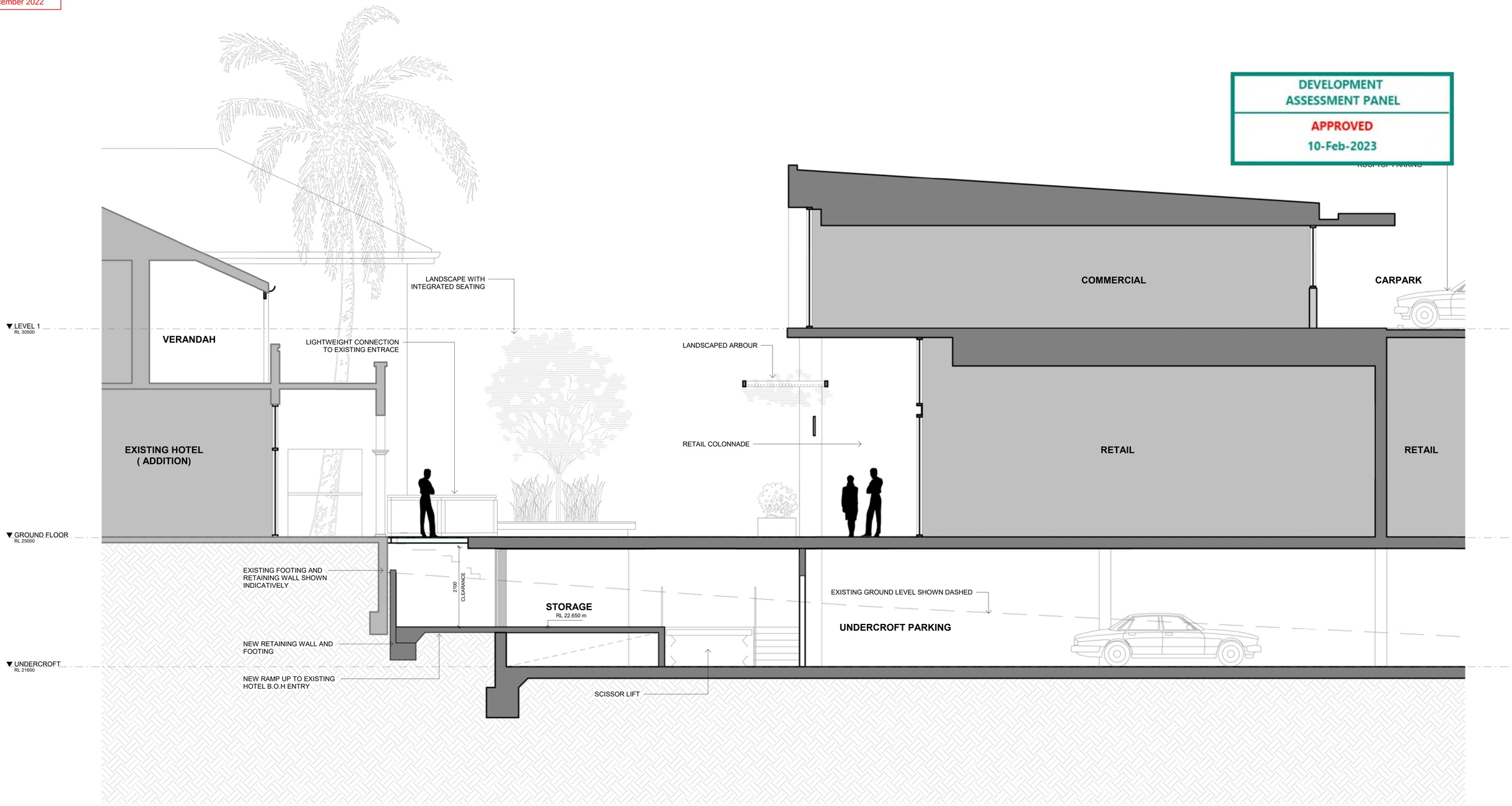

WOOLWORTHS GROUP

SECTION AA
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\Lazhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:50 @ A1
0 — 4

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Project Number: 43444
Drawing Number: SD600
Revision: A
Date: 4/11/22

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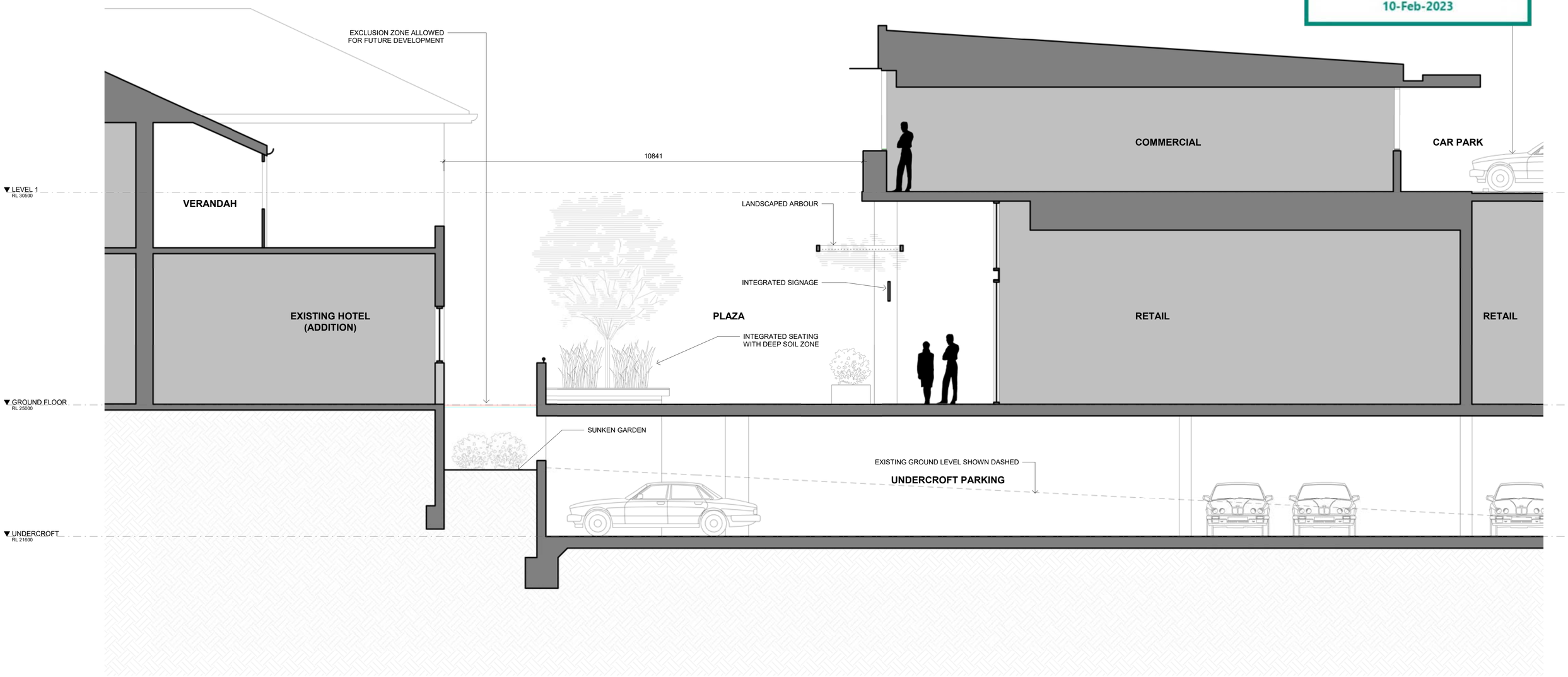

WOOLWORTHS GROUP

SECTION BB
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\Lazhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:50 @ A1
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Project Number: 43444
Drawing Number: SD601
Revision: A
Date: 4/11/22

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City of Nedlands
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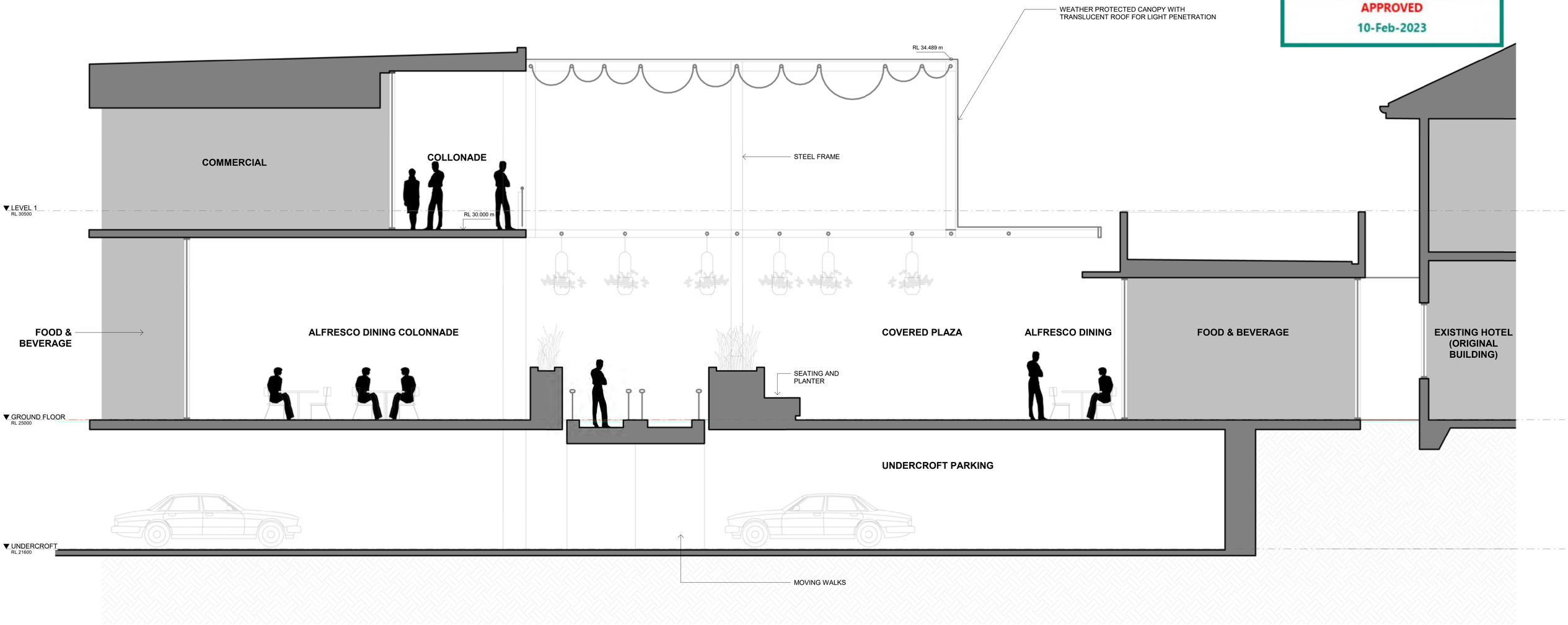

WOOLWORTHS GROUP

SECTION CC
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:50 @ A1
0 — 4

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Project Number: 43444
Drawing Number: SD602
Revision: A
Date: 4/11/22

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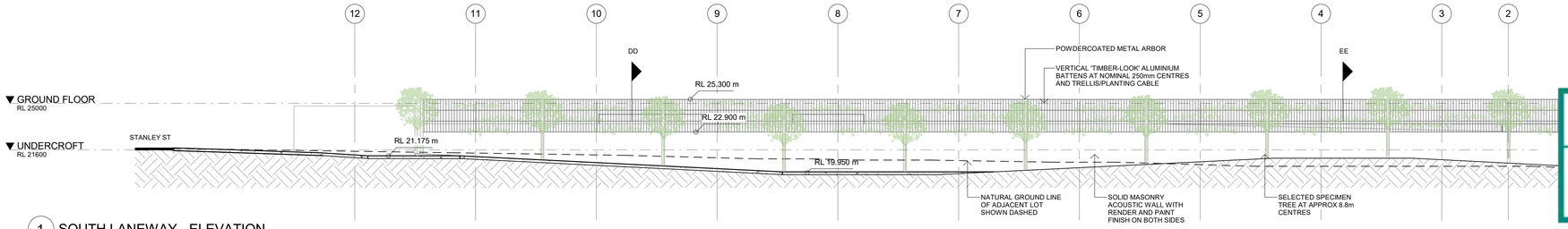
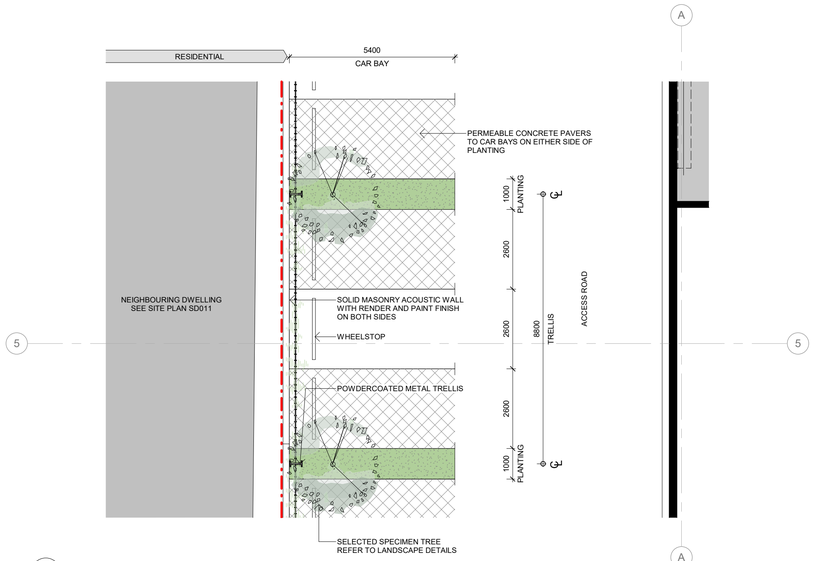
20 December 2022



1 SOUTH LANEWAY - ELEVATION
1 : 200

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023



2 SOUTH LANEWAY - TYPICAL PLAN
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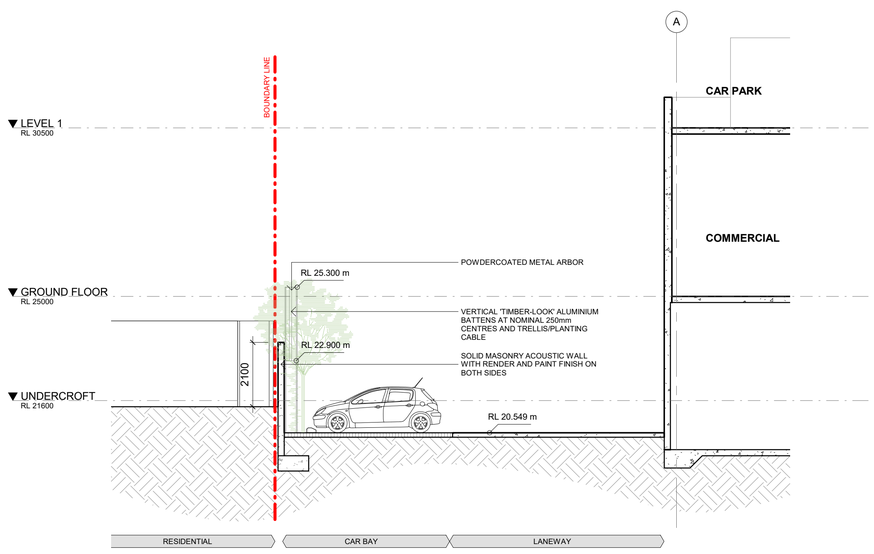
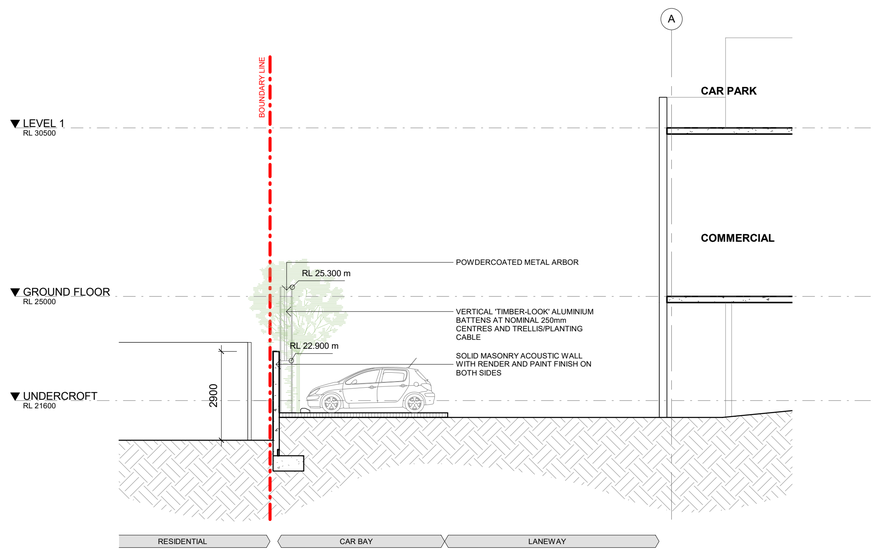


3 SOUTH LANEWAY - DETAIL DD
1 : 100



4 SOUTH LANEWAY - DETAIL EE
1 : 100

WOOLWORTHS GROUP

LANEWAY TRELLIS
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\Lazhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:200 @ A1
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Project Number: 43444
Drawing Number: SD603
Revision: A
Date: 4/11/22

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WOOLWORTHS GROUP

VIEW FROM FLORENCE ROAD AND STIRLING HIGHWAY CORNER

NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
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Scale: NTS

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Project Number: 43444
Drawing Number: SD002
Revision: A
Date: 4/11/22

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City of Nedlands
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WOOLWORTHS GROUP

VIEW OF FLORENCE ROAD ENTRY
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: NTS

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Project Number: 43444
Drawing Number: SD003
Revision: A
Date: 4/11/22

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WOOLWORTHS GROUP

VIEW OF PLAZA FROM STIRLING STREET ENTRY

NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: NTS

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Project Number: 43444
Drawing Number: SD004
Revision: A
Date: 4/11/22

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ASSESSMENT PANEL
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WOOLWORTHS GROUP

VIEW OF PLAZA FROM SUPERMARKET ENTRY
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: NTS

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Drawing Number: SD005
Revision: A
Date: 4/11/22

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ASSESSMENT PANEL
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WOOLWORTHS GROUP

VIEW OF RETAIL SHOPFRONTS ALONG PLAZA
NEDLANDS SQUARE

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Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: NTS

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Drawing Number: SD006
Revision: A
Date: 4/11/22

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WOOLWORTHS & BWS SIGNAGE PACKAGE

80 STIRLING HIGHWAY, NEDLANDS

DEVELOPMENT ASSESSMENT PANEL
APPROVED
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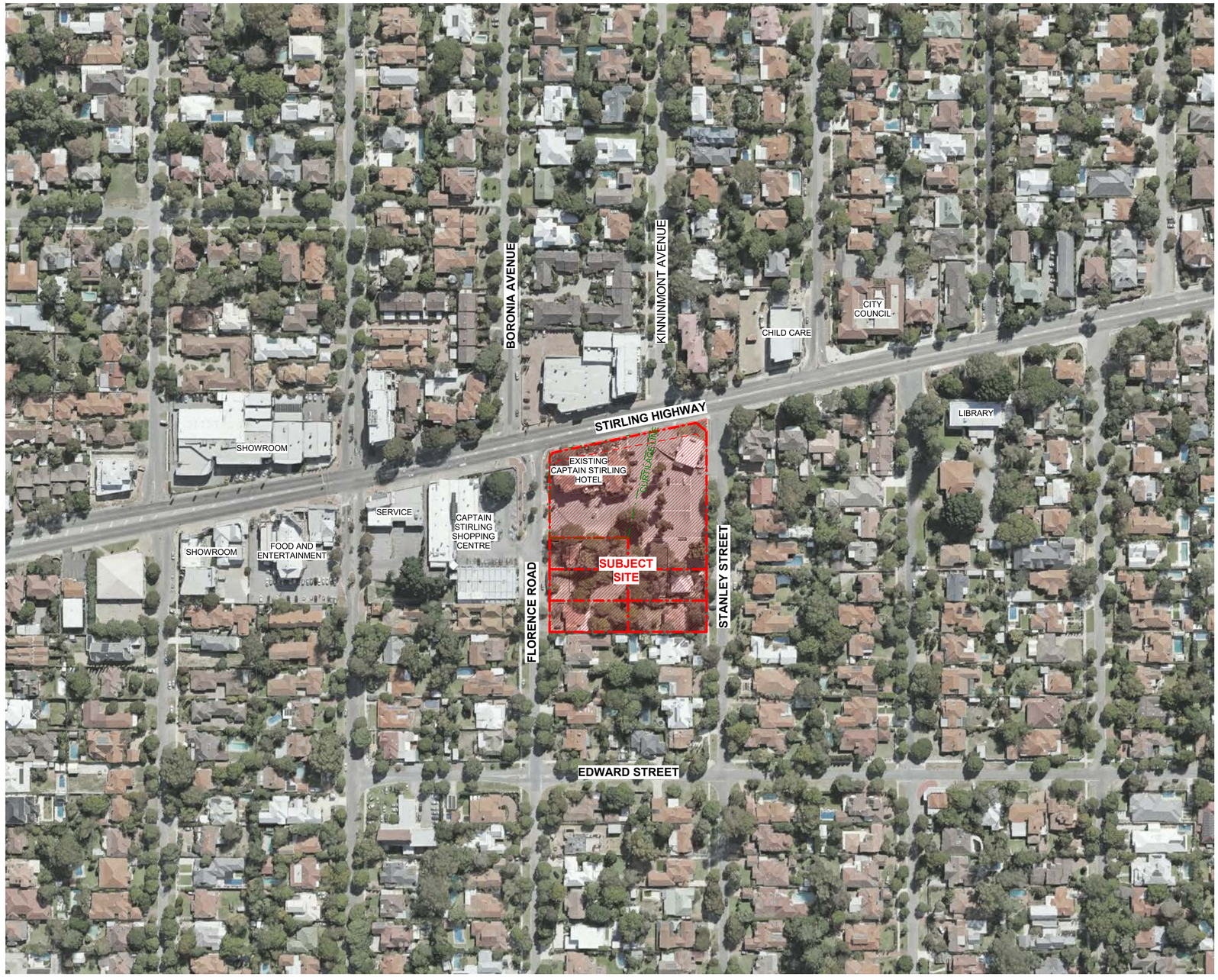

SIGNAGE QUESTIONS	PLEASE TICK
1. ARE WE MAXIMIZING BRANDING FROM EXTERNAL ROADS?	
2. WILL THE SIGNAGE CLEARLY HELP THE CUSTOMER NAVIGATE FROM THE EXTERNAL ROADS TO OUR CARPARK, FOR BOTH VEHICLES AND PEDESTRIANS?	
3. DOES THE MALL SIGNAGE CLEARLY HELP THE CUSTOMER NAVIGATE FROM THE CARPARK TO THE STORAGE SHOPFRONT?	

APPROVAL SIGN OFF			
	NAME	INITIAL	DATE
PROPERTY			
BRAND			

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

SIGNAGE - LAYOUT PLAN
NEDLANDS SQUARE

Status: REVISED DA
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Scale: 1:1500 @ A1
0 — 120

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North:

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Drawing Number: A900(DA)
Revision: A
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HIGH LEVEL SIGNAGE

LOW LEVEL SIGNAGE

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

SIGNAGE - WOOLWORTHS & BWS SIGNAGE SIGHTLINES

NEDLANDS SQUARE

Status: REVISED DA
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Scale: 1:500 @ A1
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North:

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Drawing Number: A901(DA)
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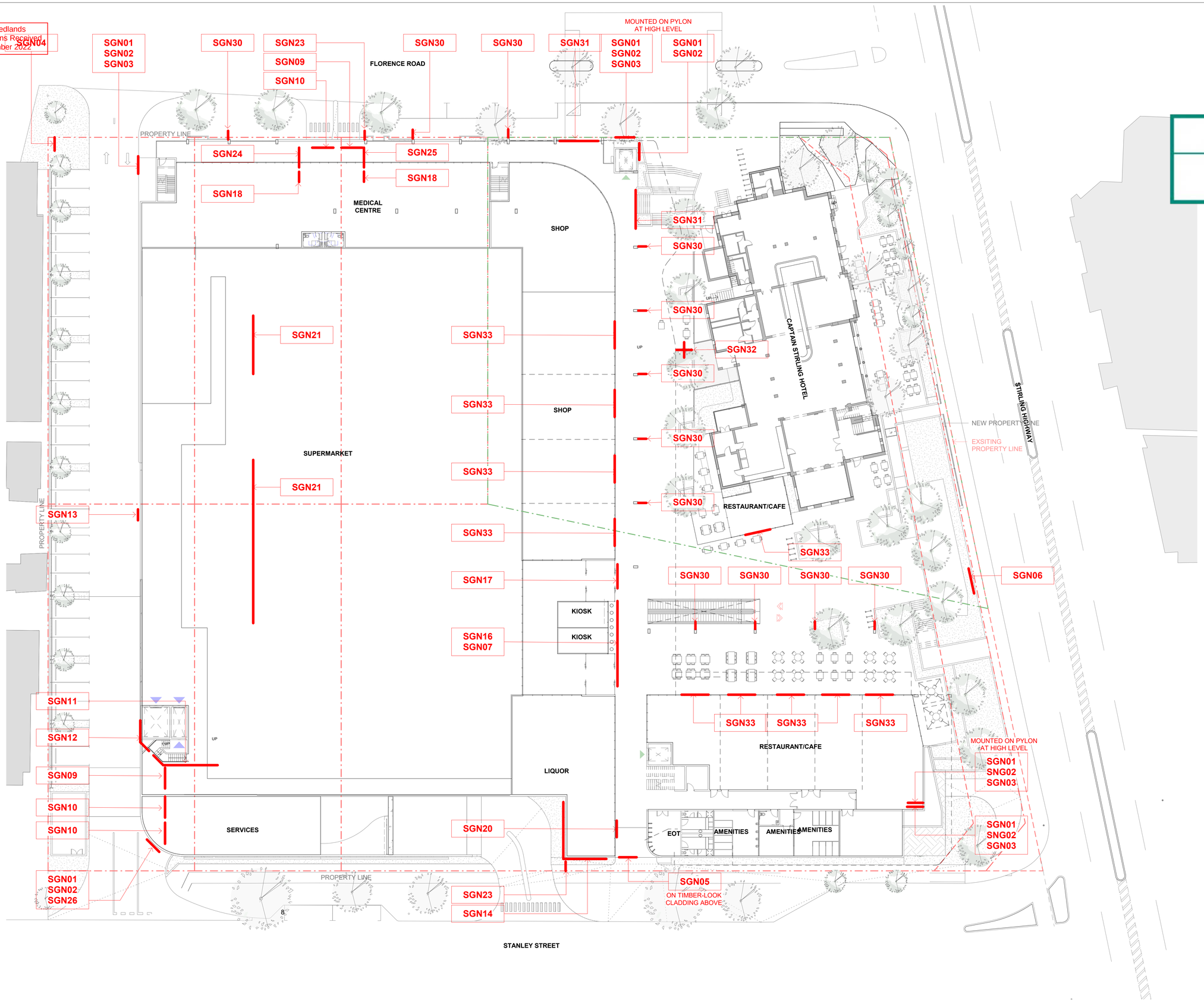

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

EXTERNAL SIGNAGE - LOCATION PLAN
NEDLANDS SQUARE

Status: REVISED DA
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Scale: 1:250 @ A1
0 — 20

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Drawing Number: A902(DA)
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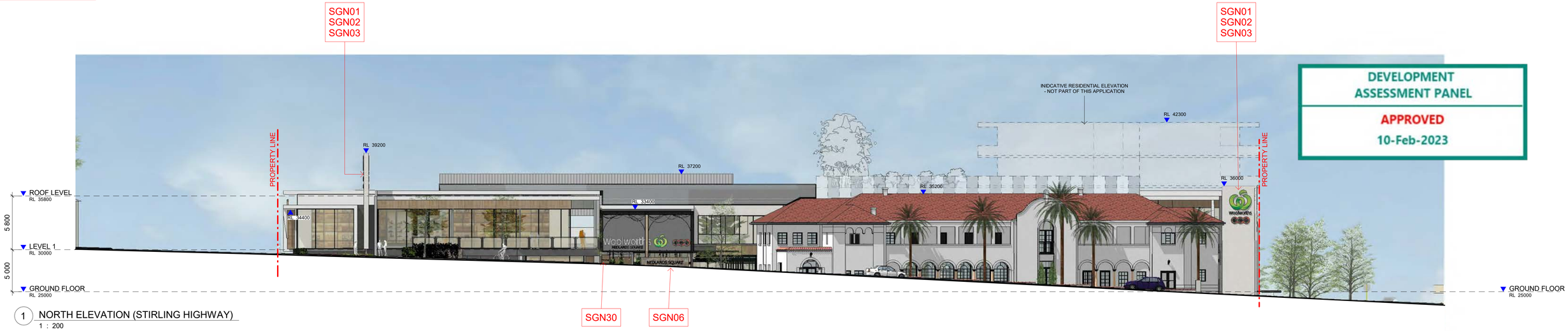
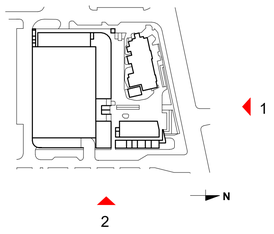


1 NORTH ELEVATION (STIRLING HIGHWAY)
1 : 200

2 EAST ELEVATION (STANLEY STREET)
1 : 200



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

EXTERNAL SIGNAGE - ELEVATIONS
NEDLANDS SQUARE

Status: REVISED DA
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Scale: 1:200 @ A1
0 16

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Drawing Number: A903(DA)
Revision: A
Date: 16/12/22

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20 December 2022

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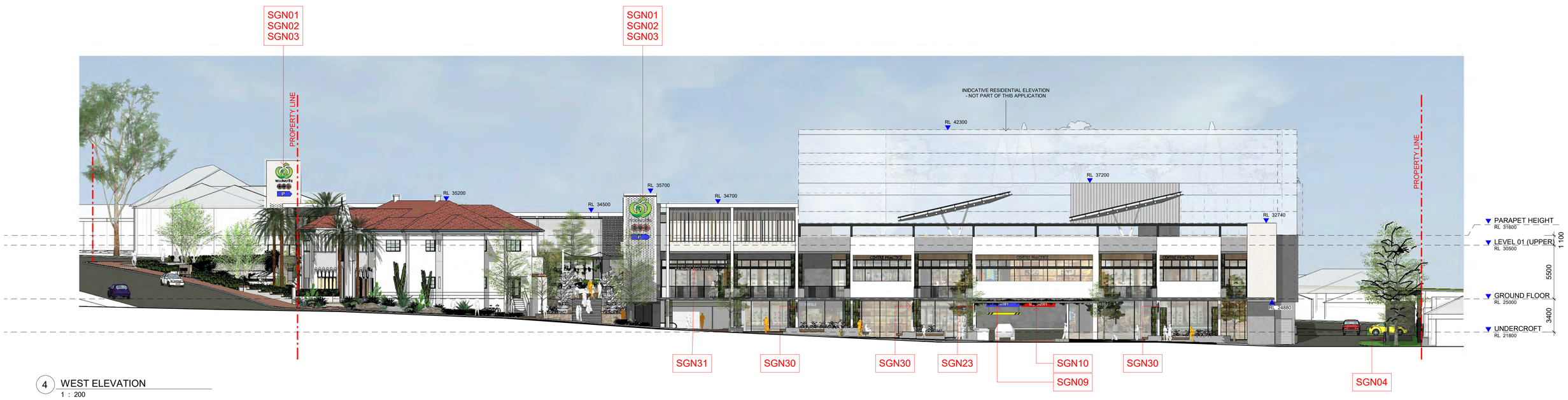
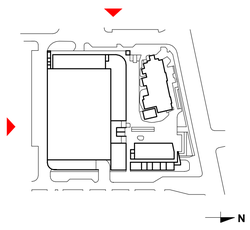
ASSESSMENT PANEL
APPROVED
10-Feb-2023

3 SOUTH ELEVATION (LANEWAY)
1 : 200



4 WEST ELEVATION
1 : 200



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

EXTERNAL SIGNAGE - ELEVATIONS
NEDLANDS SQUARE

Status: REVISED DA
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Revision: A
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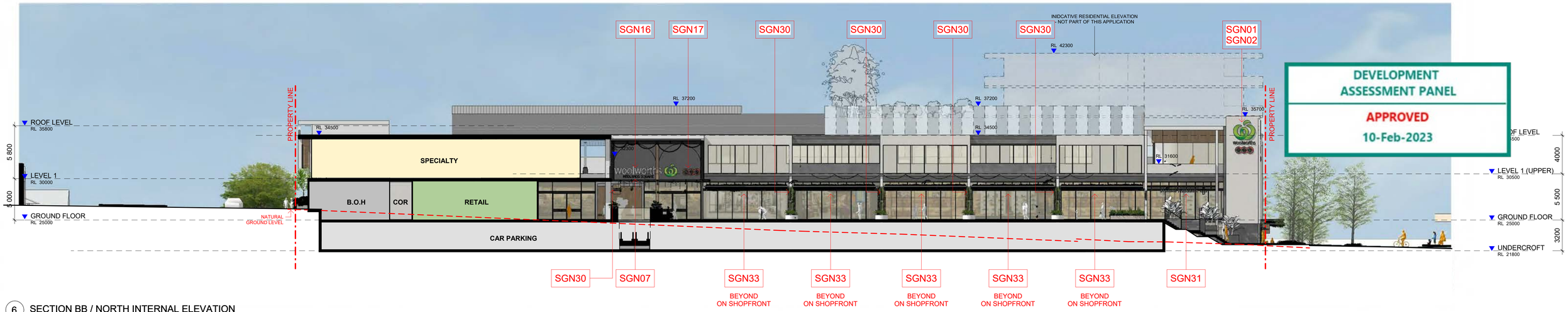

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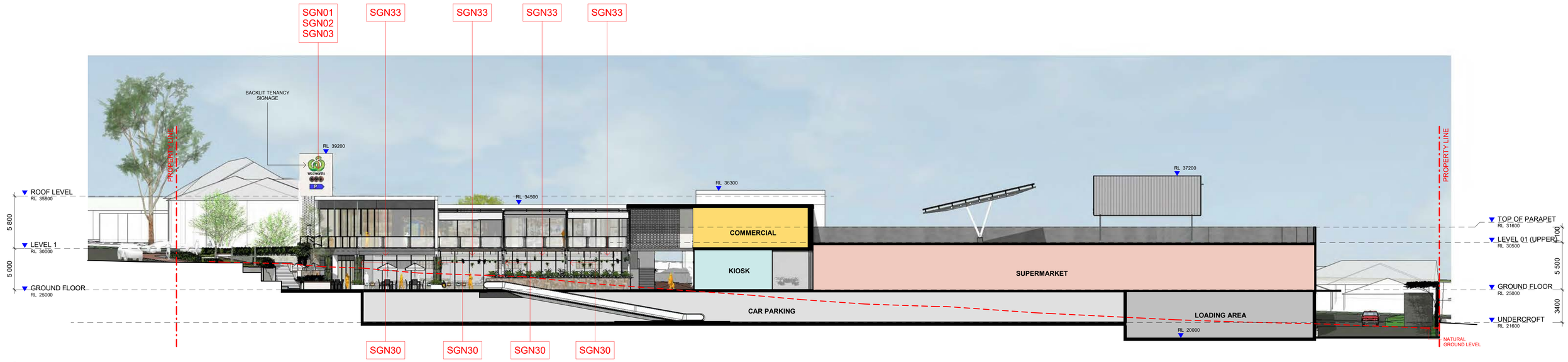
APPROVED
10-Feb-2023

6 SECTION BB / NORTH INTERNAL ELEVATION
1 : 200



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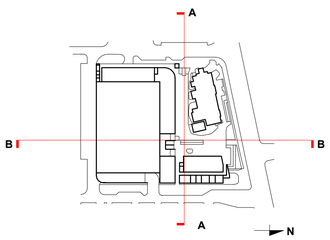

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

INTERNAL SIGNAGE - ELEVATIONS
NEDLANDS SQUARE

Status: REVISED DA
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Scale: 1:100 @ A1
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Drawing Number: A908(DA)
Revision: A
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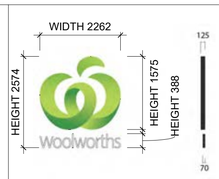
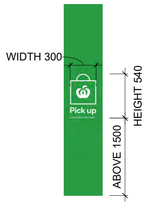
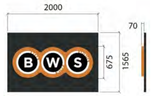
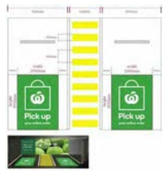
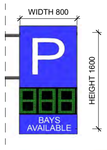
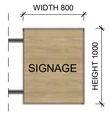
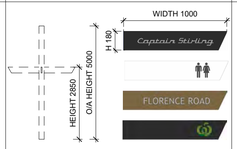
Amendment to Development Approval
20 December 2022

EXTERNAL SIGNAGE

SIGN NO.	IMAGE		PAGE	NAME	MEASUREMENTS
SGN01			B54	WOOLWORTHS EXTERNAL FACADE SIGNS 2046mm ICON - MOUNTED ON PYLON	2574mm HIGH x 2262mm WIDE
SGN02			B52	BWS EXTERNAL FACADE SIGNS - MOUNTED ON PYLON	735mm HIGH ICON
SGN03				CAR PARK SIGNAGE - MOUNTED ON PYLON	500mm HIGH x 1250mm WIDE
SGN04			SIMILAR TO C7	PICK UP SIGANGE GRAPHIC - MOUNTED ON LOW-LEVEL TOTEM	970mm HIGH x 3200mm WIDE
SGN05				CENTRE SIGNAGE - MOUNTED ON TIMBER-LOOK CLADDING	310mm HIGH x 3775mm WIDE
SGN06				CENTRE SIGNAGE - MOUNTED ON LOW-LEVEL TOTEM	
SGN07				CENTRE SIGNAGE - BELOW WOOLWORTHS EXTERNAL FACADE SIGN	260mm HIGH x 3150mm WIDE
SGN09				PARKING SIGNAGE - CUSTOM GANTRY SIGN	500mm HIGH x 3500mm WIDE
SGN10				PARKING SIGNAGE - CUSTOM GANTRY SIGN	500mm HIGH x 3500mm WIDE
SGN11				PARKING SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH
SGN12				PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH
SGN13			B43	CAR PARK SIGNAGE - LOADING DOCK	1200mm HIGH x 930mm WIDE
SGN14				PARKING SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH

SIGN NO.	IMAGE		PAGE	NAME	MEASUREMENTS
SGN15			C13	PAINTED ON COLUMN	GRAPHICS TO BE PAINTED 1500mmH ABOVE GROUND 530mm HIGH X 300mm WIDE
SGN16			B11	WOOLWORTHS EXTERNAL FACADE SIGNS - 1500mm ICON MOUNTED ON ALUMINIUM CLADDING FEATURE SUBSTRATE	1565mm HIGH X 7715mm WIDE
SGN17			B11	BWS EXTERNAL FACADE SIGNS - 975mm ICON MOUNTED ON ALUMINIUM CLADDING FEATURE SUBSTRATE	1565mm HIGH X 2000mm WIDE
SGN18			B55	CUSTOM WELCOME GRAPHIC (VINYL OR PAINTED)	1500mm HIGH X 3100mm WIDE
SGN20			B52	BWS EXTERNAL FACADE SIGNS - MOUNTED ON SHOPFRONT	735mm HIGH ICON
SGN 21			C20	PICK UP - DESTINATION ZONE PHOTOGRAPHY WALL	6400mm HIGH X 3600mm WIDE
SGN 22			C17	PICK UP - DESTINATION ZONE GROUND MARKING	2933mm HIGH X 2000mm WIDE
SGN 23				PARKING SIGNAGE GRAPHIC & DIGITAL CAR BAY COUNTER - WALL MOUNTED	1600mm HIGH X 800mm WIDE
SGN 24				PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	1400mm HIGH X 4800mm WIDE
SGN 25				PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	1400mm HIGH X 4800mm WIDE

SIGN NO.	IMAGE		PAGE	NAME	MEASUREMENTS
SGN26				DIGITAL CAR BAY COUNTER - WALL MOUNTED	700mm HIGH X 2000mm WIDE
SGN30					HIGH X WIDE
SGN31				TENANCY SIGNAGE - SUSPENDED	1500mm HIGH X 8300mm WIDE
SGN32				MULTI-DIRECTIONAL TOTEM SIGN	2850mm HIGH X 2000mm WIDE
SGN33				TENANCY SHOPFRONT SIGNAGE ZONE	450mm HIGH X 2300mm WIDE

DEVELOPMENT ASSESSMENT PANEL
APPROVED
10-Feb-2023

REFER PAGES NO. TO WW SIGNAGE DESIGN BRIEF 2018.1 WSPEC-SD-SM-REVB

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

WOOLWORTHS GROUP

SIGNAGE - SCHEDULE
NEDLANDS SQUARE

Status: REVISED DA
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: NTS

© Hames Sharley:

Project Number: 43444
Drawing Number: A910(DA)
Revision: A
Date: 16/12/22

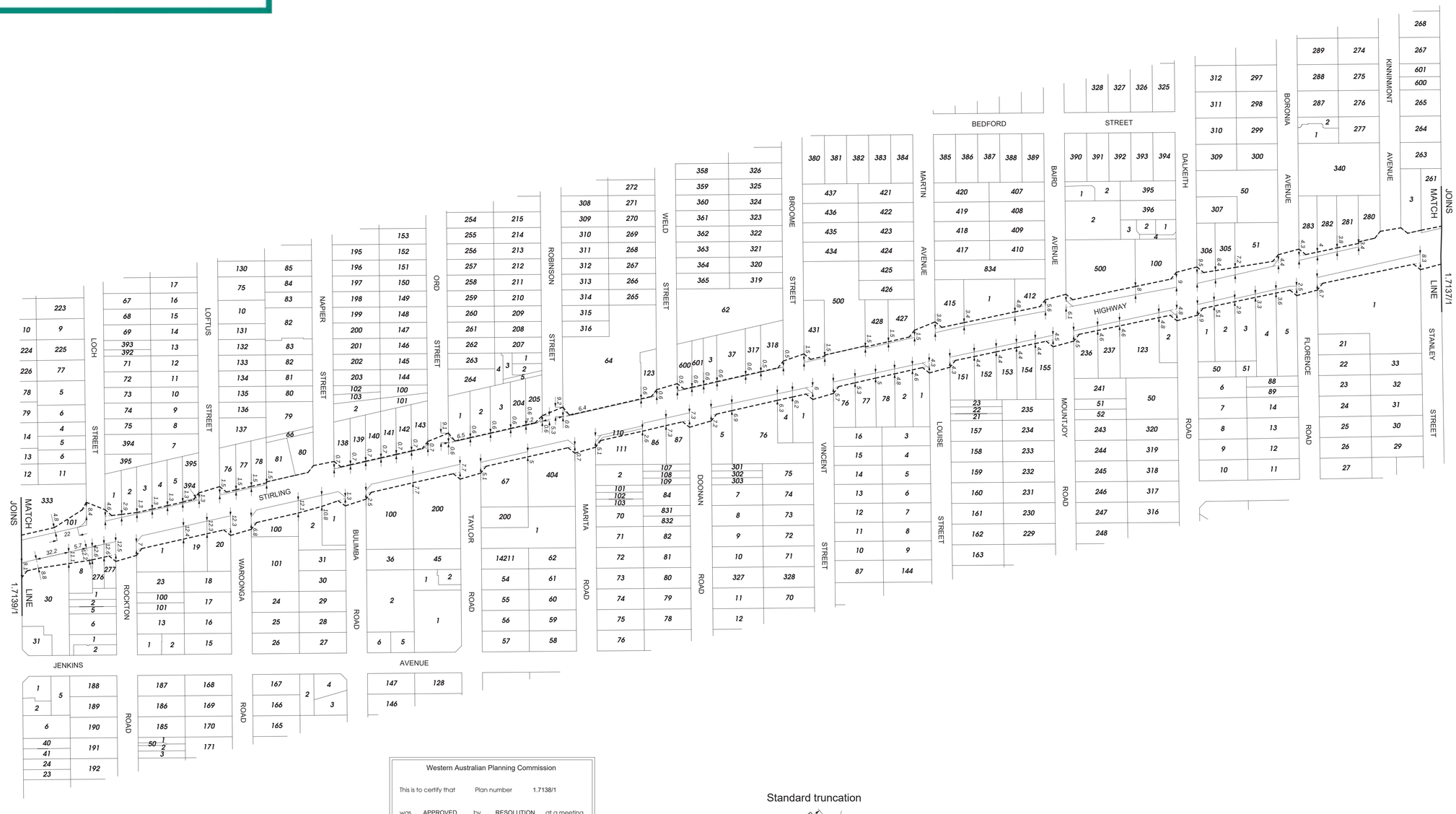
Hames Sharley

1.7138/1

DEVELOPMENT ASSESSMENT PANEL

APPROVED

10-Feb-2023



Legend

proposed reservation boundary ----------

Western Australian Planning Commission

This is to certify that Plan number 1.7138/1

was APPROVED by RESOLUTION at a meeting

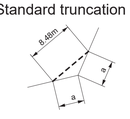
held on 25 / 08 / 2015 Minute No. WAPC 235.10.2

Signed .....

Authorised Officer

Effective: 30/01/2017

Standard truncation



Note: all truncations are standard unless otherwise shown

100m 0 100 200m

GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

1_7138_1.lan
23 Sep 2015
Produced by Mapping & GeoSpatial Data Branch, Department of Planning, Perth WA
On behalf of the Western Australian Planning Commission.
Base information supplied by Western Australian Land Information Authority LI 430-2009-6

GDA

Stirling Highway - Stanley Street to Bay Road

Primary Regional Roads - proposed land requirement

Project manager: J. O'Hurley

Draftsperson: T. Lynch

Examined:

Revised:

Date:

N

Scale 1:2000

Plan number

1.7138/1

2623

File number: 809/2/1/91

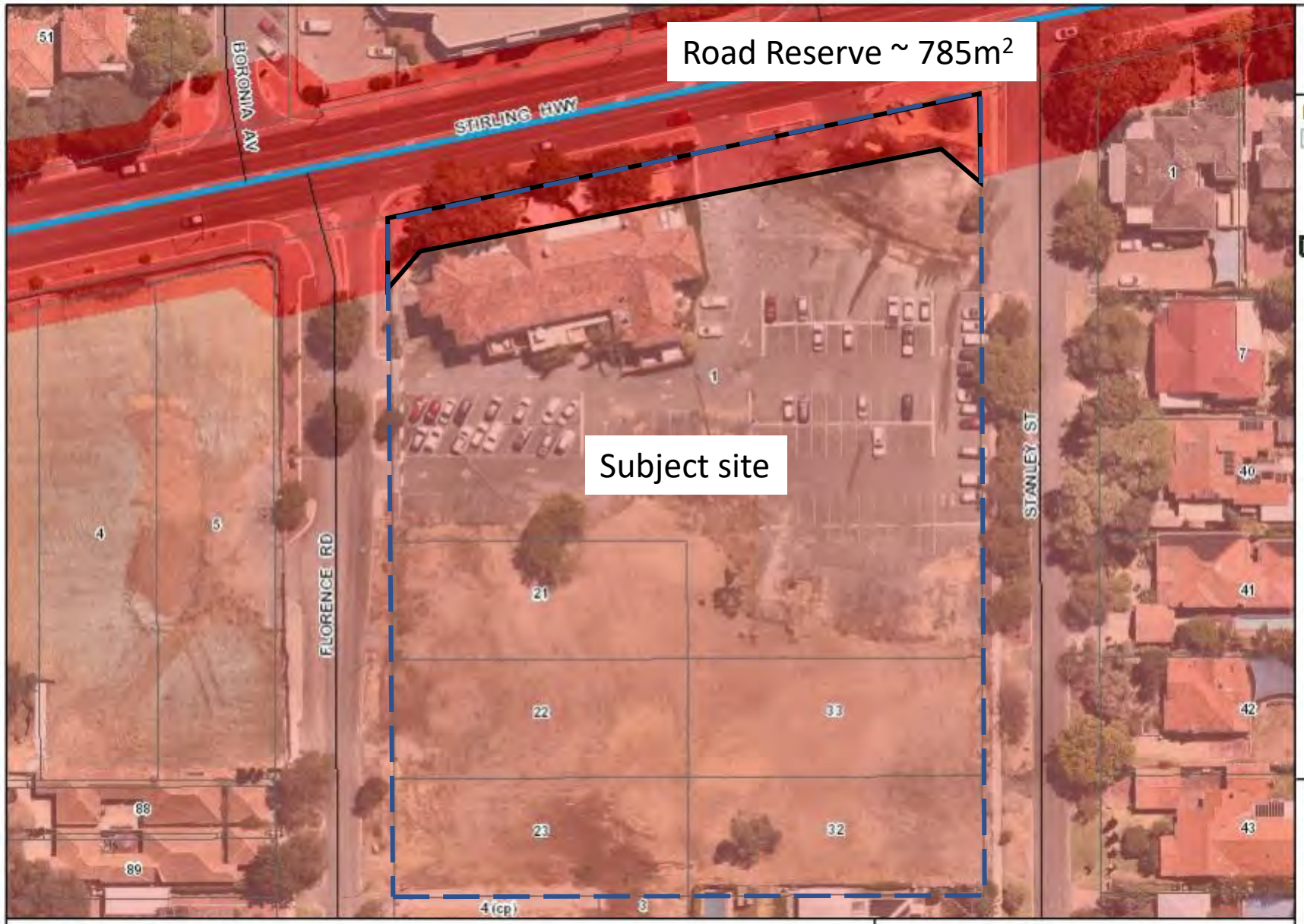
Perth 1:2000 sheets 09.21, 09.22, 10.21 & 10.22

Metropolitan Region Scheme 1:25000 sheet 15

amending plan: 2.0801/2

changes plan: 1.7145/1

Supersedes plan 1.7138



Department of Planning, Lands and Heritage

GOVERNMENT OF WESTERN AUSTRALIA

Legend

- Cadastre (View 1)
- Roads
  - State Highway
  - Minor
- Region Scheme Boundary
- Region Scheme Zones and Reserves
  - Primary regional roads
  - Urban

Notes:

* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Attachment 2 - Zoning Plan

DPLH BUSINESS USE ONLY

Internal Spatial Viewer

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Location information data licensed from Western Australian Land Information Authority (WALIA) trading as Landgate. Copyright in the location information data remains with WALIA. WALIA does not warrant the accuracy or completeness of the location information data or its suitability for any particular purpose.

N

0 0.02 0.05 Kilometres

1: 1,128 at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere
Graticules (if visible): GDA 1994 Latitude/Longitude

Date produced: 22-Apr-2024

ROWE GROUP

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 8465
8 November 2023

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Attention: Planning Department

Dear Sir

APPLICATION FOR AMENDMENT TO DEVELOPMENT APPROVAL
80 (LOT 1) STIRLING HIGHWAY, 2 (LOT 21), 4 (LOT 22) AND 6 (LOT 23) FLORENCE ROAD AND 7 (LOT 33) AND 9 (LOT 32) STANLEY STREET, NEDLANDS

Rowe Group acts on behalf of the landowners of 80 (Lot 1) Stirling Highway, 2 (Lot 21), 4 (Lot 22) and 6 (Lot 23) Florence Road and 7 (Lot 33) and 9 (Lot 32) Stanley Street, Nedlands (the 'subject site'). We have been instructed by our Client to prepare and lodge, for the Joint Development Assessment Panel's (JDAP) consideration, an application to alter the existing Development Approval (Ref: DAP/19/01651) to amend Condition 35, relating to the road widening of Stirling Highway.

This Application is made under the provisions of Regulation 17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulations* 2011.

With respect to this Application, we provide the following:

- Completed City of Nedland's Application for Development Approval form, Metropolitan Region Scheme Form 1, and DAP Form 2;
- A Copy of the current Certificates of Title;
- A Copy of the Development Approval; and
- Further information and supporting material.

Payment of the lodgement fees will be made to the City of Nedlands following receipt of the Form 2 Amendment to Development Approval.

LOCATION

The subject site is located in the Municipality of the City of Nedlands, approximately 5.5km west of the Perth Central Area.

The subject site is situated in the suburb of Nedlands and located on the corner of Stirling Highway, Florence Road and Stanley Street.

SITE DESCRIPTION

The subject site includes six individually owned properties, comprising a total land area of 12,678m^2 and is legally described as follows:

- Lot 1 on Deposited Plan 043486 Certificate of Title Volume 2214 Folio 526.
- Lot 21 on Deposited Plan 001747 Certificate of Title Volume 1639 Folio 380.
- Lot 22 on Deposited Plan 001747 Certificate of Title Volume 1247 Folio 469.
- Lot 23 on Deposited Plan 001747 Certificate of Title Volume 1904 Folio 874.
- Lot 33 on Deposited Plan 001747 Certificate of Title Volume 916 Folio 155.
- Lot 32 on Deposited Plan 001747 Certificate of Title Volume 1787 Folio 939.

Refer to **Attachment 1 - Certificates of Title.**

The subject site is occupied by the Captain Stirling Hotel, a drive-through liquor store with associated car parking, single houses and the remaining lots being vacant. The subject site has frontage to three roads, including a 100m primary frontage to Stirling Highway, 112m and 133m frontages to Florence Road and Stanley Street, respectively. Stirling Highway is reserved as a Primary Regional Road under the Metropolitan Region Scheme (MRS) Refer to **Attachment 2 – MRS Reservation**. The subject site is zoned Mixed Use under the City of Nedlands Local Planning Scheme No. 3 (LPS 3).

EXISTING DEVELOPMENT APPROVAL

The original Development Approval ('Approval') subject of this application was issued on 10 February 2023. The approval was issued through a Section 31 reconsideration request of the *State Administrative Tribunal Act 2004*. The Approval related to:

- The demolition of all existing structures on all lots, except for the Captain Stirling Hotel;
- The development of a new two to three storey shopping centre development consisting of offices, medical centre, gymnasium, pharmacy, liquor store (with drive through), large supermarket and restaurants/cafes;
- Works to refurbish the existing heritage listed hotel;

- A plaza for a civic space to the south of the hotel;
- Publicly accessible vehicle accessway at the south of the site;
- An acoustic boundary wall on the southern boundary; and
- Landscaping, solar panels to the roof, bicycle parking, end of trip facilities, 382 car parking bays and associated site works.

While the Development Approval is yet to be implemented, the Western Australian Planning Commission (WAPC) has granted Subdivision Approval (WAPC Ref: 163867) for the amalgamation of the six lots on 11 September 2023. Amalgamation of the site is required by Condition 5 of the Development Approval and the Subdivision Approval is consistent with the approved development plans.

Refer to **Attachment 3 – Development Approval and Attachment 4 - Subdivision Approval.**

PROPOSED AMENDMENT (REGULATION 17 REQUEST)

This application proposes to amend the previous Development Approval issued by the JDAP by amending Condition 35 of the Development Approval relating to the Stirling Highway road widening. We are seeking to amend Condition 35 to be consistent with the wording imposed on the recent Subdivision Approval (WAPC Ref: 163867) for the subject site, to ensure consistency in conditions. Condition 35 of the Development Approval states:

> *"35. Prior to the occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads."*

Condition 1 of the Subdivision Approval states:

> *"1. The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"*

TOWN PLANNING CONSIDERATIONS

<u>Planning and Development (Development Assessment Panels) Regulations 2011</u>

The ability to amend an approval granted by a JDAP is provided by Clause 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011* ('Regulations').

Clause 17(1) of the Regulations states the following:

"(1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following —

(a) to amend the approval so as to extend the period within which any development approved must be substantially commenced under regulation 16A(2);

(b) to amend or delete any condition to which the approval is subject;

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;

(d) to cancel the approval."

In considering the proposal against Clause 17 of the Regulations, the proposed Application is appropriate, for the following reasons:

- The original Approval is within the four year approval period and therefore remains valid;
- The amendment relates to a condition of approval; and
- The amendment to Condition 35 proposed by this Application will not substantially change the nature of the original approved development.

RELEVANT CONSIDERATIONS

Stirling Highway and its future land requirements was first reserved as a Primary Regional Road in the MRS in 1963. In 1999 the Stirling Highway Reservation Planning Review was commenced by Main Roads WA, which enabled the preparation of Concept Design Plans demonstrating the long-term road designs for Stirling Highway. These designs formed the base justification for the Department of Planning Lands and Heritage to undertake the Stirling Highway Access Corridor Study and subsequently MRS Amendment for the Rationalisation of Stirling Highway that was progressed between 2010 and adopted in 2017.

During the consultation period for the original Development Application, advice obtained from Main Roads WA that subsequently formed an Advice Note on the Development Approval (Advice Note xiii), clearly identifies that the upgrading of Stirling Highway is not within Main Roads' 4 year forward estimated construction program and therefore is considered a long-term project. A review of Main Roads WA website indicates the upgrade works for Stirling Highway is not identified as part of future works and initiatives.

In addition to the above, Subdivision Approval was more recently issued by the WAPC for the site, which included Condition 1, which states:

"The land required for road widening as shown on the WAPC's Plan No 1.7138/1 (Attachment A) for Stirling Highway is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications

and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)"

The WAPC, being the authority responsible for implementing the MRS , made its position known on this matter, through the imposition of Condition 1 on the subdivision approval. Condition 1 is consistent with the provisions of Draft Operational Policy 1.12 – Planning Proposals Adjoining Regional Roads in Western Australia (OP1.12) which identifies that there may be circumstances where it is not appropriate for land to be ceded free of cost, particularly in long term projects where it is not required immediately. OP1.12 identifies that such land may be required to be set aside as a separate lot pending acquisition by the local government, Main Roads WA or the WAPC. This is subject to the WAPC being satisfied that adequate access is maintained to the original lot for vehicles and public utilities.

As mentioned above, Main Roads WA has advised that the upgrading of Stirling Highway is a long-term project and adequate access to the site is provided. The WAPC, in including Condition 1 on the Subdivision Approval, considers it appropriate to set aside the land required for the widening for future acquisition by Main Roads, or WAPC.

When considering the appropriateness of imposing a condition on a planning approval, the need for that condition and the connection between the development and the demand created by the development should be clearly demonstrated. This criteria is known as the 'nexus test' and has been dealt with in both the State Administrative Tribunal (SAT) and the Supreme Court of Western Australia.

In particular, we refer to the matter of *Reid v WAPC [2016] WASCA* 181. Paragraph 37 of the decision of Reid v WAPC states:

> *"Those principles require the establishment of a connection or relationship between the planning purpose for which the condition has been imposed, and the likely or possible consequences of the proposed subdivision* (or development)*. That connection or relationship must be established as a matter of fact. A relevant connection or relationship will not be established merely because the application for subdivision* (or development) *approval provides an opportunity or occasion to impose a condition in the furtherance of a proper planning purpose. Rather, the relevant connection or relationship must be between the planning purpose to be served by the condition and the likely or possible consequences of the proposed subdivision* (or development) - *such as a need for public open space, or a foreshore reserve, or improved road access as a consequence of residential subdivision and development."*

The decision of *Reid v WAPC [2016] WASCA 181* demonstrates that a 'proper planning purpose' is the connection of a planning purpose to a development or subdivision, usually by considering its likely impacts, and the need to impose conditions to mitigate those impacts.

As previously mentioned, it is our view that the ceding of land free of cost, as provided by Condition 35, cannot be applied to this development because neither the development or the Development Approval creates any link between development and the need to immediately upgrade the road.

Further, State Planning Policy 3.6 – Infrastructure Contributions and the associated Guidelines to the SPP (SPP 3.6) provides an examination of similar principles and outlines the need for specific infrastructure requirements to be clearly demonstrated and a connection between development and the demand for those infrastructure requirements to be established. Whilst the Development Approval and Condition 35 do not specifically relate to contributions, the same principles must apply. The need for the land to be ceded free of cost for the widening of Stirling Highway is not required by the demand generated by the development. Rather, the land is identified under the MRS and is subject to future upgrade works, the demand for which is not created by this development. The amount of land required for the upgrade works to Stirling Highway is extensive and the timing of works is likely to be in the long-term future, as indicated by the project not being included in the Main Roads' future listed projects and initiatives.

It is a well-tested and recognised planning principle that a condition imposed on a planning approval should meet three tests to ensure validity (or appropriateness) of such conditions, being:

- The condition is for a proper planning purpose, and;
- The condition fairly and reasonably relates to the development; and
- The imposition of the condition is not so unreasonable that no planning authority could have imposed it;

The existing Condition 35 is considered to meet the first test of it being for a planning purpose, insofar as the land required for the widening of Stirling Highway is clearly defined within the MRS and the inclusion of a condition limited to setting the land aside for future acquisition is implementing a planning framework. The WAPC has recognised and accepted this limitation in its condition on the amalgamation approval.

In terms of the second test, it is considered Condition 35 fails in that it does not fairly and reasonably relate to the development. As demonstrated above, the development itself does not bring about the need to immediately upgrade Stirling Highway and therefore cede the land free of cost. Instead, the need to set land aside for future acquisition is considered to relate to the development fairly and reasonably, given there is no immediate need to upgrade the road through the approved development.

The imposition of the condition for the ceding of the land free of cost, with no estimated timeframe for the upgrade works, and the reliance on acquiring other surrounding land for the upgrade and widening works, is unreasonable and therefore fails the third test of validity and is unreasonable in its current form.

It is our view that if Condition 35, as it is currently written, were to be retained, it does not meet the three tests of validity or have a valid nexus underpinning it. In this regard, the Condition imposed by the WAPC on the Subdivision Approval, requiring the land required for road widening to be set aside for future acquisition, is considered reasonable and appropriate to the future upgrade works of Stirling Highway.

Finally, imposing the current Condition 35 cannot be construed as being appropriate, in terms of cost saving for Government agencies with the intention to pass this cost (unreasonably) to the Applicant / Landowner. The land required for the widening of Stirling Highway, as explained in this submission, has been set aside under the MRS

for many decades. The MRS is supported by the Metropolitan Region Improvement Tax (MRIT) and the subsequent Metropolitan Region Improvement Fund (MRIF), funded by the MRIT. The purpose of the MRIT / MRIF is to provide Government Agencies with sufficient funds to facilitate the acquisition and development of regionally significant, and regionally necessary, infrastructure. It is our understanding the MRIF is currently well funded and would have adequate resources to meet any land acquisition for a lot created by the Subdivision Approval associated with this development. This Condition 35 cannot be used as a means of reallocating the responsibility (burden) of funding a regionally significant infrastructure requirement (the land acquisition for the widening of Stirling Highway) to the private landowner.

With all of the above, set against the unreasonableness and inappropriateness of the current Condition 35, it is considered reasonable to request Condition 35 of the Development Approval be amended to reflect the wording of the Subdivision Approval condition, ensuring consistency between both Subdivision and Development Approvals.

CONCLUSION

The application seeks a minor amendment to Condition 35 of the Development Approval issued by the JDAP, such that it does not substantially change the nature of the original approved development. The amendment seeks to ensure consistency between relevant approvals issued for the site, and reflects the long-term nature of the upgrading of Stirling Highway.

On this basis, we request the City's favourable recommendation of this Application to the JDAP.

Should you require any further information or clarification in relation to this matter, please contact the writer on 9221 1991.

Yours faithfully,

Greg Rowe
Rowe Group

Encl.

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

28 March 2024

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Email: referrals@dplh.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT

Further to your email dated 14 March 2024, and Main Roads' letter to the City of Nedlands dated 12 March 2024 (refer attachment 1) please be advised Main Roads objects to the proposed amendment to condition 35.

The proposed amendment is for the land that is currently required to be ceded free of cost, to instead be created as a separate lot and set aside for future acquisition.

Current condition:

35. Prior to the occupation of the development the land required for the widening of Stirling highway, as shown on the plan 1.7138/1 (refer attachment 2) is to be set aside and ceded free of cost to Main Roads.

Proposed modified condition:

1. Ceding the 1m wide strip of land along Stirling Highway, including truncations; and

2. Setting aside the balance of the Primary Regional Road reservation (PRRR) (approximately 7m wide) as a separate lot for future acquisition, including truncations.

Main Roads objects to this proposed amendment for the following primary reasons, which are expanded upon below.

1. The proposed modified condition is not considered appropriate due to the traffic that will be generated by this development and the impact it will cause on the efficiency of Stirling Highway. The whole of the road widening land will, if ceded and forming part of the road reserve, assist in mitigating negative effects of the traffic to be generated by this development.
2. In the TIA report prepared by Stantec (Cardno) and submitted by the applicant as part of DA22-82458 (dated 2 November 2022), it is acknowledged this development with turn restrictions generates right turn volumes up to eleven (11) times over the weekday PM Peak and approximately eight (8) times over the Saturday peak requirement to

where a channelised right turn (from Stirling Highway eastbound into Stanley Street) to maintain traffic flow should be provided. The current condition facilitates the future delivery of these works, or alternative interim works.

Planning

3. The Nedlands Local Planning Strategy identifies the Captain Stirling Site as the Town Centre and confirms the *"Plan for this centre is to be the largest and most complex mixed use activity centre in the hierarchy of centres".* Population growth and community need is driving the development of this large complex activity centre and in the wider context, collaboration and partnership between the State and developer is critical for the Town Centre to be developed and to meet Community and Council expectations.

4. Improvements to Stirling Highway, which on the traffic analysis *are required by this development*, would require expensive works and the use of additional land outside of this development, making this proposal unviable for the applicant. Accordingly, when this matter last came before the DAP a more limited condition was recommended and imposed, that only required the ceding of the PRRR land from the subject site. This was apparently accepted by the applicant, who did not review the condition at the time it was imposed.

   The imposition of condition 35 as a reasonable and implementable contribution towards the road improvements, and is considered similar in nature to an agreement for significant development as detailed in State Planning Policy 3.6. This was an appropriate planning outcome that should not now be disturbed.

5. Need and Nexus:

   Maintaining adequate traffic flow and ensuring road user safety is not compromised are key considerations when assessing developments that are likely to generate additional traffic numbers and turn movements for new or existing, access and egress points on the State Road Network.

   The ceding of the PRRR land is a contribution that will facilitate works that are projected to be required in order to maintain adequate traffic flow and user safety on Stirling Highway in the medium to long term, having regard to the effects of traffic and turning movements from this development.

6. We have identified various provisions of clause 67 of the Deemed Provisions (Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)). The matters relevant to considering this application for development approval include:

   b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

   See items 3, 4 and 13 of this letter

mainroads WESTERN AUSTRALIA

c) *any approved State planning policy;*

See item 4 of this letter

e) any policy of the Commission;

Draft Operational Policy 1.12 – Planning Proposals adjoining Regional Roads in Western Australia , WAPC Guidelines for Traffic Impact Assessments, and Development Control Policy 5.1.

f) any policy of the State;

See item 7 of this letter

fa) any local planning strategy for this Scheme endorsed by the Commission;

See item 3 of this letter

(r) the suitability of the land for the development taking into account the possible risk to human health or safety;

See items 7-9 of this letter

(s) the adequacy of —

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;

See items 3, 5, 7-12 of this letter

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

See items 5, 7, 8-13 of this letter

(u) the availability and adequacy for the development of the following —

(i) public transport services;

(ii) public utility services;

(iii) management and collection of waste;

(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

See items 5, 7, 8-13 of this letter

(v) access by older people and people with disability;

See items 5, 7, 8-13 of this letter

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

See City's previous RAR. Traffic was raised as a major concern.

mainroads WESTERN AUSTRALIA

(y) any submissions received on the application;

See City's previous RAR. Traffic was raised as a major concern.

(za) the comments or submissions received from any authority consulted under clause 66;

See also Main Roads' previous responses.

Traffic and works

7. The development specifically triggers the requirements for a channelised right turn from Stirling Highway into Stanley Street under Main Roads Supplement to Austroads Guide to Traffic Management Part 6 (Section 3.3.6). For this location this equates to 6 or more vehicles in the peak hour and Main Roads provides the following right turn volumes from Stirling Highway into Stanley Street to support this:

	Without development[1] (WD)	With development[2]	With development inclusive of redistributed traffic[2]	Development Volumes (multiple above WD numbers)
AM peak (weekday)	6	Not assessed in TIA	Not assessed in TIA	
PM peak (weekday)	6.3	33	70	11.111
Saturday peak	8	40	63	7.875

[1] Averages based on video surveys taken over 4 days in 2022 (Tuesday; Wednesday; Thursday; Saturday)
[2] Based on volumes presented in TIA dated 2 November 2022 prepared by Stantec (Cardno) received as part of DA22-82458

8. Whilst the existing numbers as averaged (without development) are slightly over the trigger point of 6 vehicles they do vary from a minimum of 2 (two) up to a maximum of 8 (eight) in any given peak and considering the variation and limited sample size would likely be considered acceptable by traffic practitioners and therefore would not warrant a channelised right turn at this time.

9. Conversely the traffic predictions as supplied in the applicant's TIA for DA22-82458 are on average almost 9.5 times over the requirements, clearly demonstrating the need for a channelised right turn to maintain traffic flow (further detail on the delay can be found within the TIA).

10. Safety concerns will initially be addressed via minor works to restrict turning movements (refer attachment 3), as this reduces the cognitive load at decision making points and eliminates some high risk / high severity conflict points ('T' bone crash types). However, as noted above this development's trip generation does trigger the requirement for a channelised right turn. Unfortunately, the applicant would not be in a position to implement the channelised right turn due to:

a. insufficient land holdings (refer areas A and C on attached, which would also be required); and

b. high construction costs.

11. Setting aside the PRRR is an essential step in ensuring the attached concept (refer attachment 4) could be delivered should funding become available. While funding is not yet allocated, the development of the planned town centre (that is, this development) will have effects on Stirling Highway that may justify future funding.

12. Alternatively, the ceded land could be used for an interim (cheaper) alternative concept such as a bus embayment or rideshare facility to promote alternative modes of transport to the proposed development and mitigate effects of the proposed development on the through traffic on the state road network (subject to future funding).

13. Main Roads' and the planning system's pragmatic approach (reflected in the previous approval) is to allow the development to proceed, ensure the immediate safety concerns could be addressed (via initial minor works to restrict vehicle movements), and prepare for future, more significant works to address safety and flow issues contributed to by turning traffic associated with the proposed development. This contributes the need for the developer to cede the PRRR in its entirety, as an essential step any future works to mitigate the development's impact on Stirling Highway. The land is required to ensure orderly and proper planning occurs.

We trust the above clearly identifies the need and nexus for the required land however should you have any queries, please do not hesitate to contact Maryanne Thornely on 9323 4078 or via email at maryanne.thornely@mainroads.wa.gov.au

Yours sincerely

Jerko Ostoic
Director Road Access and Planning

ENC
Attachment 1. Letter to the City of Nedlands dated 12 March 2024
Attachment 2. LPP 1-1738 - 1
Attachment 3. Agreed minor works (by Applicant) to restrict vehicle movements.
Attachment 4 MRWA - Concept of Upgrades and Land Requirement Plan of Upgrades at Stanley intersection.

Attachment 1

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/5499 (D24#95744)
Your Ref: DA23-90803

12 March 2024

Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

ATT: Aviva Micevski
Email: council@nedlands.wa.gov.au (via email)

Dear Sir/Madam,

DA23-90803 - LOT 1 (80) STIRLING HIGHWAY LOT 21 (2) LOT 22 (4) LOT 23 (6) FLORENCE ROAD LOT 32 (9) LOT 33 (7) STANLEY STREET NEDLANDS - CAPTAIN STIRLING DEVELOPMENT

Further to your email on dated 27 February 2024 please be advised Main Roads objects to the proposed amendment to condition 35. The proposed amendment involves:

1. Ceding the 1m wide strip of land along Stirling Highway, including truncations; and
2. Setting aside the balance of the Primary Regional Road reservation (approximately 7m wide) as a separate lot for future acquisition, including truncations.

As you would be aware, land required by this condition is reserved as Primary Regional Road Reservation (PRRR) under the Metropolitan Region Scheme (MRS). The current agreement to cede land under condition 35 will ensure future mitigation of all impacts associated with the increase in right turn movements from Stirling Highway into Stanley Street related to this development.

The above was discussed at length with the applicant before recommending the ceding of all land within the PRRR being adopted as a reasonable contribution as informed by the Carriageway Pattern Profile 1.7237 (see attached). This was recommended as any improvement to Stirling Highway would require significant funding and additional land outside of this development, making this proposal unviable for the applicant.

Collaboration and partnership between the State and developer is required to achieve desired community outcomes for significant development proposals. This was established throughout the negations and is considered an agreement as detailed in State Planning Policy 3.6 below:

"(iii) Developer Agreements

Developer Agreements may be considered in limited circumstances – usually large-scale projects under single ownership − and pursuant to a request from the landowner or developer. Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles,

including the provision of facilities of a higher-quality or specification than standard, should be a voluntary decision by all parties to the agreement"

Specifically, the following conditions were recommended and agreed to:

35. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138/1, must be set aside as a separate lot and is to be ceded free of cost to Main Roads.

36. No part of the building/development (e.g. structures, car parking, dining area, services, utilities, significant landscaping etc.) shall be located or remain within the land requirement as detailed in the attached Land Protection Plan 1.7138/1.

37. Prior to the issue of the Building Permit, the proponent must submit a revised Landscape Plan to Main Roads requirements and the satisfaction of the City of Nedlands for temporary landscaping and pedestrian access located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety. Permanent landscaping must be limited and maintained to a mature height of 1 metre.

The applicant and landowner agreed to the conditions via the last JDAP determination and any variation to the conditions should have been raised at this time.

I trust the above demonstrates the amendment is not suitable.

In the interim, if you have any queries, please do not hesitate to contact Maryanne Thornely on 9323 4078 or via email at maryanne.thornley@mainroads.wa.gov.au

Yours sincerely

Jerko Ostoic
Director Road Access and Planning

ENC
Land Protection Plan 1.7138/1
Carriageway Pattern Profile 1.7237

1.7138/1

Legend

Proposed reservation boundary

Western Australian Planning Commission

Plan in operation Plan number 1.7138/1

and APPROVED by RESOLUTION at a meeting

Date on 20 - 06 - 2017 Minute No WAPC 208 16/3

Signed: Authorised Officer

Effective 30/01/2017

Standard truncation

Note: all truncations are standard unless otherwise shown

Western Australian Planning Commission

GDA

Stirling Highway - Stanley Street to Bay Road

Primary Regional Roads - proposed land requirement

Project manager: J. O'Neille

Draftsperson: T. Lynch

Examined:

Revised:

Date:

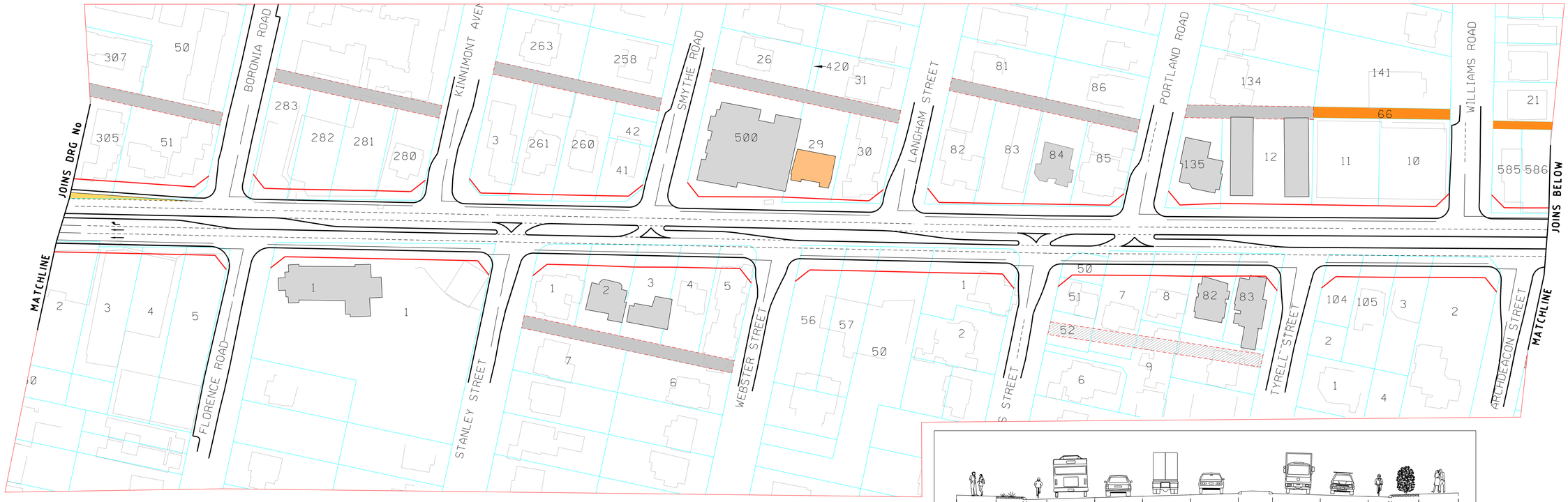
N

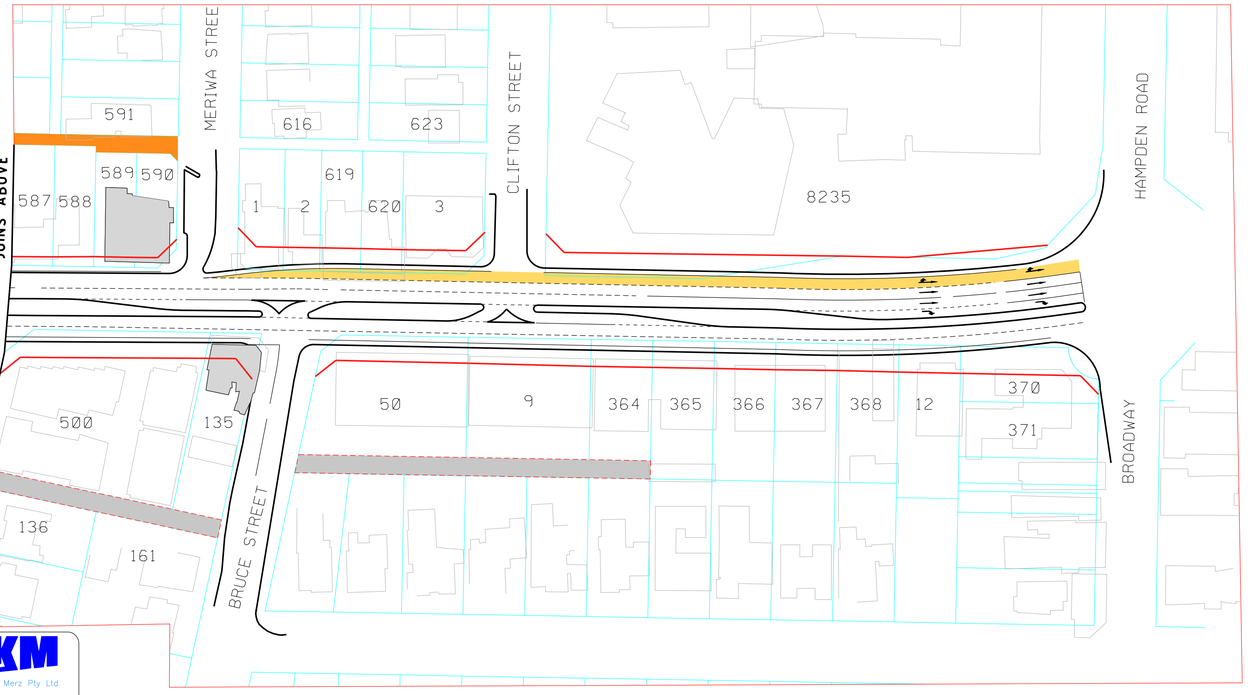
Scale 1:2000

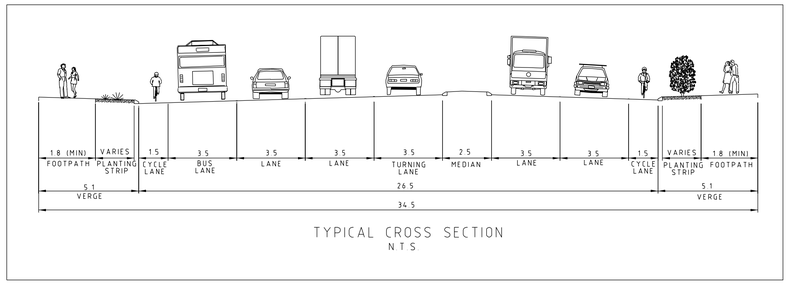
Plan number

1.7138/1

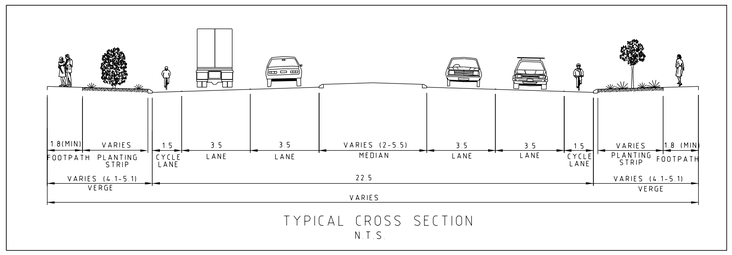
Supersedes plan 1.7138







TYPICAL CROSS SECTION
N.T.S.



TYPICAL CROSS SECTION
N.T.S.

LEGEND

- PROPOSED KERB LINE
- DESIGN LINE MARKING
- PROPOSED BUS PRIORITY LANE
- PROPOSED ROAD RESERVE ROAD RESERVATION
- EXISTING REAR LANE
- PROPOSED REAR LANE (INDICATIVE POSITION)
- PROPOSED REAR LANE (SUBJECT TO FURTHER INVESTIGATION)
- BUILDING WITH LOCAL HERITAGE LISTING OR OF SIGNIFICANT CHARACTER
- STATE HERITAGE LISTING

DETAILS SHOWN ON THIS PLAN ARE PRELIMINARY ONLY. STAGE CONSTRUCTION AND ULTIMATE DEVELOPMENT MAY DIFFER FROM DETAILS SHOWN.

NOTES

1 FOR LAND REQUIREMENT REFER TO
2 SUPERSEDES DRG No
3 DRAINAGE INVESTIGATION SUBJECT TO DETAILED DESIGN

SCALE 1:1000 20 10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

SKM
Sinclair Knight Merz Pty Ltd
A.C.N. 001 024 095
Durack Centre 263 Adelaide Tce
Perth Western Australia 6000
Ph (08) 9268 4400 Fax (08) 9268 4488

BASE DATA SUPPLIED BY LI 430-2009-2
DATE OF AERIAL PHOTOGRAPHY DEC 2008

AMENDMENTS

IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

DESIGNED : SKM		CHECKED :	
DRAWN : GXW SKM		APPROVED :	
FILENAME : r:projects/stirling highway/skm loch_hampden/20090813/fma/			
FILE REF :			

NORTH

SHEET SIZE A1

STIRLING HIGHWAY - Route 9

CARRIAGEWAY PATTERN

FLORENCE ROAD TO HAMPDEN ROAD

CITY OF NEDLANDS

AECOM VERSION

URBAN TRANSPORT SYSTEMS DIRECTORATE

PLAN No. 1.7237

Attachment 2

1.7138/1

Legend

Standard notation

Stirling Highway - Stanley Street to Bay Road

Primary Regional Roads - proposed land requirement

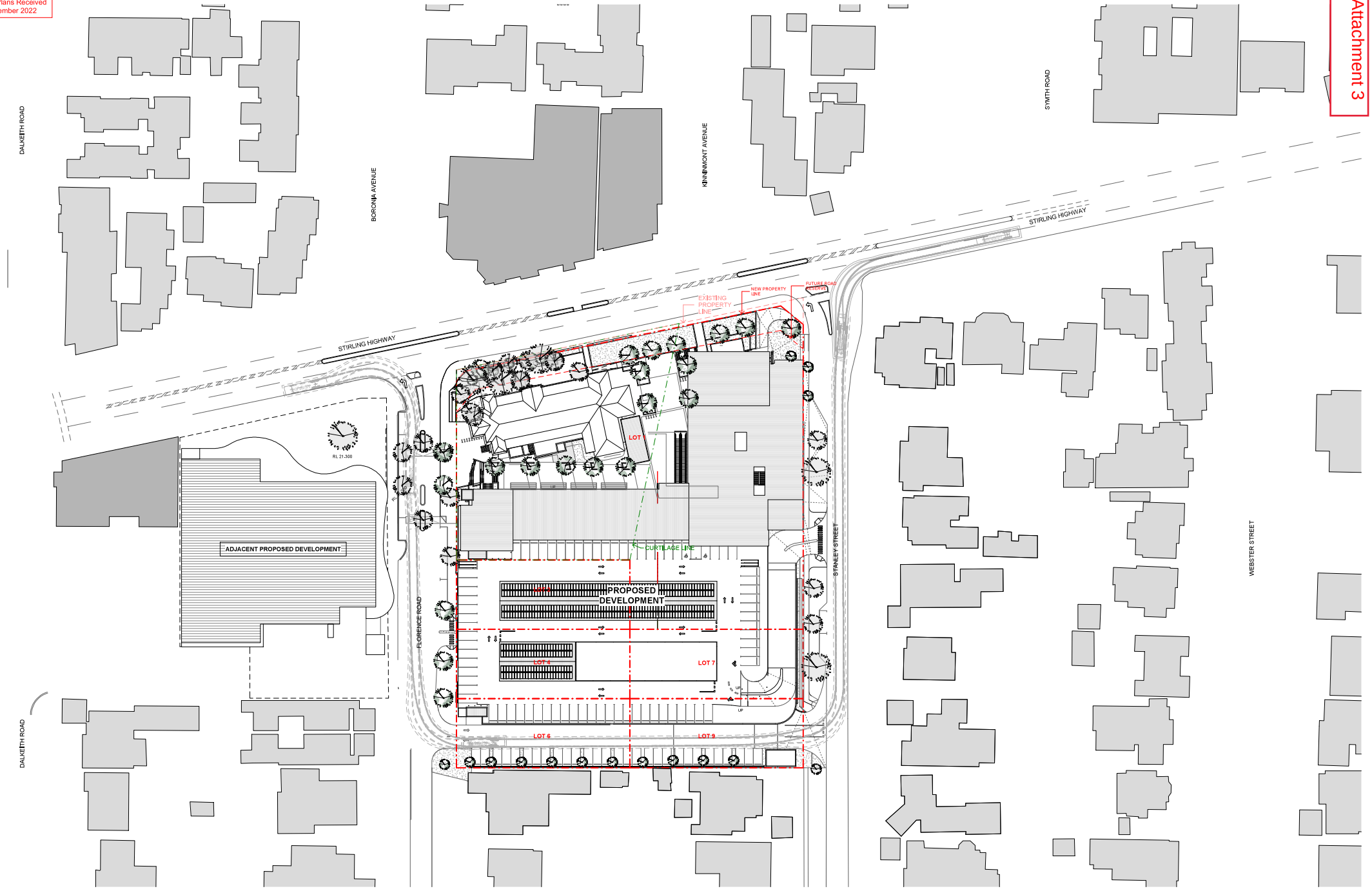
N

1.7138/1

Supersedes plan 1.7138

City of Nedlands
Amended Plans Received
20 December 2022

Attachment 3



WOOLWORTHS GROUP

SITE PLAN - OVERALL
NEDLANDS SQUARE

Status: DEVELOPMENT APPLICATION
Path: C:\Users\l.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_2_L.Azhar.rvt

Scale: 1:500 @ A1
0 — 40

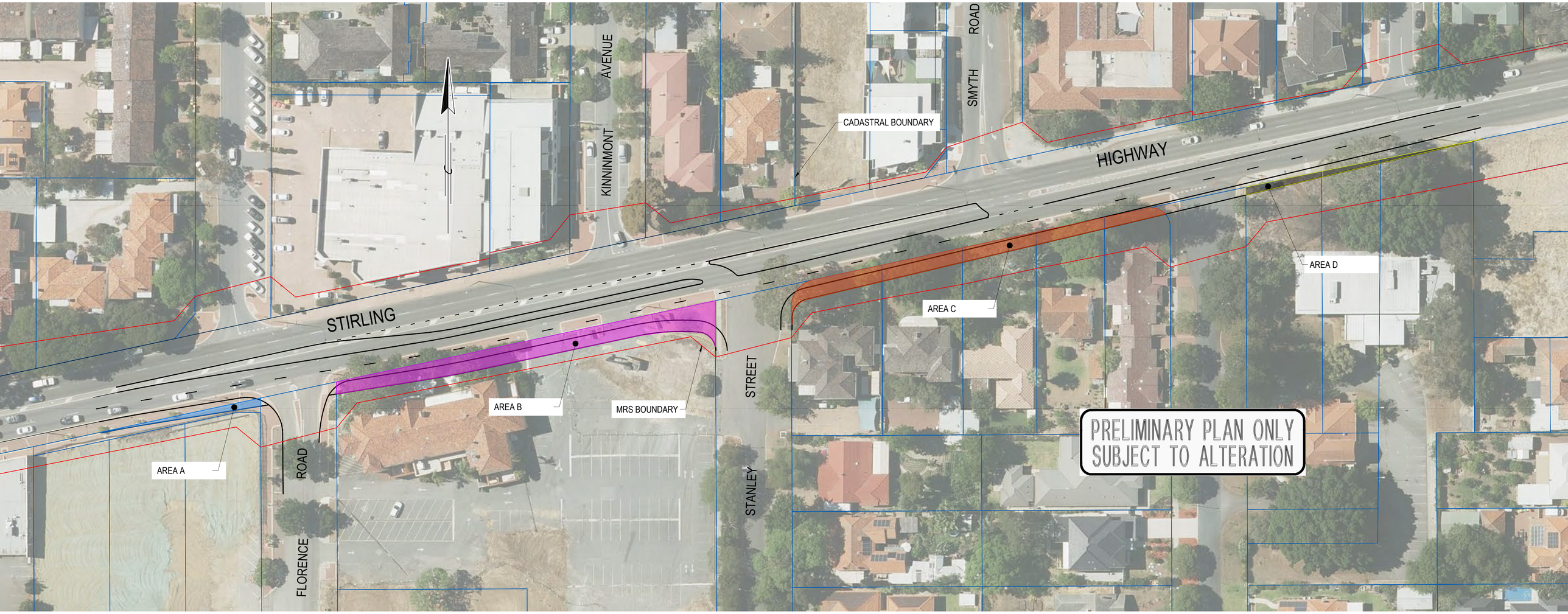
North:

© Hames Sharley:

Project Number: 43444
Drawing Number: SD011
Revision: B
Date: 16/12/22

Hames Sharley

Attachment 4



PART C – CITY OF STIRLING

1. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

2. Disclosure of Interests

3. Form 1 DAP Applications

3.1 Lot 201 (House No.39) Chester Avenue, Dianella - 35 Multiple Dwellings – DAP/23/02548

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

LOT NO. 201 (HOUSE NUMBER 39) CHESTER AVENUE, DIANELLA – 35 MULTIPLE DWELLINGS

At its meeting on 13 December 2023, the Metro Inner-North Joint Development Assessment Panel resolved as follows:

"That the consideration of DAP Application DAP/23/02548 be deferred until no later than 10 May 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

For the Applicant to provide more information and consideration of:

- Overall height, bulk and scale in the context of the planning provisions and the DRP commentary;
- Overall height, particularly as it addresses Chester Avenue and surrounding properties;
- Built form and scale;
- Any deviation relating to the plot and ratio and calculation of plot ratio;
- Further clarity around the strategic framework, including future context;
- Clarity on overlooking, including perception of overlooking of the school;
- Further information of overshadowing and its extents and impacts;
- Consistency with the planning framework; and
- Information on the transition to surrounding development.

REASON: For further information to be provided as specified in the deferral reasons, in particular scale, bulk and height, locational context and impacts on overlooking and overshadowing."

This Responsible Authority Report has been finalised based on the amended plans and additional information submitted by the Applicant in response to the above items.

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner DAP
Local Government Area:	City of Stirling
Applicant:	Urbanista Town Planning
Owner:	Affluent Property Investments Pty Ltd and Snow Oak Pty Ltd
Value of Development:	$8 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)
Responsible Authority:	City of Stirling
Authorising Officer:	Amanda Sheers, Director Planning and Development
LG Reference:	DA23/0883
DAP File No:	DAP/23/02548
Application Received Date:	29 August 2023
Report Due Date:	29 April 2024
Application Statutory Process Timeframe:	90 Days, with an additional 16 days agreed between the Applicant and City of Stirling

	Deferred for a period up to 149 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020
Attachments:	1. Development Plans (date stamped 16 February 2024) 2. Aerial Location Plan 3. Metropolitan Region Scheme Zoning Map 4. City of Stirling Local Planning Scheme Zoning Map 5. Draft Local Planning Scheme 4 6. Applicant's Revised Planning Submission (received 16 February 2024 and 7 March 2024) 7. Schedule of Submissions 8. City of Stirling Design Review Panel Report dated 8 April 2024 9. Planning Assessment – Key Considerations 10. Previous Responsible Authority Report Dated 30 November 2023 (Report Only)
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes ☐ N/A ☐ No ☒ To be advised – the Council resolution is scheduled after the RAR due date.

Responsible Authority Recommendation

That the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/23/02548 and accompanying plans (as listed in Condition 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the 35 Multiple Dwellings Development at Lot 201, House Number 39, Chester Avenue, Dianella, subject to the following conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the Development Assessment Panel. The plans approved as part of this application form part of the planning approval issued (including any modifications required by conditions of approval).

List of Development Plans

PLAN TITLE	DATE	REVISION	DRAWN BY
A1-01 Site Plan	12 February 2024	C	Space Collective Architects
A2-01 Ground Floor Plan	12 February 2024	C	Space Collective Architects
A2-02 Mezzanine Floor Plan	12 February 2024	C	Space Collective Architects
A2-03 Level 1 Plan	12 February 2024	C	Space Collective Architects
A2-04 Level 2 Plan	12 February 2024	C	Space Collective Architects
A2-05 Level 3 Plan	12 February 2024	C	Space Collective Architects
A2-06 Level 4 Plan	12 February 2024	C	Space Collective Architects
A2-07 Rooftop Terrace	12 February 2024	C	Space Collective Architects
A2-08 Roof Plan	12 February 2024	C	Space Collective Architects
A3-01 East Elevation	12 February 2024	C	Space Collective Architects
A3-02 North Elevation	12 February 2024	C	Space Collective Architects
A3-03 West Elevation	12 February 2024	C	Space Collective Architects
A3-04 South Elevation	12 February 2024	C	Space Collective Architects
A4-01 Section	12 February 2024	C	Space Collective Architects
A4-02 Section 1A & Section 1B	12 February 2024	C	Space Collective Architects
A4-03 Section 2A & Section 2B	12 February 2024	C	Space Collective Architects

Building Design

4. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Stirling.

5. Prior to occupation of the development, the external finish of the boundary walls shall be to the same standard as the rest of the development, to the satisfaction of the City of Stirling.

Construction Management

6. Prior to the submission of a Building Permit application, a Site Management Plan shall be submitted to the City of Stirling for approval. The Site Management Plan shall include specific details on the management of aspects including but not limited to, dust, noise, vibration, waste management, contractor parking, traffic, on-site and street tree protection zones, storage of materials, site safety /

security and any other relevant matters to the satisfaction of the City of Stirling. The Site Management Plan is to be complied with for the duration of the construction of the development.

Landscaping

7. Prior to the submission of a Building Permit application, a detailed Landscaping Plan is to be provided for the City of Stirling's approval that is generally in accordance with the landscaping plans prepared by UDLA dated 22 February 2024 and that demonstrates compliance with the approved development plans, all conditions of this approval and Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.

8. All street trees located on the verge shall be retained and protected in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the City of Stirling.

9. Prior to occupation of the development, all Advanced Trees required by the approved detailed Landscaping Plan must be planted on site in the area indicated on the approved plan and be thereafter maintained for the duration of the development. The Advanced Trees must be provided with the approved deep soil area at ground level free of intrusions, to the satisfaction of the City of Stirling.

10. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved plans and maintained thereafter for the duration of the development in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.

Legal

11. Prior to occupation of the development, notifications, pursuant to Section 70A of the *Transfer of Land Act 1893* are to be placed on Certificates of Title of the development. Notice of these notifications are to be included on the diagram or plan of survey (deposited plan). The notifications are to state:

    "The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."

12. Prior to occupation of the development, notifications, pursuant to Section 70A of the *Transfer of Land Act 1893* are to be placed on Certificates of Title of the development. Notice of these notifications are to be included on the diagram or plan of survey (deposited plan). The notifications are to state:

    "The lots are situated in the vicinity of a primary school and are currently affected, or may in the future be affected by noise to a greater extent than typically expected in a residential area. The noise levels may rise or fall over time depending on the school operations."

13. Where the satisfaction of any condition requires the preparation of a legal agreement, these agreements are to be prepared by the City of Stirling's solicitors and, all costs incidental to the satisfaction of these conditions, including

the City of Stirling's legal costs and registration fees and stamp duty (if any), must be paid by the landowner.

Lighting and Security

14. Adequate lighting being provided to all public spaces including under awnings, parking areas, service areas, footpaths and entry and exit points, to the satisfaction of the City of Stirling.

15. Any outside lighting to comply with Australian Standard AS 4282-2019 - Control of the Obtrusive Effects of Outdoor Lighting (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent premises.

    Details of any outside lighting to be submitted at the Building Permit application stage demonstrating compliance with Australian Standard AS 4282-2019 (as amended).

Noise

16. Prior to the submission of a Building Permit application, a revised Acoustic Report shall be submitted to the City of Stirling for review and approval. The revised Acoustic Report shall detail specific control measures relating to noise modelling and impact of the development including but not limited to:
    a. Vibration and noise emissions from all on-site mechanical services, including air-conditioning systems.
    b. Car park mechanical ventilation and other noise.
    c. Communal open space abutting habitable rooms of dwellings.
    d. Compliance with the noise requirements of State Planning Policy 5.4 Road and Rail Noise.

    The recommendations and control measures identified in the revised Acoustic Report/s shall be incorporated into the design, development and operation of the proposed development, to the satisfaction of the City of Stirling. The recommendations of the revised Acoustic Report shall be complied with for the duration of the development, to the satisfaction of the City of Stirling.

17. Prior to the submission of an Occupancy Permit application, the landowner is to provide written confirmation that all recommendations in the Acoustic Report/s have been incorporated into the building design, to the satisfaction of the City of Stirling.

Parking and Vehicle Access

18. The minimum number and allocation of car parking on-site is to be provided as follows:
    a. 34 residential car parking bays; and
    b. 6 residential visitor car parking bays.

19. Prior to the submission of a Building Permit application, a Parking Management Plan shall be submitted to and approved by the City of Stirling. The Parking Management Plan must address, but is not limited to, details of how the security gates and intercom systems are to be operated. The approved Parking

Management Plan is to be implemented for the duration of the development , to the satisfaction of the City of Stirling.

20. The minimum number and allocation of bicycle and motorcycle / scooter parking spaces provided on-site is to be as follows:
    a. 18 residential bicycle parking spaces;
    b. 4 residential visitor bicycle parking spaces; and
    c. 6 residential motorcycle / scooter parking spaces.

21. All on-site car parking bays are to be compliant with the Australian/New Zealand Standard AS/NZS2890.1:2004 - Parking Facilities Part 1: Off-Street Car Parking, to the satisfaction of the City.

22. Prior to the occupation of the development, all driveways, parking and manoeuvring areas shall be hard surface, drained and maintained in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access, to the satisfaction of the City of Stirling.

23. Visitor car and bicycle parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway, unless otherwise approved by the City of Stirling.

24. Prior to the occupation of the development, directional signage shall be located at the entry to the site directing visitors to the visitor car parking bays and bicycle spaces. The signage is to be implemented for the duration of the development.

25. The crossover shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access. The crossover is to be installed prior to occupation of the development.

26. Prior to the occupation or use of the development, any redundant crossover shall be removed and the kerbing and road verge reinstated at the owners cost in accordance with the City of Stirling Local Planning Policy 6.7 - Parking and Access.

27. Unless otherwise approved, no walls, fences, letterboxes or other structures above 0.75 metres in height to be constructed within the 1.5 metre width x 1.5 metre depth triangular area of where:
    a. Walls, letterboxes or fences adjoin vehicular access points to the site, or
    b. A driveway meets a public or private street, or
    c. Two streets intersect, or
    d. A driveway meets a right of way, or

    unless the further approval of the City of Stirling is obtained.

28. Prior to the occupation of the development, the bicycle parking bays shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.

29. Where a storeroom is solely accessible through an adjacent car parking bay, the storeroom and the car parking bay are to be assigned to the same dwelling.

30. Where two car parking bays are provided in a tandem arrangement, both car bays are to be assigned to the same dwelling.

Public Art

31. Prior to the submission of an Occupancy Permit application:

    a. A public art proposal for the subject development to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land must be submitted to, and approved by, the City of Stirling.

    b. The approved public art proposal shall be completed and installed by the developer and maintained for the duration of the development by the owners of the development, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

Sustainability

32. Prior to the submission of a Building Permit application, a revised Sustainable Design Statement is to be submitted to the City of Stirling confirming all dwellings exceed the minimum NATHERS requirement for apartments by 1 star and the development incorporates sustainable initiatives as per the submitted Sustainable Design Strategy prepared by Emergen dated 22 June 2023.

Universal Design

33. Prior to the submission of a Building Permit application, certification completed by a Livable Housing Australia assessor confirming that the detailed design of the 'Silver Level' dwellings are compliant with the 'Silver Level' of the 'Livable Housing Design Guidelines' produced by Livable Housing Australia, must be submitted to, and approved in writing by, the City of Stirling. A minimum of 20% of dwellings are to be designed to achieve a 'Silver Level' rating. Prior to the submission of an Occupancy Permit application, all required design features shall be installed and operational.

Utilities, Facilities and External Fixtures

34. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street, neighbouring properties or a public place.

35. Prior to the occupation of the development, each multiple dwelling shall be provided with a mechanical dryer, where a concealed drying area is not provided exclusively for the dwelling.

36. All external fixtures, building services and utilities of the development are to be integrated into the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive areas, in accordance with Residential Design Codes Volume 2 (Element 4.18 Utilities), to the satisfaction of the City of Stirling.

37. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties, to the satisfaction of the City of Stirling.

38. The residential storerooms are to be allocated to the dwellings in a manner consistent with Residential Design Codes Volume 2 (Element 4.6 Storerooms), to the satisfaction of the City of Stirling.

Visual Privacy

39. Prior to occupation of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Residential Design Codes Volume 2 (Element 3.5 Visual Privacy), to the satisfaction of the City of Stirling.

Waste Management

40. The development is to comply with the Waste Management Plan prepared by Talis Consultants dated 1 March 2024, unless otherwise approved by the City of Stirling.

Water Management

41. The development is to be connected to the sewer.

42. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. There shall be no connection to the City's drainage infrastructure without the written consent of the City of Stirling.

Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the Development Assessment Panel or City of Stirling having first been sought and obtained.

2. If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.

3. This is a Development Approval under the City of Stirling Local Planning Scheme and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

4. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the Development Assessment Panel or City of Stirling to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not

it has been drawn to the Development Assessment Panel or City of Stirling's attention.

5. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

6. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.

7. Where, in the opinion of the City of Stirling, achieving compliance with the conditions of approval require significant modifications to the approved plans, a Form 2 application will be required for consideration in accordance with Clause 17 or 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Construction Management

8. All construction works to comply with the requirements of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Noisy construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.

Landscaping

9. The detailed Landscaping Plan is to include the retention of the existing street trees planted in the verge.

10. An Advanced Tree is defined in Local Planning Scheme No. 3 and Local Planning Policy 6.11 as *"a tree which requires planting in at least a 90 litre contained or greater size and which is at least two (2) metres in height and at least two (2) years of age"*.

Parking and Vehicle Access

11. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control and Swimming Pool Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.

Public Art

12. In relation to the Public Art condition, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land.

    Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to $80,000.

Strata Title

13. The applicant is advised that any future strata title or community title subdivision of the property must be consistent with this approval and the lot sizes demonstrated in the application.

14. The applicant/owner is reminded of their obligation under the Strata Titles Act which may require consent from the adjoining strata owners and/or strata company before commencing any works on site.

Waste Management

15. The bin enclosure is required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Stirling Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Residential R-AC3
Structure Plan/Precinct Plan	Dianella Centre Plan
Structure Plan/Precinct Plan - Land Use Designation	Residential
Use Class and permissibility:	Multiple Dwelling – P^1 P – Use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme. P^1 – A 'P' Use, with a cross reference to Condition 1: Multiple Dwellings not permitted in areas coded R35 or below.
Lot Size:	1,883m^2
Existing Land Use:	Grouped Dwelling
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Proposed Land Use	Multiple Dwelling
Proposed Plot Ratio Area	3,856m^2 (2.05 plot ratio)
Proposed No. Storeys	Six, comprising five levels of apartments and the roof terrace level
Proposed No. Dwellings	35

The development application is for a Multiple Dwelling development at Lot 201, House Number 39, Chester Avenue, Dianella, containing 35 dwellings within a six storey building. The development is summarised as follows:

- A six storey development comprising five storeys of apartments, including car parking, and a roof terrace level above.
- A total of 54 car parking bays within the basement and mezzanine levels.
- A communal open space area located on the rooftop of the development with other landscaped areas provided on the Ground Level and Level 1.

The key changes compared to the plans considered by the Metro Inner-North JDAP at its meeting on 13 December 2023 are summarised as follows:

- The reduction to the overall building height by 3.1 metres or one storey, by deleting the previous Level 3 of the building.
- The addition of Apartment G03 on the Ground Floor Level which is a single bedroom dwelling.
- The total number of dwellings has reduced by eight dwellings, from 43 dwellings to 35 dwellings.
- The total number of car bays has reduced by 10 car bays, from 64 car bays to 54 car bays.
- Increased setbacks of 0.9 metres, from 4.5 metres to 5.4 metres, to apartments on Levels 3 and 4 to the south eastern and north western boundaries. Increased setbacks of 1.0 metre, from 4.4 metres to 5.4 metres, to apartments on Level 3 to the north western boundary.
- A reduction to the size of the roof top communal open space area from 200m² to 153m², with an increased setback provided to the south western boundary of 5.3 metres.

Figure 1 below provides a visual representation of the superseded proposal previously considered by the Metro Inner-North JDAP on 13 December 2023 and the revised proposal:

Figure 1: Visual Representation to Chester Avenue – Superseded Proposal (Left) and Final Proposal (Right)

Background:

Pre-Lodgement

The Applicant sought preliminary advice from the City's officers and the City's DRP prior to lodging the development application, as detailed further in the previous Responsible Authority Report, contained in Attachment 10.

Development Application

The development application was first submitted to the City on 18 July 2023 and formally lodged on 29 August 2023. The original proposal was for a Multiple Dwelling development containing 43 dwellings within a seven storey building. That proposal is summarised as follows:

- A seven storey development comprising six levels of apartments, including car parking, and a roof terrace.
- A total of 64 car parking bays within the basement and mezzanine levels.
- A communal open space area located on the rooftop of the development with other landscaped areas provided on the Ground Level and Level 1.

The application was considered at the Metro Inner-North JDAP meeting held on 13 December 2023. The consideration of the application was deferred, as outlined below:

> "*That the consideration of DAP Application DAP/23/02548 be deferred until no later than 10 May 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:*
>
> *For the Applicant to provide more information and consideration of:*
> - *Overall height, bulk and scale in the context of the planning provisions and the DRP commentary;*
> - *Overall height, particularly as it addresses Chester Avenue and surrounding properties;*
> - *Built form and scale;*
> - *Any deviation relating to the plot and ratio and calculation of plot ratio;*
> - *Further clarity around the strategic framework, including future context;*
> - *Clarity on overlooking, including perception of overlooking of the school;*
> - *Further information of overshadowing and its extents and impacts;*
> - *Consistency with the planning framework; and*
> - *Information on the transition to surrounding development.*
>
> ***REASON:*** *For further information to be provided as specified in the deferral reasons, in particular scale, bulk and height, locational context and impacts on overlooking and overshadowing.*"

A revised submission package was provided to the City on 16 February 2024 with additional technical reports submitted on 7 March 2024 (Attachment 6).

<u>Site Context</u>

The subject site is zoned Urban under the Metropolitan Region Scheme (MRS) (Attachment 3) and Residential with a R-AC3 coding under Local Planning Scheme No. 3 (LPS3) (Attachment 4).

The subject site is 1,883m^2 in area. The existing development on the subject site is a single storey Grouped Dwelling complex containing six dwellings.

The neighbouring properties to the south west, south east and east are zoned Residential R-AC3 and consist of single storey Single House and Grouped Dwelling developments. The neighbouring property to the north west is zoned District Centre R-AC2 and contains an Educational Establishment and a Place of Worship (Our Lady's Assumption School and Catholic Church), with single and two storey school buildings and a playground located immediately adjacent to the subject site. The neighbouring property to the north east on the opposite side of Chester Avenue is zoned Residential

R-AC2 and contains a Multiple Dwelling development, with a three-storey building facing Chester Avenue and a four-storey building facing Waverley Street.

Chester Avenue is classified as a Local Road under the City's Functional Road Hierarchy. This section of Chester Avenue is a 'no-through' road to vehicles. Pedestrians and cyclists can pass through the City's Dianella Library site, House Number 44 Chester Avenue, to access the Dianella Plaza Shopping Centre and other areas to the north of the subject site via a pedestrian accessway. The subject site is within the Dianella Activity Centre.

City of Stirling Local Planning Strategy

The City of Stirling Local Planning Strategy was endorsed by the Western Australian Planning Commission (WAPC) in October 2019 and it sets the vision and long-term planning direction for the City of Stirling.

The subject site is within the Dianella Activity Centre and the Grand Promenade Activity Corridor.

An objective of the Local Planning Strategy is to prioritise growth and investment in activity centres and corridors. The Local Planning Strategy identifies density targets for each activity centre. For district centres such as Dianella, this includes a minimum 20 dwelling and desirable 30 dwelling density target per gross hectare.

There are 164 existing dwellings within the Dianella Activity Centre, including six dwellings on the subject site. This equates to an existing density of approximately 14 dwellings per hectare within the boundaries of the Dianella Activity Centre.

Dianella Activity Centre

The Dianella Activity Centre is a District Centre under the Activity Centres Hierarchy in State Planning Policy 4.2 Activity Centres. The Dianella Activity Centre comprises the land bound by Alexander Drive, Waverley Street, Kerry Street and Grand Promenade. The Dianella Activity Centre includes the Dianella Plaza Shopping Centre, the City's Dianella Library and Our Lady's Assumption Church and School.

The Dianella Activity Centre boundary correlates with the Dianella Centre Special Control Area identified in LPS3, as shown in Figure 2. Development within the Special Control Area is subject to the relevant provisions of Clause 6.12 of LPS3.

Figure 2 Dianella Activity Centre and Dianella Centre Special Control Area Boundaries (in Green)

The Dianella Centre Plan was approved by Council in August 2012 and is a Structure Plan operative under Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Dianella Centre Plan was established to provide a broad framework to guide the future development of the Dianella Activity Centre in a way that enhances the operation of the shopping centre, improves amenity, and increases the range of activities and services available to the community.

In reference to building height and built form, the Dianella Centre Plan indicates that the tallest buildings should be located within the commercial area, such as the shopping centre and former hotel sites, with lower heights in the residential areas, to transition to the residential areas outside of the Activity Centre. The Dianella Centre Plan identifies that a three to six storey built form would be acceptable for the commercial areas and the residential areas should have a two to three storey built form. The subject site is identified on the Indicative Development Opportunities Plan contained with the Dianella Centre Plan as two to three storey townhouses, as shown in Figure 3.

Figure 3 Dianella Centre Plan Figure 17 – Indicative Development Opportunities Plan

The City and Council subsequently progressed a scheme amendment to LPS3, Amendment No. 7, which was ultimately gazetted in September 2014. Amendment No. 7 introduced Clause 6.12, the Dianella Special Control Area, into LPS3 and the current zonings and built form provisions which replace the acceptable development R-AC3 built form provisions of the Residential Design Codes.

The north western portion of the Activity Centre, consisting of the Dianella Plaza Shopping Centre and adjacent commercial properties, was not rezoned at the time, to District Centre with the R-AC2 code applying through a provision and figure in the scheme text, as an amendment was considered premature. At the time, a light rail project was being planned, the design of the Dianella light rail station and bus interchange adjacent to the Activity Centre had not been completed and the State Government had initiatives to create a planning framework along the future Alexander Drive light rail corridor.

The State Government later determined not to proceed with the light rail project. A new scheme amendment to rezone the rest of the Dianella Activity Centre has not eventuated.

<u>Draft Local Planning Scheme No. 4 (LPS4)</u>

On 15 August 2023, Council resolved (Council Resolution 0823/034) to prepare Local Planning Scheme No. 4 (LPS4). On 5 December 2023, Council resolved (Council Resolution 1223/010) to advertise draft LPS4 and submit the documents to the WAPC for consent to advertise.

Whilst no weight is afforded to LPS4 at this time, In relation to draft LPS4, a decision-maker can give due regard to a seriously entertained planning proposal when determining an application, in accordance with Schedule 2 Clause 67(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The final form of draft LPS4 is not imminent nor certain at this time, noting the draft scheme has not been advertised, and accordingly no weight should be given to the proposed development controls when determining this application. Accordingly, the City has not

assessed the development against draft LPS4. The City has provided a brief summary of the key modifications proposed to the subject site and surrounding area as per draft LPS4 for contextual purposes which is contained in Attachment 5.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme (MRS)
- City of Stirling Local Planning Scheme No. 3 (LPS3)

State Government Policies

- State Planning Policy 4.2 – Activity Centres (SPP 4.2)
- State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)
- State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)
- State Planning Policy 7.2 – Precinct Design (SPP 7.2)
- Residential Design Codes Volume 2 (R-Codes Volume 2)

Structure Plans/Activity Centre Plans

- Dianella Centre Plan

Local Policies

- Local Planning Policy 6.3 – Bin Storage Areas (LPP6.3)
- Local Planning Policy 6.6 – Landscaping (LPP6.6)
- Local Planning Policy 6.7 – Parking and Access (LPP6.7)
- Local Planning Policy 6.11 – Trees and Development (LPP6.11)
- Local Planning Policy 6.12 – Public Art on Private Land (LPP6.12)
- Local Planning Policy 6.18 – Public Consultation (LPP6.18)

Consultation:

Public Consultation

The revised submission was advertised in accordance provisions for a period of 21 days, commencing on 15 March 2024 and concluding on 5 April 2024. Advertising included letters to owners and occupiers within 200 metres of the site, the installation of signage, and a notice placed on the City's website.

During the public consultation period, the City received 17 submissions. These are summarised with their relative locations in the table.

Submissions Received	Within 200m Radius		Greater than 200m Radius / Not Stated		All Submissions	
Support	0	(0.0%)	0	(0.0%)	0	(0.0%)
Object	16	(94.1%)	1	(5.9%)	17	(100.0%)

Submissions Received	Within 200m Radius		Greater than 200m Radius / Not Stated		All Submissions	
Other (Not stated / no opinion / 'conditional')	0	(0.0%)	0	(0.0%)	0	(0.0%)
Total	16	(94.1%)	1	(5.9%)	17	(100.0%)

All matters raised in the submissions received during the consultation period have been summarised in the table below. Additionally, the table outlines the number of submissions of which a specific matter was raised, and the City's response to the matter.

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
15	Objections to the height of the building, which exceeds the 11 metres (approximately three storeys) building height limit prescribed by LPS3.	The proposed development exceeds the maximum 11 metres building height limit prescribed by Table 6.12.4 b) of LPS3. The decision-maker has discretion to grant approval to a greater height than prescribed in Table 6.12.4 b) of LPS3, subject to compliance with the discretionary provisions of LPS3 and the Element Objectives of R-Codes Volume 2. The appropriateness of the proposed building height is addressed later in this report.
13	The additional traffic from the proposed development will adversely affect the locality.	The adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times, as demonstrated during site visits and correspondence with the community. Although the development may slightly increase the existing congestion during peak periods of the Educational

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		Establishment, the additional traffic volume generated by the proposed development is relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.
11	The proposed development causes a loss of privacy to the neighbouring properties, including the adjacent Educational Establishment.	The proposed development minimises overlooking of the adjacent properties, using setback distance, screening devices and by setting in the viewing position from the perimeter of the building which restricts the cone of vision looking downwards. Further comments regarding visual privacy are addressed later in this report.
5	Concerns regarding impacts to surrounding properties during the construction of the proposed development.	The City's recommendation includes a Construction Management Plan condition, which will address how potential issues such as noise, dust and parking will be managed, to minimise the impacts of construction to the surrounding properties.
4	The proposed development results in adverse overshadowing to neighbouring properties.	The resultant overshadowing from the proposed development is discussed in detail later in this report.
3	Concerns with the potential impact to infrastructure and services, such as electricity, gas, sewerage and water supply.	The utility providers may require the developer to contribute towards infrastructure upgrades if they cannot service this development.
2	The waste management arrangements will have adverse impacts to	The waste collection arrangements are detailed

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
	surrounding properties, such as visual amenity and odour and will add to traffic congestion in Chester Avenue.	in the submitted Waste Management Plan. The waste collection vehicle will park on the street and the bins will be taken to the vehicle. It is not expected that the waste collection will impose adverse amenity impacts on the surrounding properties. The bin storage and collection areas are located away from dwellings, minimising the noise and odour impacts. The City intends to collect the bins outside of school drop off and pick up times, when there is little traffic in the street, to minimise traffic and safety impacts on the street.
2	The proposal has too high a density for an existing crowded and overcrowded area.	There is no maximum prescribed density of dwellings for the subject site. The Dianella Activity Centre implementation is in the early stages with transition to the proposed density consistent with the planned future built form outcomes for the Activity Centre, as outlined in the Dianella Centre Plan.
2	The development does not advance a sense of community as the residents of apartments do not integrate with the community of the local street.	Multiple Dwellings are a permitted use on the subject site.
2	The proposed development will result in more anti-social behaviour in the surrounding area.	The development includes windows and balconies on the building façade to provide passive surveillance over Chester Avenue.

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
2	The proposed development will affect views of the city skyline and suburban vista.	The development does not obstruct prominent significant views, such as the city skyline, river or ocean, from adjoining properties.
2	Concerns regarding adverse impact on property values in relation to the proposed development.	The impact to property values is not a valid planning consideration.
2	Concerns regarding increased noise impacts from proposed development, such as from the communal open space area on the rooftop.	The development is required to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
2	Concerns regarding the design of the proposed landscaping and communal open space area.	The Applicant has submitted a Landscaping Report which is generally supported by the City, with the exception of the proposed street tree removal. The provision of communal open space has been assessed against the Element Objectives of Element 3.4 of R-Codes Volume 2. The City's assessment concludes the proposed development satisfies these Element Objectives.
1	Query as to why the City changed the contact officer listed in the advertising letter for the 35 Multiple Dwellings proposal.	The change was for operational reasons. City officers have undertaken a comprehensive assessment of the revised submission as outlined in this report.
1	The City is responsible for assessing the proposal against all planning requirements, not the residents.	The City has assessed the proposal against all provisions of the relevant planning framework as outlined in this report.
1	Concerns regarding a perceived conflict of interest between the	The City and the DAP have procedures in place in relation to potential conflicts of interest.

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
	Applicant and a former Ward Councillor.	Elected Members will manage conflicts of interests in accordance with the requirements.
1	The additional residents will cause more frequent wear and tear to communal amenities and breach of strata rules of adjoining properties.	The development will not affect communal amenities or compliance with strata rules on neighbouring developments. The strata for the subject site will be responsible for managing the communal amenities on the subject site.
1	The proposed development does not include any affordable or diverse housing component.	There are no planning requirements to provide affordable or diverse housing as part of this development.
1	The development will change the character of the neighbourhood.	The Dianella Activity Centre is in the early stages of a transition and the proposed development is consistent with the planned future built form outcomes for the Activity Centre, as outlined in the Dianella Centre Plan.
1	The development will provide additional housing and give an economic boost to local businesses.	It is acknowledged that the addition of residential dwellings on the subject site would provide additional housing and support the non-residential functions of the Activity Centre.
1	Query regarding the effect of the changes to the R-Codes that were released on 8 March 2024 in relation to the proposed development.	The changes to the R-Codes became operative on 10 April 2024. The changes have no effect to the planning framework applicable to proposed Multiple Dwelling developments in areas coded R80 and higher, including the subject site.

The City forwarded the public submissions to the Applicant to allow the Applicant the opportunity to respond to each submission.

The details and outcomes of the original public consultation process for this application are in the City's previous Responsible Authority Report contained in Attachment 10.

Referrals/consultation with Government/Service Agencies

The proposal has been referred to the relevant state agencies (Water Corporation) and internally within the City, with no objections being raised in principle. Any comments and recommendations of relevance have been accommodated via the imposition of conditions and/or advice notes.

Design Review Panel Advice

The previous proposal considered by the Metro Inner-North JDAP at its meeting on 13 December 2023 had been reviewed by the City's DRP on four occasions. The previous proposal satisfied eight of the 10 Design Principles of SPP 7.0, with the Design Principles of Built Form and Scale and Sustainability remaining outstanding as detailed in the previous Responsible Authority Reported contained in Attachment 10.

The revised submission was referred to the Acting Chairperson and one Panel Member of the City's DRP to undertake a review of the revised submission. The Design Review Report concludes the revised submission now satisfies nine of 10 Design Principles, with Built Form and Scale satisfied, with Sustainability remaining outstanding. Additionally, the conclusion of the final Design Review states:

> *"The previous design review had highlighted concerns with the bulk and scale of the proposal. This was a result of a repetitive footprint extended over six levels, which was significantly more height and plot ratio than the planning framework anticipated. The applicant had worked very hard to ameliorate the impact of the scale of the previous proposal through careful articulation of the built form at a range of scales and attention to materiality. Despite these efforts the envelope of the building was too massive for its context, particularly given the transitional nature of the site and impacts on some sensitive adjacent land uses.*
>
> *In the revised submission the applicant has maintained the overall strategy but removed a story from the building and revised the footprint on the upper levels to improve side setbacks. This has had a significant improvement in the impacts of overshadowing on adjacent properties and improved the perception of bulk and scale and privacy separation from a number of vantages. It should also be noted that this has improved the presentation of the project to Chester Avenue and its integration with a transitional streetscape. The commitment to architectural design to mitigate impacts of bulk and scale should be commended as it demonstrates the value of good design in achieving more sustainable higher density developments in transitional, well located areas. I would support the built form and scale of the proposed development in its revised arrangement."*

The Design Review Report is contained in Attachment 8. The City notes the commentary from the DRP in relation to the proposed development is generally supportive. The role of the DRP is to provide design advice only and it is the role of the City to carry out an assessment of a proposal against the relevant planning framework, including commentary from the DRP.

Planning Assessment:

The proposed development has been assessed against LPS3 and the relevant State Planning Policies, Planning Codes and Local Planning Policies. LPS3 provides the requirements in respect to zoning and land use permissibility, and specific development standards relating to plot ratio, open space, street setbacks, building height and boundary wall height. Other specific development standards also apply through the Residential Design Codes and relevant state and local planning policies. The following matters have been identified as key considerations in the assessment of the revised proposal application. The assessment of the key considerations of the proposed development is contained within Attachment 9.

1. Reasons for Deferral
2. Proposed Land Use
3. Built Form
    a. Building Height
    b. Street Setbacks
    c. Side and Rear Setbacks, Building Separation and Visual Privacy
    d. Plot Ratio
    e. Overshadowing
    f. Dianella Special Control Area
    g. Variations to Site and Development Standards and Requirements
4. Landscaping
    a. Local Planning Policy 6.11 – Trees and Development (LPP 6.11)
5. Planning and Development (Local Planning Schemes) Regulations 2015

1. Reasons for Deferral

The following table identifies the deferral reasons and how these have been addressed.

Reasons for Deferral	
Deferral Reason	**Officer Comment**
• *Overall height, bulk and scale in the context of the planning provisions and the DRP commentary;*	The overall height of the building and the podium component of the building have both been reduced by one storey, or 3.1 metres, by deleting the previous Level 3. The bulk and scale of the upper storeys has been reduced by providing greater side setbacks on Levels 3 and 4 compared to the previous scheme. In particular, the 4.4 metres and 4.5 metres side setbacks have been increased to 5.4 on Levels 3 and 4. Building height and setbacks are discussed in further detail later in this report. The comments from the design review of the revised proposal have noted that the abovementioned changes have reduced

Reasons for Deferral	
Deferral Reason	**Officer Comment**
	and improved the perception of bulk and scale. Additionally, the DRP advised these changes also build in opportunity for future neighbouring developments to adapt more effectively to the scale and impact of the proposed development.
• *Overall height, particularly as it addresses Chester Avenue and surrounding properties;*	The building height has been reduced by one storey, or 3.1 metres, by deleting the previous Level 3. Building height is discussed in further detail later in this report.
• *Built form and scale;*	The scale of the building has been reduced by the deletion of one level of apartments and increasing the side setbacks. The development has retained its previous external colours and materials and has a similar external aesthetic design compared to the previous proposal.
• *Any deviation relating to the plot and ratio and calculation of plot ratio;*	The plot ratio has reduced from 2.53 to 2.05, equating to 0.48 or 905m^2 of reduction. Discretion is sought to the maximum 1.5 plot ratio provision of Table 6.12.4 b) of LPS3. This matter is discussed in further detail later in this report.
• *Further clarity around the strategic framework, including future context;*	The relevant planning framework for this development is identified in the Legislation and Policy section of this report. The Dianella Centre Plan was approved by Council in August 2012 and is a Structure Plan operative under Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The City of Stirling Local Planning Strategy was endorsed by the WAPC in October 2019. Council resolved on 5 December 2023 (Council Resolution 1223/010) to advertise draft LPS4 and submit the documents to the WAPC for consent to

Reasons for Deferral	
Deferral Reason	**Officer Comment**
	advertise. The final form of draft LPS4 is not imminent nor certain.
• *Clarity on overlooking, including perception of overlooking of the school;*	The revised proposal includes increased setbacks to the side and rear boundaries and screening devices to mitigate any adverse overlooking to the adjoining properties, including the Educational Establishment. This matter is discussed in further detail in this report.
• *Further information of overshadowing and its extents and impacts;*	The Applicant has prepared overshadowing diagrams for the revised proposal, contained in Attachment 6. The overshadowing impacts are discussed further in this report.
• *Consistency with the planning framework; and*	The consistency of the revised proposal against the City's planning framework is discussed in this report.
• *Information on the transition to surrounding development.*	The revised proposal includes the deletion of one level of apartments and increased setbacks to side and rear boundaries providing for an improved transition to the surrounding properties. The impact of the height, bulk and scale of the proposal on the surrounding development is discussed in this report.

2. Proposed Land Use

The subject site is zoned Residential in accordance with LPS3. The table below lists the proposed land uses and associated permissibility within the Residential zone as per Table 1 – Zoning Table of LPS3.

LPS3 Table 1 – Zoning Table	
Land Use	**Use Class**
Multiple Dwelling	P[1]
P - Use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme. P[1] - A 'P' Use, with a cross reference to Condition 1: Multiple Dwellings not permitted in areas coded R35 or below.	

The subject site is assigned a R-AC3 density coding, which is a higher coding than R35. As such, Multiple Dwelling is a permitted use on the subject site, providing the use complies with the relevant development standards and requirements of LPS3. The City's assessment concludes the development complies with the development standards and requirements of LPS3, and therefore is supported.

3. Built Form

Part 2 (Primary Controls) of R-Codes Volume 2, and some sections of Part 3 (Siting the Development) can be modified by the local planning framework. The subject site is located within the Dianella Special Control Area of LPS3 which applies specific built form controls relating to plot ratio, open space, primary street setback, maximum building height and maximum boundary wall height which are relevant to the proposal. These specific built form controls of Clause 6.12 of LPS3 replace the default acceptable outcomes of R-Codes Volume 2, however consideration is still required against the relevant Element Objectives of R-Codes Volume 2.

The specific built form controls of Table 6.12.4 b) of LPS3 apply in addition to the general provisions of LPS3, local planning policies and R-Codes Volume 2. A summary of the proposed development in relation to the primary built form controls of Table 6.12.4 b) and Part 2 (Primary Building Controls) of R-Codes Volume 2 is provided below.

Built Form Controls			
Provision	**Requirement**	**Proposal**	**Assessment**
Plot Ratio*	Maximum 1.5	2.05	Discretion sought
Open Space*	No minimum requirements	16% open space at ground level	Complies
Primary Street Setback*	2m	Canopy: 1.4m Main building: 3m	Discretion sought
Height – Top of External Wall Height (Concealed Roof)*	Maximum 11m	Maximum 20m	Discretion sought
Height of Built to Boundary Walls*	Maximum 7m and average 6m	Maximum 5.1m	Complies
Side and Rear Setbacks / Building Separation / Visual Privacy	Development is to achieve the relevant Element Objectives of Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy R-Codes Volume 2 Further detailed commentary regarding this matter is provided later in this report.	Various building setback and visual privacy setback distances are proposed with further detailed commentary provided later in this report.	Discretion sought

* Refers to a requirement of Table 6.12.4 b) of LPS3

The following sections provide an assessment of the proposed development against the primary controls where discretion is sought. Additionally, this section provides an assessment of the proposed development against Element 3.2 – Orientation of R-Codes Volume 2 as the outcomes relating to overshadowing are intrinsically linked to

the primary building controls. The City's assessment concludes the proposed development satisfies the discretionary considerations of the Deemed Provisions and LPS3 and the Element Objectives of R-Codes Volume 2.

a. Building Height

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Height – Top of External Wall Height (Concealed Roof)	Maximum 11m	Maximum 20m	Discretion sought

The proposed height of the development is a maximum of 20 metres above natural ground level or six storeys in accordance with the 'storey' definition of R-Codes Volume 2 which is defined as:

Storey - the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include:
— a basement
— a space that contains only a lift shaft, stairway or meter room
— a mezzanine
— a loft.
Double height floors greater than 5m floor to ceiling are counted as two floors.

The number of storeys includes five storeys of apartments and the roof terrace level above. The roof terrace level is defined as a storey as the lift and fire escape portion of the building that protrudes above the main roof level, contains a bathroom. The height of the building excluding the roof terrace is approximately 16.5 metres.

As the proposal seeks discretion against the building height provisions, consideration against the Element Objectives of Element 2.2 of R-Codes Volume 2 is provided below.

O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.
O 2.2.2 The height of buildings within a development responds to changes in topography.
O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.
O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.

The existing built form of the developments on the neighbouring properties consists of predominately single storey buildings. Some of the adjacent school buildings are two storeys in height and the apartment building opposite the subject site is three storeys in height as viewed from Chester Avenue and four storeys as viewed from Waverley Street.

The building height provisions applicable to new development in the Dianella Special Control Area and surrounding residential properties are demonstrated in Figure 6.

Figure 4 LPS3 Zones and Height Requirements – Dianella Special Control Area and Surrounds

The desired future scale and character of the area as per the Dianella Special Control Area and Dianella Centre Plan is for buildings of up to six storeys in height in the commercial area, which is intended to provide the higher density / yield within the Activity Centre. Building heights transition down to three storeys in the residential area towards the periphery of the Dianella Centre Plan boundary which responds to the adjacent properties with residential density codings of R25 and R30 with associated building heights of two storeys.

The subject site directly abuts the abovementioned commercial area of the Dianella Centre Plan area which envisages more intense development with building heights between three to six storeys. The residential zoned properties have permitted heights of three storeys. The revised development has been designed to respond to its setting and the future scale and character of the area with five storeys of apartments and a roof terrace level above with increased setbacks to the adjoining properties to mitigate the impacts of building bulk. As such, the proposed development effectively provides for a transitionary height between the envisaged building heights of the 'core' commercial area of the Dianella Centre Plan and the surrounding residential zoned properties with permitted heights of three storeys.

Whilst the City acknowledges the majority of the surrounding properties are strata titled, which will impact the timeframe for the transition towards the envisioned built form of the area in the short to medium term. The proposed development aligns with the intent of the Dianella Centre Plan to focus higher density development within the 'core' and responds to the desired scale and character of the street and local area.

As the site is relatively flat, the height of the proposed development does not need to vary to reflect topography.

The development incorporates a flat roof with a communal open space area which includes landscaping and amenities for residents. The design of the rooftop communal open space area is generally supported with any adverse impacts regarding overlooking or noise to adjoining properties capable of being addressed via condition setting.

The height of the proposed development will have an overshadowing impact to the southern adjoining properties, however the City is satisfied that the neighbouring properties receive adequate levels of sunlight and that impacts of the shadow cast are not unreasonable in the context of the applicable planning controls. Further detailed commentary regarding overshadowing is discussed in this report. The overshadowing from the proposed development does not impact any communal open spaces or public spaces.

The development satisfies the Element Objectives of Element 2.2 – Building Height of R-Codes Volume 2. As the proposed development seeks to vary the building height provisions of Table 6.12.4 b) of LPS3, further commentary regarding the proposed building height is provided in Section 3g of the Planning Assessment section of this report.

b. Street Setbacks

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Primary Street Setback	2m	Canopy: 1.4m Main building: 3m - 5.5m	Discretion sought

The street setback of the main façade of the development varies between 3.0 metres and 5.5 metres. The canopies over the Ground Floor level courtyards for Apartments G01 and G02 project further forward, with a proposed street setback of 1.4 metres. The street setbacks of the revised proposal are identical to the previous proposal with this component of the development supported by the City for the reasons outlined in its previous Responsible Authority Report. As such, further consideration of this matter is not required.

c. Side and Rear Setbacks, Building Separation and Visual Privacy

The planning assessment of the proposed building setbacks and visual privacy setbacks are intrinsically linked to each other, noting the Acceptable Outcomes setback distances for Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy are cross-referenced as per R-Codes Volume 2. An assessment of the proposed development against the relevant Acceptable Outcomes of R-Codes Volume 2 is contained within Attachment 9, with a summary of

the components which do not satisfy the Acceptable Outcomes of the aforementioned Elements provided below and in Figure 5 through to Figure 8 inclusive:

- North west boundary: The unscreened portion of the balcony for Apartment 302 on Level 3 with a setback of 5.4 metres in lieu of 9.0 metres (increased from previous setback of 4.5 metres for the previous Apartment 402) .
- North west boundary: Unscreened balconies of Apartments 303-305 and 403-405 on Levels 3 and 4 with setbacks of 6.4 metres in lieu of 9.0 metres.
- North west boundary: Communal open space rooftop terrace with a setback of 6.4 metres in lieu of 9.0 metres.
- South west boundary: Unscreened balconies of Apartments 108-109 on Level 1 with setbacks of 5.9 metres in lieu of 6.0 metres.
- South west boundary: The unscreened portion of the balconies of Apartments 307 and 407 on Levels 3 and 4 with setbacks of 8.8 metres in lieu of 9.0 metres (the Apartment 307 setback has increased from the previous setback of 6.6 metres for the previous Apartment 407 and the Apartment 407 setback has decreased from the previous setback of 9.5 metres for the previous Apartment 507).
- South east boundary: The unscreened part of the balcony for Apartment 301 on Level 3 with a setback of 5.4 metres in lieu of 9.0 metres (increased from previous setback of 4.5 metres for the previous Apartment 401).

Figure 5 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 1 (Highlighted)

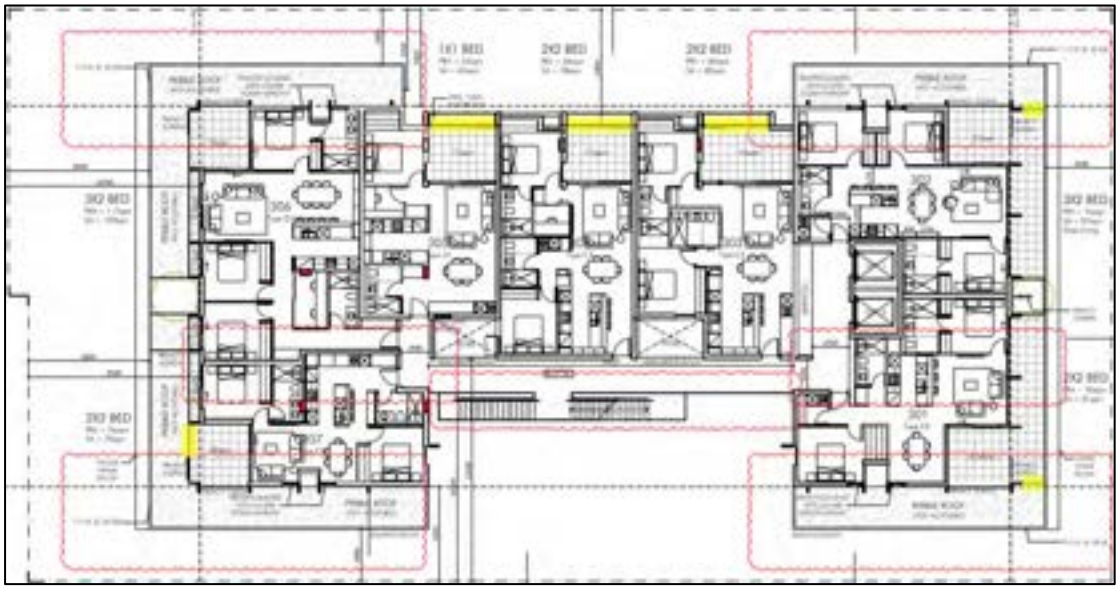


Figure 6 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 3 (Highlighted)

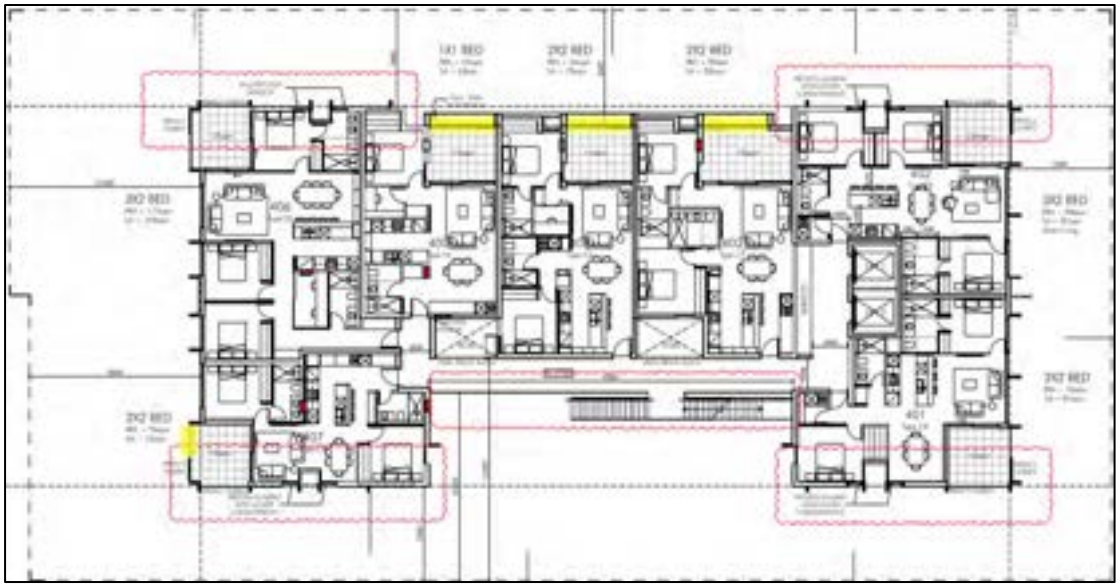


Figure 7 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 4 (Highlighted)

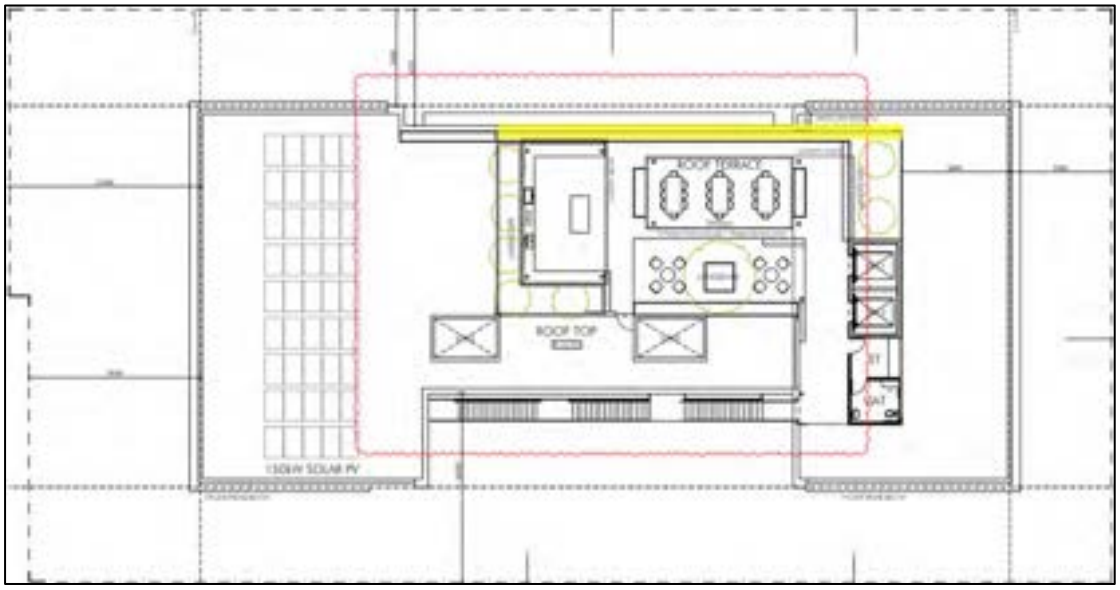


Figure 8 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Roof Terrace (Highlighted)

The following sections provide an assessment of the proposed development against the relevant Element Objectives for Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy.

<u>Element 2.4 – Side and Rear Setbacks</u>

Consideration of the proposal against the Element Objective of Element 2.4 – Side and Rear Setbacks of R-Codes Volume 2 is provided below.

O 2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.
O 2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.
O 2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.
O 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.

Although the revised development includes variations to the recommended side and rear setbacks of the R-Codes Volume 2 to the south east, south west and north west lot boundaries, the revised development has been designed to provide adequate separation to adjoining properties to mitigate impacts of building bulk, overlooking and overshadowing which are detailed later in this report.

In terms of streetscape character, the R-AC3 density coding and Table 6.12.4 b) of LPS3 allows the building to be built up to the side boundaries, subject to a maximum 7.0 metres height restriction. The development provides a boundary wall to the south eastern side boundary with a height of up to 4.7 metres. Excluding this boundary wall, the street facing component of the development provides a 3.0 metre side setback up to Level 2 and is set in further above with a 5.4 metre side setback on Levels 3 and 4. The revised design which includes increased setbacks of 0.9 metres to 1.0 metre along

the side boundaries has assisted in reducing the visual impact of the upper storeys as viewed from the street and is consistent with the desired streetscape character which allows for taller buildings.

At ground level, a 3.0 metre setback is provided to the north western side boundary. While there are no suitable existing trees for retention, these setbacks provide for a deep soil area that supports the growth of the new trees proposed along the boundary.

The development provides a stepped setback to the side and rear boundaries, where the lower storeys are built closer to the boundaries and the upper storeys are set further back. This assists in reducing the building bulk impacts to the existing lower scale neighbouring developments. The building also incorporates a mixture of screening devices, planters and balustrading to mitigate direct overlooking of the adjoining residential properties and Educational Establishment

The development satisfies the Element Objectives of Element 2.4 – Side and Rear Setbacks of R-Codes Volume 2.

<u>Element 2.7 – Building Separation</u>

Consideration of the proposal against the Element Objective of Element 2.7 – Building Separation of R-Codes Volume 2 is provided below.

- *O 2.7.1 New development supports the desired future streetscape character with spaces between buildings.*
- *O 2.7.2 Building separation is in proportion to building height.*
- *O 2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.*
- *O 2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings.*

As discussed in the Element 2.4 section above, the revised design provides for a reduction in building height and increased setbacks to the side boundaries which provides for sufficient space to the side boundaries and is consistent with the desired streetscape character for taller buildings.

The upper levels of the development are designed with greater setbacks to the side and rear boundaries than the levels below. Coupled with a reduction in building height, this assists in reducing the impact of building bulk from adjoining properties and at street level.

The development has been designed to provide sufficient separation distances to preserve the residential amenity for the future residents of the development and those living in the neighbouring properties. As discussed further in the Element 3.5 section below, the development is designed to minimise privacy impacts to neighbouring properties. The private outdoor living spaces and the communal roof terrace are set off the boundaries, providing separation for acoustic privacy. There is sufficient open air around the building within the setback area to obtain natural ventilation into the building and maintain adequate airflow to the existing buildings and the future development of neighbouring properties.. As discussed further in Section 3e of the Planning Assessment section of this report, the City is satisfied that the development satisfies the Element Objectives relating to overshadowing of neighbouring properties.

All living areas and balconies within the development are provided with external outlook.

The development meets the Element Objectives of Element 3.4 – Communal Open Space and Element 4.4 – Private Open Space and Balconies relating to the provision of communal open space and private open space. At ground level, a 3.0 metres setback is provided to the north western side boundary, which provides a deep soil area that supports the growth of the new trees proposed to be planted along the boundary.

The development satisfies the Element Objectives of Element 2.7 – Building Separation of R-Codes Volume 2.

Element 3.5 – Visual Privacy

Consideration of the proposal against the Element Objective of Element 3.5 – Visual Privacy of R-Codes Volume 2 is provided below.

> *O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The proposed development has been designed with all windows from habitable rooms to be highlight windows or setback to address the recommended visual privacy setbacks of R-Codes Volume 2.

All upper floor apartments include unscreened balconies which provide an external outlook, however this results in variations to the recommended visual privacy setbacks of R-Codes Volume 2 to the south east, south west and north west boundaries with the impacts considered below.

In relation to the south eastern boundary, the balcony to Apartment 301 on Level 3 is setback 5.4 metres in lieu of 9.0 metres. As per Figure 9 and Figure 10, portions of the balcony are screened with the overlooking mitigated through the 'Pebble Roof' and balustrade which prevents direct overlooking downwards into the adjoining properties which is supported in terms of visual privacy.

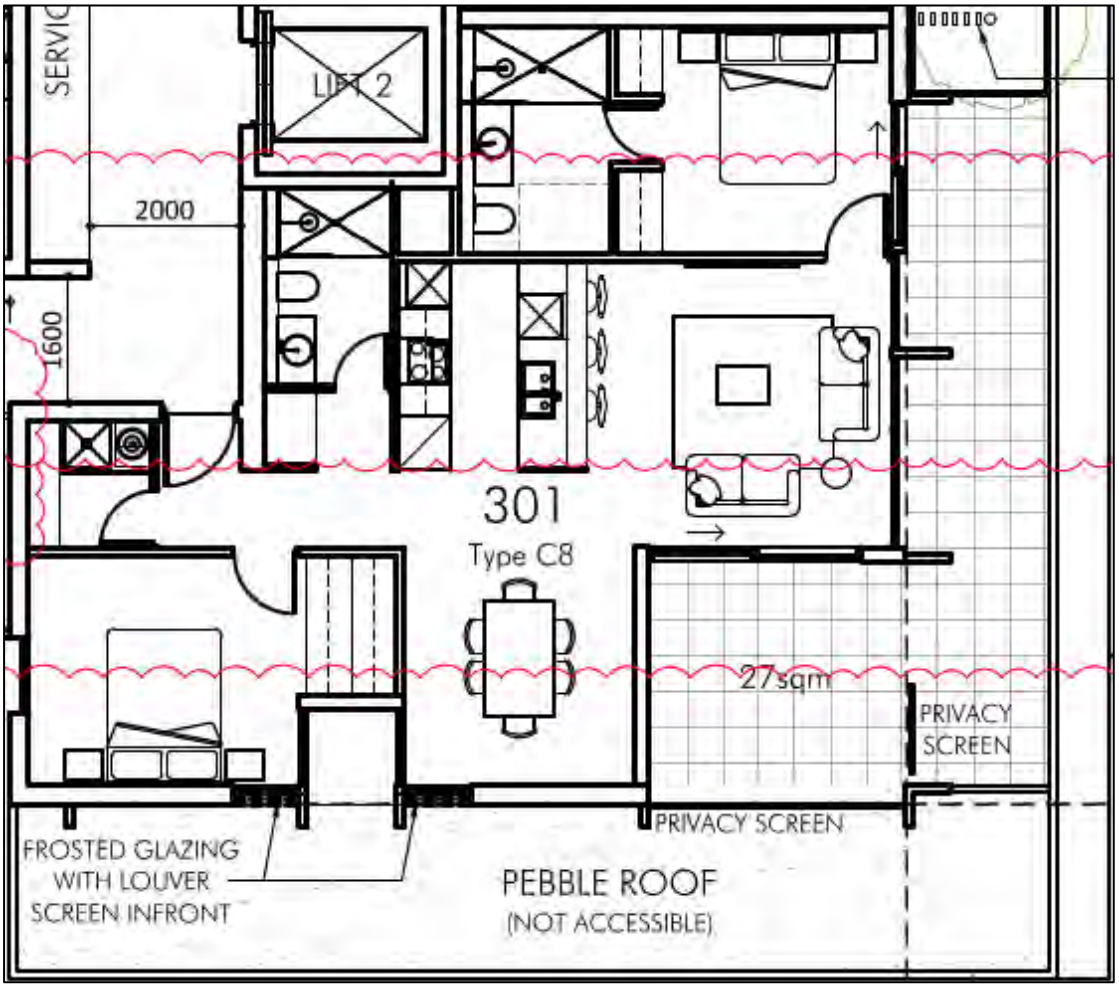


Figure 9 Floorplan of Apartment 301 on Level 3

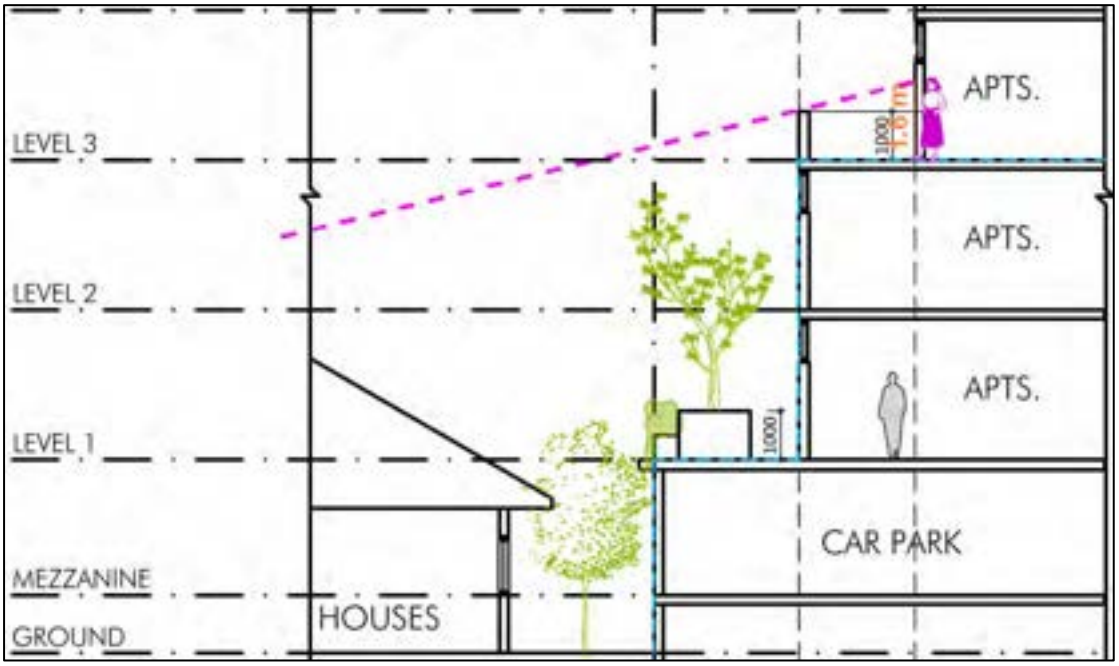


Figure 10 Annotated Extract of Section Plan 2A – South Eastern Lot Boundary

In relation to the south western boundary, the balconies of Apartments 108 and 109 on Level 1 are setback 5.9 metres in lieu of 6.0 metres. The balconies of Apartments 307 and 407 on Levels 3 and 4 are setback 8.8 metres in lieu of 9.0 metres. As per Figure 11 through to Figure 14 inclusive, the overlooking from the balconies of Apartments 108 and 109 on Level 1 and Apartment 307 on Level 3 is mitigated through the 'Pebble Roof' and landscaping which prevents direct overlooking downwards into the adjoining properties which is supported in terms of visual privacy.

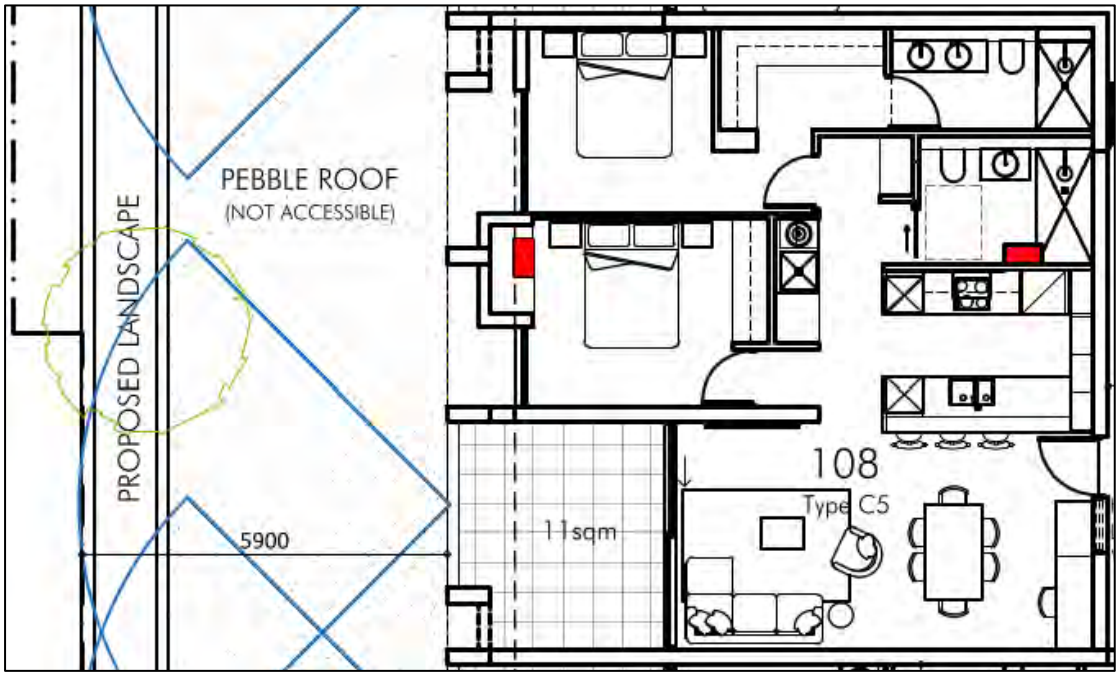


Figure 11 Floorplan of Apartment 108 on Level 1

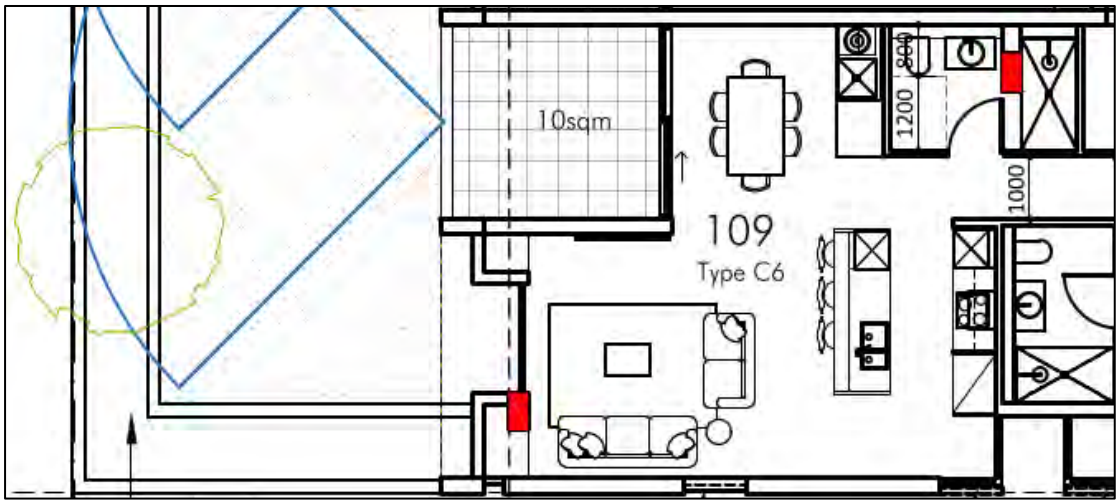


Figure 12 Extract of Floorplan of Apartment 109 on Level 1

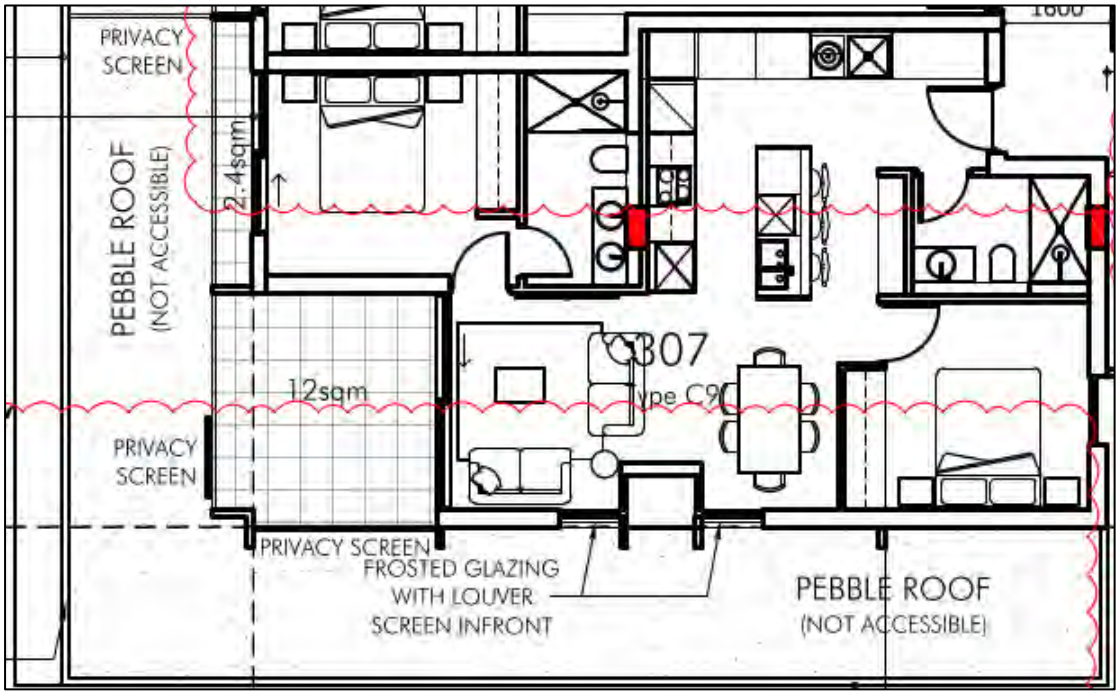


Figure 13 Floorplan of Apartment 307 on Level 3

Figure 14 Extract of Section Plan – South Western Lot Boundary

The balcony of Apartment 407 on Level 4 is setback 8.8 metres in lieu of 9.0 metres, with the resultant overlooking projecting into the vacant property at House Number 342 Grand Promenade. This elevation is partially screened by a privacy screen on the exterior of the balcony. At a setback of 8.8 metres, the resultant overlooking is

consistent with the recommended setback of 9.0 metres as per the Acceptable Outcomes, and therefore does not significantly impact the privacy of the adjoining property. Furthermore, as the adjoining site is currently vacant there is no adverse overlooking to sensitive areas at present and the proposed setback ensures a sufficient level of visual privacy can be accommodated for any future development, consistent with a mid-rise urban centre. Though screening could be provided to enclose the balcony, this is not consistent with Acceptable Outcomes 3.5.2 and 3.5.3 of Element 3.5 – Visual Privacy which recommends balconies are unscreened for at least 25% of their perimeter. As the living room to the dwelling obtains its external outlook solely through the balcony, it is not considered appropriate to impose screening to fully enclose this balcony.

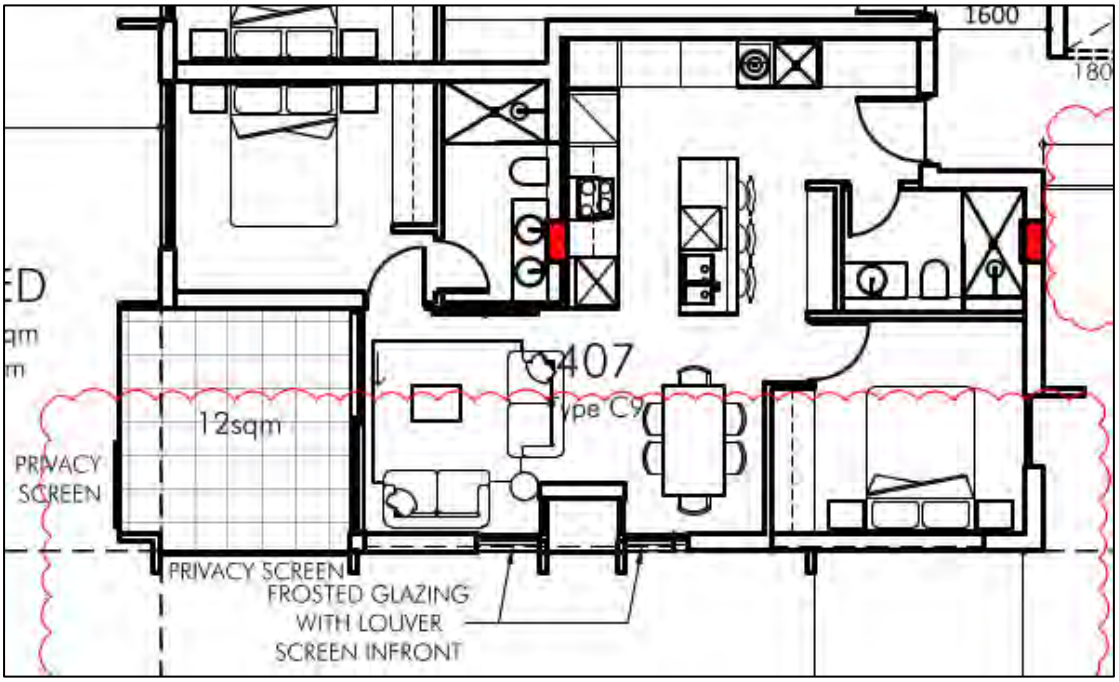


Figure 15 Floorplan of Apartment 407 on Level 4

Figure 16 Floorplan of Apartment 407 on Level 4 Overlayed February 2024 Aerial Photograph

In relation to the north western boundary, the balcony of Apartment 302 is setback 5.4 metres in lieu of 9.0 metres. The balconies of Apartments 303 to 305 and 403 to 405 and the communal open space area on the rooftop are setback 6.4 metres in lieu of 9.0 metres.

As per Figure 17 through to Figure 19 inclusive, the resultant overlooking from the balcony of Apartments 302 is mitigated through the use of screening, the 'Pebble Roof' and the balustrading which prevents direct overlooking into the playground area of the adjoining primary school. Similarly, the planter boxes to Apartments 303 to 305 and 403 to 405 prevents direct overlooking downwards into the playground area. As such, the proposed setbacks are supported in terms of visual privacy.

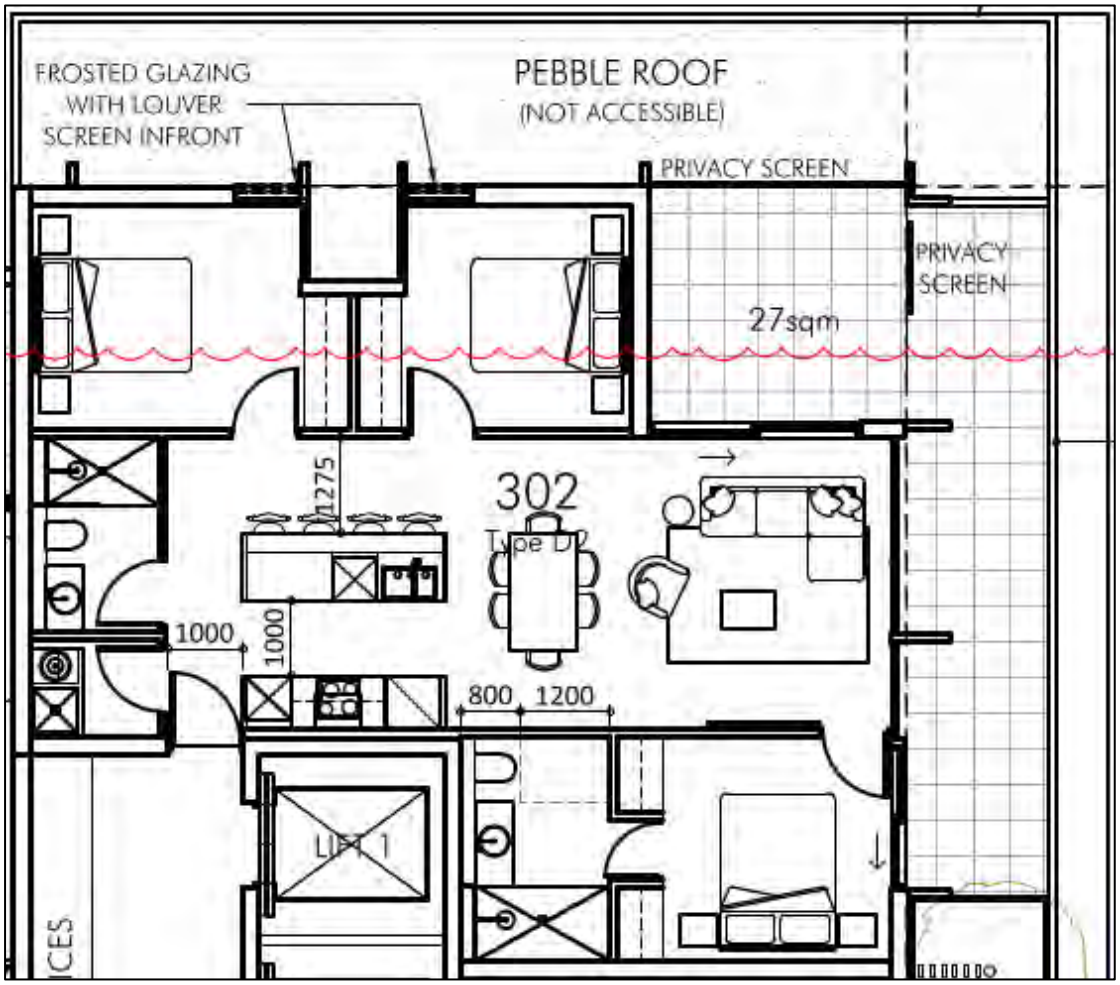


Figure 17 Floorplan of Apartment 302 on Level 3

As per Figure 18 and Figure 19, the resultant overlooking from the rooftop communal open space area is mitigated through the planter which prevents direct overlooking into the playground area of the adjoining school. As such, the proposed setback of the rooftop communal area is supported in terms of visual privacy.

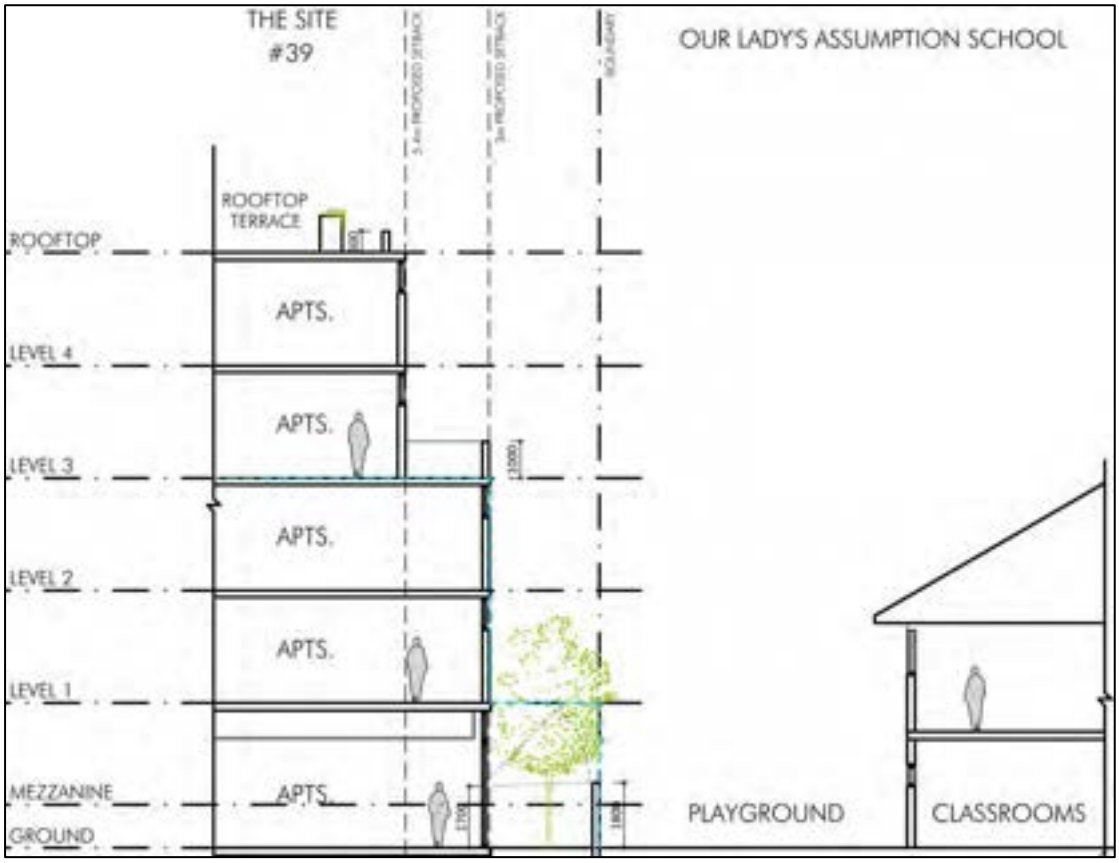


Figure 18 Extract of Section Plan 1A – North Western Lot Boundary

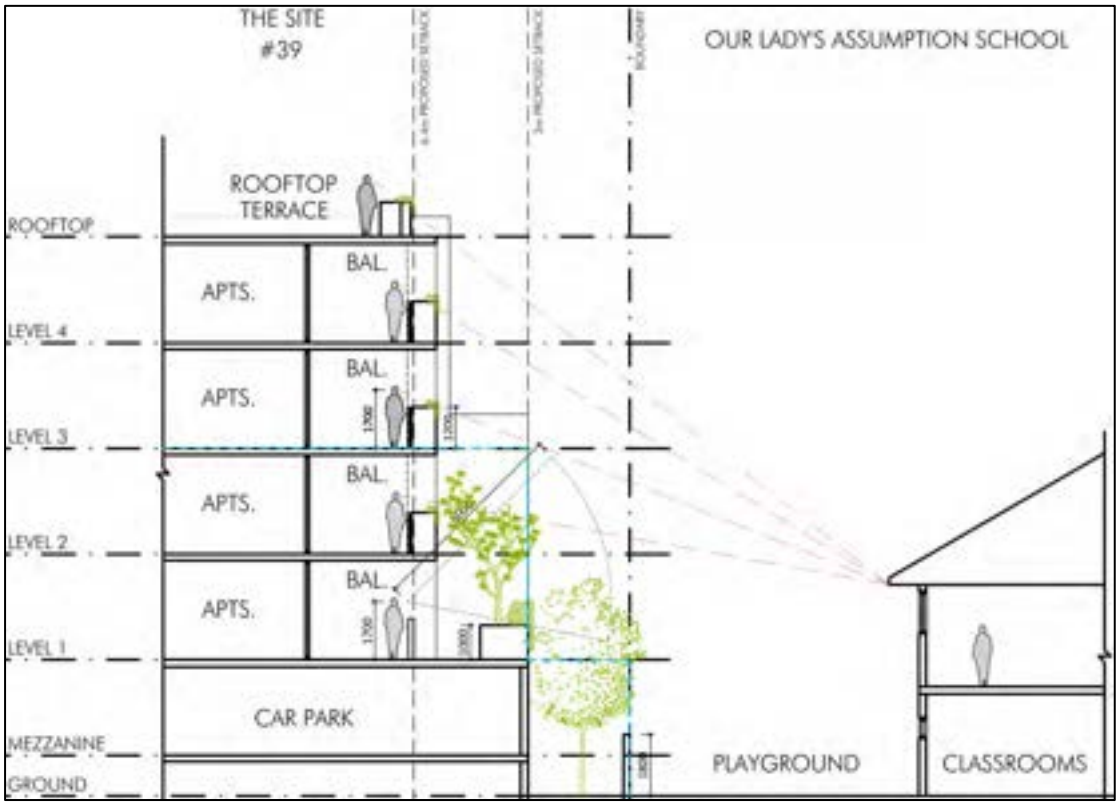


Figure 19 Extract of Section Plan 1B – North Western Lot Boundary

In relation to Apartments 104 – 106 on Level 1 of the development, the balconies achieve the recommend visual privacy setbacks with a setback of 6.4 metres in lieu of 6.0 metres to the north-west boundary. As per Figure 20 and Figure 19, to further mitigate visual privacy impacts to the adjoining primary school, the proposed development includes the extended 'Pebble Roof' and landscaping to prevent overlooking into the playground area and to the second floor classrooms which are setback a minimum 7.5 metres from the boundary. Based on the proposed design of the balcony area and minimum separation of 13.9 metres to the school building, the proposed setback is supported in terms of visual privacy.

Figure 20 Floorplan of Apartments 104, 105 and 106 on Level 1

The development is considered to satisfies the Element Objectives of Element 3.5 – Visual Privacy of R-Codes Volume 2.

d. Plot Ratio

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Plot Ratio	Maximum 1.5	2.05	Discretion sought

The proposed development has plot ratio area of 3,856m² which exceeds the permitted plot ratio area of 2,824.5m² by 1,031m². As the proposal seeks discretion against the plot ratio provisions, consideration against the Element Objectives of Element 2.5 of R-Codes Volume 2 is provided below:

O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.

In considering the appropriateness of the proposed plot ratio, the City refers to the intent of plot ratio as per Element 2.5 of R-Codes Volume 2 which states:

Plot ratio is the method of establishing an allowable volume of development within the 'container' of the building envelope. It is the ratio of the floor area of a building expressed relative to the site area and sets the building massing for a development site. This allowable volume of built form can be deployed with flexibility within the building envelope to respond to contextual and orientation factors.

The achievable plot ratio for a site is primarily determined by the limitations set for building heights and setbacks. In respect to building height, Table 6.12.4 b) of LPS 3 imposes a permitted building height of 11 metres which is exceeded by the proposed development with a maximum height of 20 metres which alone is likely to result in a variation to the permitted plot ratio. However, as concluded earlier in this report the modifications to the proposal, including the reduction in building height and increased setbacks to the tower component have enabled the development to satisfy the relevant side / rear setback, building separation and visual privacy provisions of the R-Codes Volume 2. As such, the bulk and scale of the development has been effectively managed to mitigate any significant impacts related to building height. This is further substantiated in Section 3e of this report which provides an analysis of the resultant overshadowing from the proposed development.

As previously discussed in this report, the height of the development responds to the desired future scale and character of the area as per the Dianella Special Control Area and the Dianella Centre Plan, by being at a transitionary height between the permitted six storeys applicable to the commercial area and the three storeys height applicable to the residential areas.

The development satisfies the Element Objectives of Element 2.5 – Plot Ratio of R-Codes Volume 2. As the proposed development seeks to vary the plot ratio provisions of Table 6.12.4 b) of LPS3, further commentary regarding the proposed plot ratio is provided in Section 3g of the Planning Assessment section of this report.

e. Overshadowing

Element 3.2 – Orientation of R-Codes Volume 2 includes provisions relating to the orientation of buildings to the street, orientation of buildings to maximise northern solar access to living areas and minimising overshadowing impacts to adjoining properties.

In relation to overshadowing, Acceptable Outcome 3.2.3 of Element 3.2 – Orientation of R-Codes Volume 2 stipulates for adjoining properties with a residential density coding of R80 or higher there are 'nil requirements' in relation to the permitted amount of overshadowing. Notwithstanding, the Acceptable Outcomes of R-Codes Volume 2 are not 'deemed-to-comply' provisions to satisfy the relevant Element Objectives. As the building height of the proposed development significantly exceeds the permitted height of Table 6.12.4 b) of LPS3, consideration of the proposed development against the Element Objectives of Element 3.2 – Orientation is provided below:

O 3.2.1 Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.

O 3.2.2 Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

The development is designed to address Chester Avenue with appropriate architectural finishes including windows and balconies which provide articulation and passive surveillance opportunities over the street and the lobby entrance which is clearly visible. Most dwellings have either a north eastern or north western orientation and accordingly obtain high levels of natural sunlight. As such, the proposed development achieves Element Objective O 3.2.1.

In relation to overshadowing, the Acceptable Outcomes do not impose a permitted percentage of overshadowing for properties with a residential density coding of R80 and higher. However, this does not imply that any amount of overshadowing is automatically acceptable but rather it is not appropriate to quantitively define an acceptable level of overshadowing in higher density areas, as site specific performance-based assessment is required, having regard to the site context and applicable primary built form planning controls. This assertion is supported by Element Objective O 3.2.2 which requires that building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

To demonstrate the overshadowing of the revised development against a guideline 'LPS No. 3 Envelope' shadow, the Applicant has prepared a series of overshadowing diagrams in their submission, showing the shadow cast by the development at hourly intervals between 9.00am and 3.00pm on 21 June (i.e. Winter Solstice). The City notes the guideline 'LPS No. 3 Envelope' shadow may not fully reflect the design of a potential building as further articulation may be necessary for architectural design, access to natural light and ventilation to dwellings, however this provides for a comparison with these images provided below, in Figure 21 through to Figure 28 inclusive.

The Applicant has included the outline of the shadow cast by the previous proposal, deferred by the Metro Inner-North JDAP, in Figure 21. This shows that the extent of proposed overshadowing has now been reduced compared to the previous proposal due to the reduction to the building height and increased building setbacks from the boundaries to Levels 3 and 4 (previously Levels 4 and 5).

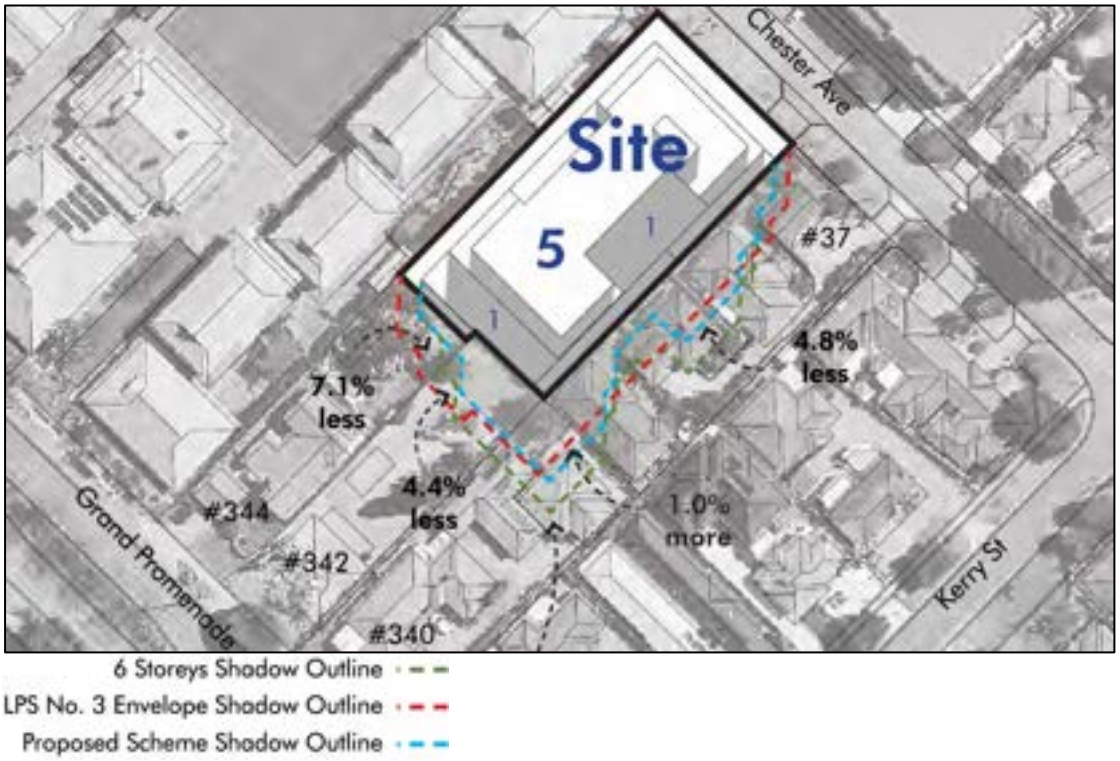


Figure 21 Applicant's Winter Solstice Diagram at 12noon

The below table provides an analysis of the proposed scheme overshadow against the guideline 'LPS No. 3 Envelope' shadow to Lot 62 (House Number 35-37) Chester Avenue and Lots 40 (House Number 340), 56 (House Number 342) and 200 (House Number 344) Grand Promenade at 12noon during the Winter Solstice.

Property	Guideline Scheme Shadow	Proposed Scheme Shadow	Variation
Lot 62 (House Number 35-37) Chester Avenue	32%	27.2%	- 4.8% (64.4m²)
Lot 40 (House Number 340) Grand Promenade	5.5%	6.5%	+ 1.0% (13.4m²)
Lot 56 (House Number 342) Grand Promenade	17.9%	13.5%	- 4.4% (41.1m²)
Lot 200 (House Number 344) Grand Promenade	10.0%	2.9%	- 7.1% (65.0m²)

As demonstrated above, the proposed development results in greater overshadowing to Lot 40 (House Number 340) Grand Promenade with reduced overshadowing to Lot 62 (House Number 37) Chester Avenue and Lot 200 (House Number 344) and Lot 56 (House Number 342) Grand Promenade compared to a guideline scheme. The overshadowing at 12 noon during the Winter Solstice is a net reduction compared to the guideline 'LPS No. 3 Envelope' shadow. In considering the appropriateness of the resultant overshadowing from the proposed development, Figure 22 through to Figure 28 inclusive provide a comparison of the overshadowing from the guideline 'LPS No.

3 Envelope' shadow against the proposed development at hourly intervals between 9.00am and 3.00pm during the Winter Solstice.

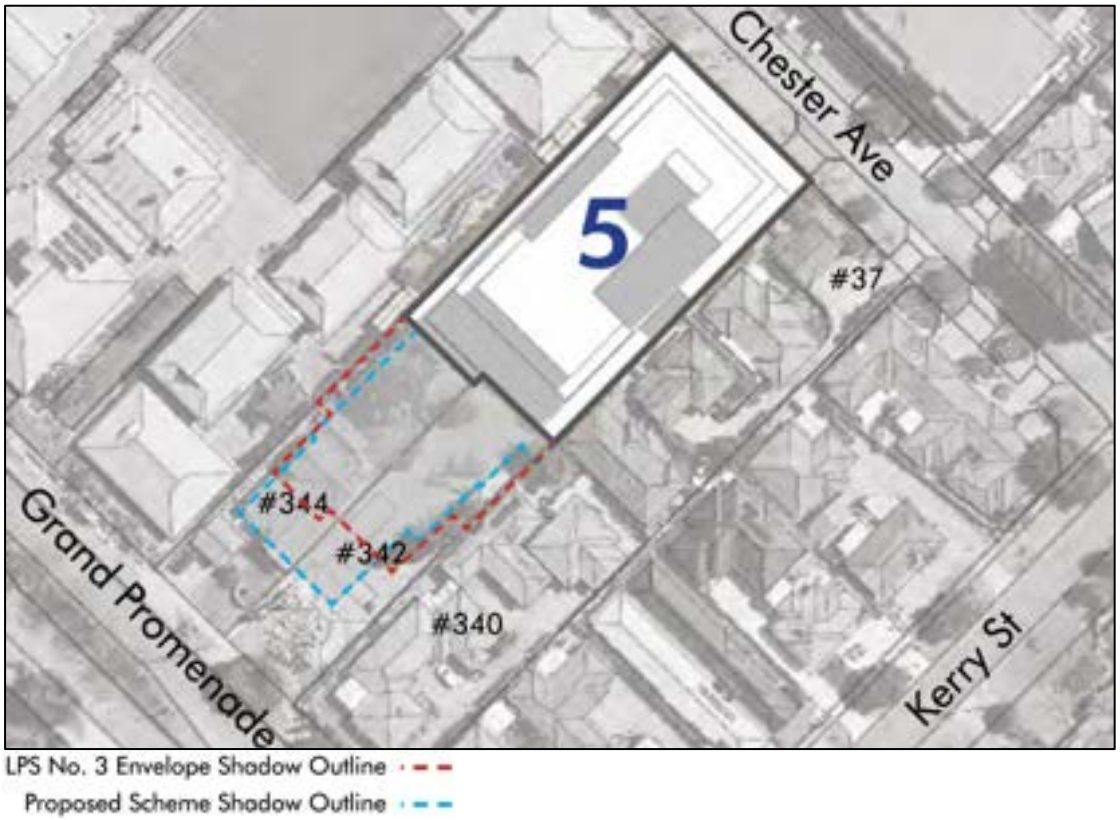


Figure 22 Applicant's Winter Solstice Overshadowing Diagram – 9.00am

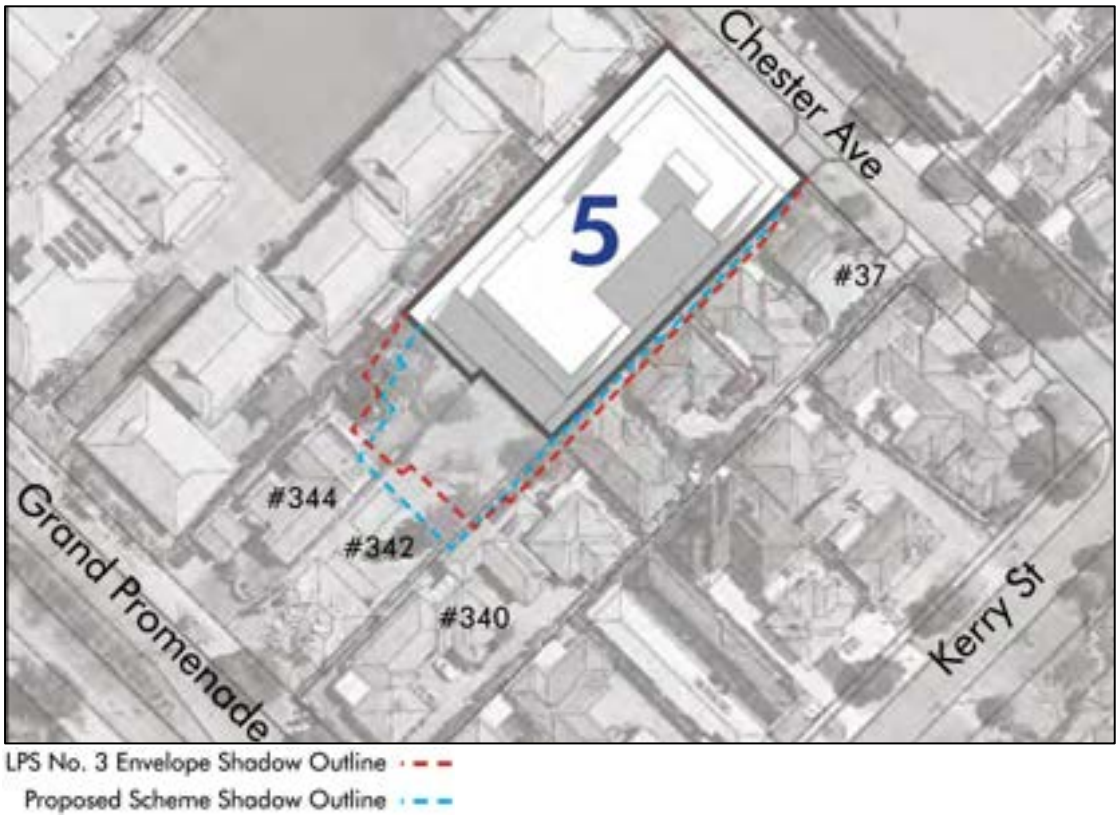
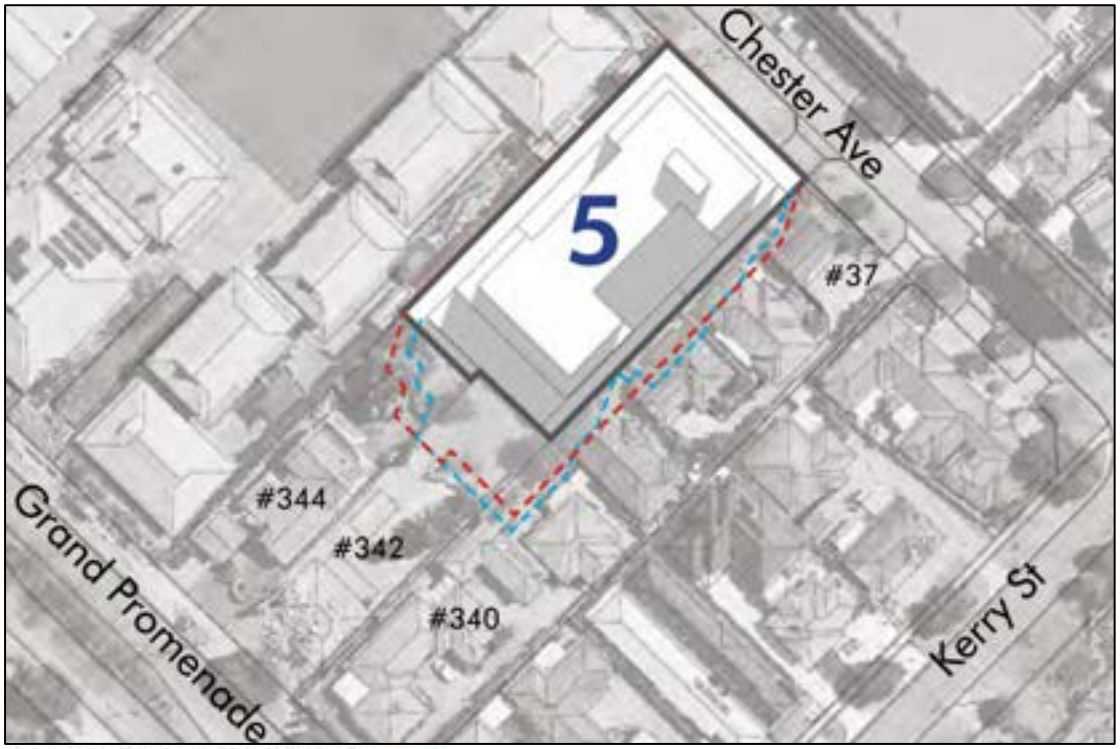
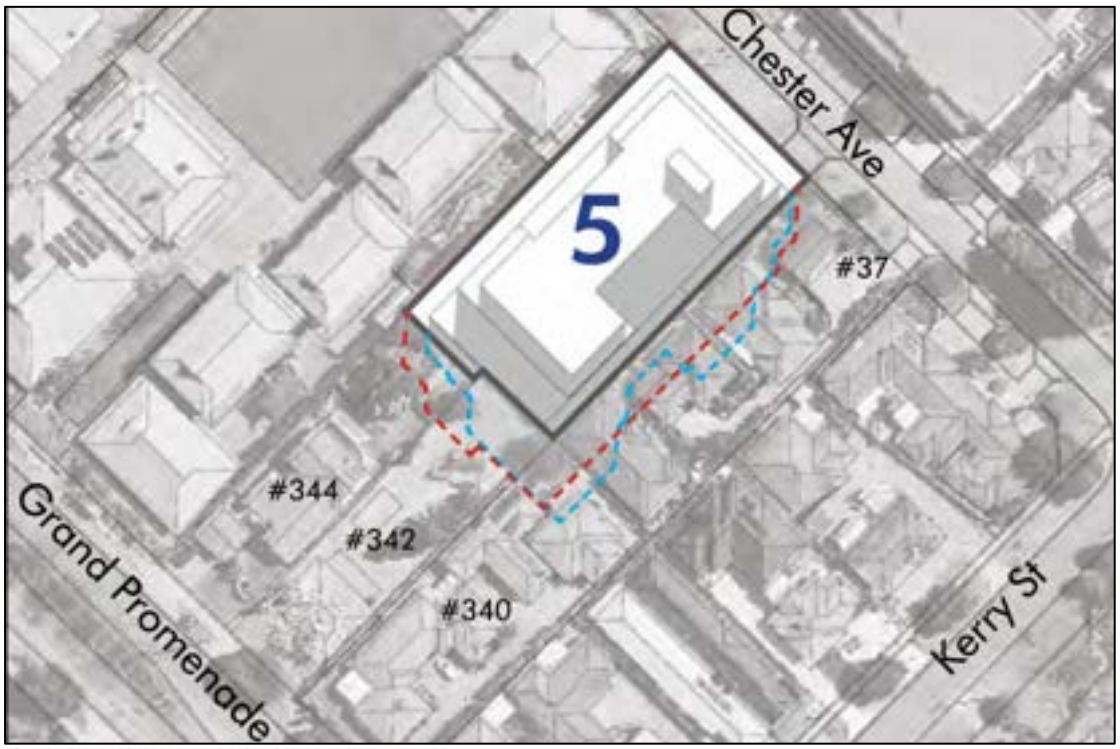


Figure 23 Applicant's Winter Solstice Overshadowing Diagram – 10.00am



LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline

Figure 24 Applicant's Winter Solstice Overshadowing Diagram – 11.00am



LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline

Figure 25 Applicant's Winter Solstice Overshadowing Diagram – 12noon

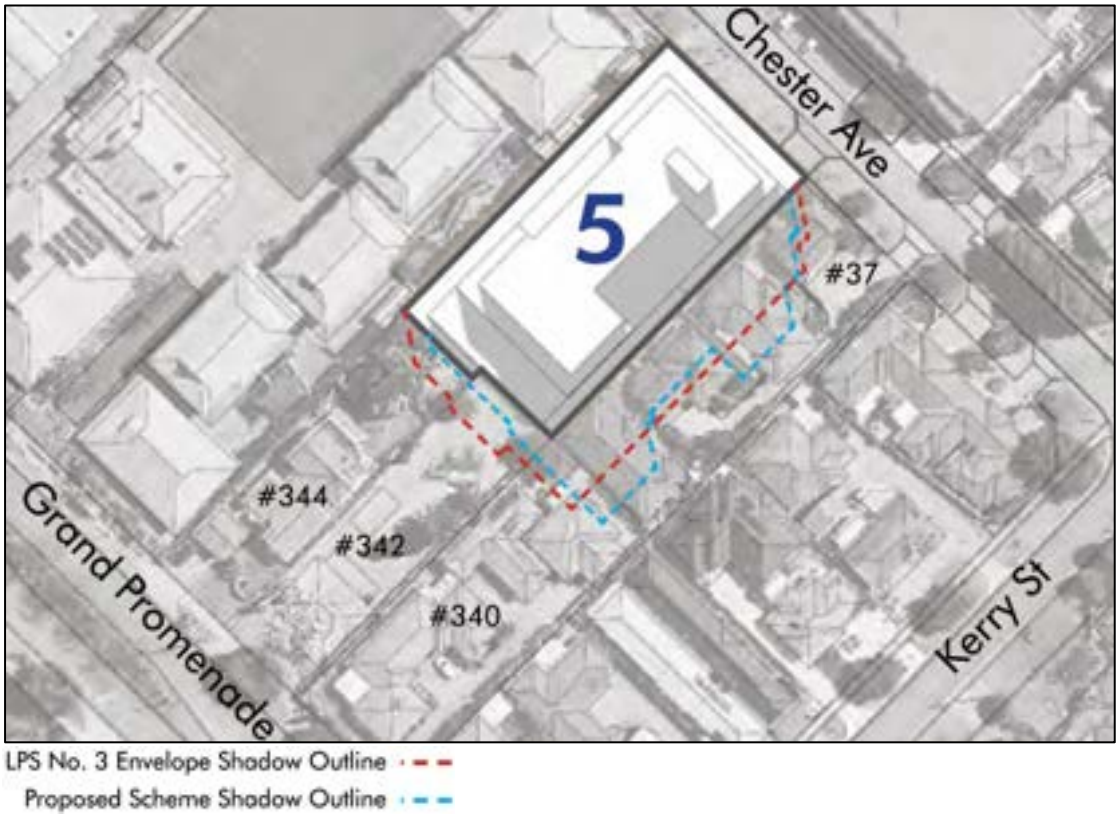


Figure 26 Applicant's Winter Solstice Overshadowing Diagram – 1.00pm

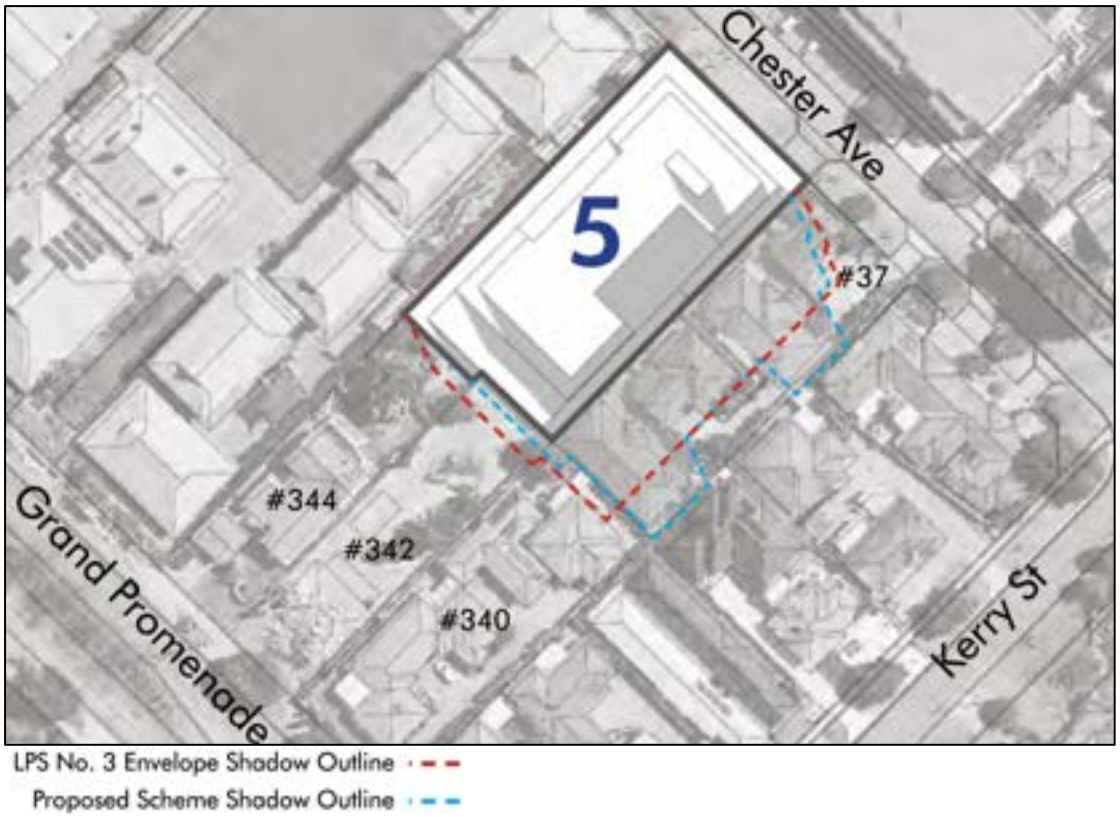


Figure 27 Applicant's Winter Solstice Overshadowing Diagram – 2.00pm

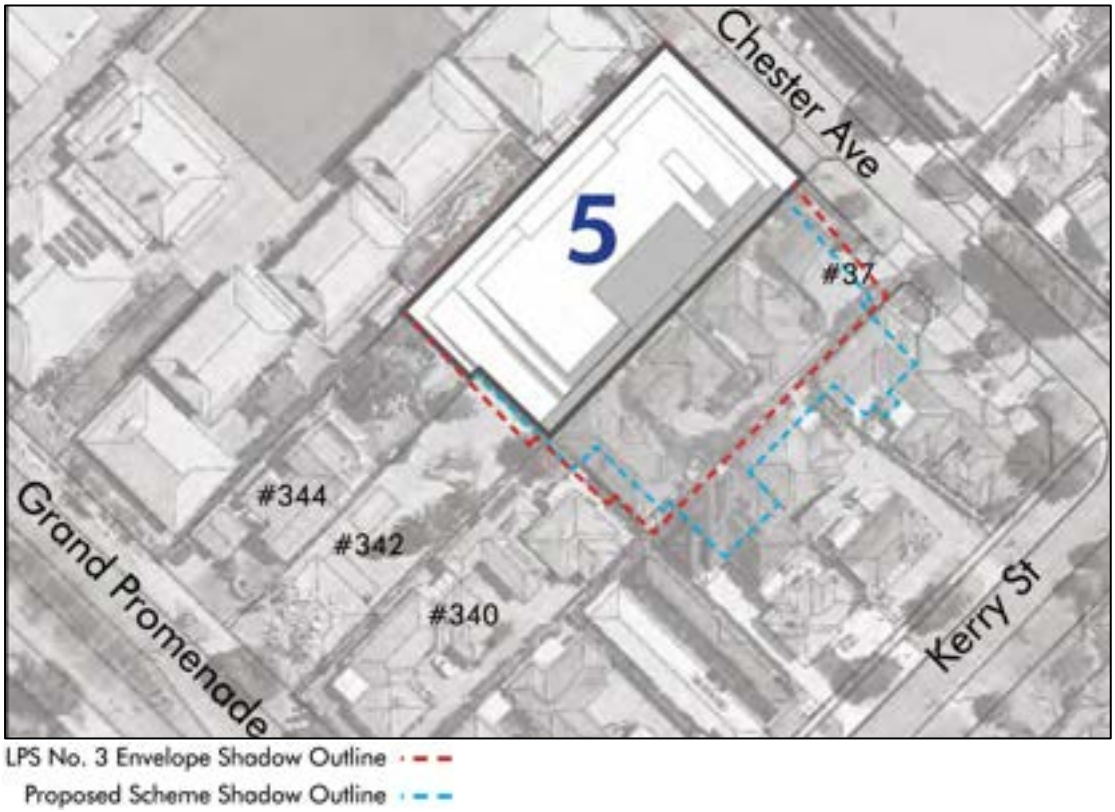


Figure 28 Applicant's Winter Solstice Overshadowing Diagram – 3.00pm

Figure 22 through to Figure 28 inclusive, demonstrate the resultant overshadowing from the proposed development has both greater and reduced extents of shadow cast at the various internals compared to the guideline 'LPS No. 3 Envelope' shadow which is directly related to the proposed building height and the proposed setbacks of the building from the boundaries.

Figure 29, based upon the Applicant's shadow outlines shown in Figure 22 through to Figure 28 inclusive, demonstrates the manner that the shadow shifts throughout the day during the Winter Solstice.

Figure 29 Combined Hourly Winter Solstice Overshadowing Between 9.00AM and 3.00PM Diagram (Based upon the Applicant's Winter Solstice Overshadowing Diagrams - Figure 22 through to Figure 28 Inclusive)

In relation to overshadowing to outdoor living areas and major openings to habitable rooms, House Number 1-5/35-37 Chester Avenue and House Number 1-4/340 Grand Promenade are most affected in terms of the extent and duration of overshadowing to major openings to habitable rooms and outdoor living areas.

In relation to solar panels, the overshadowing from the proposed development extends to the solar panels at properties House Numbers 1-4/340 and 344 Grand Promenade, 8A and 10A Kerry Street and 33 Chester Avenue. The shadow affects the solar panels for less than two hours per day during the Winter Solstice, though these panels would not be affected by the guideline 'LPS No. 3 Envelope' shadow.

In reference to the proposed overshadowing of House Numbers 342 and 344 Grand Promenade, to the south west of the subject site, the shadow is cast over the rear portion of these properties in the morning, with the greatest impact in the early morning. The City is satisfied that the existing and potential future habitable rooms, open space and solar collectors will receive sufficient sunlight during the day. The length of the shadow reduces throughout the morning and during the late morning and the early afternoon is restricted to the rear-most area of those properties closest to the common boundary with the subject site. There are extensive areas of those properties that have minimal overshadowing during day.

In reference to the proposed overshadowing of House Numbers 1-4/340 Grand Promenade, to the south of the subject site, the shadow sweeps over the rear of that property during the day. The City is satisfied that the existing habitable rooms, open space and solar collectors of the affected dwellings will receive sufficient sunlight during the day. Continuous shadow is restricted to the northern corner of the subject site abutting the subject property. The rest of the outdoor spaces, the dwellings and the roof top solar panels receive hours of sunlight during the day.

In reference to the proposed overshadowing of House Number 1-5/35-37 Chester Avenue, to the south east of the subject site, there is minimal overshadowing in the early morning and subsequently the length of the shadow increases throughout the day. The proposed overshadowing will have the greatest impact to the habitable rooms and the open space areas of the dwellings closest to the common boundary with the subject site. The City has not identified any existing roof-top solar collectors on this property. Having regard to the 11 metres building height prescribed in Table 6.12.4 b) of LPS3 and the lot orientation, it is inevitable that this property would be affected by overshadowing from a redevelopment proposal on the subject site. On balance, the City considers that the overshadowing impacts are reasonable in the context of the future built form planned within the Dianella Activity Centre. The building design has redistributed the building bulk adequately to mitigate additional overshadowing impacts relative to the anticipated overshadowing impacts based upon a building constructed in full compliance with Table 6.12.4 b) of LPS3.

In reference to the proposed overshadowing of House Numbers 8A and 10A Kerry Street and 33 Chester Avenue, these properties are unaffected until the late afternoon. The City is satisfied that the existing habitable rooms, open space and solar collectors of the affected dwellings will receive sufficient sunlight during the day.

In further consideration of the impacts of the shadow cast over the properties at House Numbers 1-4/340 Grand Promenade, 8A and 10A Kerry Street and 33 Chester Avenue, the Applicant has prepared a series of overshadowing diagrams in their submission, showing the shadow cast by a potential future development on House Number 35-37 Chester Avenue, the adjoining property to the south east of the subject site, at hourly intervals between 11.00am and 3.00pm on 21 June (i.e. Winter Solstice). This timeframe reflects the period of the day when those properties are most overshadowed by the proposed development. The guideline '#37 LPS No. 3 Envelope' shadow provides the anticipated overshadowing impact of a three storey development built on House Number 35-37 Chester Avenue in accordance with the provisions of LPS3. This information provides an indication of the extent that the future shadow anticipated to be cast over these neighbouring properties will be from the proposed development in line with the expectations of the applicable built form controls. The City notes there is no current proposal for the redevelopment of House Number 35-37 Chester Avenue and the guideline '#37 LPS No. 3 Envelope' shadow may not fully reflect the design of a potential building as further articulation may be necessary for architectural design, access to natural light and ventilation to dwellings. These images are provided below, in Figure 30 through to Figure 34 inclusive.

Figure 30 Applicant's Winter Solstice Overshadowing Diagram for 35-37 Chester Avenue – 11.00am

Figure 31 Applicant's Winter Solstice Overshadowing Diagram for 35-37 Chester Avenue – 12noon

Figure 32 Applicant's Winter Solstice Overshadowing Diagram for 35-37 Chester Avenue – 1.00pm

Figure 33 Applicant's Winter Solstice Overshadowing Diagram for 35-37 Chester Avenue – 2.00pm

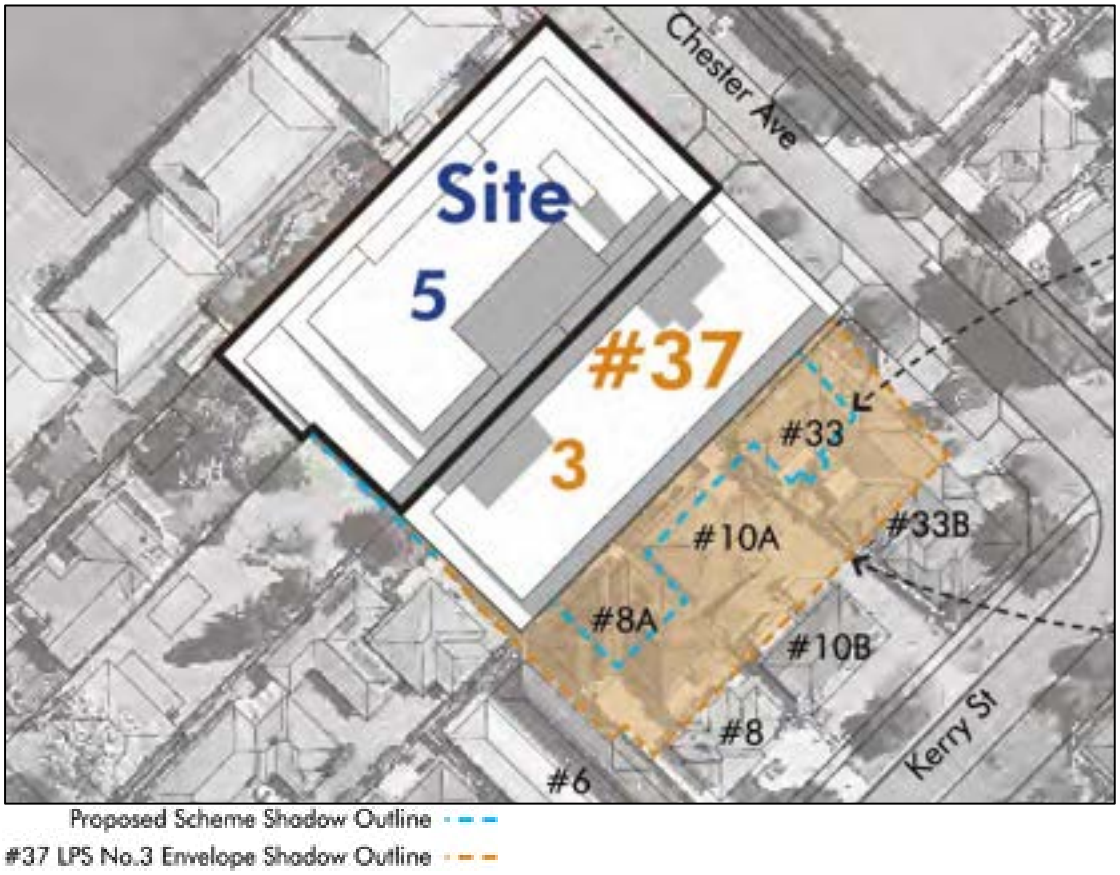


Figure 34 Applicant's Winter Solstice Overshadowing Diagram for 35-37 Chester Avenue – 3.00pm

Having regard to the indicative guideline '#37 LPS No. 3 Envelope' shadow diagrams for House Number 35-37 Chester Avenue, as per in Figure 30 through to Figure 34 inclusive, the proposed development would in effect cause no additional overshadowing of these properties and therefore is considered acceptable in the context of the existing built form outcomes for the area.

In summarising the relevant discretionary provisions of LPS3 and the Element Objectives of R-Codes Volume 2, in considering the development, the decision-maker should be satisfied that the resultant overshadowing from the proposed development minimises the shadow cast over habitable rooms, open space and solar collectors and does not adversely affect the neighbouring properties. However, the assessment of the overshadowing should consider the planned built form outcomes expected from Table 6.12.4 b) of LPS3, as it is unreasonable to expect the redevelopment of the subject site and other future development sites will cause no overshadowing to the adjoining properties.

The development is considered to satisfy the Element Objectives of Element 3.2 – Orientation of R-Codes Volume 2.

f. Dianella Special Control Area

The proposed development seeks discretion against the specific built form provisions of plot ratio, primary street setback and maximum height of Table 6.12.4 b) of LPS3. As such, consideration is provided against the Objectives of the Dianella Special Control Area in Clause 6.12.1 of LPS3 as follows:

LPS3 Clause 6.12.1 – Dianella Special Control Area Objectives	
Objective	**Officer Comment**
a) To ensure a diversity of uses and services which encourage reduced car travel, shorter trips and better social interaction.	The development provides additional dwellings within walking distance of the commercial businesses, public facilities and high frequency bus services within and adjacent to the Dianella Activity Centre. The development does not exceed the maximum ratio of car parking bays per dwellings, as per the Acceptable Outcomes of R-Codes Volume 2. The development will contribute towards the achievement of this objective.
b) To ensure the development of multiple functions benefiting the community through appropriate social services and business mix.	The subject site is Residential zoned land, so it would not be appropriate for social services and businesses to be included in this development. However, the development will contribute towards the achievement of this objective by increasing the residential population within the Dianella Activity Centre.
c) To ensure integration of intensive building form and land uses with public transport infrastructure.	Although the proposed development does not satisfy the specific built form provisions of Table 6.12.4 b) of LPS3, the proposed development satisfies all relevant element objectives of R-Codes Volume 2 and is supported. The proposed development does provide for a more intensive building form in close proximity to public transport services and the Dianella Activity Centre.
d) To ensure building forms provide for a long life span and adaptability for use, changing with time.	The development is expected to have a long life span having regard to the built form and materiality. The development is designed for residential purposes, consistent with the zoning of the subject site. The development includes dwellings with universal design features, which assists those residents to changes, such as disabilities, limited mobility and aging, and a variety of apartment types.
e) To apply the activity centre standards of the Residential Design Codes, to encourage consolidated housing forms and diversity.	The City's assessment concludes the development satisfies the discretionary provisions and the performance-based Element Objectives relating to specific built form outcomes of Table 6.12.4 b) of LPS3 and R-Codes Volume 2. The proposed development provides for greater housing diversity in the area.
f) To apply minimum development standards to achieve the desired	The City's assessment concludes the development satisfies the discretionary

LPS3 Clause 6.12.1 – Dianella Special Control Area Objectives	
Objective	**Officer Comment**
intensive building form and land use mix.	provisions and the performance-based Element Objectives relating to specific built form outcomes of Table 6.12.4 b) of LPS3 and R-Codes Volume 2.

The proposed development satisfies the Objectives of the Dianella Special Control Area.

g. Variations to Site and Development Standards and Requirements

Clause 5.5.1 of LPS3 provides a decision-maker with the ability to approve an application despite non-compliance with the Scheme requirements. In this instance, discretion is sought in relation to the specific built form controls of building height, plot ratio and primary street setback of Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3.

Clause 5.5.2 of LPS3 imposes procedural obligations on the decision-maker when considering discretion under Clause 5.5.1 of LPS3 which are as follows:

5.5.2 In considering an application for planning approval under Clause 5.5.1, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to –

a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 9.4; and

b) have regard to any expressed views prior to making its determination to grant the variation.

The City has previously undertaken public consultation for this application on two occasions. The revised submission has a reduced impact compared to the previous proposal, noting the reduction to the building height, the greater building setbacks to the side and rear boundaries and a reduction to the density of the development. The submissions received during public consultation have been provided in Attachment 7 and summarised within the Consultation section of this report.

Clause 5.5.3 of LPS3 allows a decision-maker to exercise discretion in accordance with Clause 5.5.1 of LPS3 where there is significant non-compliance with a standard or requirement as follows:

5.5.3 Where:

a) An application for planning approval requires the exercise of Council's discretion under clause 5.5.1; and

b) In the opinion of Council, there is significant non-compliance with the standard or requirement;

Council may impose conditions on its approval requiring the provision of specified community facilities at the applicants cost.

Note 1 It is the intention of the Council to require the provision of community facilities where there has been a significant increase in demand for that facility as a direct result of the proposed development.

Note 2 Definition of community facilities is contained within Schedule 1.

The proposed development does not provide for any community facilities in accordance with Schedule 1 of LPS3, however the development is not expected to result in a demand for community facilities as a direct result of the proposed development which would warrant such provision.

In accordance with Clause 5.5.4 of LPS3, the power conferred by Clause 5.5.1 of LPS3 can only be exercised if the decision-maker is satisfied that:

a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 10.2* [Clause 67(2) of the Deemed Provisions prevails over Clause 10.2 of LPS3]*; and*
b) *the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Despite Clause 5.5.4 of LPS3, Clause 5.5.5 of LPS3 allows for the use of discretion in accordance with Clause 5.5.1 of LPS3 where non-compliance with the standard or requirement would enable the retention of a Significant Tree on site. As no Significant Trees are being retained, consideration of discretion under Clause 5.5.5 of LPS3 is not relevant to the proposed development.

The City's assessment concludes the proposed development would be appropriate having due regard to the relevant matters of Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as discussed further in Section 5 of the Planning Assessment section in this report. Accordingly, the application of Clause 5.5.1 of LPS3 to vary the specific built form controls of building height, plot ratio and primary street setback as per Table 6.12.4 b) of LPS3 is appropriate.

4. Landscaping

a. Local Planning Policy 6.11 – Trees and Development (LPP 6.11)

The proposed development includes the removal of the two existing Street Trees located towards the north-west and south-west of the subject site. As per Clause 5.2 e) of LPP 6.11, the removal of street trees can only be considered when no other reasonable design alternative exists.

Consideration of the proposed street tree removal is considered against the Objectives of LPP 6.11 as follows:

a) *To promote and facilitate development that enables existing significant trees to be retained;*
b) *To minimise the removal of significant trees on zoned land as a consequence of development;*
c) *To protect significant trees which are to be retained on zoned land and existing street trees during the demolition and construction phase of development;*
d) *To ensure appropriate advanced trees are planted which are suited to their environment and location where significant trees have been removed or do not exist on zoned land;*
e) *To ensure suitable advanced trees are planted on verges forming part of the road reserves abutting a development site where street trees have been removed;*

f) *To protect and increase the long term viability of City trees on verges adjacent to development sites; and*
g) *To preserve the existing streetscapes within the City*.

The proposal includes the removal of two existing street trees (Koelreuteria Paniculata) which were planted in August 2022. The City has reviewed the condition of the existing trees and is satisfied they are in good condition and are not affected by the location of the driveway with a minimum setback of two metres achieved from the southernmost street tree to the proposed crossover. As such, there is no suitable reason to support the removal of either of the existing street trees.

The proposed removal of the existing street trees is unnecessary and does not preserve the existing streetscape. A condition is recommended for a revised Landscaping Plan to be submitted with the existing street trees retained.

5. Planning and Development (Local Planning Schemes) Regulations 2015

The application is required to be considered against the relevant matters listed under Clause 67(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The City's response to each point requiring consideration is outlined in the table below:

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;	The proposed Multiple Dwelling use is consistent with the Residential zoning of the site as per LPS3. The development satisfies all relevant Element Objectives of R-Codes Volume 2. The appropriateness of the development has been considered in the City's assessment and is supported.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The height, bulk and scale of the proposed development satisfies the discretionary provisions relating to the specific built form provisions of Clause 6.12 of LPS3 and the associated Element Objectives of R-Codes Volume 2. Although the City has prepared draft LPS4, the final form of draft LPS4 is not imminent nor certain at this time, noting the draft scheme has not been advertised. Accordingly, no weight should be given to draft LPS4 when determining this application.
(c) any approved State planning policy;	The City's assessment has considered the relevant State Planning Policies. The

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
	development satisfies the objectives and provisions of those policies with the development supported.
(fa) any local planning strategy for this Scheme endorsed by the Commission;	The Local Planning Strategy identifies density for each activity centre. For district centres such as Dianella, this includes a minimum 20 dwelling and desirable 30 dwelling density target per gross hectare. There are 164 existing dwellings within the Dianella Activity Centre, including six dwellings on the subject site. This equates to an existing density of approximately 14 dwellings per hectare within the boundaries of the Dianella Activity Centre. The development provides a substantial contribution towards the density targets. As a guide, the density in this development would add approximately three dwellings per hectare to the whole of the Dianella Activity Centre and the density of the subject site is 186 dwellings per hectare. The addition of more dwellings is broadly seen as a positive outcome for the Dianella Activity Centre. The City is satisfied that the manner and form that these dwellings are being proposed does not adversely affect the amenity of the surrounding properties.
(g) any local planning policy for the Scheme area;	The City's assessment has considered the relevant Local Planning Policies. The development satisfies the objectives and provisions of those policies.
(h) any structure plan or local development plan that relates to the development;	The Dianella Centre Plan does not contain any specific development provisions, it articulates the vision for the Dianella Activity Centre and it informed the preparation of the scheme amendment that introduced Clause 6.12 Dianella Special Control Area of LPS3. There are no local development plans applicable to the subject site.

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
(m) the compatibility of the development with its setting, including — *(i) the compatibility of the development with the desired future character of its setting; and* *(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*	The height, bulk and scale of the development is compatible with the future character of its setting. The City is satisfied that the proposed development does not adversely affect the amenity of the surrounding properties.
(n) the amenity of the locality including the following — *(i) environmental impacts of the development;* *(ii) the character of the locality;* *(iii) social impacts of the development;*	The development will have enhanced environmental impact as the landscaping proposed is significantly greater than the existing Grouped Dwelling development. The City is satisfied that the height, bulk and scale of the development will not have an adverse impact on the amenity of surrounding properties. The development will have some positive social impacts, through greater housing diversity in the area.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	The development proposes the planting of 18 medium trees and 17 small trees at ground level and on structure. Landscaped areas include the street setback area, the setback to the north western lot boundary, the Visual Courtyard on Level 1 and within the communal open space on the roof of the building. The existing development on the subject site contains minimal mature vegetation and no trees are being retained. The City requires the existing street trees to be retained. The submitted Landscaping Plan has been reviewed and the City is satisfied with the landscape design on the subject site.
(s) the adequacy of — *(i) the proposed means of access to and egress from the site; and*	The vehicle access and design of the parking areas meets the City's requirements, subject to further review at the detailed design stage.

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The provision of car, bicycle and motorcycle/scooter parking spaces has been assessed against the relevant Element Objectives of R-Codes Volume 2 and the development achieves compliance with these Element Objectives.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The Applicant's Transport Impact Statement predicts the development will generate approximately 18 trips during both the morning and afternoon peak hours. The road network has the capacity to accommodate the additional traffic generated by this development and this traffic is not expected to cause a greater traffic safety risk. It is noted that the adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times. Although the development may slightly increase the existing congestion during peak periods, the additional traffic volume generated by the proposed development is relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.
(u) the availability and adequacy for the development of the following — *(i) public transport services;* *(ii) public utility services;* *(iii) storage, management and collection of waste;* *(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);* *(v) access by older people and people with disability;*	The site has good access to public transport, being located within a short walking distance of high frequency bus routes. Utility services are available. A Waste Management Plan has been provided and meets the City's requirements. There is a public footpath on the opposite side of Chester Avenue and the development provides a path between the roadway and the lobby entrance. Bicycle parking spaces are provided on site and meet the requirements of R-Codes Volume 2, though specific end-of-trip facilities are not needed as these

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
	functions are accommodated within each dwelling. Universal access has been provided as part of the development.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The height, bulk and scale of the development has a localised impact.
(y) any submissions received on the application;	The revised submission has been advertised, with all submissions addressed as detailed in the Consultation section of this report.
(za) the comments or submissions received from any authority consulted under clause 66;	The City previously received comments from the Water Corporation with no objections to the proposed development.

Conclusion:

Following the deferral of the previous proposal by the Metro Inner-North JDAP at its meeting on 13 December 2023, the applicant has submitted a revised proposal which has reduced the height of the development from seven storeys to six storeys (consisting of five storeys of apartments and the roof terrace level above), with increased setbacks to the side and rear boundaries. The design has been revised to mitigate the perception of excess bulk and scale and is considered to be a design that will meet the future built form for the area. The revised submission seeks approval for the construction of 35 Multiple Dwellings within a building with five storeys of apartments and the roof terrace level above.

The development is seeking the exercise of discretion from the decision-maker, in relation to the key built form controls of building height, plot ratio and setbacks of the development. As concluded in the City's assessment, the development has been designed to minimise the amenity impacts to the existing neighbouring development, through the positioning of building height on the site to minimise building bulk and scale and overshadowing impacts and designing the building to provide adequate external outlook whilst minimising visual privacy impacts. It is considered the revised proposal is reasonable in the context of the site being located within a District Centre and an Activity Corridor (Grand Promenade).

The subject site is within an Activity Centre in the early stages of transition. The development is consistent with the future built form planned for the Dianella Activity Centre, providing an appropriate transition between the commercial area to the north, where the greatest height, density and intensity of development is intended, and the residential areas to the south.

It is acknowledged that the development provides additional dwellings into the Dianella Activity Centre and this would assist in supporting the non-residential functions of the Activity Centre and provide a greater diversity of housing options within the locality.

The City's assessment concludes that the development satisfies the discretionary provisions relating to the planning provisions of LPS3 and satisfies all relevant Element Objectives of R-Codes Volume 2. It is recommended the Metro Inner DAP approve the application, subject to the recommended conditions.

City of Stirling
16 February 2024
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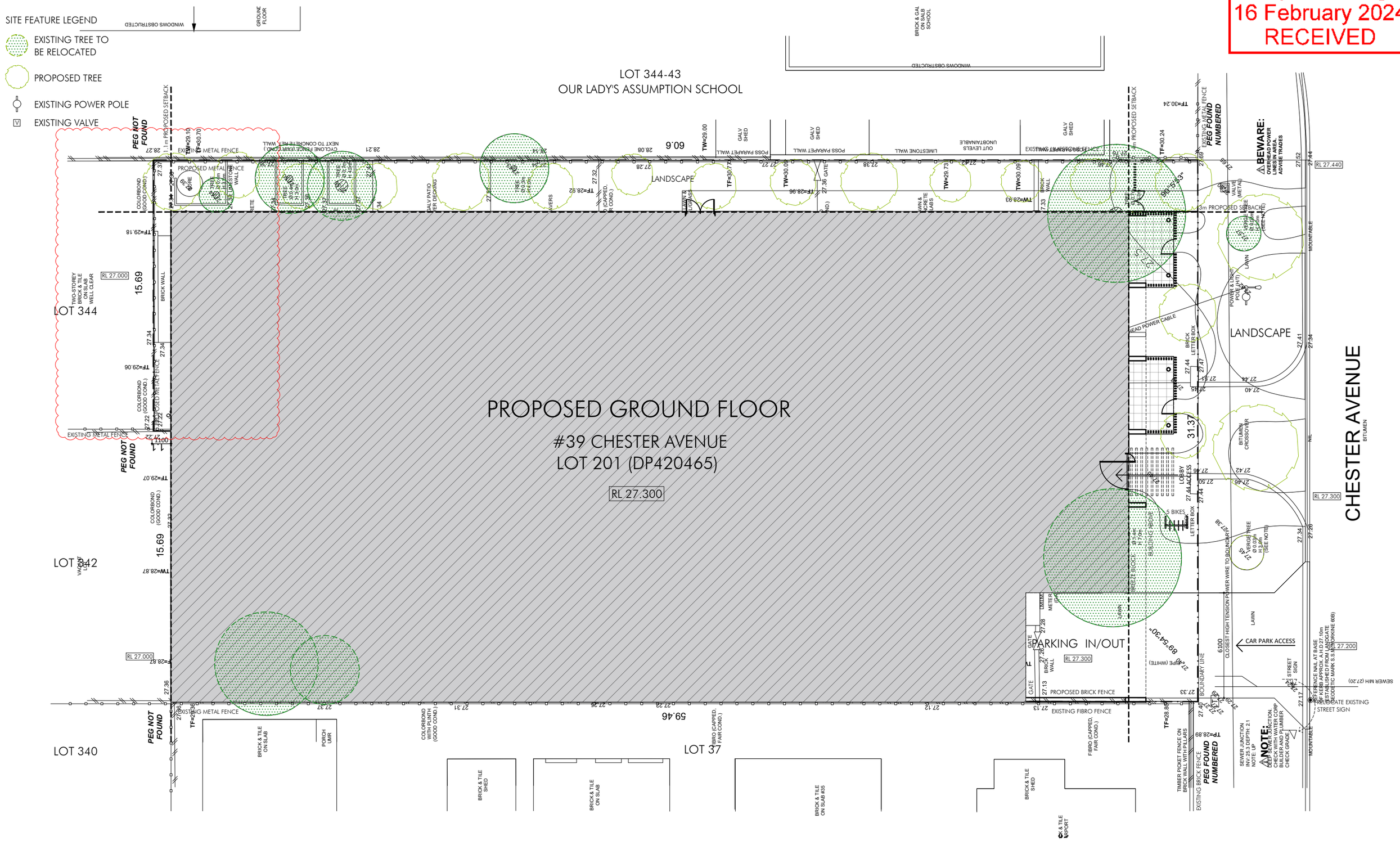

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

space collective architects

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SITE PLAN	A1-01	C

City of Stirling
16 February 2024
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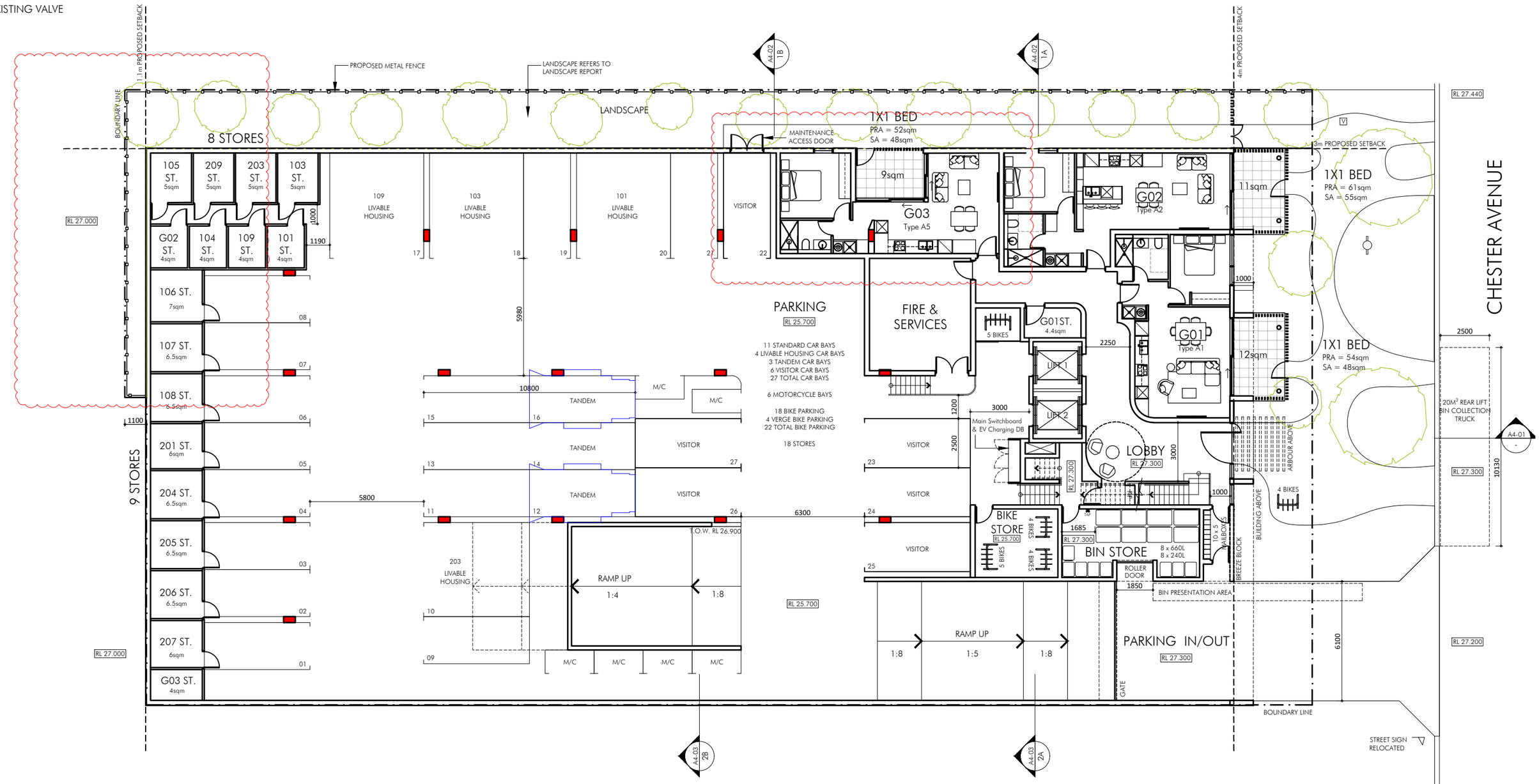
SITE FEATURE LEGEND

PROPOSED TREE

EXISTING POWER POLE

EXISTING VALVE



GROUND

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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City of Stirling
16 February 2024
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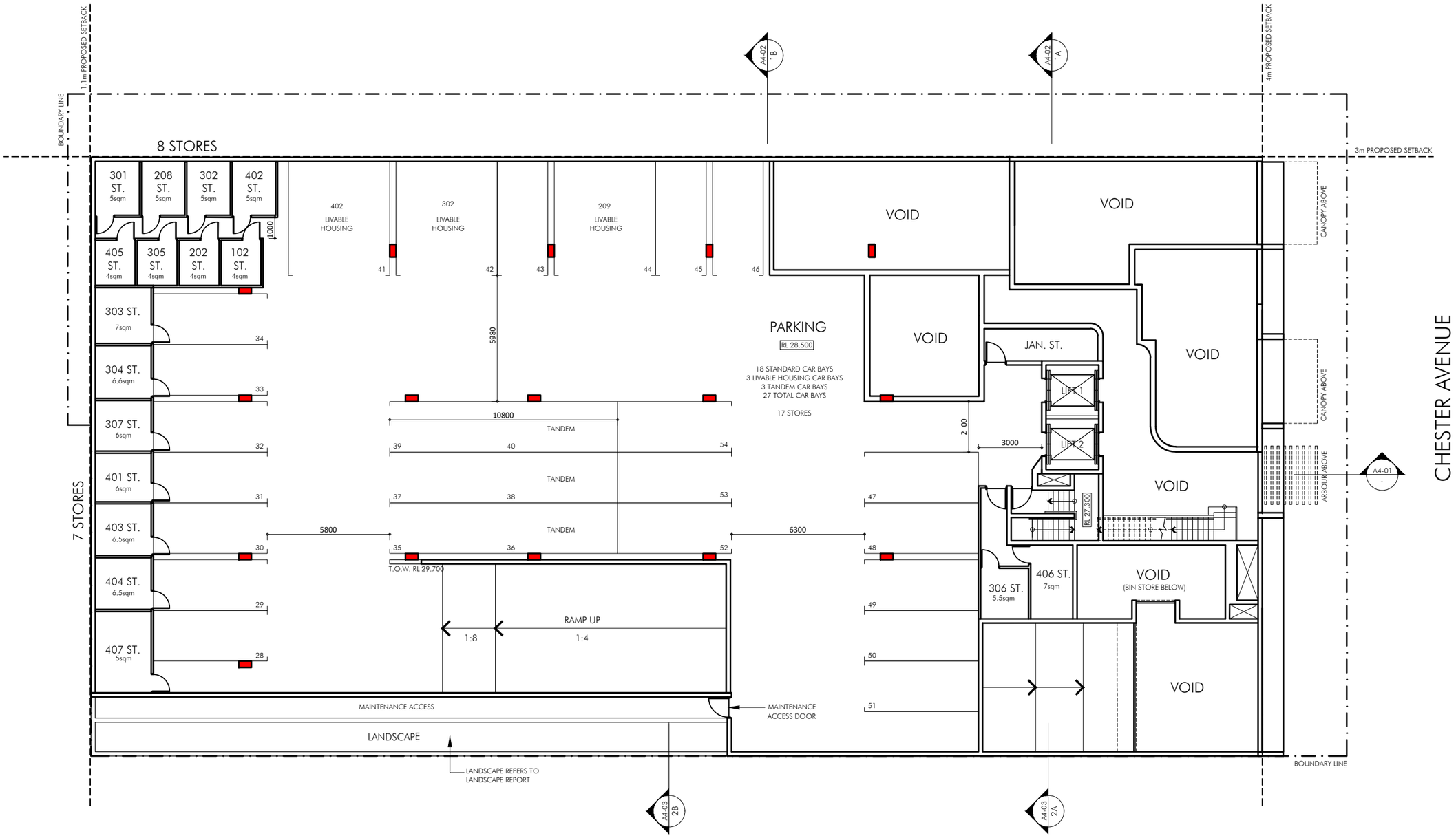

MEZZ

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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16 February 2024
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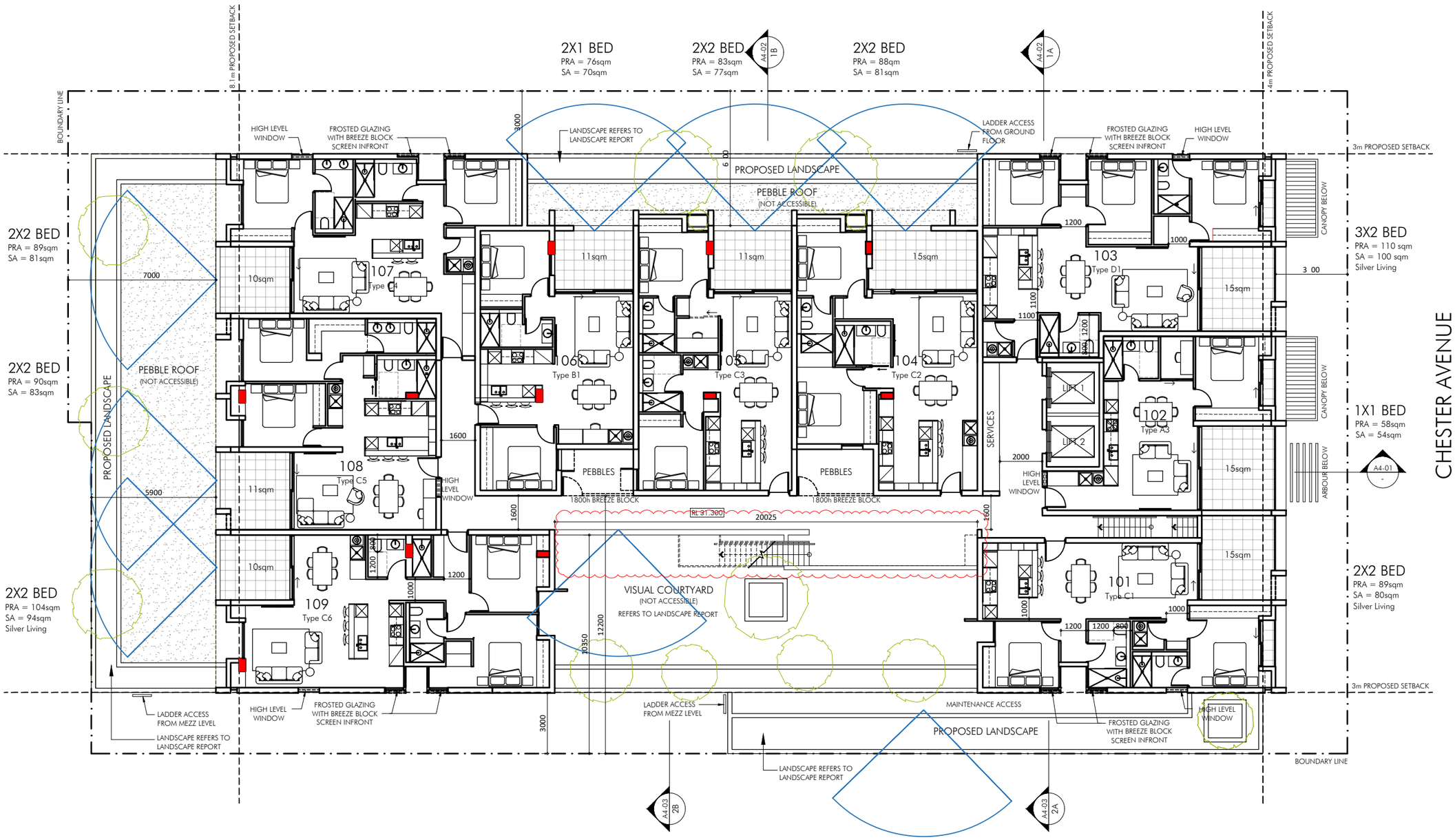

LEVEL 1

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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City of Stirling
16 February 2024
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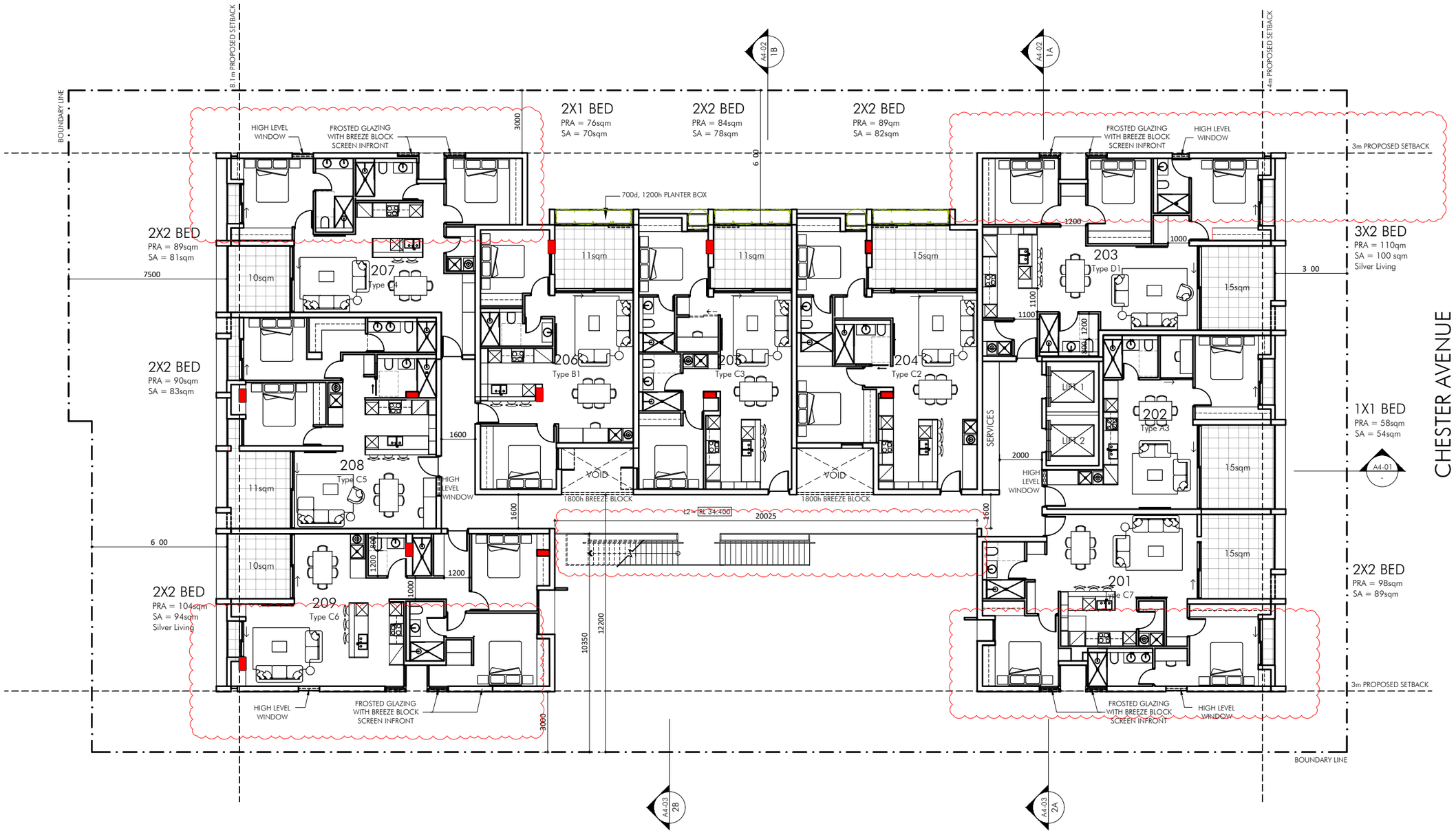

LEVEL 2

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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City of Stirling
16 February 2024
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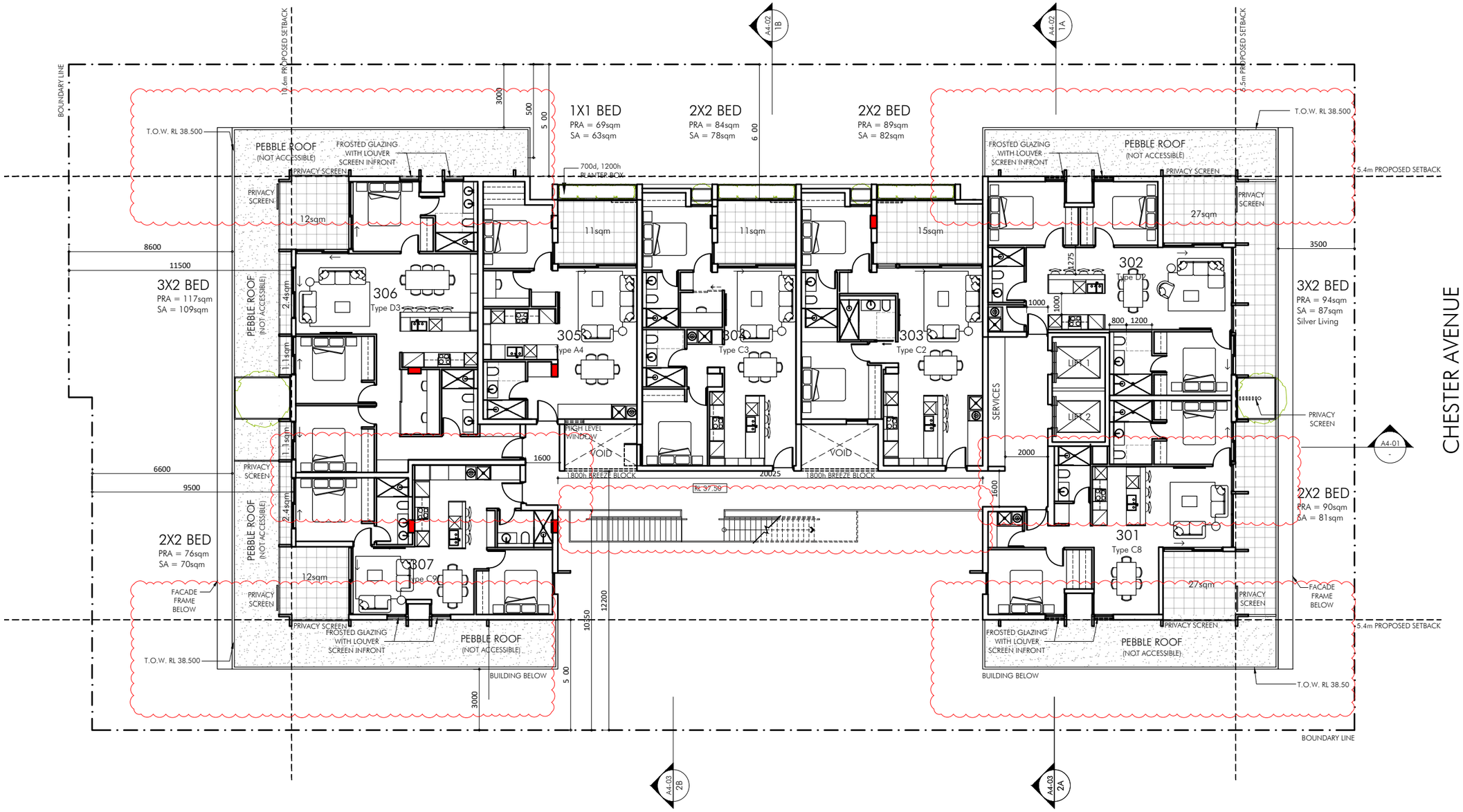

LEVEL 3

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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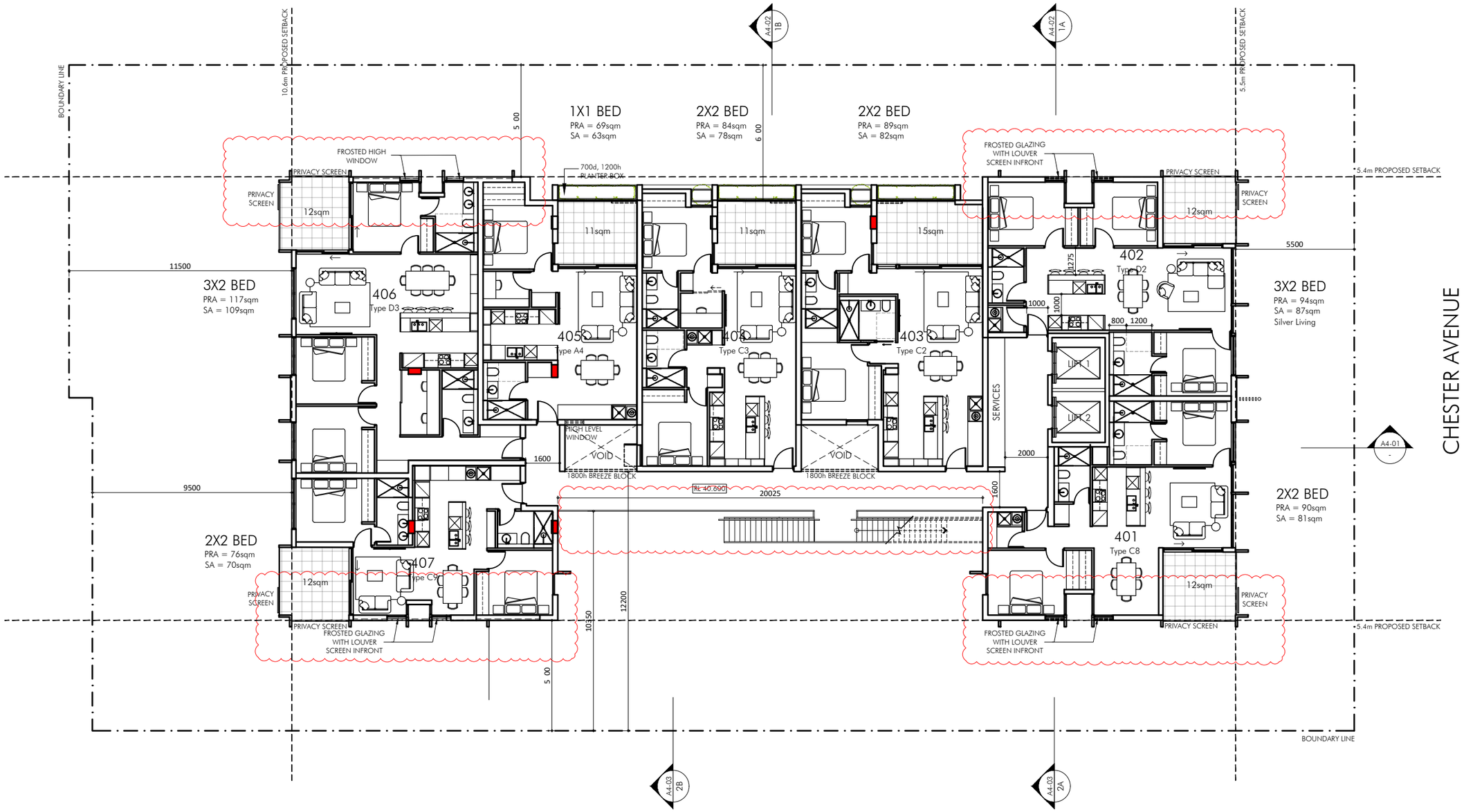

LEVEL 4

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MULTI-RESIDENTIAL DEVELOPMENT

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City of Stirling
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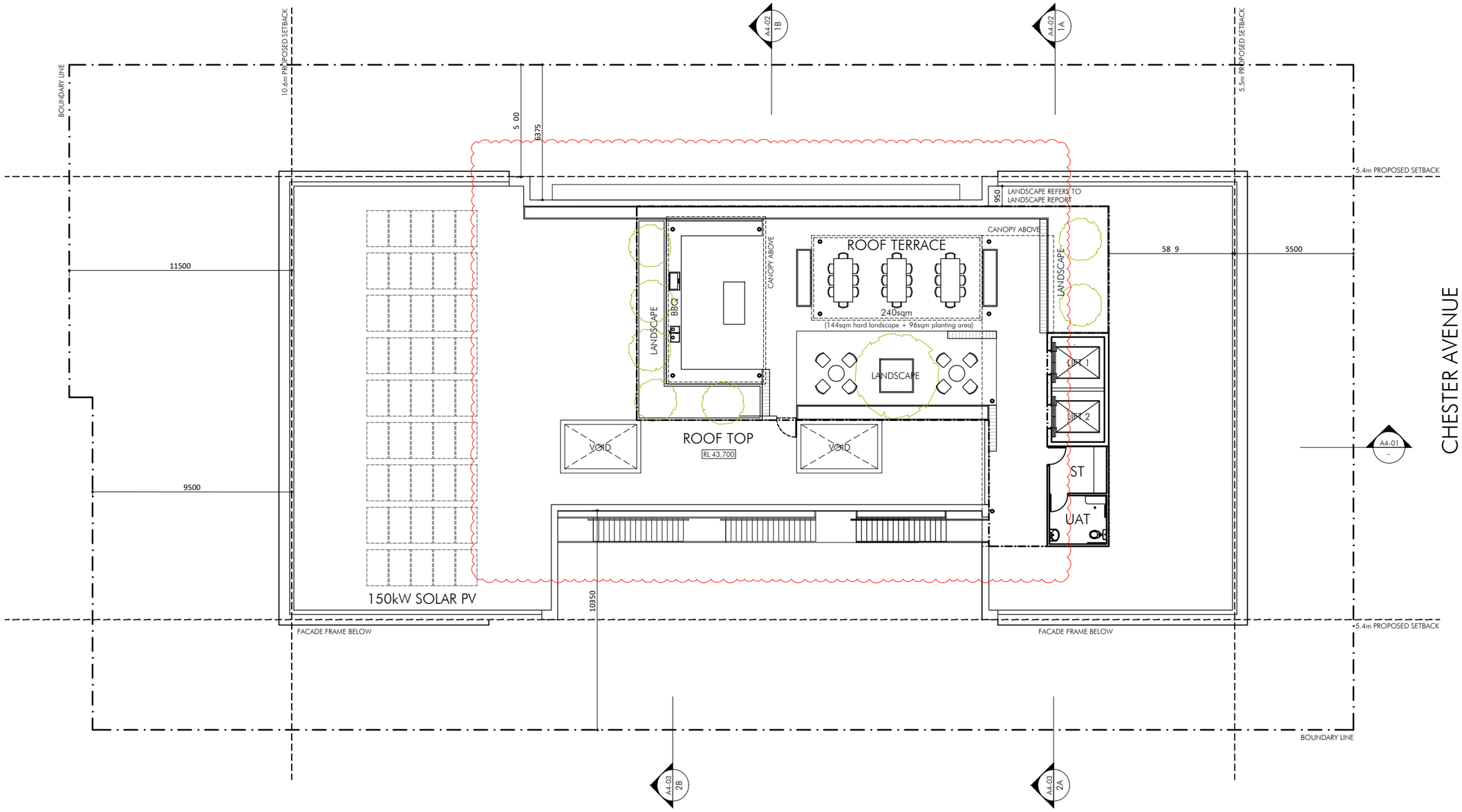

ROOFTOP TERRACE

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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City of Stirling
16 February 2024
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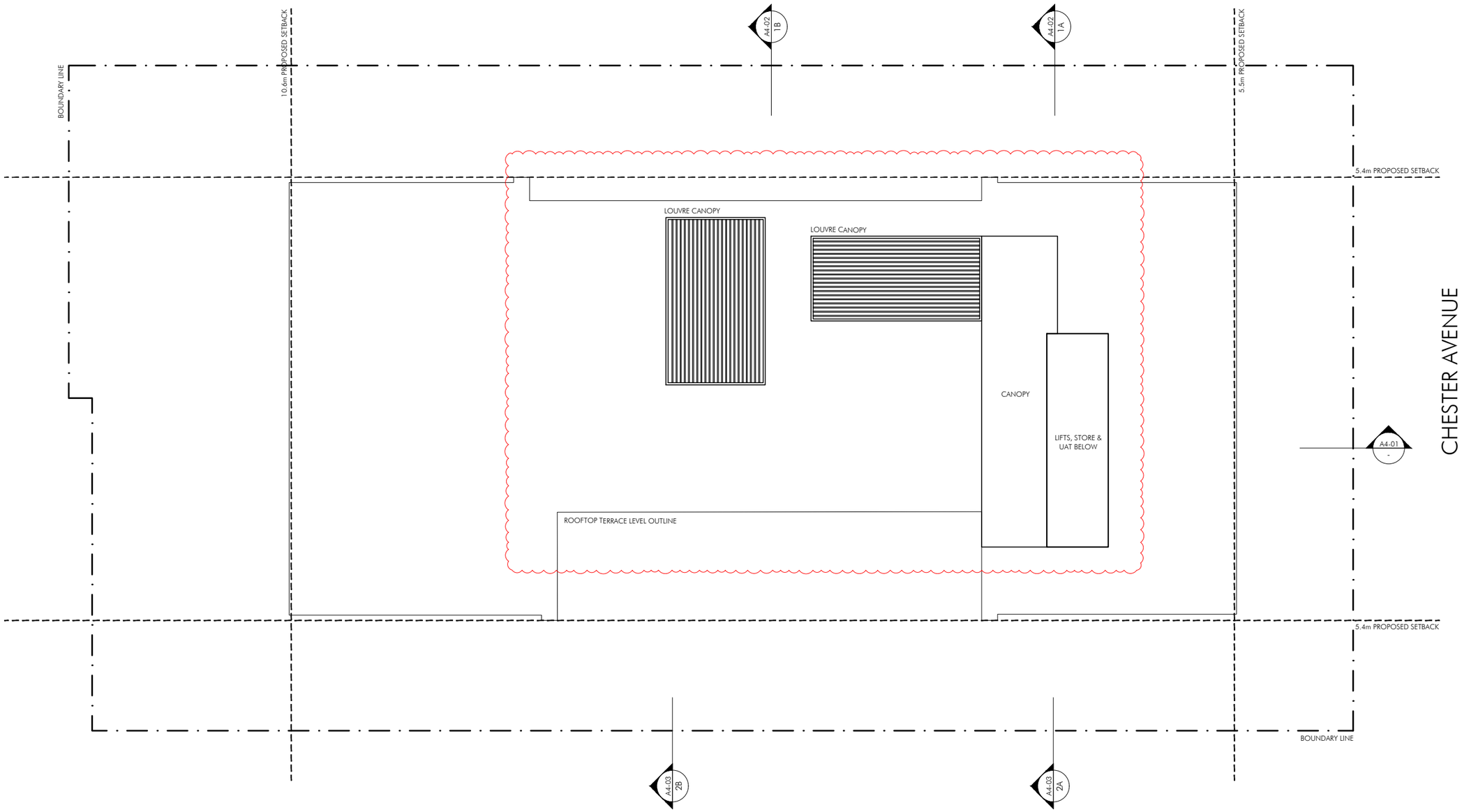

ROOF PLAN

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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City of Stirling
16 February 2024
RECEIVED

AG	ALUMINIUM FRAME GLAZING - DARK GREY
MW	METAL WORK - DARK GREY
LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

EAST ELEVATION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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City of Stirling
16 February 2024
RECEIVED

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LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

NORTH ELEVATION

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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City of Stirling
16 February 2024
RECEIVED

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PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

WEST ELEVATION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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City of Stirling
16 February 2024
RECEIVED

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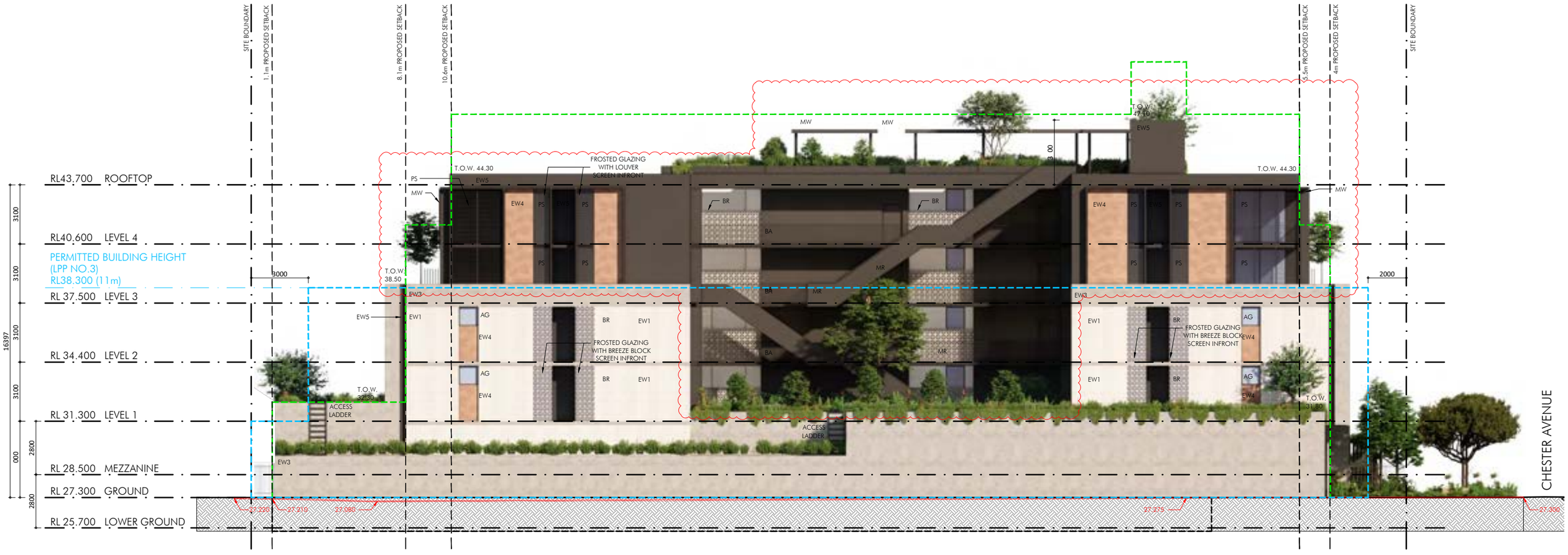
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE



SOUTH ELEVATION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SOUTH ELEVATION	A3-04	C

City of Stirling
16 February 2024
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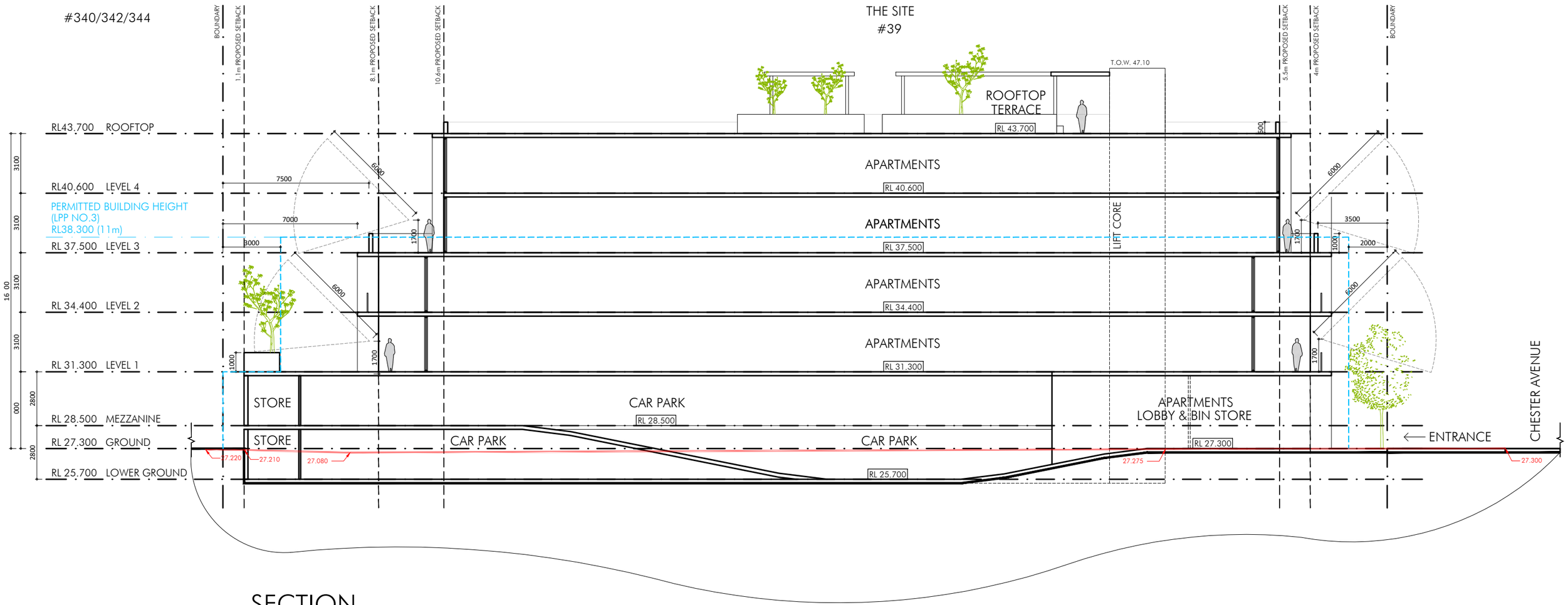
CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL



SECTION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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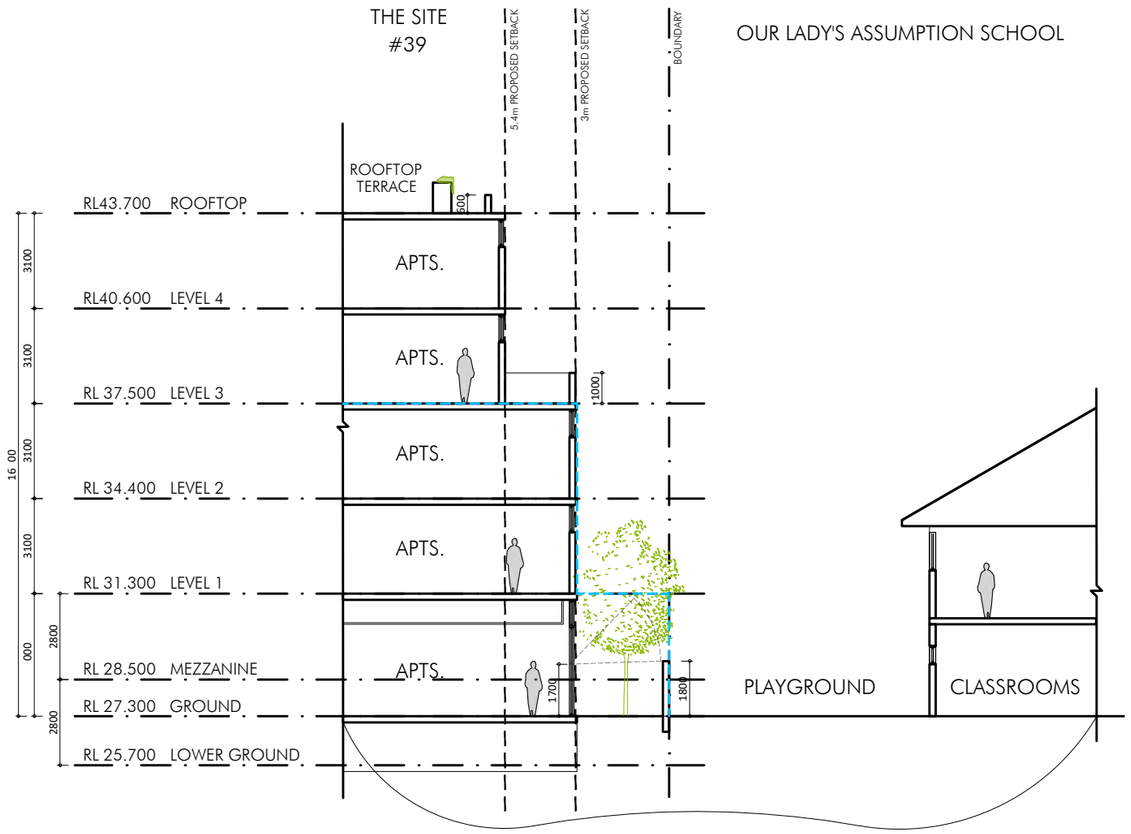
CITY OF STIRLING LPP NO.3 ENVELOPE



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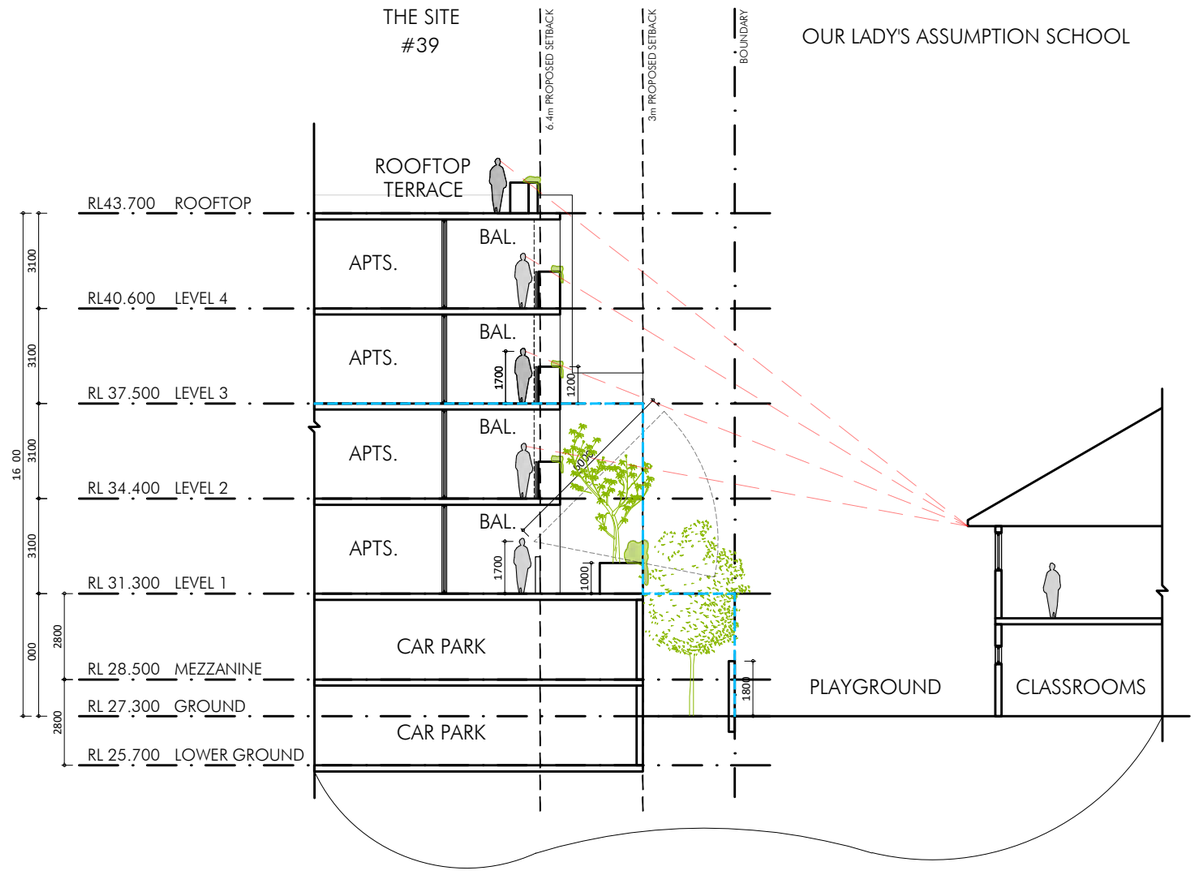

SECTION 1B

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SECTION 1A & SECTION 1B	A4-02	C

City of Stirling
16 February 2024
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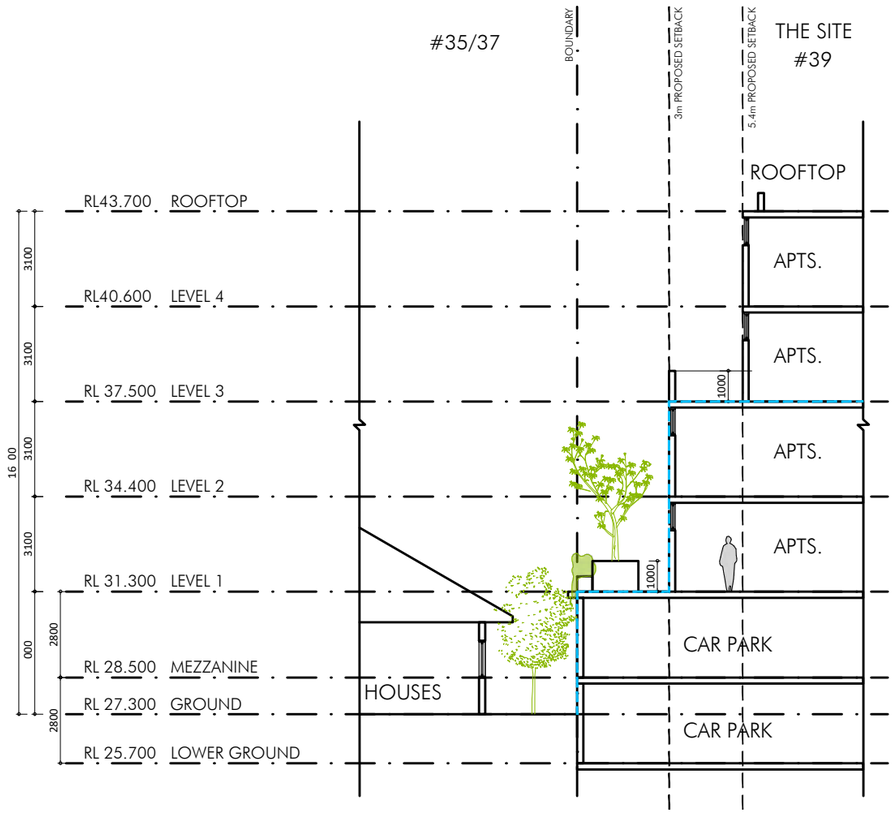
CITY OF STIRLING LPP NO.3 ENVELOPE



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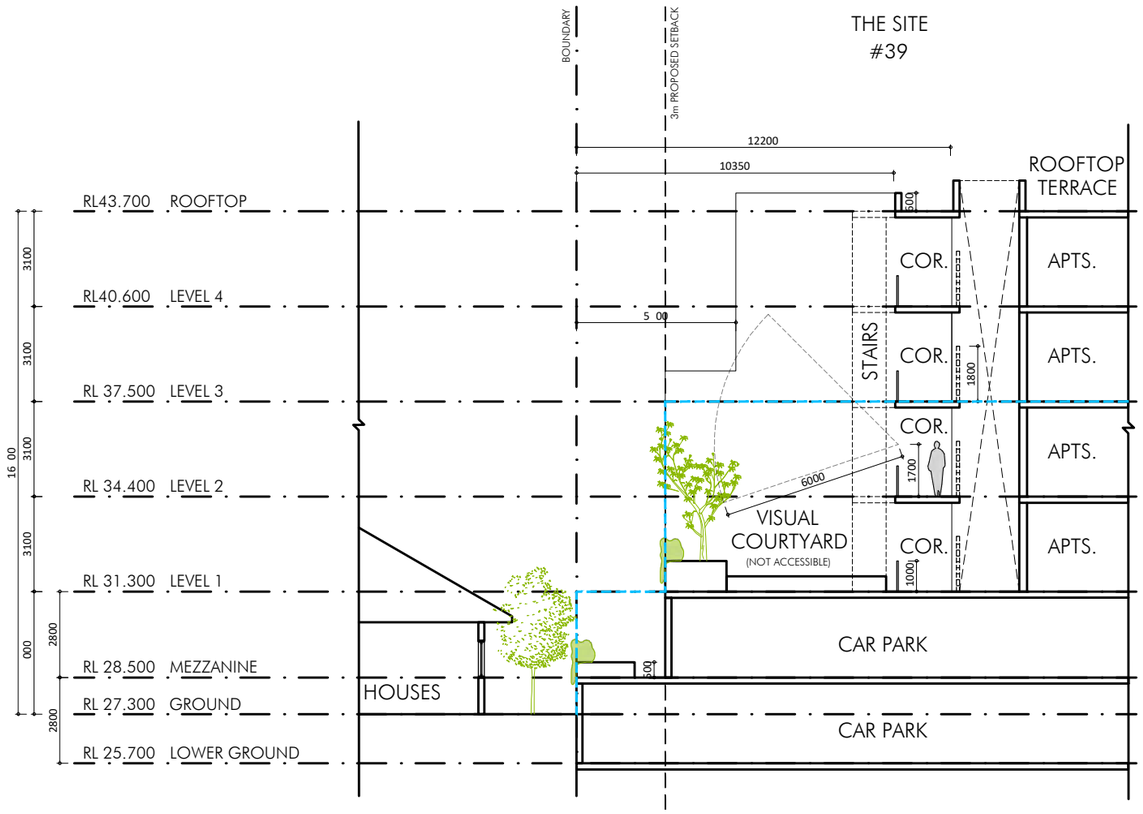

SECTION 2B

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SECTION 2A & SECTION 2B	A4-03	C

Location Plan

Site Aerial Plan

February 2024

Attachment 3

Metropolitan Region Scheme Zoning Map

Metropolitan Regional Scheme
- Other regional roads
- Urban

City of Stirling Local Planning Scheme No. 3 Zoning Map

- Local Planning Scheme No.3
  - Not Zoned under current Planning Scheme
  - Local Centre
  - District Centre
  - Hotel
  - Service Station
  - Private Institution
  - Civic
  - Local Reserve: POS and Local Authority Purposes
  - Public Use Reserve - Primary School
  - Public Use Reserve - Utility
  - MRS Reserve: Other Regional Road
  - Residential R20
  - Residential R25
  - Residential R30
  - Residential R40
  - Residential R-AC2
  - Residential R-AC3

Draft City of Stirling Local Planning Scheme No. 4

Subject Site

- Zoning: Residential R80.
- Removal of specific built form controls that currently apply through Table 6.12.4 b) of LPS3 and replacement with the built form controls of Table 2.1 of Residential Design Codes Volume 2 for Multiple Dwellings and Part C of Residential Design Codes Volume 1 for Grouped Dwellings and Single Houses:

R80 Primary Built Form Controls Residential Design Codes		
Provision	**Multiple Dwellings Acceptable Outcomes**	**Grouped Dwellings and Single Houses Deemed-to-Comply**
Building Height	Four storeys	Four storeys 13.0 or 14.0 metres wall height 16.0 or 14.0 metres roof height
Street Setback	2.0 metres	2.0 metres
Side and Rear Setbacks	3.0 metres, with 3.5 metres average side setback for wall lengths greater than 16 metres	1.0 metre for walls up to 3.5 metres in height 1.5 metres for walls between 3.6 metres and 7.0 metres in height 3.0 metres for walls 7.1 metres in height and above
Boundary Walls	Two storeys	7.0 metres
Plot Ratio	1.0	No requirement
Site Cover	No requirement	70%
Soft Landscaping	No requirement (10% deep soil area)	15%

Surrounding Properties

- All sites zoned Residential R-AC2 and R-AC3 within the Dianella Special Control Area of LPS3 are proposed to be recoded to Residential R80 in draft LPS4.
- The District Centre, Hotel and Service Station zones within the Dianella Special Control Area under LPS3 are proposed to be rezoned to Centre R-AC0.
- The zoning and density coding of the Residential zoned properties immediately surrounding the Dianella Special Control Area of LPS3 are proposed to be left unchanged in draft LPS4.
- There are no development provisions specifically applicable to the Dianella Special Control Area under draft LPS4 that vary the provisions of the Residential Design Codes.

Proposed Draft LPS4 Zoning – Dianella Activity Centre

An extract of the Scheme Map of draft LPS4 showing the zoning of the Dianella Activity Centre, is shown in Figure 1.

Az LPS4 R-Codes

LPS4 Reserves
- Public Open Space
- Drainage
- District Distributor Road
- Local Distributor Road
- Local Road

LPS4 Zones
- Residential
- Centre

Metropolitan Region Scheme Reserves
- Other Regional Roads

Figure 1 Proposed Draft LPS4 Zoning – Dianella Activity Centre

City of Stirling
16 February 2024
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urbanista
TOWN PLANNING

16 February 2024

Cameron Howell
Senior Planning Officer
Development Services
25 Cedric St
STIRLING WA 6021

Dear Cameron,

NO. 39 CHESTER AVENUE, DIANELLA

MULTIPLE DWELLING DEVELOPMENT: RESPONSE TO JDAP DEFERRAL

At the Metro Inner-North Joint Development Assessment Panel (JDAP) meeting held on 13 December 2023, the JDAP made a decision to defer the subject development application. The JDAP resolved that the application should be reconsidered at a meeting to be held no later than 10 May 2024.

The Panel advised the applicant to provide further information to address the following reasons for deferral:

1. *Overall height, bulk and scale in the context of the planning provisions and the DRP commentary;*
2. *Overall height, particularly as it addresses Chester Avenue and surrounding properties;*
3. *Built form and scale;*
4. *Any deviation relating to the plot and ratio and calculation of plot ratio;*
5. *Further clarity around the strategic framework, including future context;*
6. *Clarity on overlooking, including perception of overlooking of the school;*
7. *Further information of overshadowing and its extents and impacts;*
8. *Consistency with the planning framework; and*
9. *Information on the transition to surrounding development.*

In response to the deferral, amended plans have been prepared by Space Design Studio and are attached with this report. The amended plans successfully address the deferral reasons by significantly improving the development in relation to building height and bulk and scale.

The applicant looks forward to the City's support of the amended proposal and hopes to work with officers to obtain approval at reconsideration through the JDAP.

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MEETINGS WITH THE CITY

Following the JDAP meeting, the applicant met with the City on three occasions. The first meeting was held shortly after the JDAP meeting on 15 December 2023 to run through the Panel decision and deferral reasons. A draft schedule for the submission of additional information and was also discussed.

The next meeting was held on 24 January 2024 where a draft set of plans were provided to the City for review. The plans included several notable amendments to the development, including the removal of one storey and a total of eight apartments, less car parking, a reduced roof top terrace area and improvements to visual privacy and overshadowing.

It was agreed that the draft plans would be reviewed, and that feedback would be provided before a final set of plans and additional information was submitted for assessment.

The final meeting was held on 2 February 2024 and in response to the City's feedback to the draft plans which was received a day earlier. The City was generally supportive of the overall amendments and particularly the reduced building height and subsequent improvement it had in relation to overshadowing. It was also satisfied that visual privacy issues had been addressed.

Additional information was requested to clarify overshadowing of adjoining properties, the bulk and scale of the building as viewed from the street and building height modelling of adjoining properties.

A schedule was set for the submission and assessment of final plans, which included a Design Review Panel review and re-advertising. On 16 February 2024, a final plan was submitted to the City, supported by this planning report.

Figure 1 - Revised Plan: Five Storey Perspective

AMENDED PLANS

The following key changes have been incorporated into the design of the building:

- Building height reduced from six storey's to five. Nine apartments were removed from the development as a result of this change. The storey was removed from one of the central 'podium' levels, which contained more apartments than the top two 'tower' levels. The development now presents as three storey's to the street with an additional two storey's which are stepped in from all sides.
- One apartment (G03) added on the ground floor to offset the loss of the nine apartments. The apartment faces the school and is a one-bedroom dwelling. Therefore, in total, the development now has eight less apartments.
- In response to the City's review of the draft plans, the building was setback a further 900mm on the upper levels to all sides.
- Revised elevations to the north and south, including modifications to the balconies facing the rear to make them compliant with visual privacy.
- The boundary line along the south-west lot boundary was amendment to address an existing anomaly to the plan.
- Reduction in the number of parking bays and remodelling of the car parking area.

The table below compares the previous and current plans dwelling size and parking allocation, illustrating that the total number of apartments is now 35 down from 43, with a total of 54 car bays now provided in lieu of 70.

5 STOREYS (CURRENT)		**6 STOREYS**	
1x1 Bed	7	1x1 Bed	7
2x1 Bed	2	2x1 Bed	3
2x2 Bed	20	2x2 Bed	26
3x2 Bed	6	3x2 Bed	7
Total Apartments	**35**	**Total Apartments**	**43**
(inc. 7 silver living)		(inc. 9 silver living)	
Parking		**Parking**	
Car	54	Car	70
Motorcycle	6	Motorcycle	8
Bicycle	22	Bicycle	27

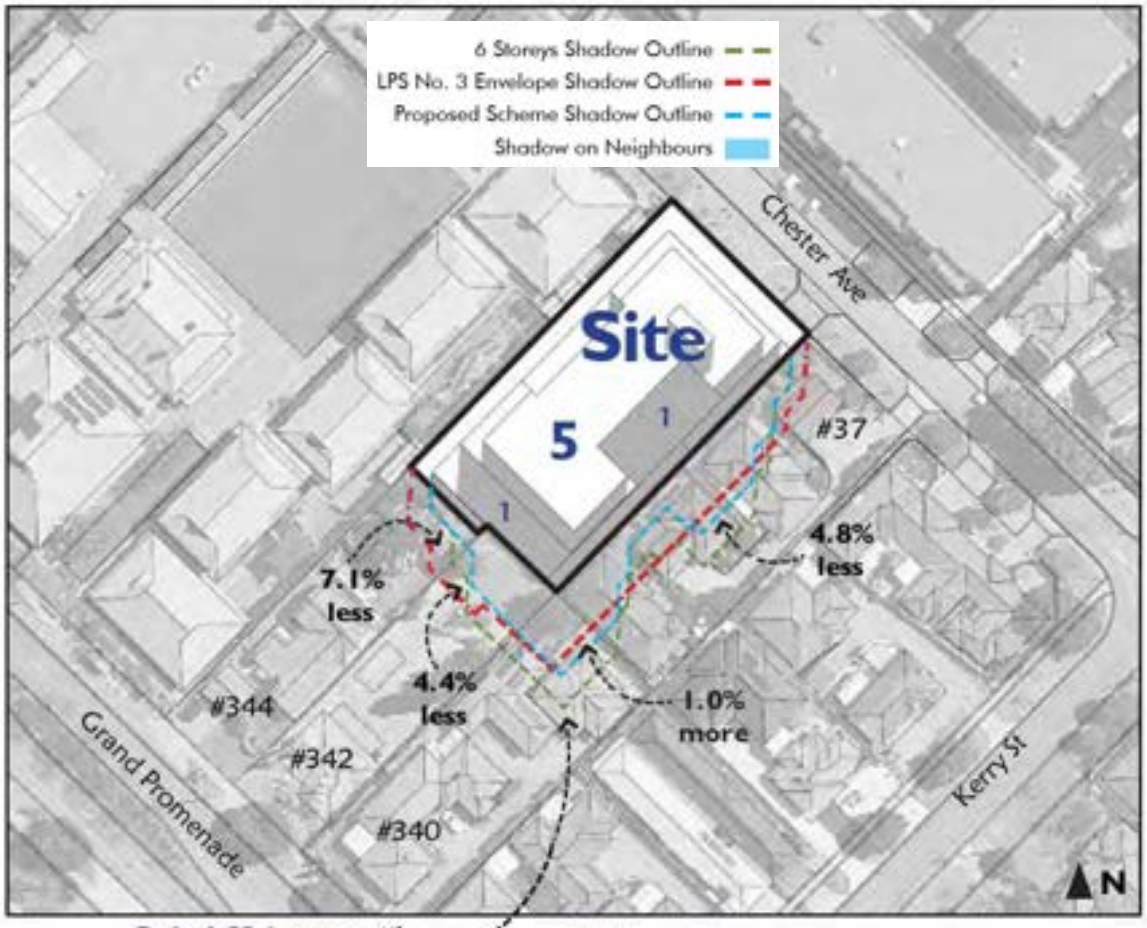
IMPROVED DEVELOPMENT

BUILDING HEIGHT COMPARISON

6 Storeys
(previous)

5 Storeys
(current)

OVERSHADOWING COMPARISON



Only 1.83 hours until shadow leaves the southern neighbours → Similar outcome with the Guideline Envelope

ADDRESSING THE REASONS FOR DEFERRAL

1 & 3. BULK AND SCALE

Response The development presents more appropriately to the street and surrounding development as a result of its five-storey appearance. Issues relating to bulk, scale and the public interface are significantly improved by the removal of a central floor of apartments and increased setbacks to the upper two levels.

The removal of a central layer of apartments instead of one of the 'tower' levels is a considerable change, demonstrating the applicant's commitment to improving the development's-built form interface to neighbouring properties, and particularly those properties along Chester Avenue.

The building height comparison image on the previous page provides an excellent illustration of how the current building will present to the street compared to the previous 6 storey scheme.

2. HEIGHT TO CHESTER AVENUE

Response On review of the draft plan, the City suggested making changes to further increase the setback of the upper two levels along the side boundaries from the 'podium' section. The final set of plans went beyond that and provide an increased setback of 900mm at all sides of the development. Furthermore, the overall height of the development is reduced and is now 19.8m.

This amendment significantly improves the relationship to the streetscape by providing a far more balanced development outcome. The podium remains at a height of three storey's which is consistent with the Dianella Apartments across the road, while the recessed upper floor and increased setback improves on previous concerns raised in relation to building mass.

4. PLOT RATIO

Response The R-Codes primary controls table applies a plot ratio of 2.0/1.0 for development on R-AC3 zoned sites, while the City's Local Planning Scheme applies a lesser plot ratio of 1.5/1.0. Previously, the plot ratio was 2.43/1.0, which contributed to concerns raised from the City and Panel relating to bulk and scale.

As a result of the reduced building height, plot ratio is decreased and is now at 2.0/1.0 which is consistent the R-Codes. It should be noted that the car parking area on the ground floor/mezzanine area contributes to plot ratio due to partially sitting more than halfway over the NGL. If the car parking space calculated as plot ratio area was not included in the assessment then the building would have a plot ratio of 1.5/1.0 which is consistent with the City's Scheme.

Notwithstanding, the current plot ratio calculation can be supported. The building is designed appropriately with significant landscaping, articulation at all levels and an attractive material palette to ensure that any additional plot ratio is carefully integrated within the development, thereby managing any perceived adverse bulk and scale impacts on the streetscape and surrounding development.

5.& 8. FUTURE PLANNING CONTEXT

Response The property is zoned Residential with a density coding of RAC-3 in accordance with the City's Local Planning Scheme No.3. Under the primary controls table (section 2.1) of the R-Codes Volume 2, the prescribed overall building height for properties zoned R-AC3 is six storeys, or approximately 23m when measured from ground level.

The development proposes a building height of 19.8m, which is less than required under the R-Codes and closer to the City's required height under the Scheme of 15m. It should be noted that the City has already initiated a Scheme review process which envisages increased building height on the site, allowing for four storey development to be permitted. This would naturally result in a review of the plot ratio provision and the potential for additional plot ratio area to be permissible.

The Activity Centre's Policy classified Dianella Plaza as a District Centre in the hierarchy of activity centres. The Policy stated that District Centre's should provide a residential density target of between 20 and 30 dwellings per gross hectare within a 400m walkable catchment. To achieve this target, a residential zoning equivalent to RAC-3 and R-AC2 was required.

It should be noted that since dwelling target has since been revised and increased to 25-35 dwellings per hectare. Additionally, relative to Dianella, it could be argued that the dwelling target for Activity Centre sites should be greater to make up for the location of the school site, which is unlikely to be redeveloped.

Notwithstanding, the school site is the largest land holding in the Dianella precinct outside the shopping centre site and represents 12,441sq.m of land which will not contribute to the dwelling target. This puts pressure on the other lots in the precinct to provide additional density which is distributed from the density not provided by the school.

Based on the above, the development demonstrates that sits comfortably within the future planning context and that at five storeys will provide an outcome that is envisaged and which will contribute to achieving the necessary density targets.

6. OVERLOOKING

Response Previous visual privacy variations from two of the rear facing balcony areas (units 406 and 407) have been resolved and there are no longer any overlooking concerns.

7. OVERSHADOWING

Response All southern adjoining sites are within an R-AC3 density code, and therefore no overshadowing requirements apply under the acceptable outcomes. Notwithstanding, as demonstrated in the overshadowing comparison plan on page 4 of this report, improvements are made in relation to overshadowing as a result of reducing the height of the building from 6 to 5 storeys and by increasing building setbacks on the upper floors.

9.TRANSITION TO SURROUNDING DEVELOPMENT

Response As detailed in the sections above, transition to surrounding development is now improved. Accordingly, the development has progressed and it should be supported.

CONCLUSION

The development is considered to align with the intent for the local area and vision to achieve higher density near the Dianella Plaza Shopping Centre. The development proposes a respectful design with setbacks, landscape and design features that mitigate its bulk and scale impact on adjoining properties, until their eventual future redevelopment.

The changes made to the design significantly improve on previous concerns in relation to bulk, scale and height as well as the JDAP's deferral reasons.

Should you have any question in relation to the details provided in this submission, please contact the undersigned on 6444 9171 or petar@urbanistaplanning.com.au.

Yours sincerely,

Petar Mrdja | Director
Urbanista Town Planning
231 Bulwer Street, Perth

City of Stirling
16 February 2024
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Revised Scheme

39 Chester Ave, Dianella

space collective architects

February 2024

DEVELOPMENT SUMMARY

5 STOREYS (CURRENT)	
1x1 Bed	7
2x1 Bed	2
2x2 Bed	20
3x2 Bed	6
Total Apartments	**35**
(inc. 7 silver living)	
Parking	
Car	54
Motorcycle	6
Bicycle	22

6 STOREYS	
1x1 Bed	7
2x1 Bed	3
2x2 Bed	26
3x2 Bed	7
Total Apartments	**43**
(inc. 9 silver living)	
Parking	
Car	70
Motorcycle	8
Bicycle	27

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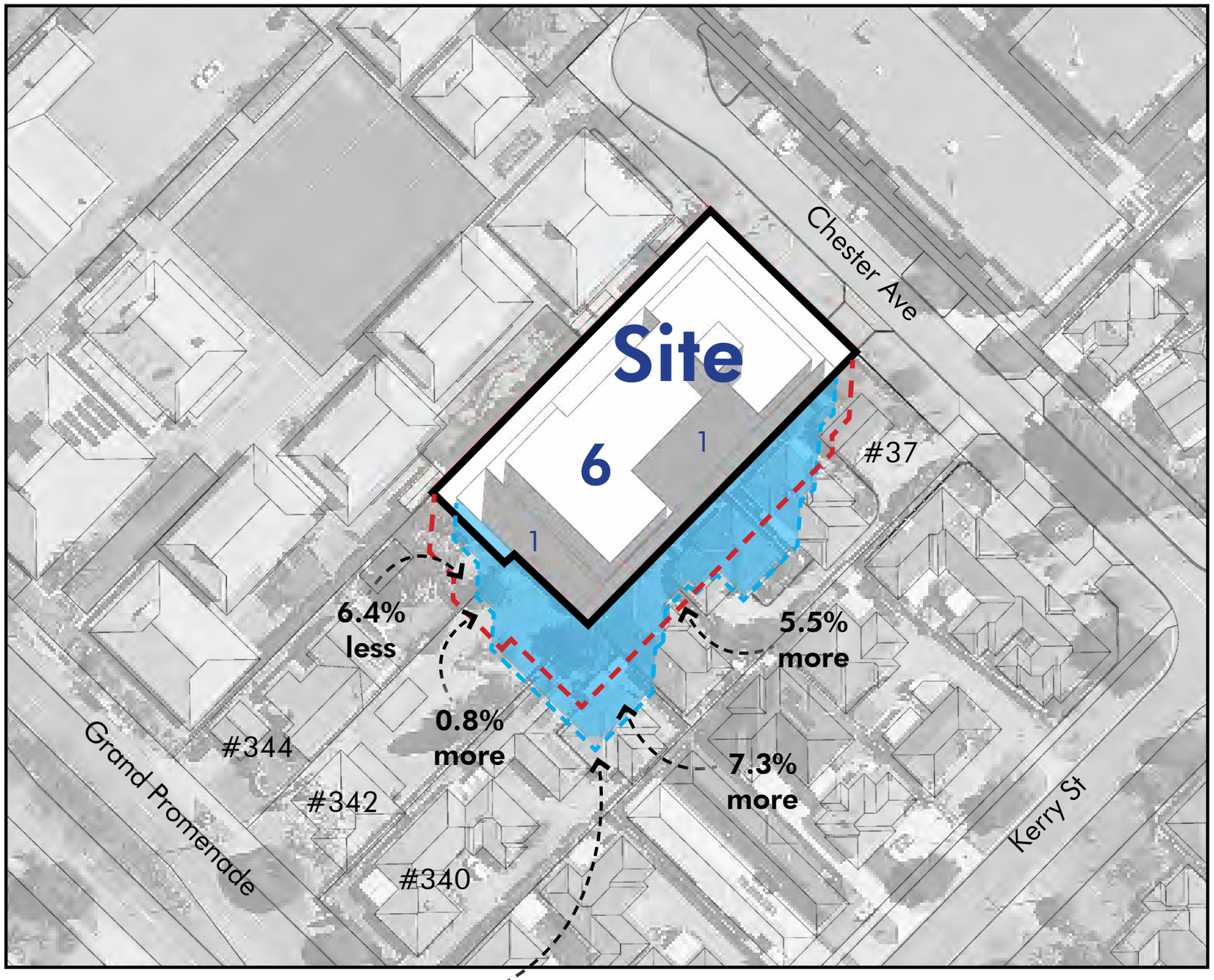
Overshadowing Studies

6 Storeys

Winter Solstice

21st of June

12pm



Lot No.	Guideline Scheme Shadow	Proposed Scheme Shadow	Variation
37	32.0%	37.5%	+ 5.5%
340	5.5%	12.8%	+ 7.3%
342	17.9%	18.7%	+ 0.8%
344	10.0%	3.6%	- 6.4%

LPS No. 3 Envelope Shadow Outline

Proposed Scheme Shadow Outline

Shadow on Neighbours

Only 2 hours until the shadow **leaves** the southern neighbours

The **same outcome** with the Guideline Envelope

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N

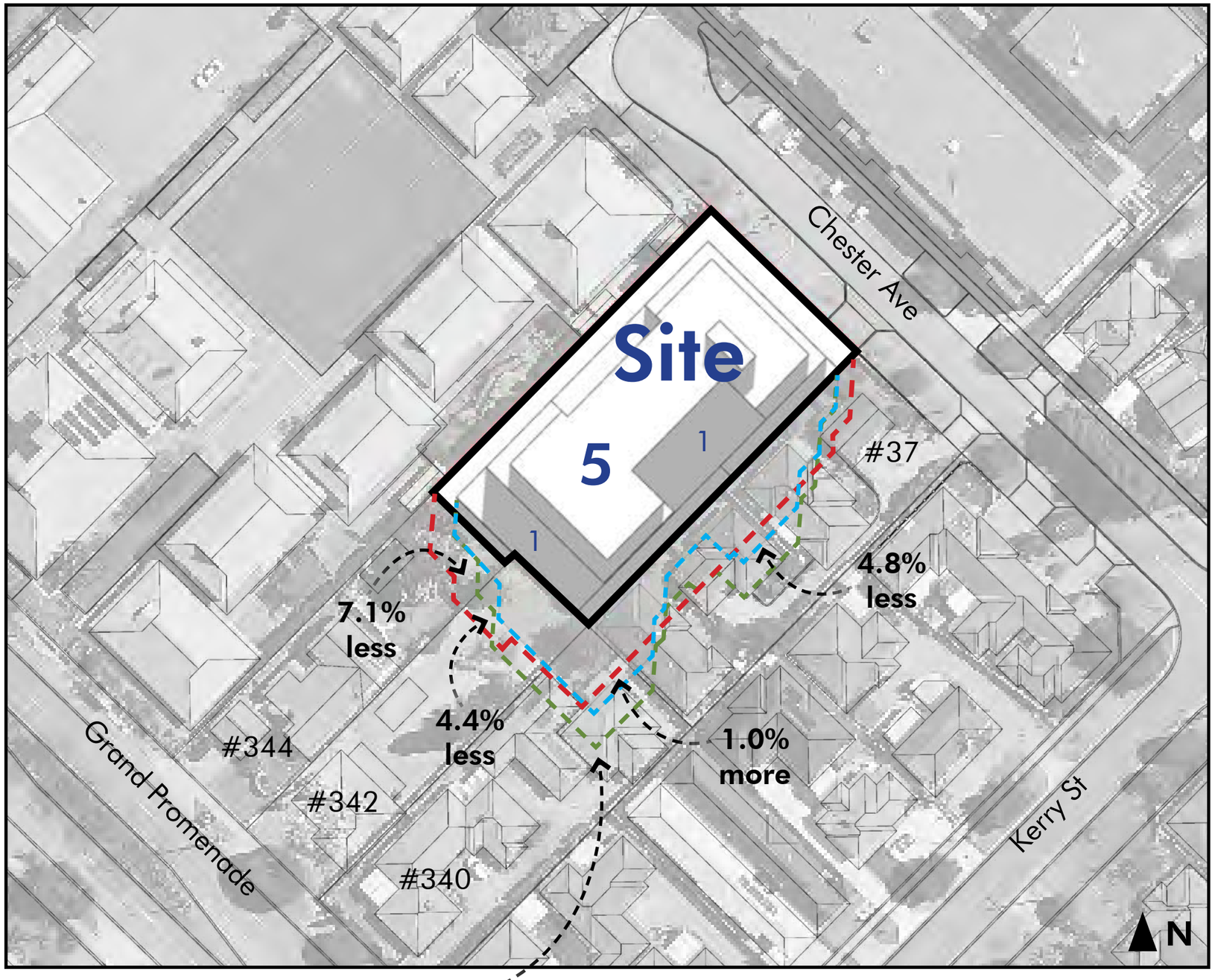
Overshadowing Studies

5 Storeys

Winter Solstice

21st of June

12pm



Lot No.	Guideline Scheme Shadow	Proposed Scheme Shadow	Variation
37	32.0%	27.2%	- 4.8%
340	5.5%	6.5%	+1.0%
342	17.9%	13.5%	- 4.4%
344	10.0%	2.9%	- 7.1%

Overall variation: -84.4m² -15.3%

less than guideline scheme

Only 1.83 hours until the shadow **leaves** the southern neighbours

Similar outcome with the Guideline Envelope

6 Storeys Shadow Outline

LPS No. 3 Envelope Shadow Outline

Proposed Scheme Shadow Outline

Shadow on Neighbours

space collective architects

Overshadowing Studies

Roof & driveway (#340)

Open space (#37)

Roof & back of house (#37)

LPS No. 3 Envelope Shadow Outline

Proposed Scheme Shadow Outline (5 storeys)

space collective architects

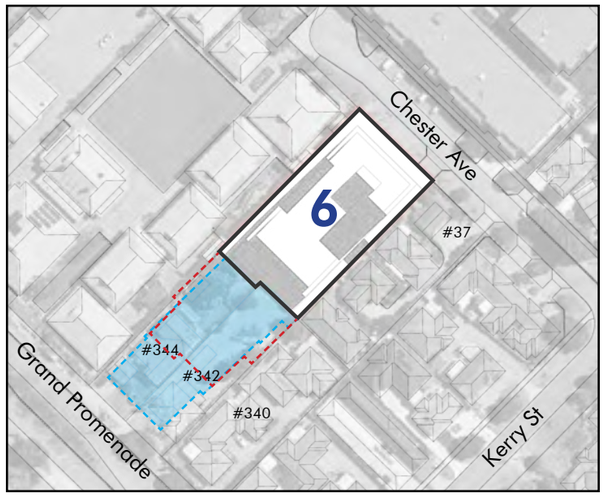
Overshadowing Studies

LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline
Shadow on Neighbours

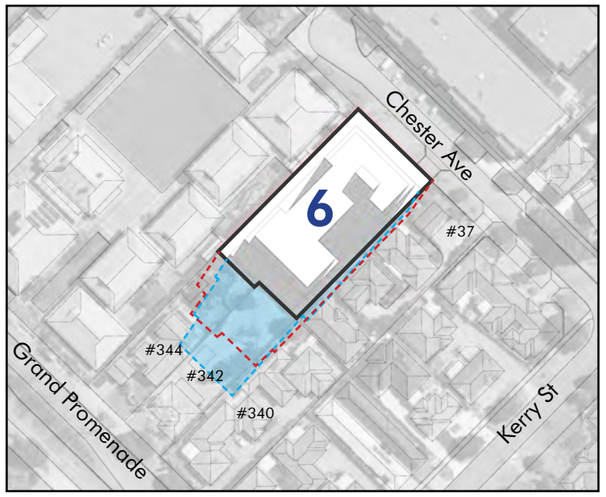
6 Storeys

Winter Solstice

21st of June



9am



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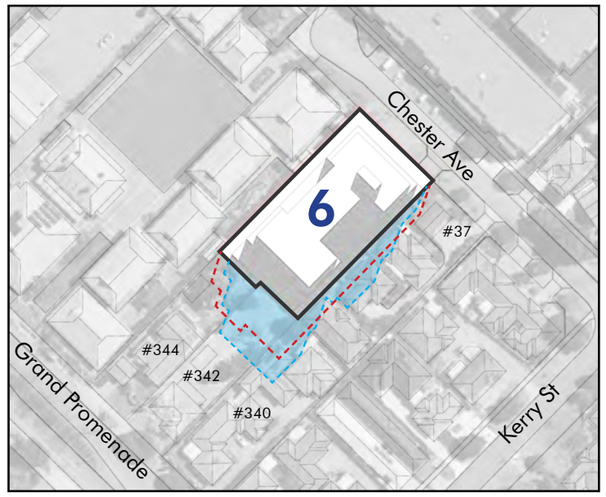
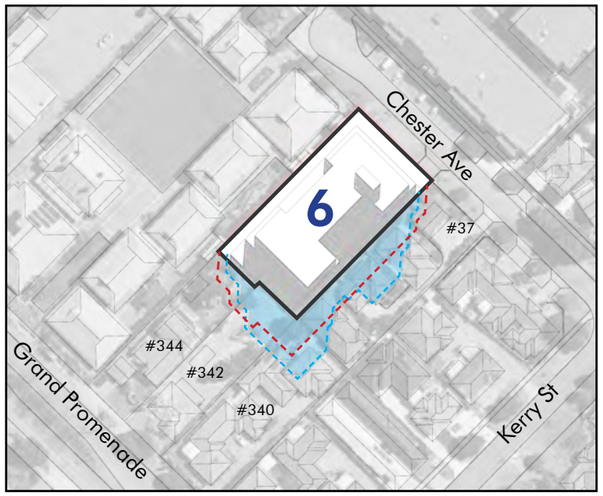


11am



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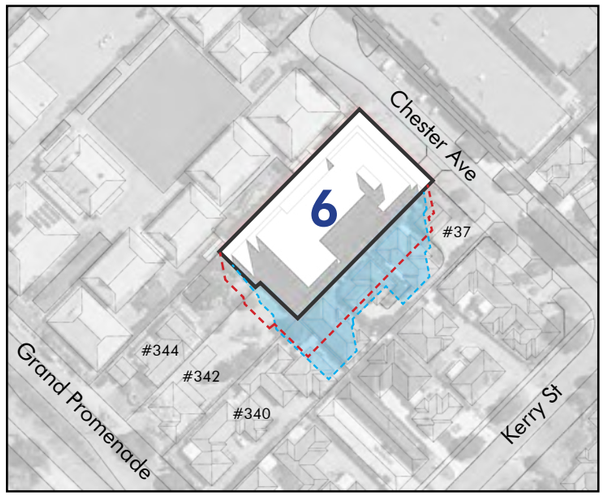

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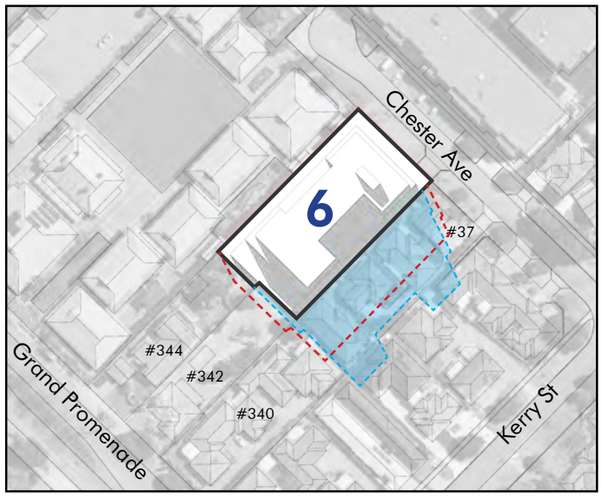

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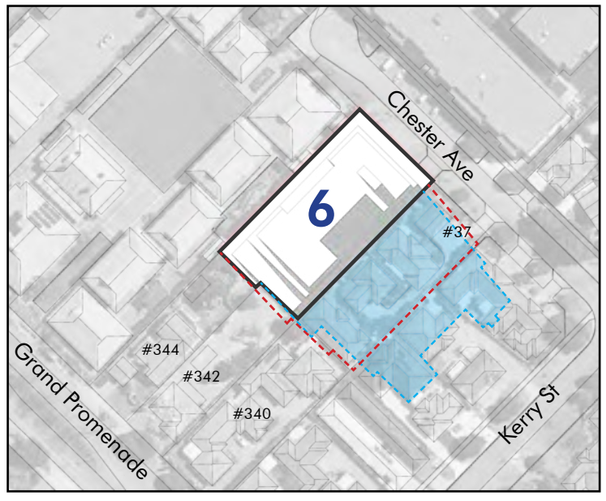


3pm

space collective architects

N

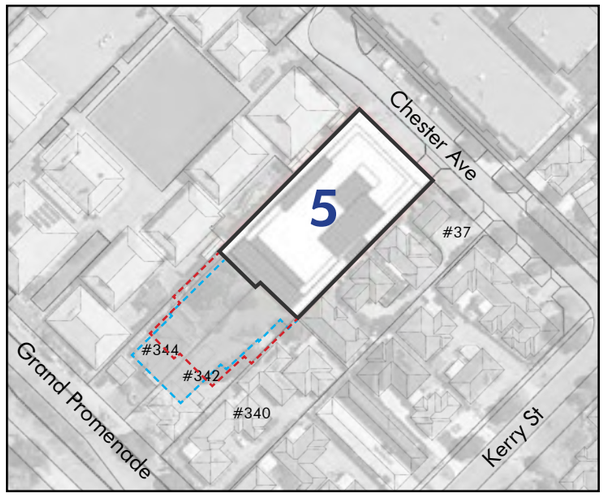
Overshadowing Studies

LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline
Shadow on Neighbours

5 Storeys

Winter Solstice

21st of June



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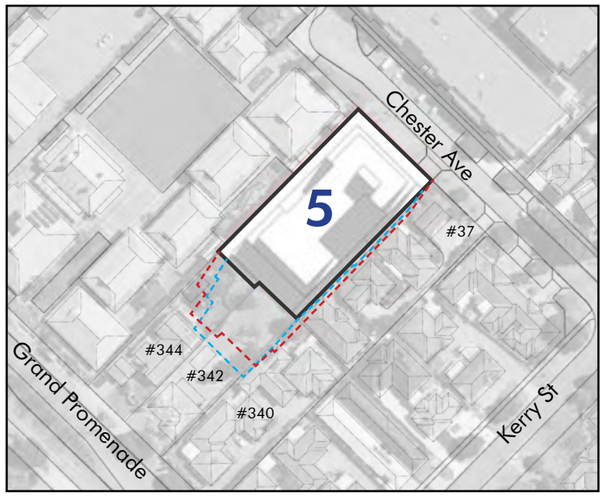

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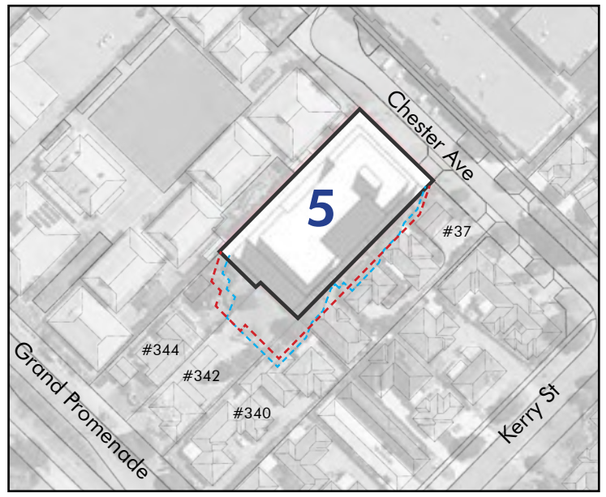

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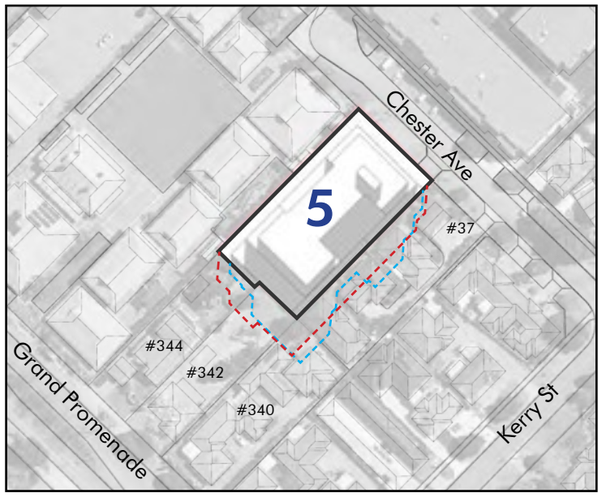

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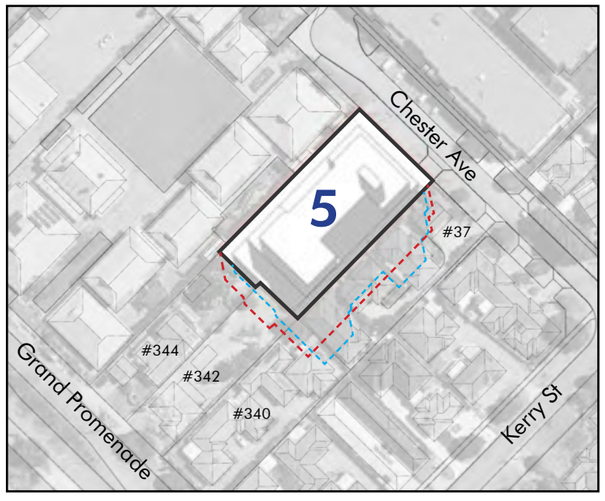
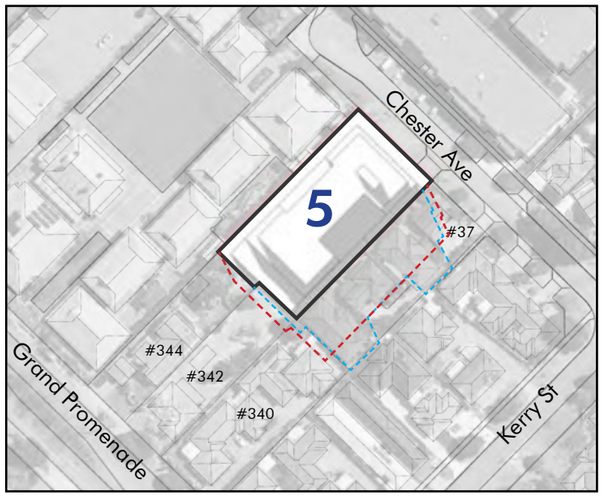
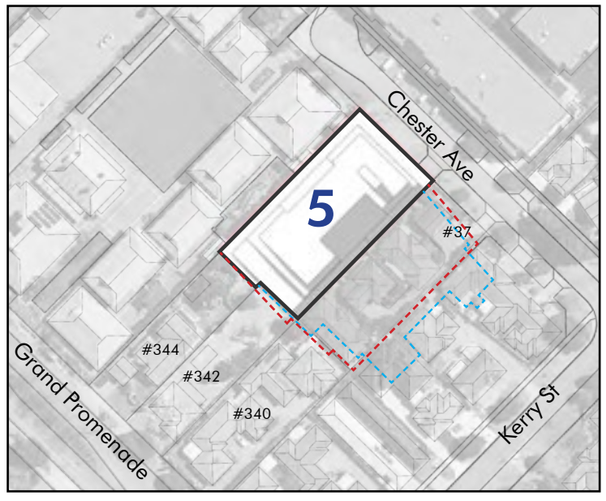


1pm



2pm



3pm

space collective architects

N

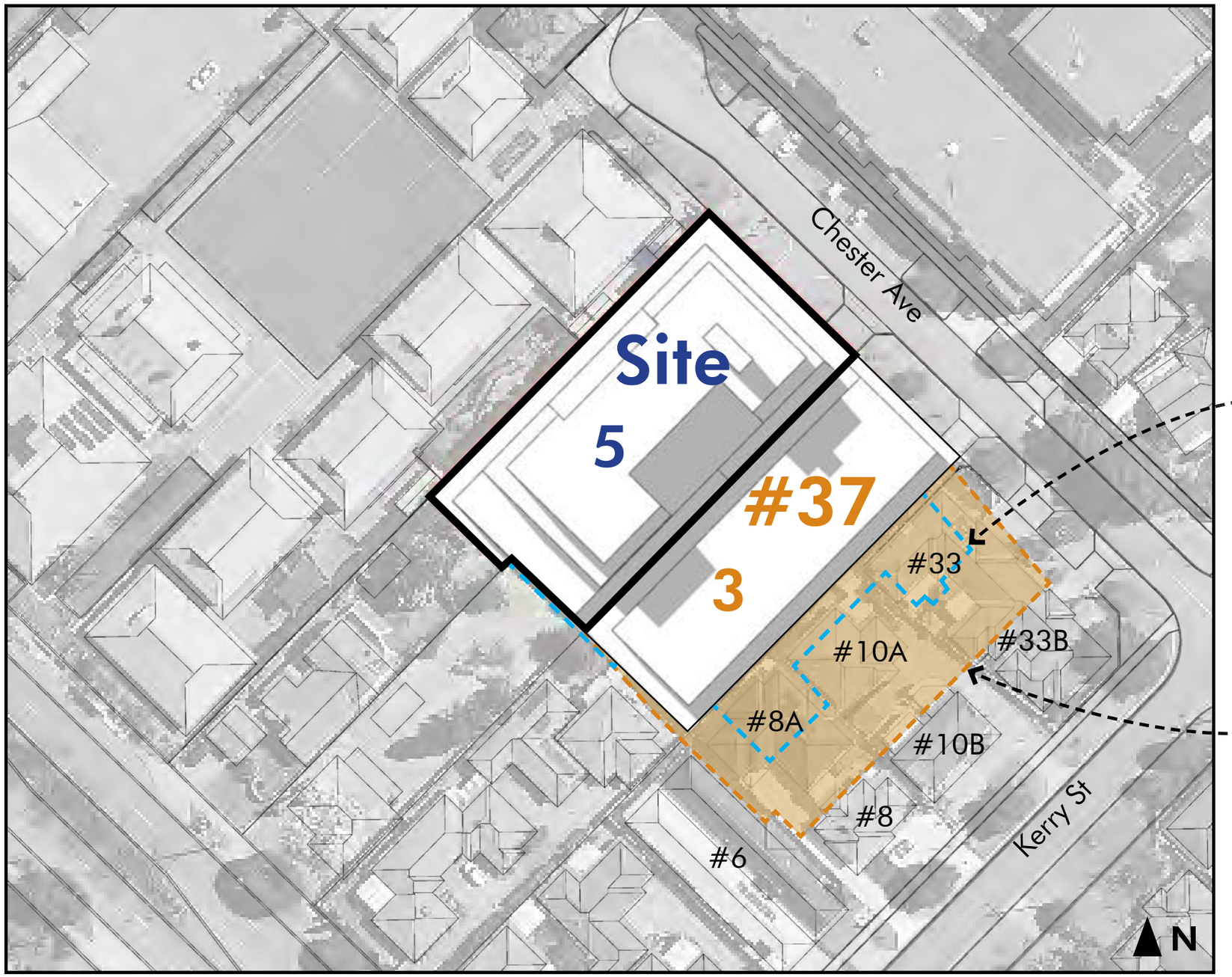
Overshadowing Studies

5 Storeys

Winter Solstice

21st of June

3pm



Indicative **#39 proposed massing** shadow outline

#37 guideline massing is overshadowing eastern neighbours **more than** #39 proposed massing

Proposed Scheme Shadow Outline

#37 LPS No.3 Envelope Shadow Outline

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Overshadowing Studies

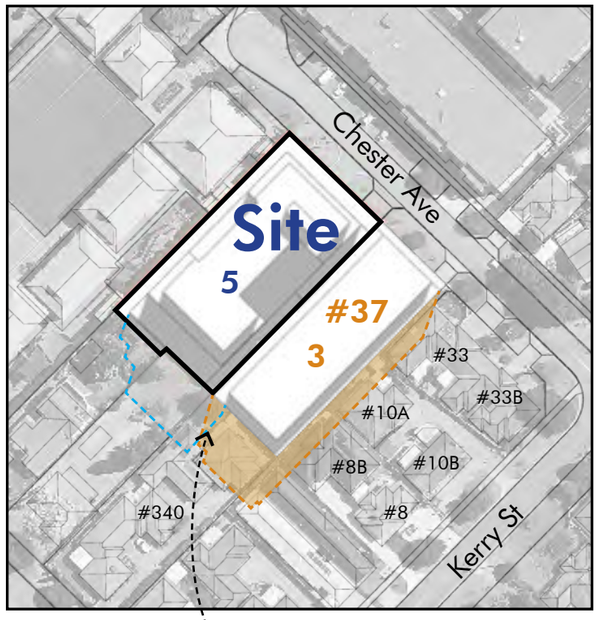
Proposed Scheme Shadow Outline

#37 LPS No.3 Envelope Shadow Outline

5 Storeys

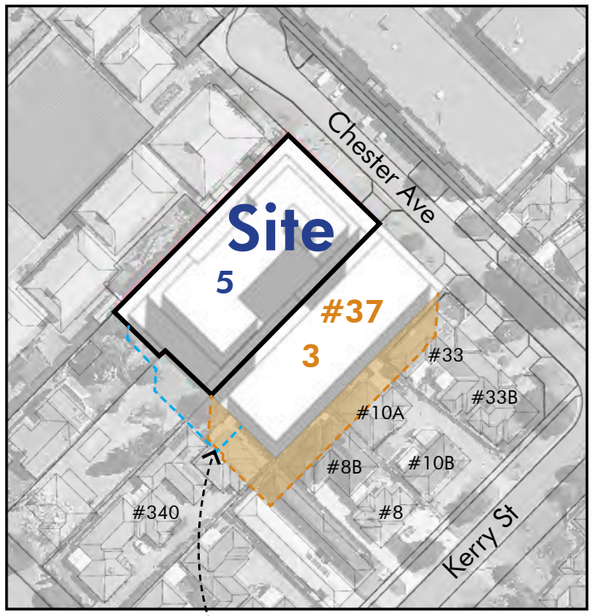
Winter Solstice

21st of June



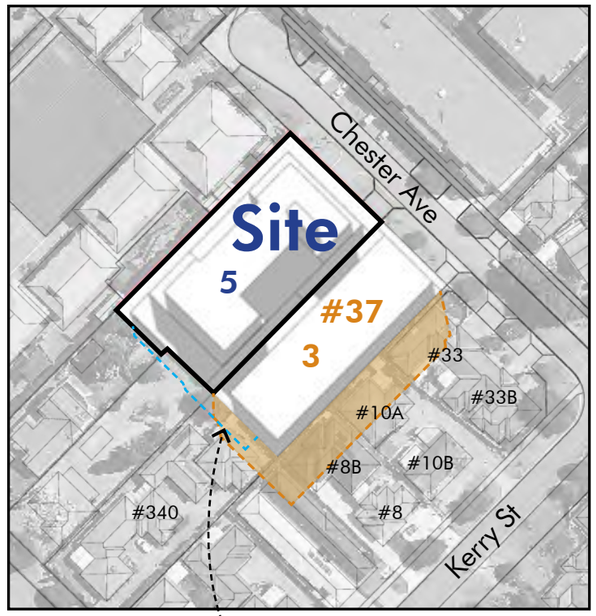
11am

Overlap



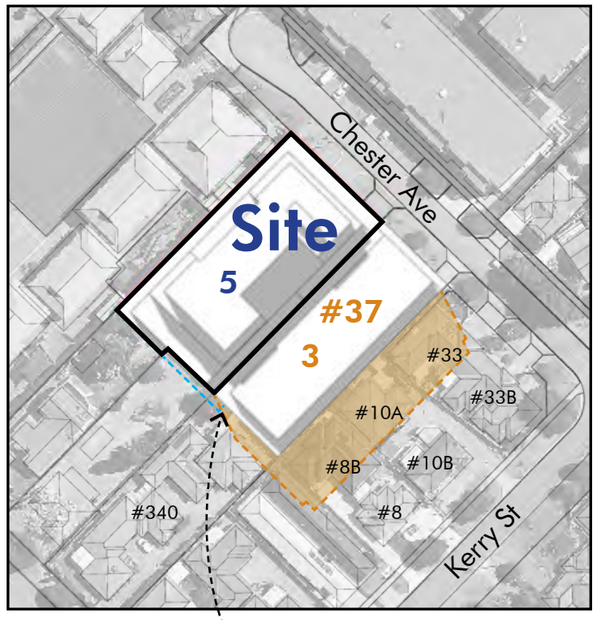
12pm

Overlap



1pm

Overlap



2pm

Overlap

space collective architects

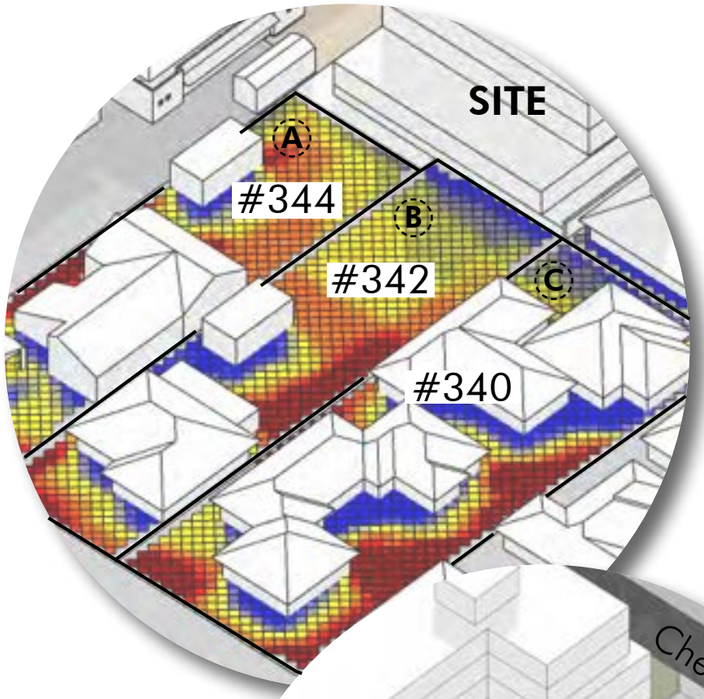
N

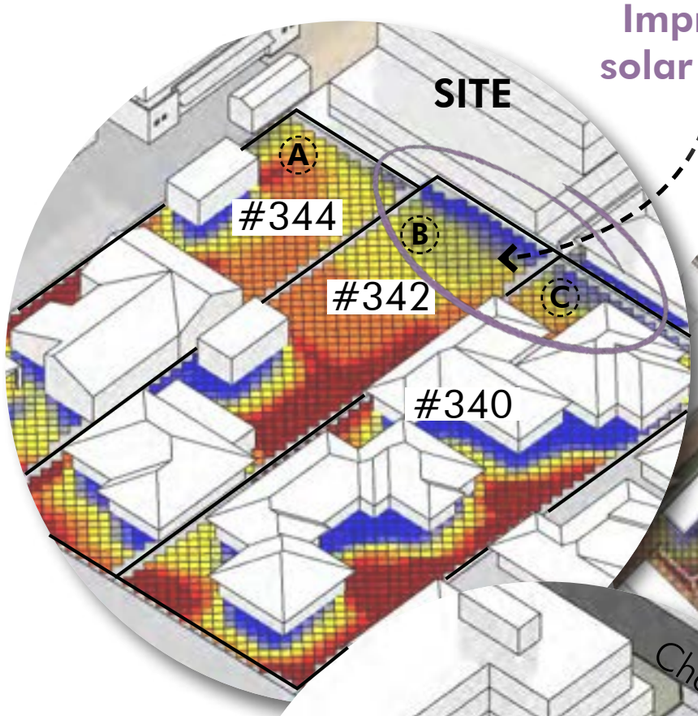
Solar Access to Neighbours

Winter Solstice Overshadowing

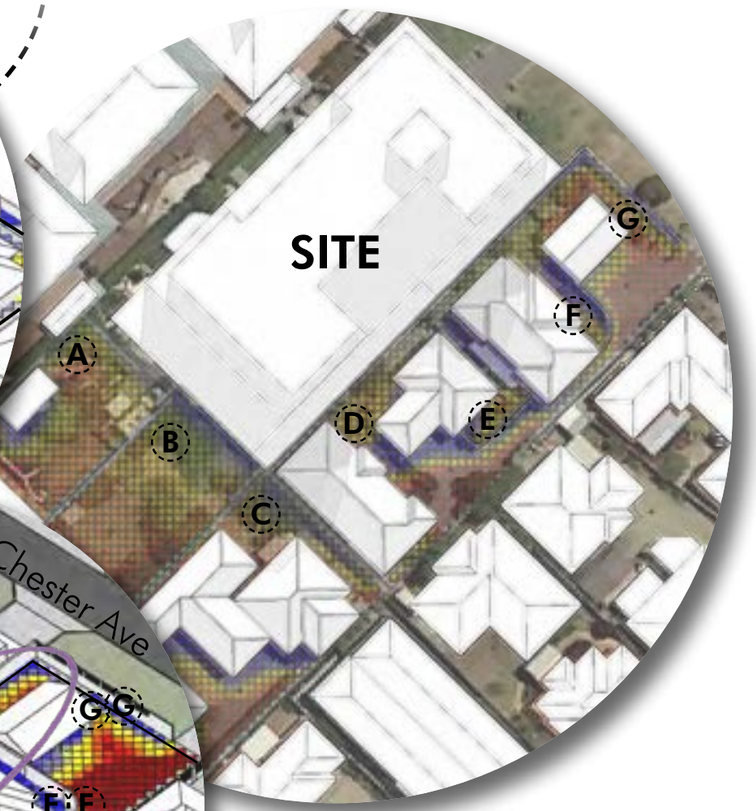
12pm on 21st June

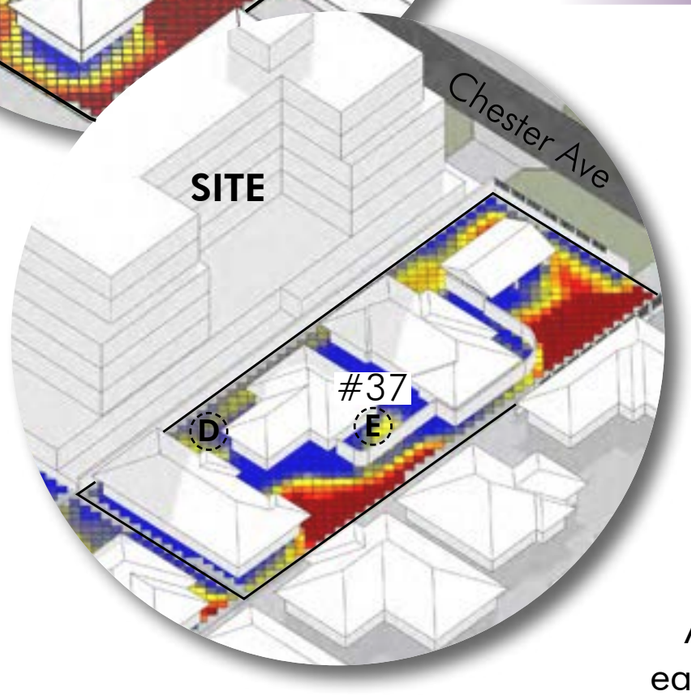
Improved solar access to the neighboring lots due to **reduction of 1 storey**

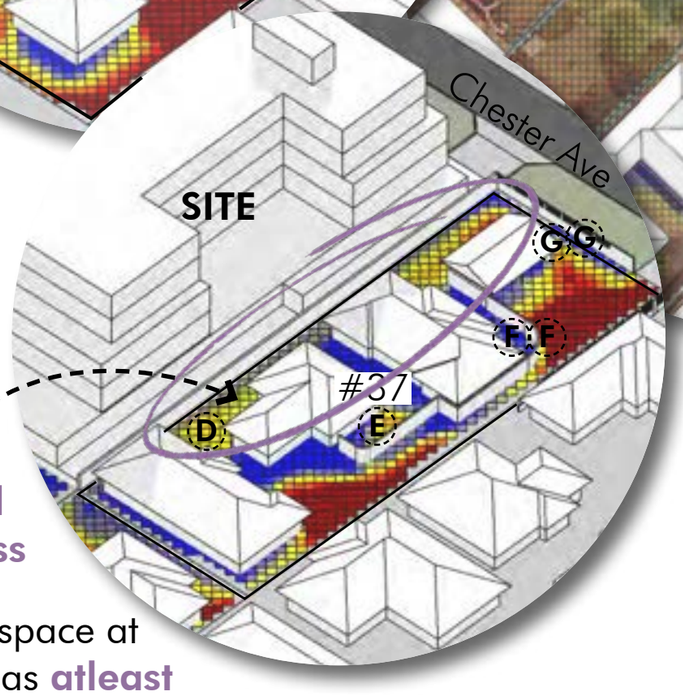




Improved solar access

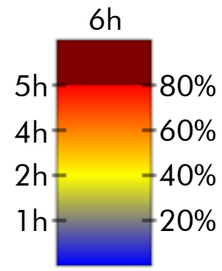






Improved solar access

Adjacent outdoor space at eastern neighbour has **atleast 2hrs of solar access**



5 Storeys

6 Storeys

Alfresco Locations (A)

N

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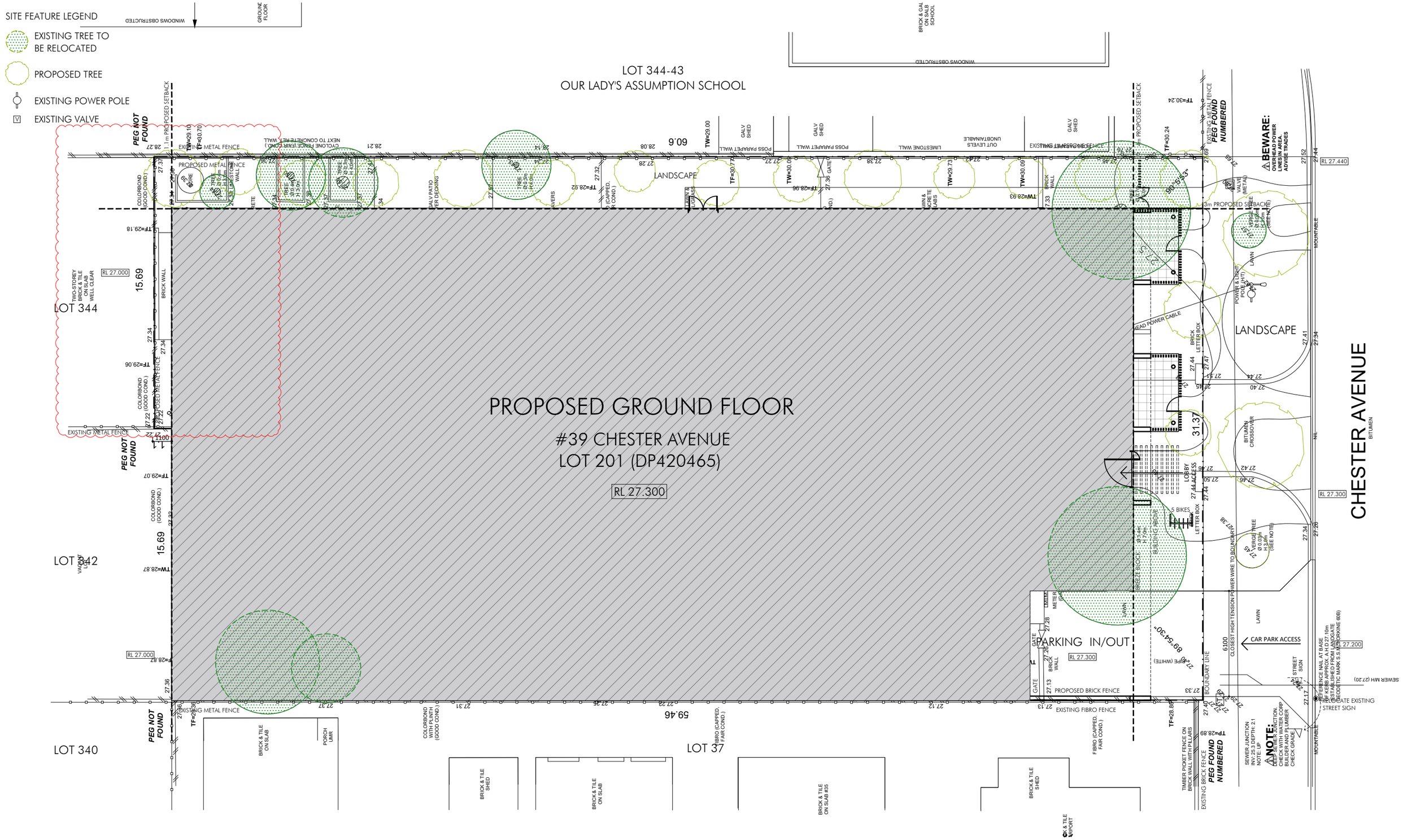
Chester Avenue View

6 Storeys
(previous)

5 Storeys
(current)

space collective architects

6 Storeys Envelope Outline



MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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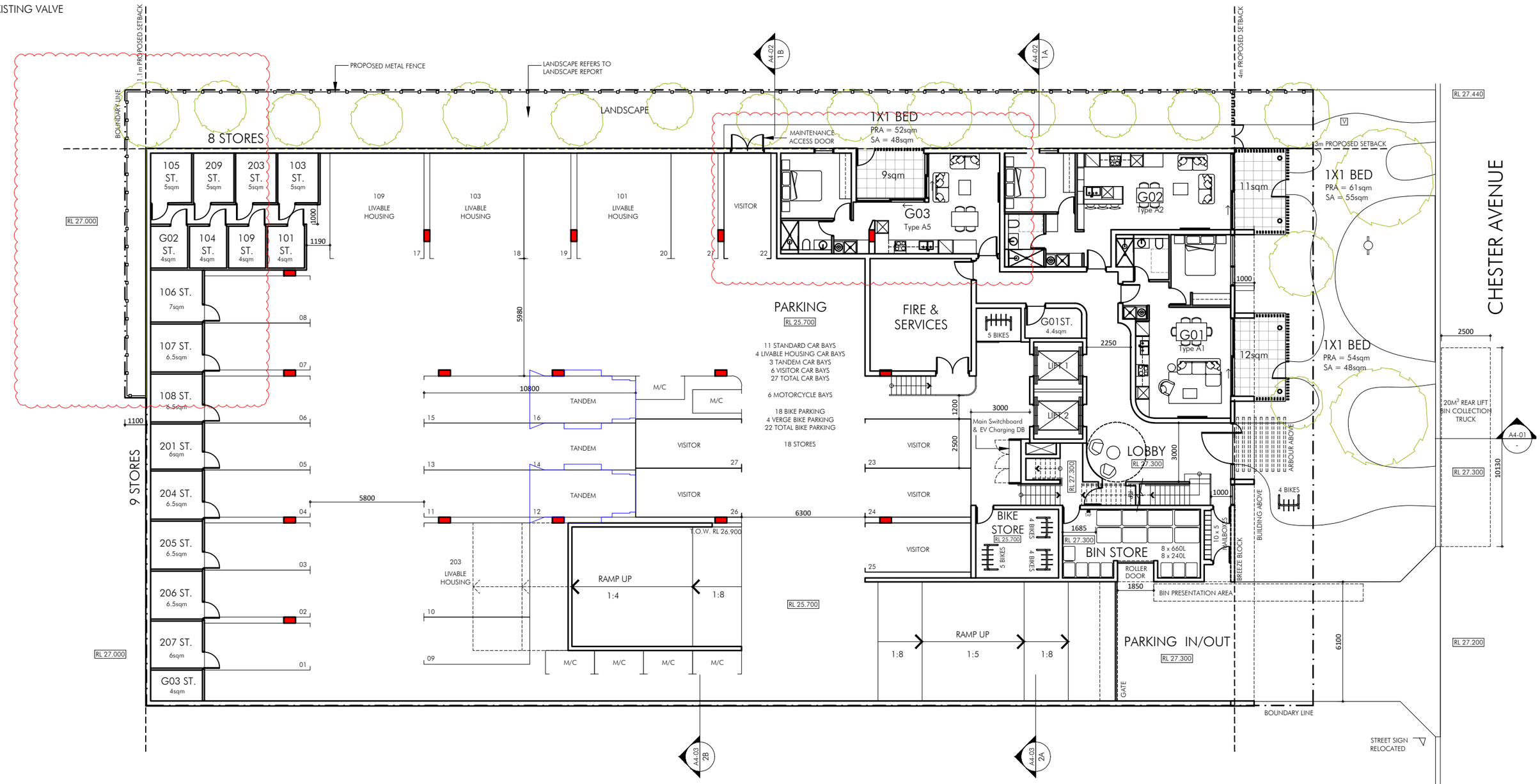
SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SITE PLAN	A1-01	C

SITE FEATURE LEGEND

PROPOSED TREE

EXISTING POWER POLE

EXISTING VALVE



GROUND

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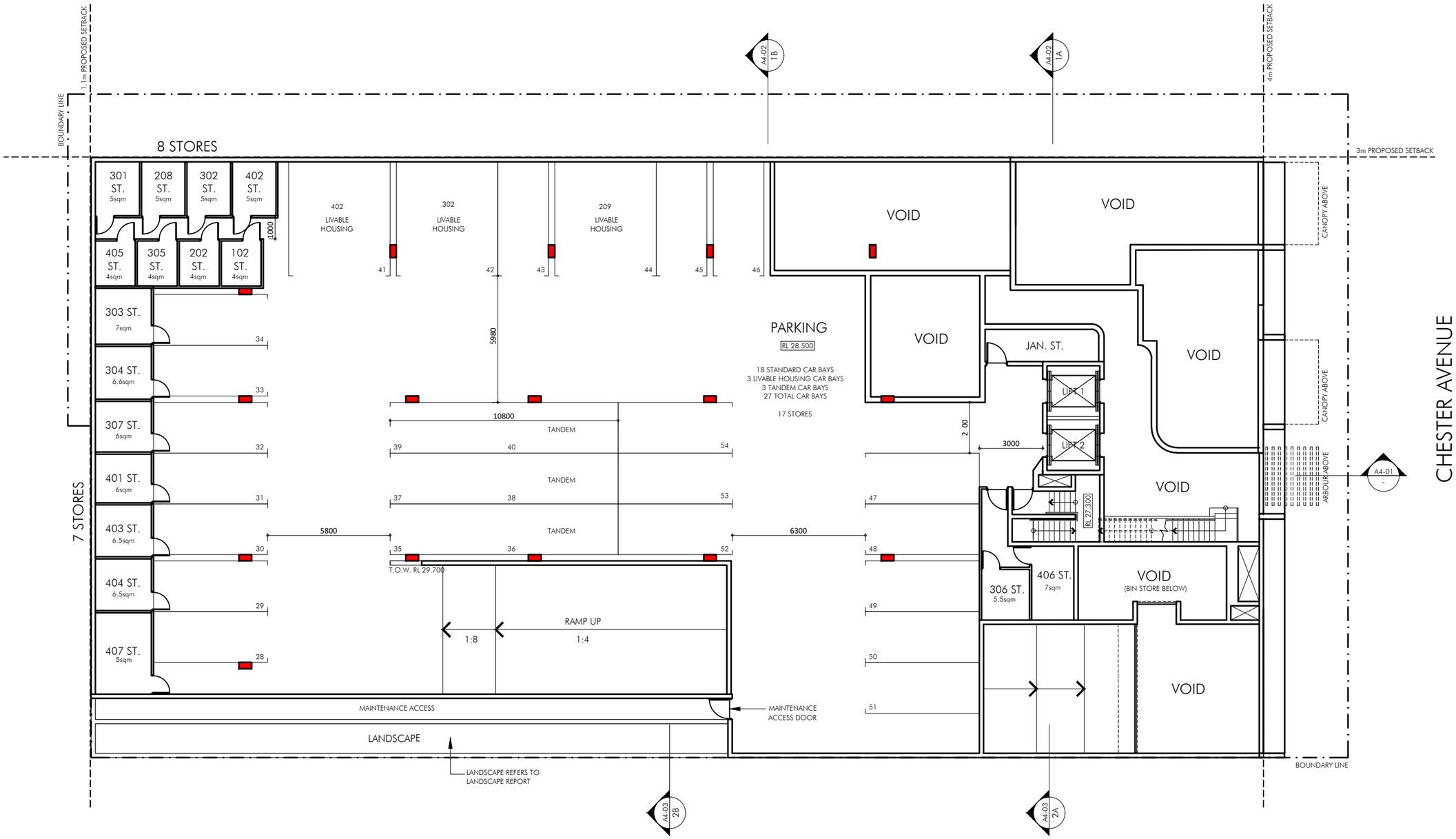
MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	GROUND FLOOR PLAN	A2-01	C



MEZZ

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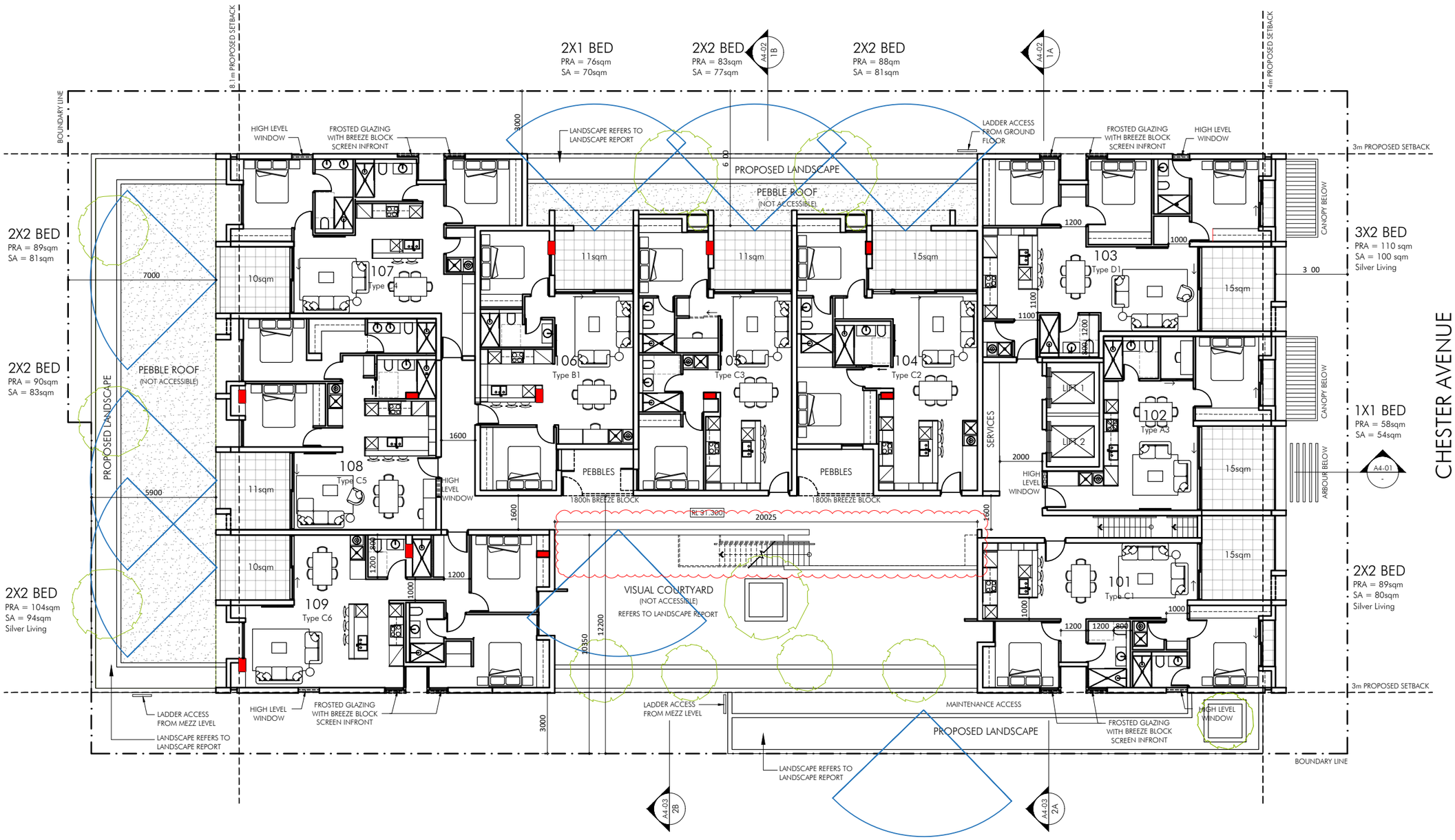
MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	MEZZANINE FLOOR PLAN	A2-02	C



LEVEL 1

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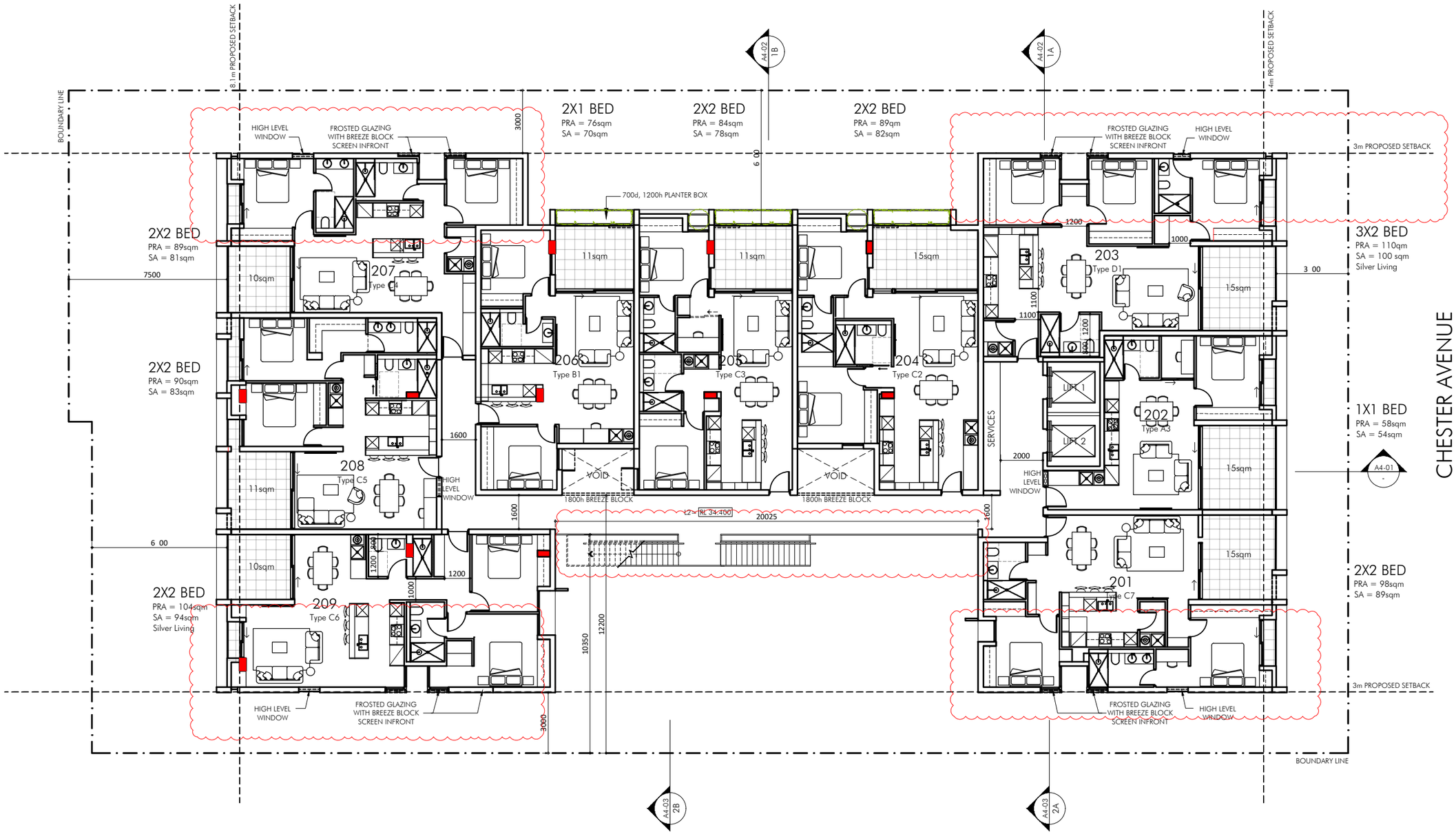
MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	LEVEL 1 PLAN	A2-03	C



LEVEL 2

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
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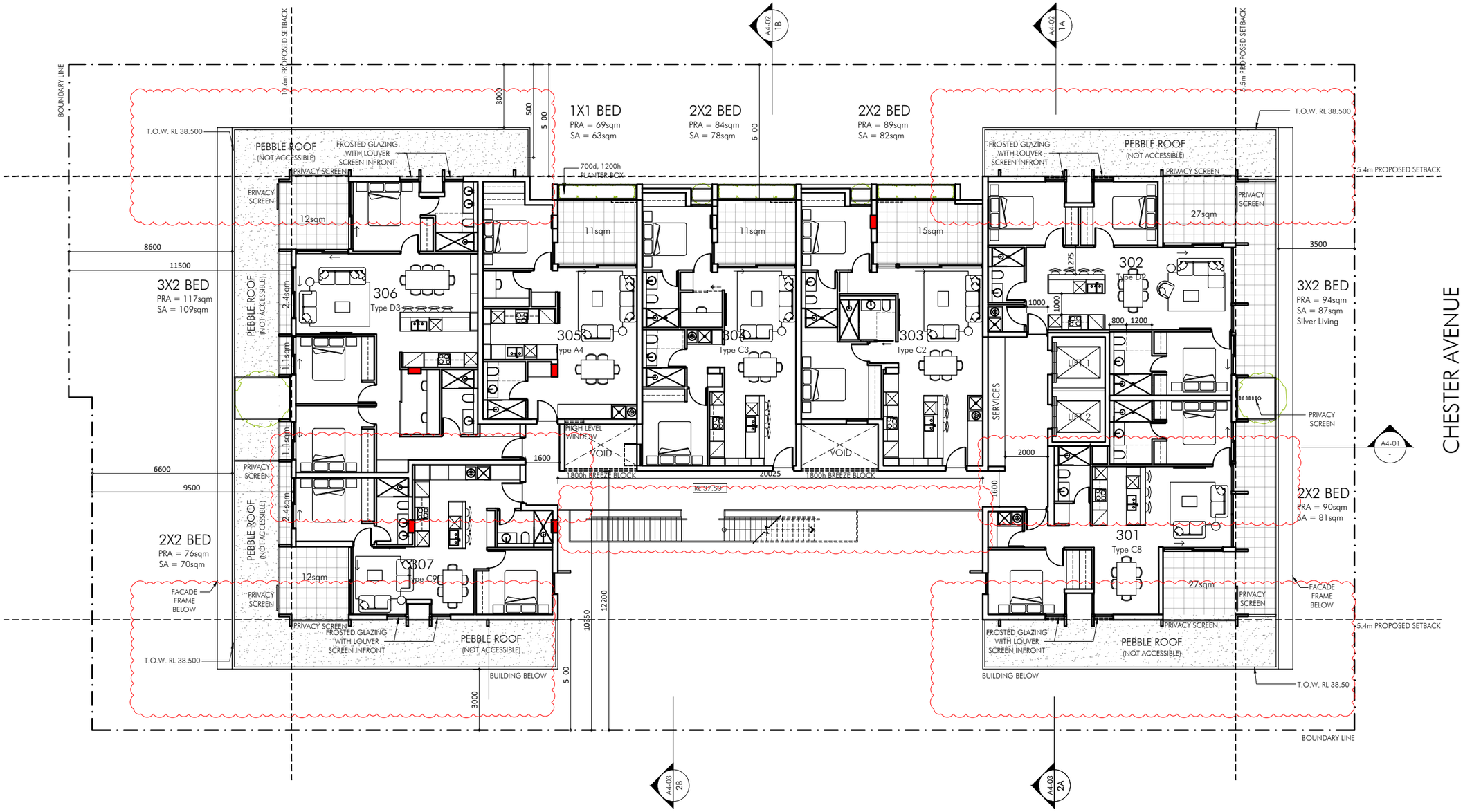

LEVEL 3

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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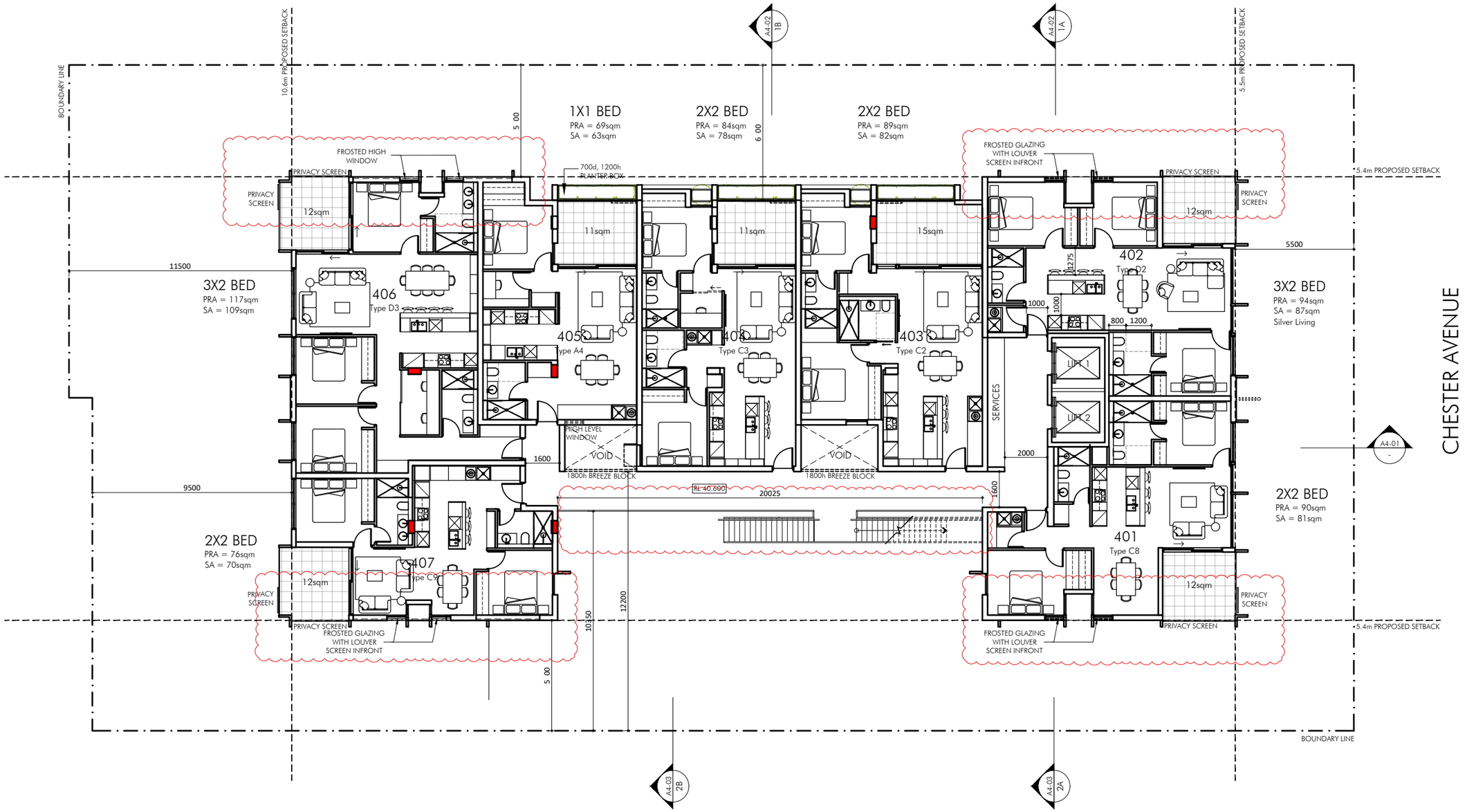

LEVEL 4

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

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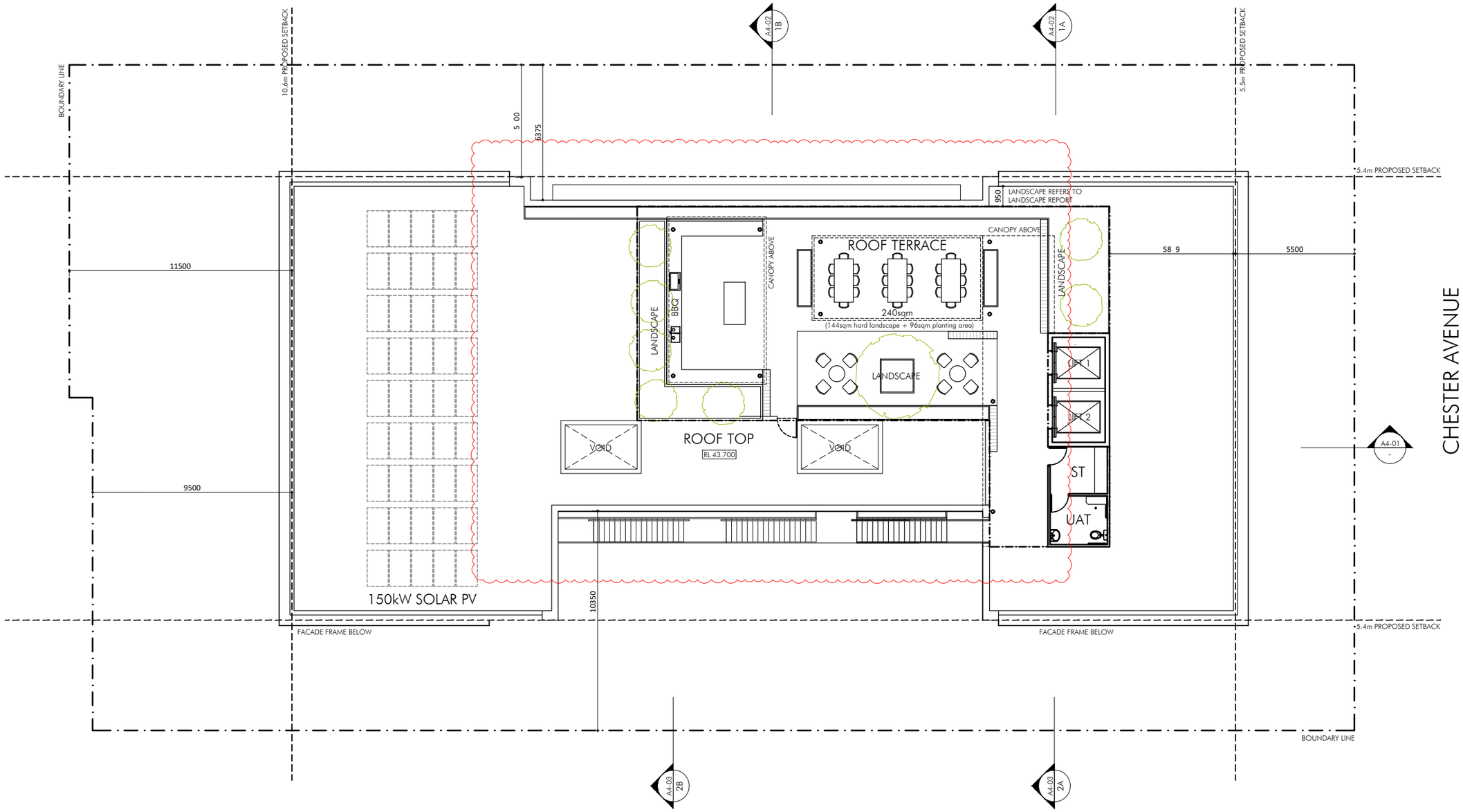

ROOFTOP TERRACE

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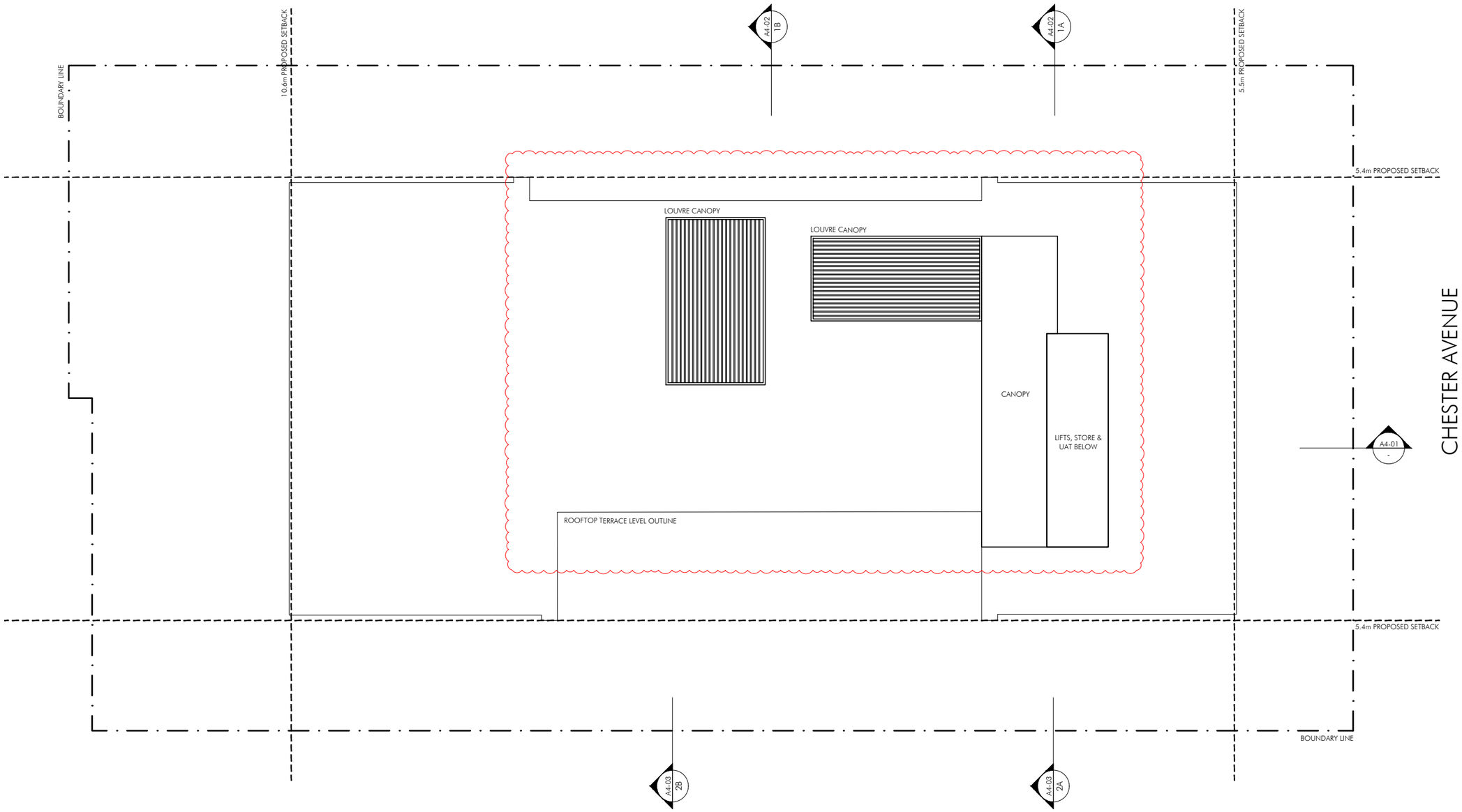
MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	ROOFTOP TERRACE	A2-07	C



ROOF PLAN

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	ROOF PLAN	A2-08	C

AG	ALUMINIUM FRAME GLAZING - DARK GREY
MW	METAL WORK - DARK GREY
LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

EAST ELEVATION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	EAST ELEVATION	A3-01	C

AG	ALUMINIUM FRAME GLAZING - DARK GREY
MW	METAL WORK - DARK GREY
LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

NORTH ELEVATION

space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	NORTH ELEVATION	A3-02	B

AG	ALUMINIUM FRAME GLAZING - DARK GREY
MW	METAL WORK - DARK GREY
LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE

WEST ELEVATION

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

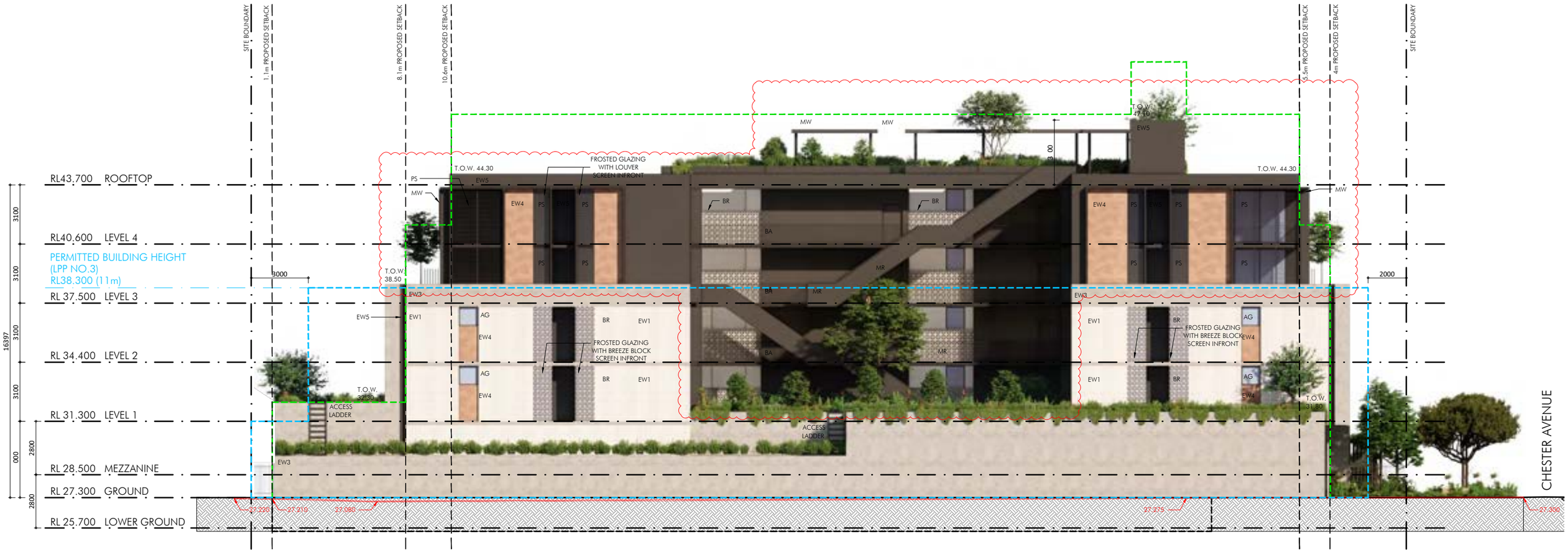
SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	WEST ELEVATION	A3-03	C

AG	ALUMINIUM FRAME GLAZING - DARK GREY
MW	METAL WORK - DARK GREY
LS	METAL LOUVER SCREEN - DARK GREY
PS	PRIVACY SCREEN
MR	METAL RAILING - DARK GREY
BR	BREEZE BLOCK - WHITE
FN	METAL FENCE - WHITE
EW1	EXTERNAL WALL 1 - SPLIT FACE BRICK - WHITE
EW2	EXTERNAL WALL 2 - TILE - TERRACOTTA LOOK
EW3	EXTERNAL WALL 3 - CEMENT RENDER
EW4	EXTERNAL WALL 4 - CEMENT RENDER - TERACOTTA LOOK
EW5	EXTERNAL WALL 5 - DARK GREY

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL

6 STOREY ENVELOPE OUTLINE



SOUTH ELEVATION

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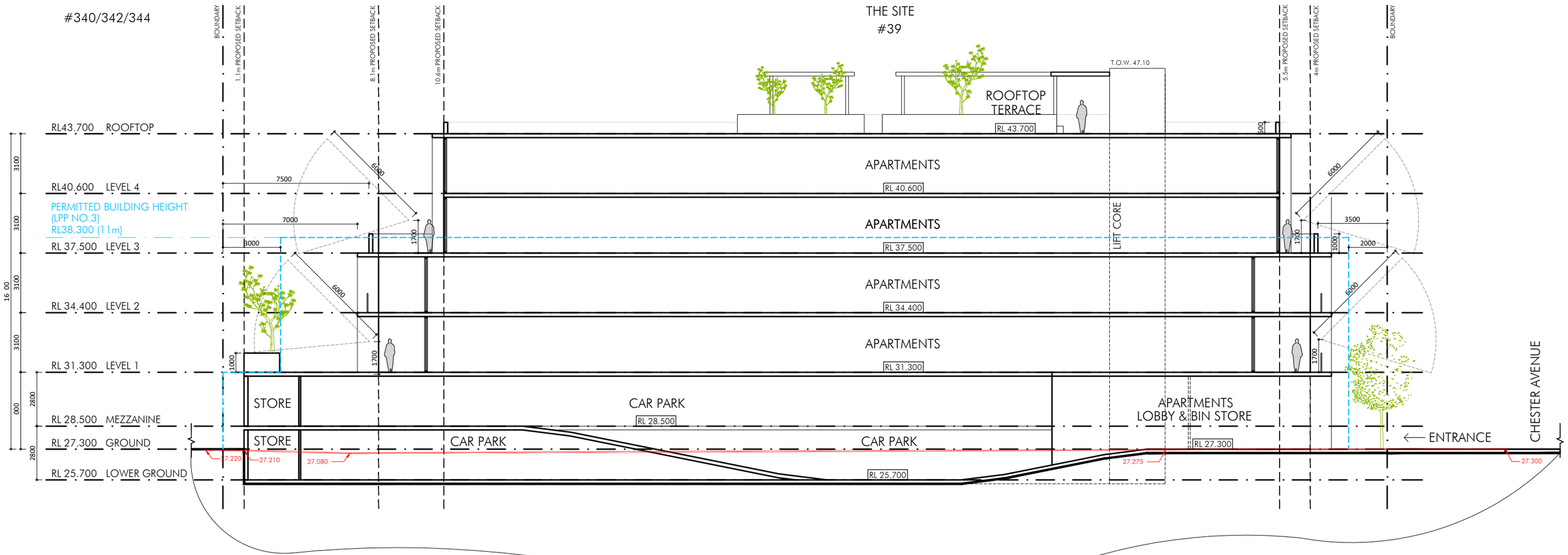
MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SOUTH ELEVATION	A3-04	C

CITY OF STIRLING LPP NO.3 ENVELOPE

NATURAL GROUND LEVEL



SECTION

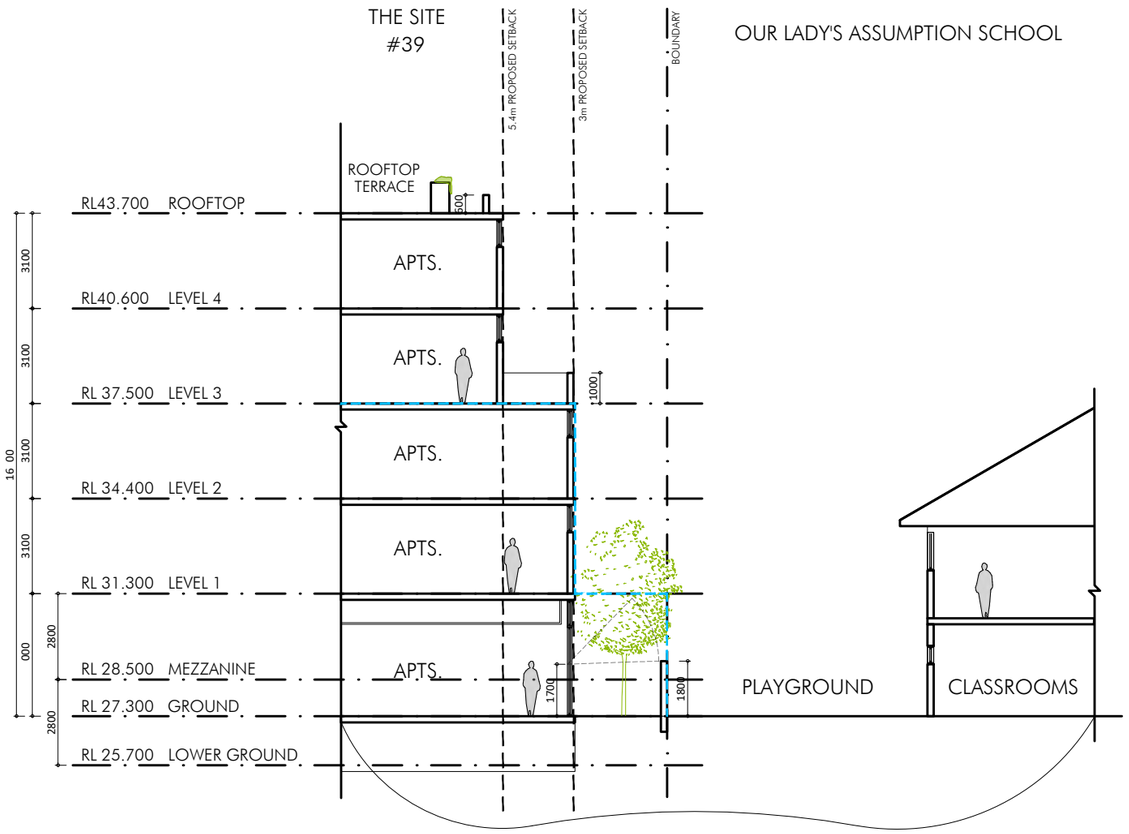
space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

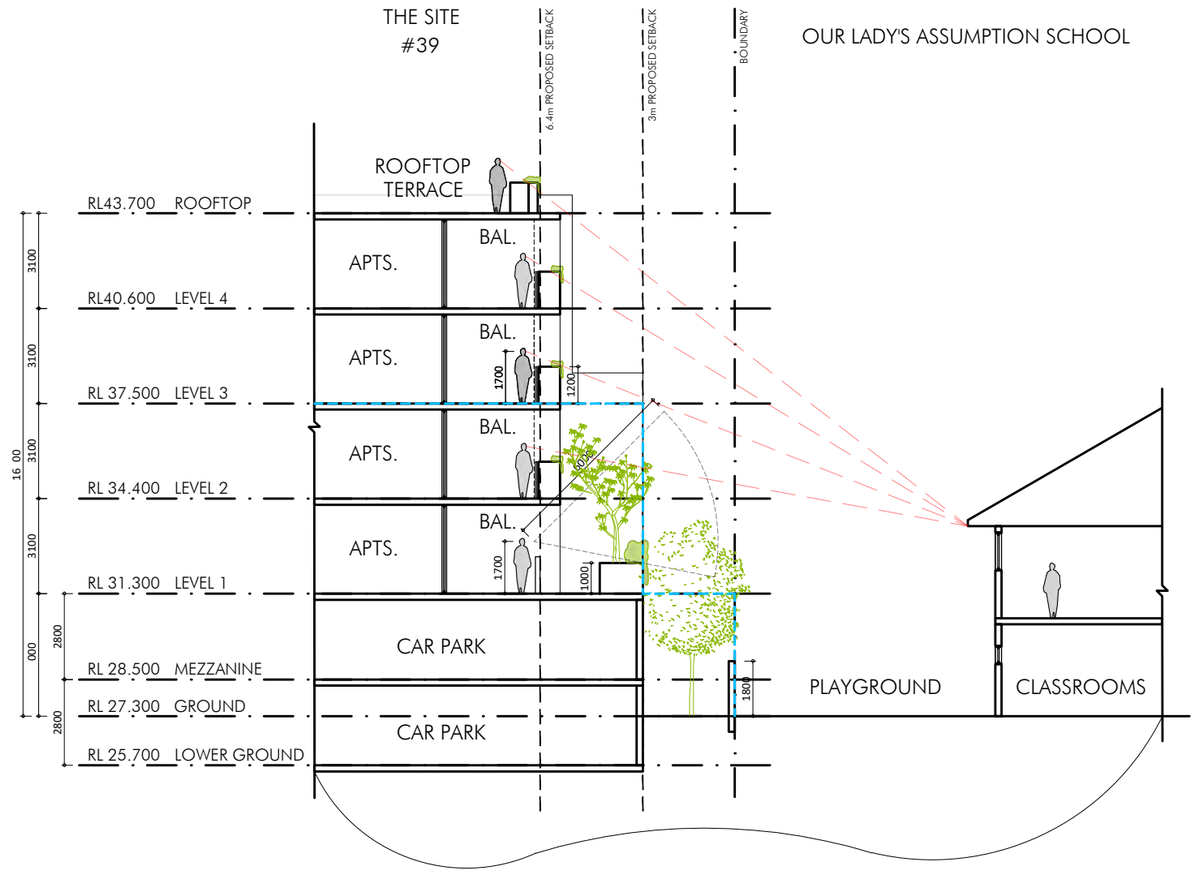
39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SECTION	A4-01	C

CITY OF STIRLING LPP NO.3 ENVELOPE



SECTION 1A



SECTION 1B

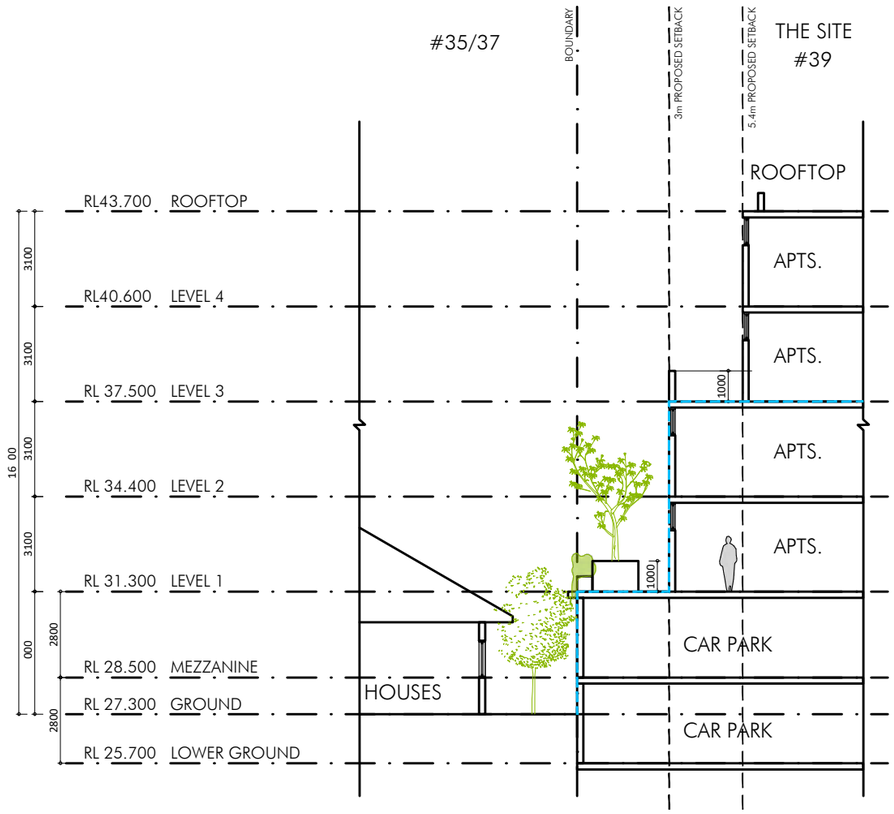
space collective architects

MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SECTION 1A & SECTION 1B	A4-02	C

CITY OF STIRLING LPP NO.3 ENVELOPE



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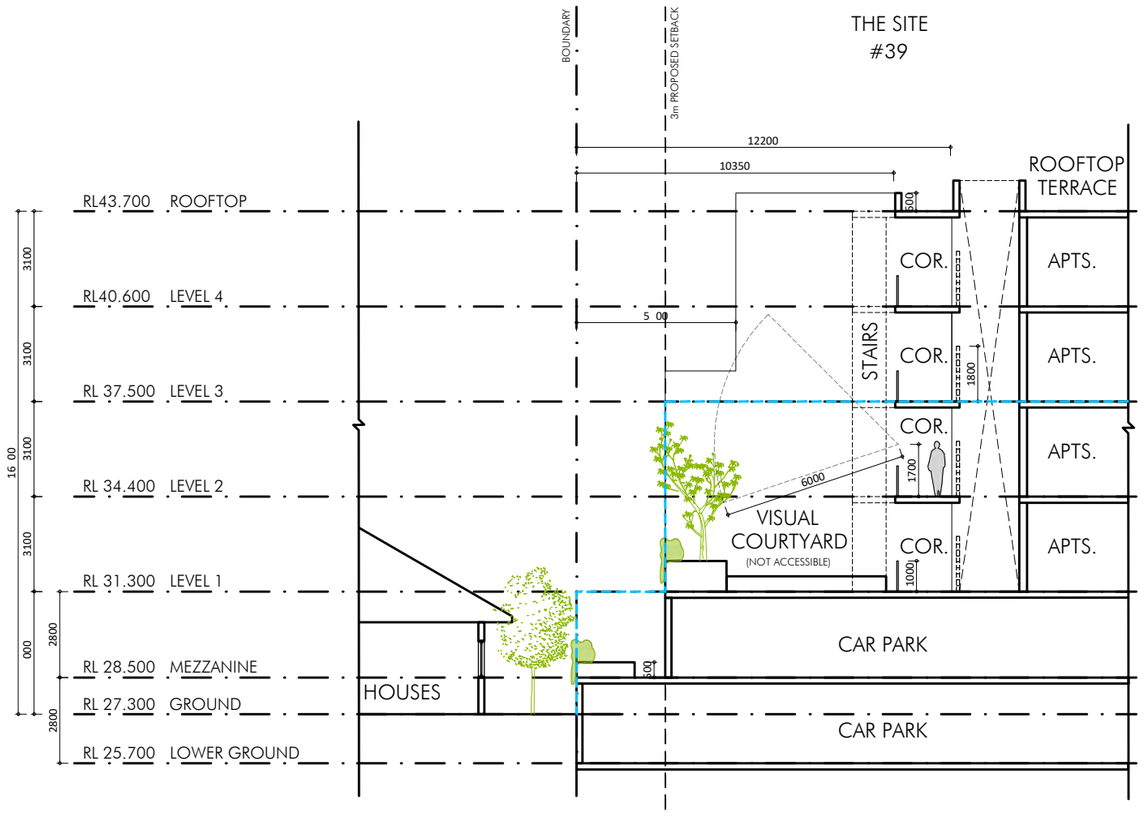

SECTION 2B

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MULTI-RESIDENTIAL DEVELOPMENT

39 CHESTER AVENUE DIANELLA

SCALE	NP	DATE ISSUED	DWG. NAME	DWG No.	REV
1:200 @A3		12.02.2024	SECTION 2A & SECTION 2B	A4-03	C

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39 Chester Ave Dianella

Deferral Rev. 0

Proposed Apartment Mix							
	Commercial PRA	Residential PRA	1x1 bed	2x1 bed	2x2 bed	3x2 bed	Total
Ground Floor		171	3	0	0	0	3
Level 1		792	1	1	6	1	9
Level 2		794	1	1	6	1	9
Level 3		619	1	0	4	2	7
Level 4		619	1	0	4	2	7
TOTAL	*0*	*2995*	*7*	*2*	*20*	*6*	*35*
Mix (%)			*20%*	*6%*	*57%*	*17%*	*100%*
Plot Ratio Area	*2995*						
Plot Ratio	*1.59*						
Site Area	*1883*						

Carbay Provided			
	Single Bay	Tandem Bay	Car bay
Ground Floor	21	3	27
MEZZ	21	3	27
Total	**42**	**6**	**54**

External Stores					
	3sqm	4sqm	5sqm	≥6sqm	Total
Ground Floor	0	6	4	8	18
MEZZ	0	4	6	7	17
Total	0	10	10	15	35

City of Stirling
7 March 2024
RECEIVED

39 CHESTER AVE
LANDSCAPE DEVELOPMENT APPLICATION

UDLA

TABLE 1 EDITION DETAILS

PROJECT NAME	
Title	39 Chester Ave Landscape Development Application
Production Date	16th February 2023
Prepared By	UDLA
Author	Caine Holdsworth // Theo Valentine
Status	FINAL
UDLA Project Code	DIAAL

TABLE 2 DOCUMENT REGISTER

DOCUMENT REGISTER			
Version	**Date**	**Amendments**	**Prepared By**
A	16/02/2023	DRAFT	TV
B	20/02/2023	DRAFT	TV
C	23/02/2023	FINAL DRP 1	TV
D	02/05/2023	FINAL DRP 2	TV
E	27/05/2023	DRP 2 COMMENTS	TV
F	28/06/2023	FINAL	TV
G	31/07/2023	FINAL	TV
H	24/10/2023	FINAL	TV
I	22/02/2024	FINAL	TV

Prepared for: Space Collective Architects

space collective architects

Prepared by: UDLA

UDLA

Contact: Theo Valentine
Position: UDLA Senior Landscape Architect
Phone: (08) 9336 7577
Email: theo@udla.com.au

LEVEL 1A, 3-5 JOSEPHSON STREET
FREMANTLE, 6160 WA
HELLO@UDLA.COM.AU | (08) 9336 7577

1.1 DESIGN APPROACH

A MIXED PALETTE

FIGURE 1. PRECEDENT IMAGE. 1960'S GREVILLEA GARDENS APARTMENTS IN DIANELLA

FIGURE 2.PRECEDENT IMAGE. 1950'S STYLE HOUS IN DIANELLA

FIGURE 3.PRECEDENT IMAGE. 1970'S STYLE HOUSE IN DIANELLA

Dianella is a multicultural suburb with the majority of housing built in the 50's and 60's. Soils are notoriously sandy with most gardens incorporating a hardy mix of native and exotic planting. Many lots have been cleared to make way for apartment blocks. Gardens of Dianella are typically well manicured with large verges and setbacks containing lawn and exotic shrubs.

There is an opportunity to celebrate the unique character of Dianella through the use of a mixed palette of native and exotic planting within the site.

2.1 GROUND FLOOR PLAN

General Notes:

All landscape areas to be fully irrigated. Irrigation for street trees may be switched off or reduced beyond the two year maintenance period. All planter irrigation must be retained.

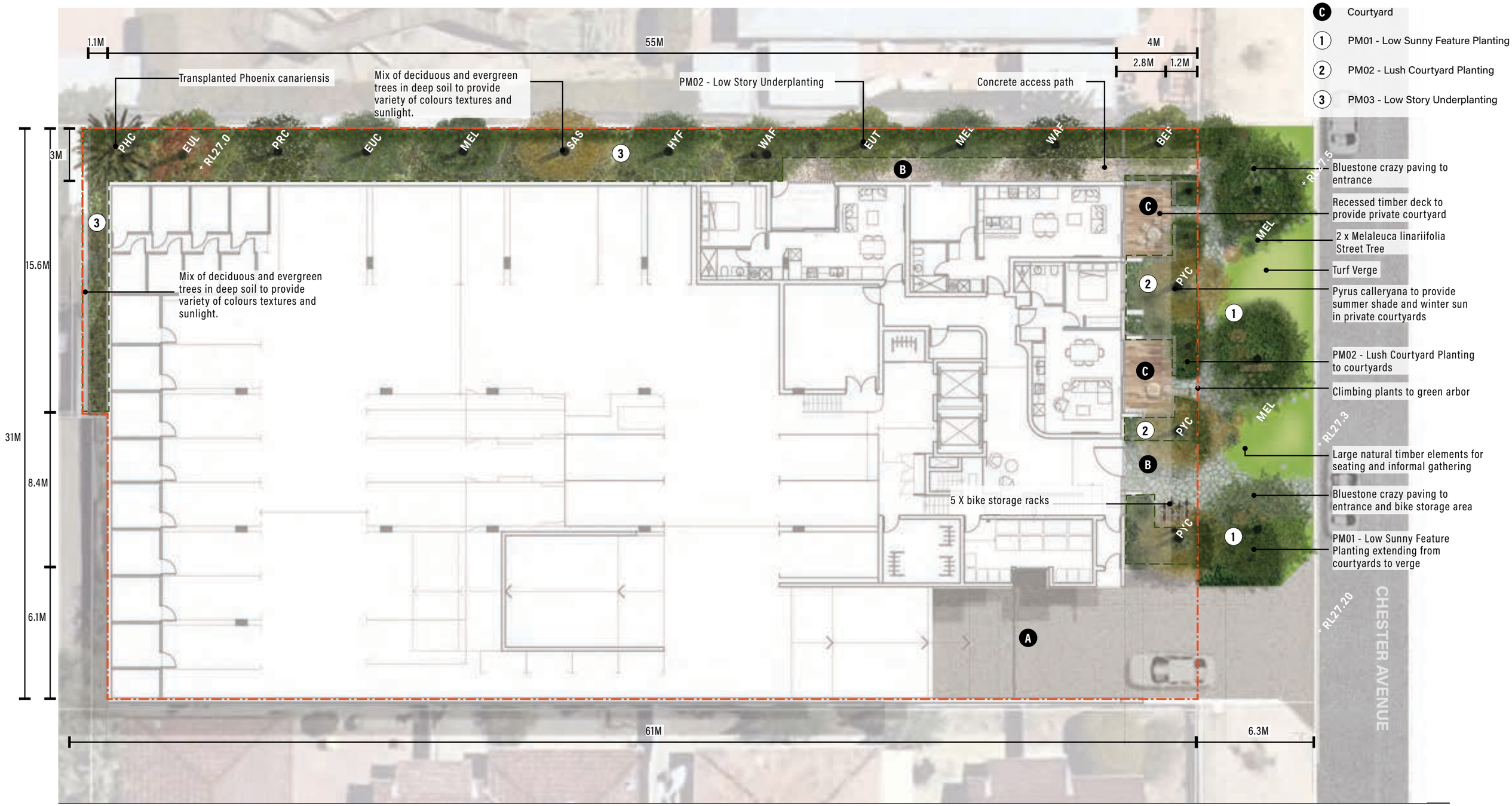
Tree Location indicative pending service locations and sight-line analysis.

Suggested species list included on Pages 12 - 18.

All garden beds to have pine bark mulch.

KEY

- Deep soil area
- Lot Boundary
- A Vehicular entrance
- B Pedestrian entrance
- C Courtyard
- 1 PM01 - Low Sunny Feature Planting
- 2 PM02 - Lush Courtyard Planting
- 3 PM03 - Low Story Underplanting



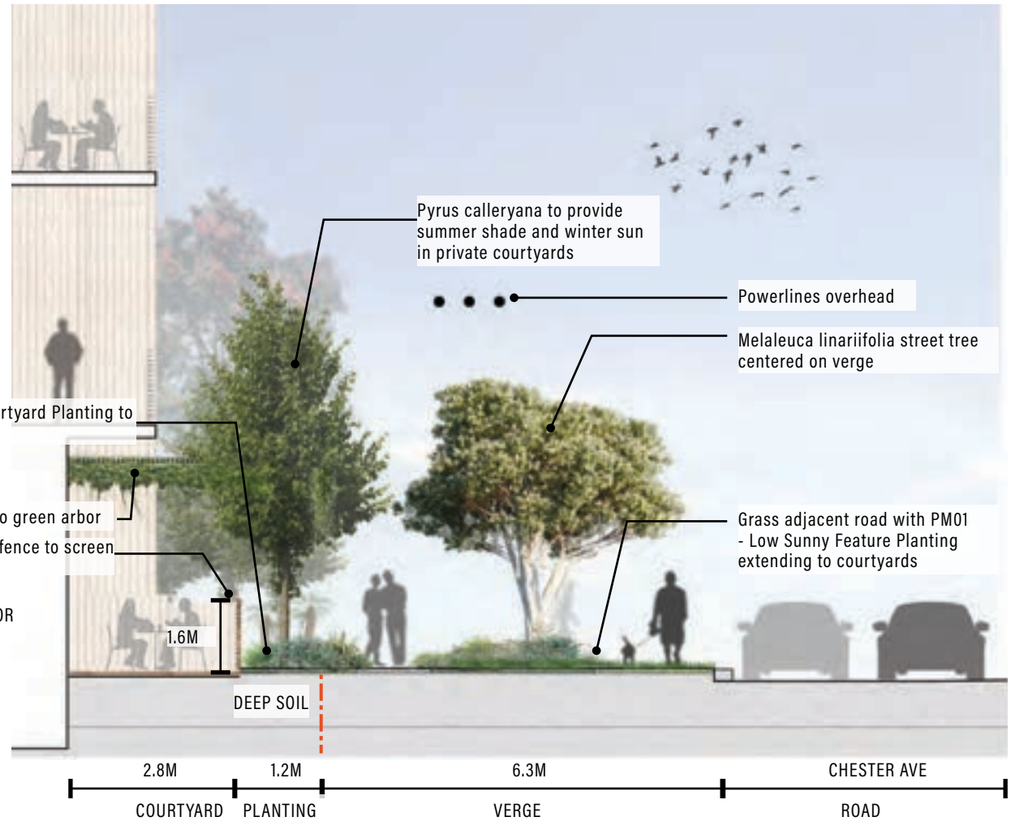
UDLA – 39 CHESTER AVE LANDSCAPE DA

1:200 @ A3

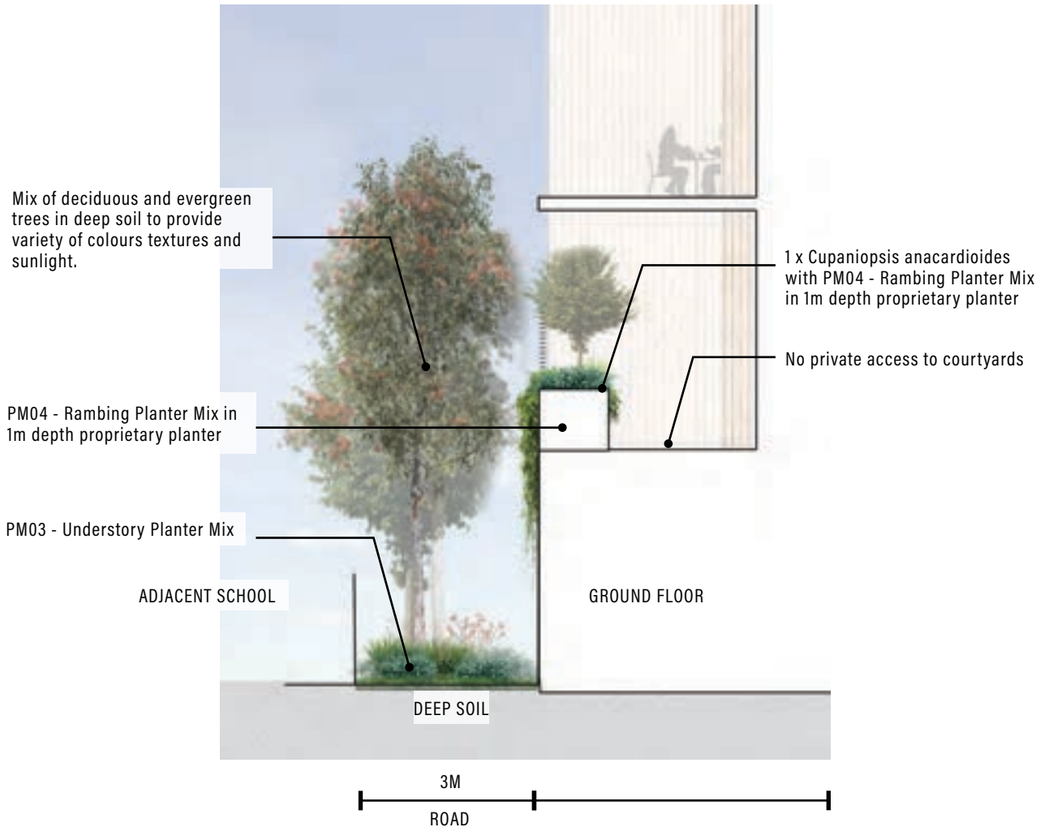
0m 2m 4m 10m

UDLA

2.2 GROUND FLOOR SECTIONS



SECTION AA 1:100 AT A3

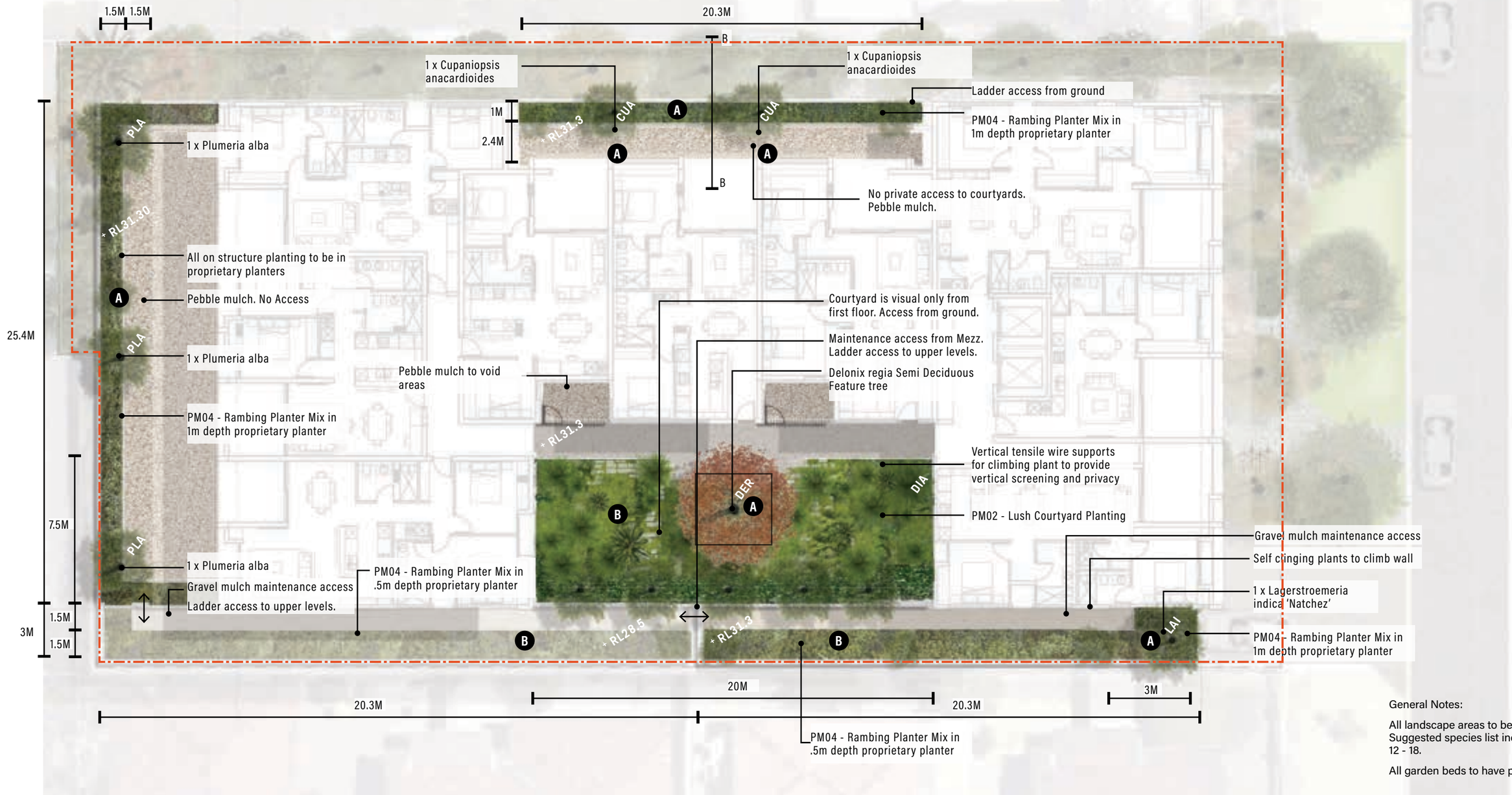


SECTION BB 1:100 AT A3

2.3 LEVEL 1 PLAN

KEY

- (A) 1m depth planter
- (B) .5m depth planter
- (1) Plant Mix 2 - Lush Courtyard Planting
- (2) Plant Mix 4 - Rambling Planter Box Mix
- ↔ Maintenance access



General Notes:

All landscape areas to be fully irrigated. Suggested species list included on Pages 12 - 18.

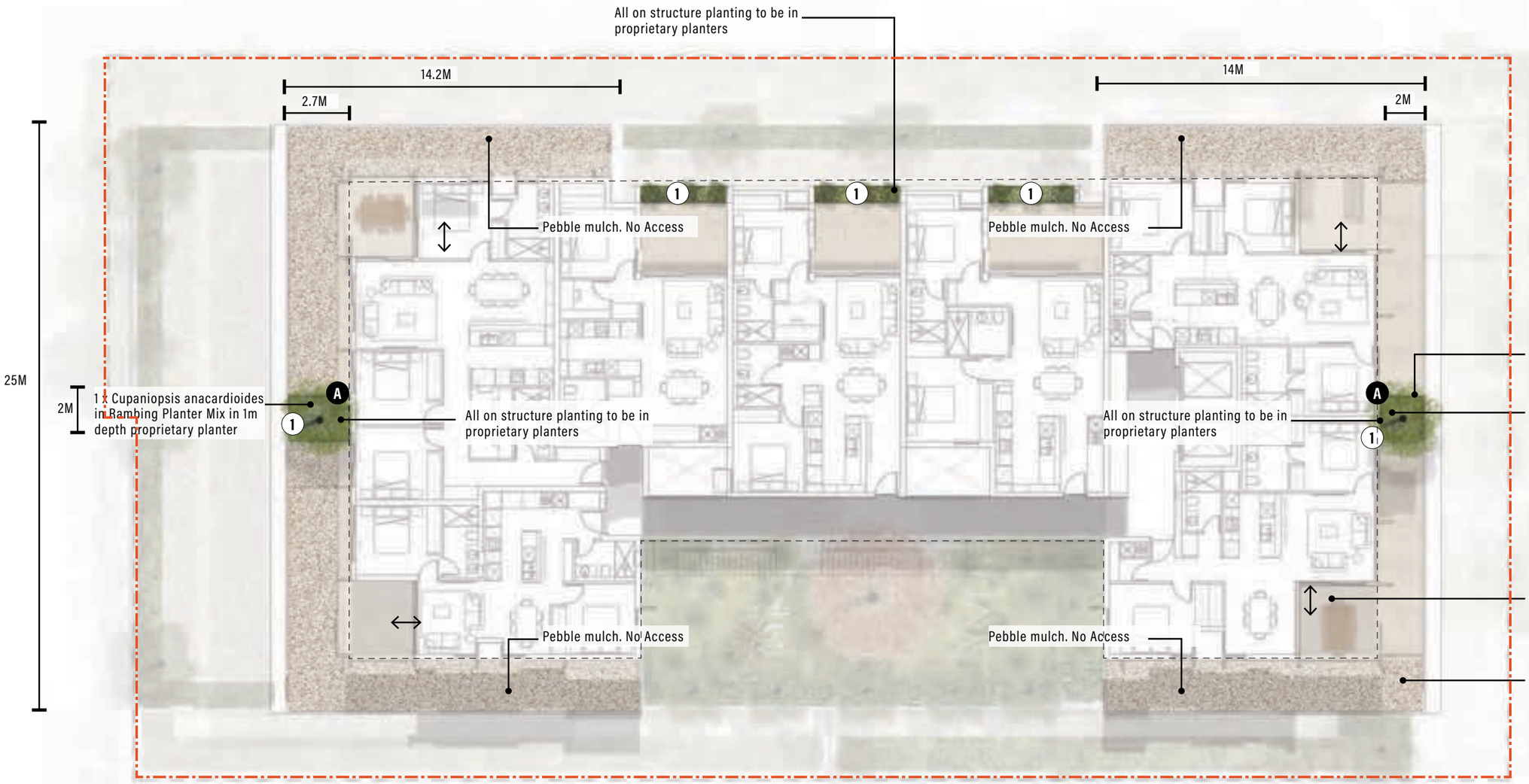
All garden beds to have pine bark mulch.

2.4 LEVEL 3 PLAN

Rambing native planting to spill over level 4 edges and soften the built form and create green edge to apartment areas.

KEY

- Canopy above
- Maintenance access
- A 1m depth planter
- 1 Plant Mix 4 - Rambling Planter Box Mix



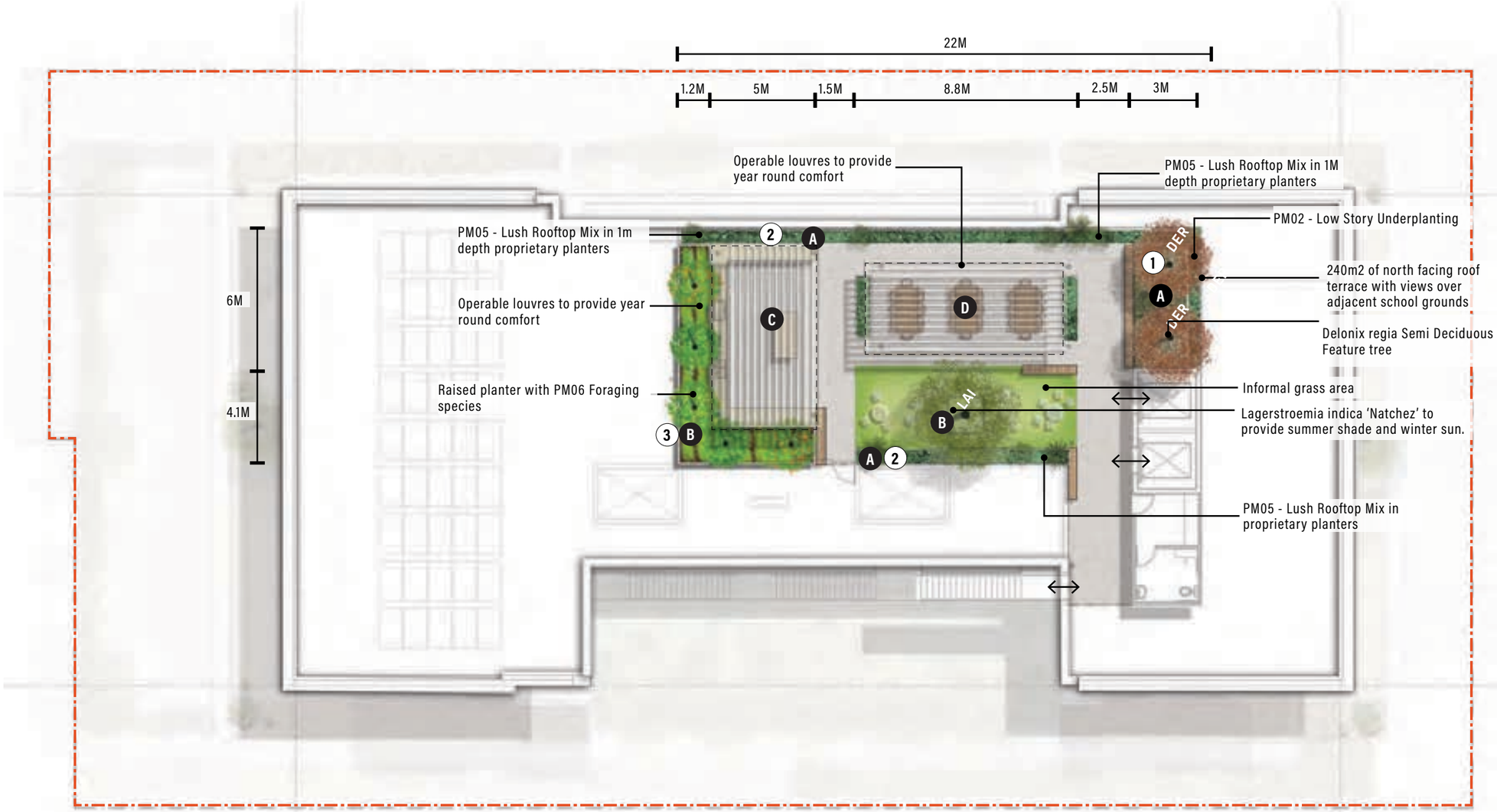
General Notes:

All landscape areas to be fully irrigated. Suggested species list included on Pages 12 - 18.

All garden beds to have pine bark mulch.

2.5 ROOF PLAN

The 320 sqm roof terrace provides opportunity for socialising and entertaining for larger groups. A large communal kitchen, dining and lounge area provide inviting and usefull areas for the residents. Raised planters with foraging species provide herbs and other produce for the communal kitchen and residents. The north facing terrace maximises views over the school. Operable louvers allow the roof terrace to be enjoyed in all seasons. Lush planting in proprietary planters provide a private green edge to the roof terrace. A small grass area with deciduous tree allows for lounging and informal gathering.



KEY

- Canopy above
- Maintenance access
- A 1m depth planter
- B .5m depth planter
- C Communal Kitchen & BBQ area
- D Communal dining area
- 1 Plant Mix 3- Low Story Underplanting
- 2 Plant Mix 5 - Lush Rooftop Mix
- 3 Plant Mix 6 - Rooftop Foraging Garden

Northern views over school grounds

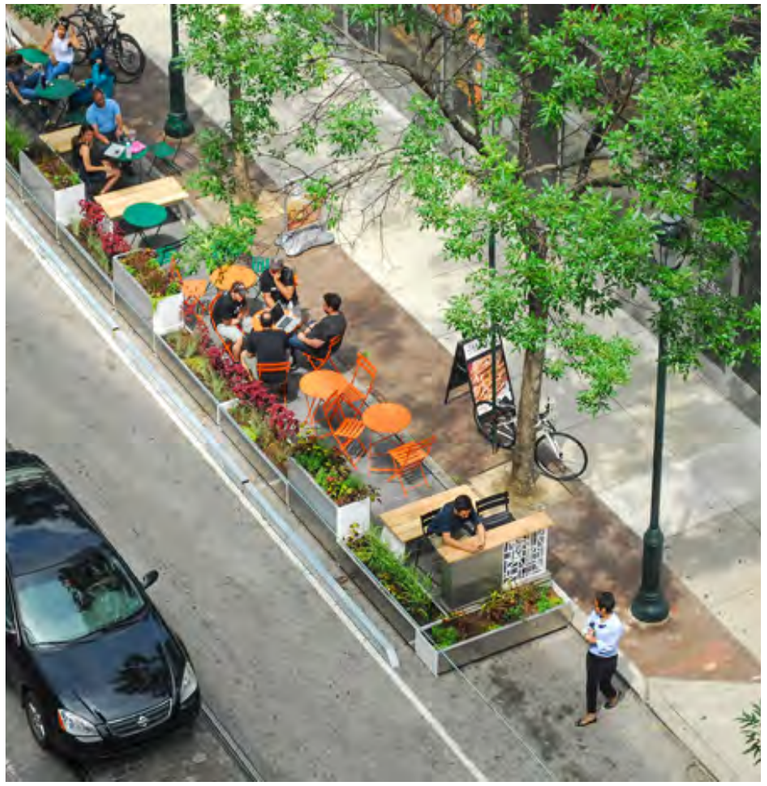
General Notes:

All landscape areas to be fully irrigated. Suggested species list included on Pages 12 - 18.

All garden beds to have pine bark mulch.

3.1 INDICATIVE IMAGERY - GROUND FLOOR

Melaleuca linariifolia street trees provide year round shade to the verge and street. Large natural timber elements allow for seating and informal gathering on the verge.
Lush planting provide privacy to private courtyards. Deciduous trees in deep soil within the private courtyards provide summer shade and winter sun to private courtyards with climbing plants to green arbor above.



3.2 INDICATIVE IMAGERY - GROUND FLOOR COURTYARD

The south facing ground floor courtyard with lush planting of Dicksonia and Delonix regia provides a lush backdrop to ground floor and upper levels . Self clinging plants to climb tensile wires and provide privacy to upper levels.

3.3 INDICATIVE IMAGERY ROOF TERRACE

The 320 sqm roof terrace provides opportunity for socialising and entertaining for larger groups. A large communal kitchen, dining and lounge area provide inviting and usefull areas for the residents. Raised planters with foraging species provide herbs and other produce for the communal kitchen and residents. The north facing terrace maximises views over the school. Operable louvers allow the roof terrace to be enjoyed in all seasons. Lush planting in proprietary planters provide a private green edge to the roof terrace. A small grass area with deciduous tree allows for lounging and informal gathering.

3.4 INDICATIVE MATERIALS LIST

SURFACE FINISHES

URBANSTONE SHOTBLAST PAVING MIX
UPPER LEVELS ON SLAB

CONCRETE ROCK SALT FINISH
GROUND FLOOR

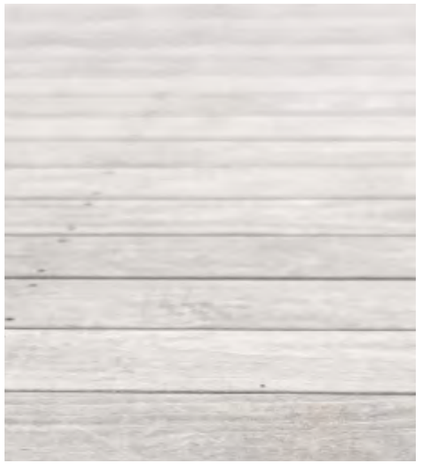
LARGE FORMAT BLUESTONE STEPPERS
GROUND FLOOR

SIR WALTER BUFFALO TURF
VERGE

SUMMER STONE MULCH
NO ACCESS AREAS

FURNITURE & FIXTURE MATERIALS

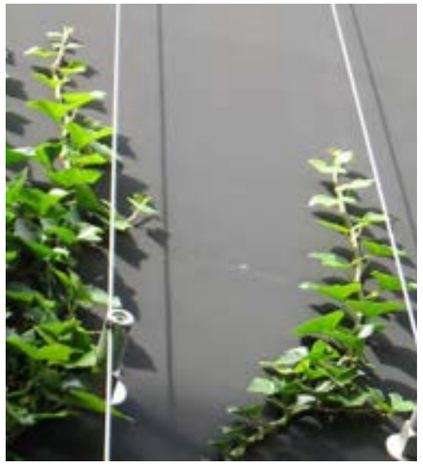
HONED CONCRETE WALLS



ACCOYA PINE TIMBER

CONCEALED STRIP LIGHTING

GLASS REINFORCED CONCRETE PLANTERS



STAINLESS STEEL ROPE WIRE TRELLIS

4.1 EXISTING TREES

The existing street trees of Chester Ave are listed below. Melaleuca linariifolia has been selected for suitable canopy size to reduce maintenance under powerlines. The existing Phoenix canariensis will be transplanted to a more suitable location within the lot.

LOCAL STREET TREES

Lophestemon conferta
Queensland Box Tree
Size: 8-12m (h) x 8m (w)
Location: Chester Ave

Callistemon viminalis
Weeping Bottlebrush
4m wide x 4m high
Location: Chester Ave

Koelreuteria paniculata
Golden Rain Tree
4m wide x 6m high
Location: Chester Ave

Melaleuca quinquenervia
Broad Leaved Paperbark
Height: 12m x Width: .7m
Location: Chester Ave

Melaleuca linariifolia
Narrow Leaved Paperbark
Height: 6m x Width: 5m
Location: Chester Ave

TRANSPLANT TREES

Phoenix canariensis
Date Palm
Size: 6m (h) x 5m (w)
Location: Within Lot

5.1 PLANTING PALETTE

MIX 1. LOW SUNNY FEATURE PLANTING 3 PLANTS PER SQ M

Westringia fruiticosa
'Coastal Rosemary',
Mature size: 0.6m x 1.2m

Lavendula angustifolia
'Lavender',
Mature size: 0.6m x 0.5m

Hibbertia scandens
'Snake Vine',
Mature size: .3m x 1.5m

Lomandra longifolia
'Tanika',
Mature size: 0.6m x 0.6m

Kalanchoe bracteata
'Silver Spoons',
Mature size: 0.3m x .4m

Rosmarinus officianalis
'Prostrate Rosemary',
Mature size: 0.6m x 1.2m

Euonymus japonicus
Tom Thumb
0.5m H x 0.4m W

Chamelaucium uncinatum
'Wax Flower',
Mature size: 1.5m x 2m

Olearia axillaris,
Coastal Daisybush
Height: 1m x Width: 1-1.5m

Casuarina glauca
'Cousin It',
Mature size: 0.3m x 1.2m

Raphiolepis indica
Snow Maiden
Mature size: 1m x 1m

Rosemary officianalis
Tuscan Blue
Mature size: 1m x 1.2m

Grevilllea 'Gin Gin Gem'
'Grevillea',
Mature size: 0.2m x 1.2m

Hemiandra pungens
Snake Bush
H: 0.2m x W: 1m

Ficinia nodosa,
Knotted Club Rush
H: 0.8m x W: 1m

Grevillea crithmifolia,
Grevillea
H: 0.2m-0.6M x W: 1m

Calothamnus quadrifidus,
One-sided Bottelbrush
H: 0.5m x W: 1m

Carpobrotus virescens,
Pigface
H: 0.2m x W: 2m

Billardiera fusiformis,
Australian Bluebell
H: 1m x W: 0.5m

Senecio mandraliscae,
Blue Chalk Sticks
H: 0.5m x W: 1m

Leucophyta brownii,
Cushion Bush
H: 0.7m x W: 1m

PLANTING PALETTE

MIX 2. LUSH COURTYARD PLANTING 3 PLANTS PER SQ M

Westringia fruiticosa
'Coastal Rosemary',
Mature size: 0.6m x 1.2m

Liriope Muscari
'Evergreen Giant'
H:0.4m x W:0.5m

Hibbertia scandens
'Snake Vine',
Mature size: .3m x 1.5m

Billardiera fusiformis,
Australian Bluebell
H: 1m x W: 0.5m

Juniperus conferta
Shore juniper
H:.4m x W:1m

Dracaena trifasciata
Mother in Law's Tongue
H:0.8m x W:0.8m

Strelitzia nicolai
Giant Bird of Paradise
H:0.8m x W:0.8m

Hardenburgia comptoniana
'White Out"
H:0.6m x W:0.9m

Correa alba
'White Correa',
Mature size: 1.5m x 1.2m

Philodendron 'Xanadu'
Philodendron
H:0.6m x W:0.9m

Carpobrotus virescens,
Pigface
H: 0.2m x W: 2m

Dichondra argentea
Silver Falls
H:0.5m x W:0.8m

Arthropodium cirratum
'NZ Rock Lilly'
H:0.6m x W:.5m

Senecio mandraliscae,
Blue Chalk Sticks
H: 0.5m x W: 1m

Blechnum bibbum
Silver Lady Fern
H:0.6m x W:.5m

Agave americana 'Mediopicta
Alba'
'Variagated Agave',

PLANTING PALETTE

MIX 3. UNDERSTORY PLANTING 3 PLANTS PER SQ M

Westringia fruiticosa 'Mundi'
'Mundi',
Mature size: 0.5m x 1.2m

Liriope Muscari
'Evergreen Giant'
H:0.4m x W:0.5m

Hibbertia scandens
'Snake Vine',
Mature size: .3m x 1.5m

Billardiera fusiformis,
Australian Bluebell
H: 1m x W: 0.5m

Juniperus conferta
Shore juniper
H:.4m x W:1m

Conostylis aculeata
Prickly Conostylis
H:.4m x W:1m

Arthropodium cirratum
'NZ Rock Lilly'
H:0.6m x W:.5m

Hardenburgia comptoniana
'White Out"
H:0.6m x W:0.9m

Dianella revoluta
'Little Rev'
H:0.6m x W:0.9m

Hemiandra pungens
Snake Bush
H: 0.2m x W: 1m

Carpobrotus virescens,
Pigface
H: 0.2m x W: 2m

Viola hederacea
'Native Violet'
H:0.6m x W:.5m

PLANTING PALETTE

MIX 4. RAMBLING PLANTER BOX MIX 3 PLANTS PER SQ M

Westringia fruiticosa
'Grey Box',
Mature size: 0.4m x 4m

Casuarina glauca
'Cousin It',
Mature size: 0.3m x 1.2m

Hibbertia scandens
'Snake Vine',
Mature size: .3m x 1.5m

Senecio mandraliscae
'Chalk Sticks',
Mature size 0.6m x 1.2m

Limonium perezeii 'blue'
`'Sea Lavender'
Mature size: 0.6m x .7m

Banksia blechnifola
Ground Cover Banksia
H:0.6m x W:0.9m

Lomandra longifolia
Lime Tuff
H:0.5m x W:0.4m

Senecio barbetonicus
Succulent Bush Senecio
Mature size: 0.6m x 1.2m

Dichondra argentea
Silver Falls
H:0.5m x W:0.8m

Adenanthos cuneatus
Basket Flower
H:0.6m x W:0.9m

Viola hederacea
'Native Violet'
H:0.6m x W:.5m

Dracaena trifasciata
Mother in Law's Tongue
H:0.8m x W:0.8m

Carpobrotus virescens,
Pigface
H: 0.2m x W: 2m

Hemiandra pungens
Snake Bush
H: 0.2m x W: 1m

Liriope Muscari
'Evergreen Giant'
H:0.4m x W:0.5m

Hardenburgia comptoniana
'White Out"
H:0.6m x W:0.9m

PLANTING PALETTE

MIX 5. LUSH ROOFTOP MIX 3 PLANTS PER SQ M

Arthropodium cirratum
'NZ Rock Lilly'
H:0.6m x W:.5m

Dracaena trifasciata
Mother in Law's Tongue
H:0.8m x W:0.8m

Strelitzia nicolai
Giant Bird of Paradise
H:0.8m x W:0.8m

Philodendron bipinnatifidum
Philodendron
H:0.6m x W:1.0m

Ficus pumila
Climbing Fig
H:3m x W:0.4m

Dichondra argentea
Silver Falls
H:0.5m x W:0.8m

Parthenocissus quinquefolia
Virgina Creeper
H:3m x W:0.4m

MIX 6. ROOFTOP FORAGING GARDEN 3 PLANTS PER SQ M

Citrus limon
Lemon Tree
Size: 4m (h) x 3m (w)
Use: Level 4 pool Tree

Citrus latifolia
Lime Tree
Size: 2m (h) x 2m (w)
Use: Level 4 pool Tree

Citrus sinensis
Orange Tree
Size: 3m (h) x 2m (w)
Use: Level 4 pool Tree

Thymus sp
Thyme
H:0.6m x W:.5m

Rosmarinus officianalis
Rosemary
H:0.8m x W:0.8m

Cymbopogon
Lemon Grass
H:0.8m x W:0.8m

Salvia officinalis
Sage
H:0.8m x W:0.8m

5.2 TREES

A range of exotic and native trees are proposed to be planted in deep soil to provide a range of colours and textures that reflect trees of surrounding Dianella area.

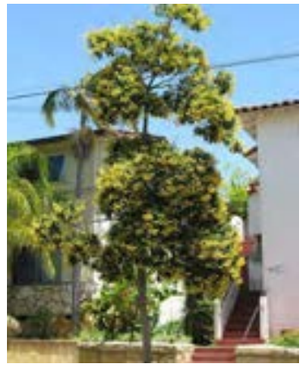
IN GROUND TREES

Banksia integrifolia
Coastal Banksia
Height: 6m x Width: .3m
Use: on slab feature tree

Eucalyptus caesia
Silver Princess
H:6m x W:4m
Use: Deep soil tree

Eucalyptus luecoxylyn rosea
Red Flowering Yellow Gum
Size: 12m (h) x 8m (w)
Use: Deep soil tree

Eucalyptus torquata
Coral Gum
Size: 6m (h) x 5m (w)
Use: Deep soil tree



Hymenosporum flavum
Native Frangipani
4m wide x 6m high
Use: Deep soil tree

Melalueca luecadendra
Weeping Paperbark
8m (h) x 4m (w)
Use: Deep soil tree

Melaleuca linariifolia
Narrow Leaved Paperbark
Height: 8m x Width: 5m
Location: Chester Ave

Pyrus calleryana
Ornamental Pear
Exotic Deciduous
11m wide x 6m high

Sapium sebiferum
Chinese Tallow
10m wide x 6m high
Use: Deep soil tree

Waterhousia floribunda
Weeping Lilly Pilly
5m wide x 13m high
Use: Deep soil tree

COURTYARD TREES

Delonix regia
Poinciana Tree
7m wide x 6m high
Use: Courtyard tree

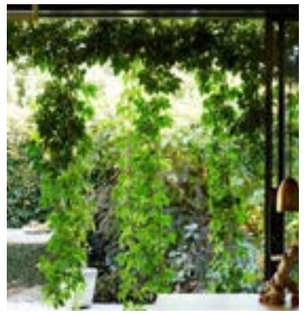
Dicksonia antartica
Soft Tree Fern
3m wide x 10m high
Use: Courtyard tree

CLIMBING TRELLIS

Trachelospermum jasminoides
'Star Jasmine'
H:0.4m x W:0.5m

Hibbertia scandens
'Snake Vine',
Mature size: .3m x 1.5m

Hardenburgia comptoniana
'White Out"
H:0.6m x W:0.9m



Parthenocissus quinquefolia
Virgina Creeper
H:3m x W:0.4m

Ficus pumila
Climbing Fig
H:3m x W:0.4m

RAISED PLANTER TREES

Lagerstroemia indica 'Natchez'
Crepe Myrtle
5-8m high x 4m wide
Use: Raised Planter Tree

Cupaniopsis anacardioides
Tuckeroo
5m wide x 8m high
Use: Raised Planter Tree

Plumeria alba
Frangipani
Size: 4m (h) x 3m (w)
Use: Level 4 pool Tree

Citrus limon
Lemon Tree
Size: 4m (h) x 3m (w)
Use: Level 4 pool Tree

Citrus latifolia
Lime Tree
Size: 2m (h) x 2m (w)
Use: Level 4 pool Tree

Citrus sinensis
Orange Tree
Size: 3m (h) x 2m (w)
Use: Level 4 pool Tree

6.1 DEEP SOIL ZONE, TREE & COMMUNAL SPACE REQUIREMENTS

Deep Soil and Tree Canopy Requirements			
Site Area	**Minimum deep soil area**	**Minimum Req for trees**	**Proposed trees**
1,898m2	" Minmimumrequired DSA = 7% total area as 1 existing tree retained = **132m2** This proposal provides 248m2 DSA on ground and 135m2 of 1m depth planters making up an additional 68m2* The total DSA for this proposal is **316m2**	2 x large trees and small and medium trees to suit area.	15 x medium trees in deep soil and 17 x small trees in 1m depth on structure proprietary planters.

*This proposal also includes green trellis structures, and large scale planter boxes suited to small and medium trees as per WA DG 3.3.4

Deep Soil					
	Deep soil area (DSA) within lot	**On structure DSA 1m depth***	**On structure planting .5m depth**	**DSA Outside lot**	**Total**
Ground	248m2			150m2	398m2
Level 1/Mez		60m2			60m2
Level 3		20m2			20m2
Roof Terrace		55m2	150m2		205m2
Total	**248m2**	**135m2**	**150m2**	**150m2**	**683m2**

Planting Quantities								
	PM01 Low Sunny Feature Planting	**PM02 Lush Courtyard Planting**	**PM03 Low Story Underplanting**	**PM04 Rambling Planter Box Mix**	**PM05 Lush Rooftop Mix**	**PM06 Rooftop Foraging Garden**	**Turf**	**Total**
Ground	65m2	60m2	184m2					309m2
Level 1 / Mezz				215m2				215m2
Level 3				20m2				20m2
Roof Terrace			40m2		55m3	60m2	50m2	205m2
Total area	65m2	60m2	224m2	235m2	55m2	60m2	50m2	749m2

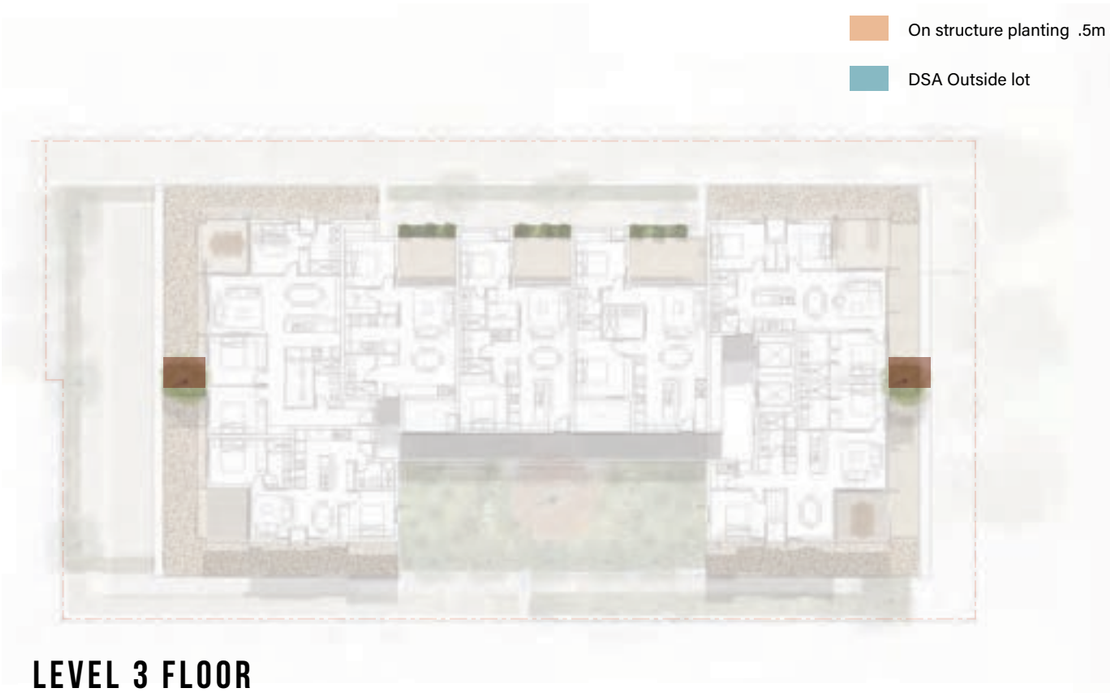
Communal Open Space Requirements		
Site Area	**Minimum Req for Communal Space**	**Proposed Communal Space**
1,898m2	Minimum required communal open space for over 10 dwellings is **300m2**	This development proposes **240m2** of communal open space

6.2 DEEP SOIL

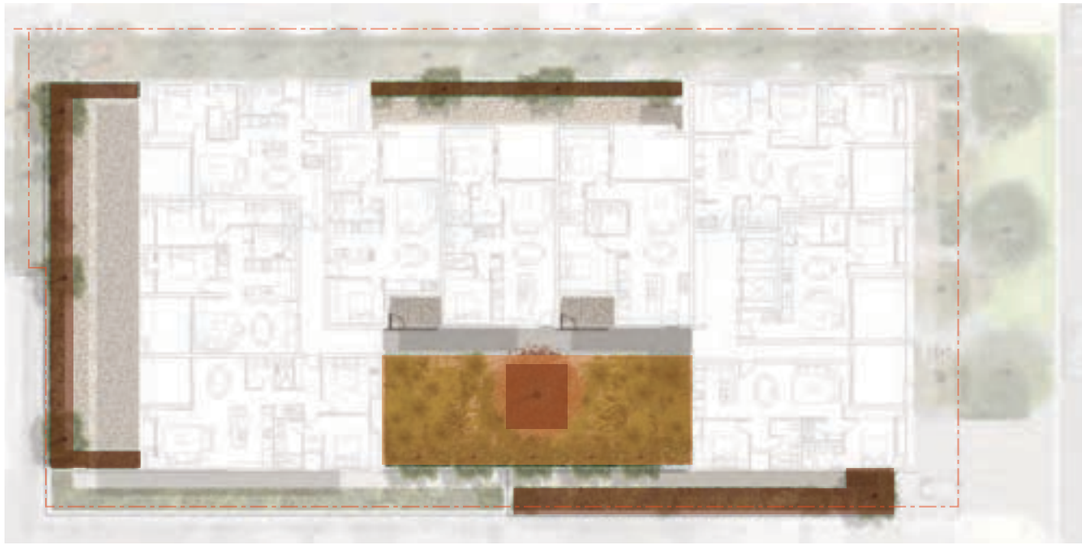
KEY

Deep soil area (DSA) within lot	-248m²
On structure DSA 1m depth*	-197m²
On structure planting .5m depth	-150m²
DSA Outside lot	-150m²

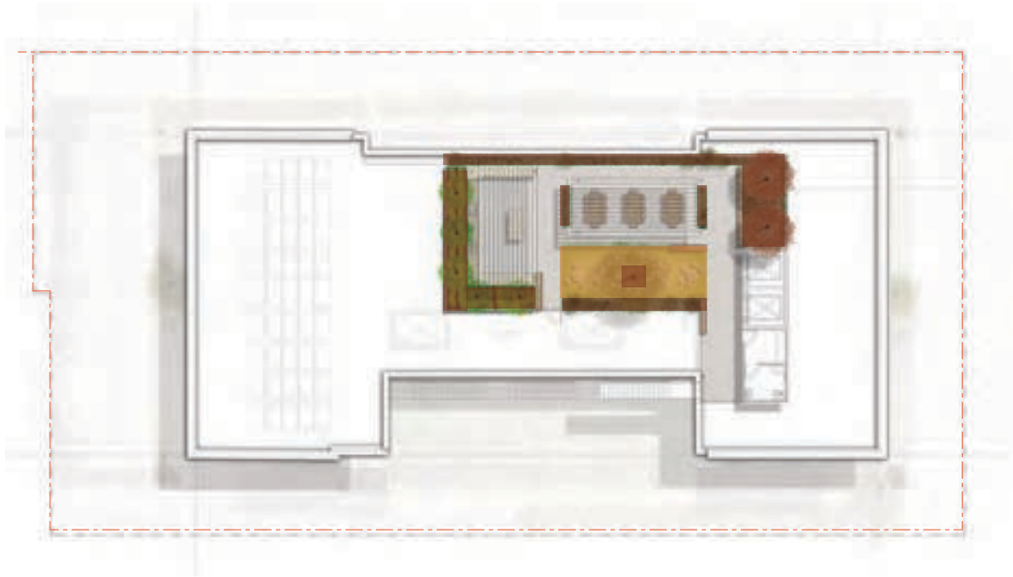
GROUND FLOOR



LEVEL 3 FLOOR



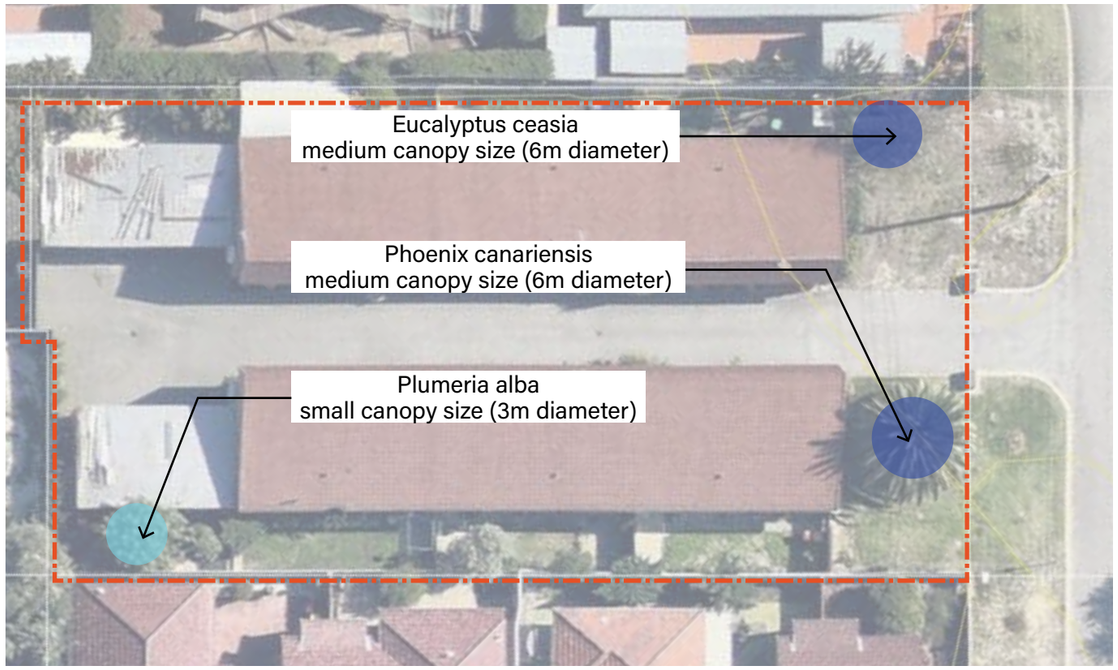
LEVEL 1 FLOOR



ROOF

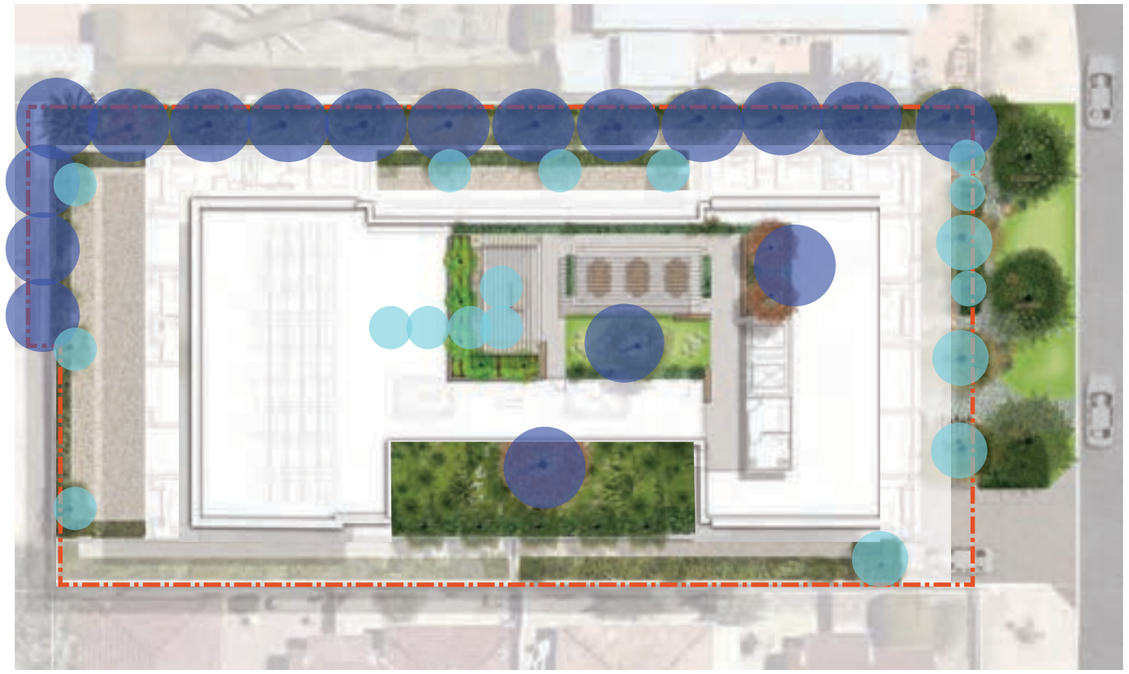
6.3 TREE CANOPY

EXISTING TREE CANOPY = 54M2



2 x medium size trees ($\pi 3^2$) = 47m2
1 x small canopy tree ($\pi 1.5^2$) = 7m2
Total existing canopy area = 54m2
3% canopy cover

PROPOSED TREE CANOPY= 436M2



18 x medium size trees ($\pi 3^2$) = 504m2
17 x small canopy tree ($\pi 1.5^2$) = 119m2
Total proposed canopy area = 623m2
minus 30% canopy overlap (186.9) = 436.1m2
22% canopy cover

7.1 PLANT SCHEDULE

Botanical Name	Common Name	Native / Exotic	Use	Stock Sizes	QTY
Trees					
Banksia integrifolia	Coastal Banksia	Native	In ground	100lt	2
Eucalyptus Ceasia	Silver Princess	Native	In ground	100lt	1
Eucalyptus Luecoxylon	Red Flowering Yellow Gum	Native	In ground	100lt	2
Eucalyptus torquata	Coral Gum	Native	In ground	100lt	1
Hymenosporum flavum	Native Frangipani	Native	In ground	100lt	2
Melalueca Leucadendra	Weeping Paperbark	Native	In ground	100lt	1
Melalueca linaarifolia	Narrow Leaved Paperbark	Native	In ground	100lt	1
Dicksonia antartica	Tree Fern	Native	In ground	100lt	5
Delonix Regia	Royal Poinciana	Native	In ground	100lt	2
Pyrus Capital	Ornamental Pear	Exotic	In ground	100lt	6
Phoenix canariensis	Canary Island Date Palm	Exotic	In ground	Transplant	1
Citrus limon	Lemon Tree	Exotic	Roof Vege	100lt	2
Citrus latifolia	Lime Tree	Exotic	Roof Vege	100lt	2
Citrus sinensis	Orange Tree	Exotic	Roof Vege	100lt	1
Lagerstroemeria indica	Crepe Myrtle 'Natchez"	Native	Level 1 & Roof	100lt	2
Cupaniopsis anacardioides	Tuckeroo	Native	Level 1 feature	100lt	1
Plumeria alba	Frangipani	Exotic	Level 1 & Roof	100lt	6
Ulmus parvifolia	Chinese Elm	Exotic	In ground	100lt	1
				Total	37

PM01 - Low Sunny Feature Planting - 3 plants per sq m					
Billardiera fusiformis	Australian Bluebell	Native	Rambling	140mm	45
Calothamnus quadrifidus	One-sided Bottelbrush	Native	Shrub	140mm	45
Carpobrotus virescens	Pigface	Native	Groundcover	140mm	45
Casuarina glauca	Cousin It	Native	Rambling	140mm	45
Chamelaucium uncinatum	Wax Flower	Native	Shrub	140mm	45
Euonymus japonicus	Tom Thumb	Exotic	Low Shrub	140mm	45
Ficinia nodosa	Knotted Club Rush	Native	Rush	140mm	45
Grevillea crithmifolia	Grevillea	Native	Groundcover	140mm	45
Grevilllea 'Gin Gin Gem'	Gin Gin Gem'	Native	Groundcover	140mm	45
Hemiandra pungens	Snake Bush	Native	Groundcover	140mm	45
Hibbertia scandens	Snake Vine	Native	Rambling	140mm	45
Kalanchoe bracteata	Silver Spoons	Exotic	Low Shrub	140mm	45
Lavendula angustifolia	Lavender	Exotic	Shrub	140mm	45
Leucophyta brownii	Cushion Bush	Native	Low Shrub	140mm	45
Lomandra longifolia	Tanika	Native	Rush	140mm	45
Olearia axillaris	Coastal Daisybush	Native	Shrub	140mm	45
Raphiolepis indica	Snow Maiden	Exotic	Shrub	140mm	45
Rosmarinus officianalis	Prostrate Rosemary	Exotic	Rambling	140mm	45
Rosmarinus officianalis	Tuscan Blue	Exotic	Shrub	140mm	45
Senecio mandraliscae	Blue Chalk Sticks	Exotic	Groundcover	140mm	45
Westringia fruiticosa	Coastal Rosemary	Native	Shrub	140mm	45
				Total	945

PM02 Lush Courtyard Planting - 3 plants per sq m					
Arthropodium cirratum	NZ Rock Lilly	Exotic	Rush	140mm	126
Billardiera fusiformis	Australian Bluebell	Native	Rambling	140mm	126
Carpobrotus virescens	Pigface	Native	Groundcover	140mm	126
Correa alba	White Correa	Native	Shrub	140mm	126
Dichondra argentea	Silver Falls	Exotic	Groundcover	140mm	126
Dracaena trifasciata	Mother in Law's Tongue	Exotic	Rush	140mm	126
Hardenburgia comptoniana	White Out	Native	Rambling	140mm	126
Juniperus conferta	Shore juniper	Exotic	Low Shrub	140mm	126
Liriope Muscari	Evergreen Giant	Exotic	Rush	140mm	126
Philodendron 'Xanadu'	Philodendron	Exotic	Shrub	140mm	126
Senecio mandraliscae	Blue Chalk Sticks	Exotic	Groundcover	140mm	128
Strelitzia nicolai	Giant Bird of Paradise	Exotic	Feature	140mm	127
				Total	1515

PM03 Understory Planting Mix - 3 plants per sq m					
Adenanthos cuneatus	Basket Flower	Native	Rush	140mm	31
Arthropodium cirratum	NZ Rock Lilly	Exotic	Rush	140mm	31
Banksia blechnifola	Ground Cover Banksia	Native	Feature	140mm	31
Casuarina glauca	Cousin It	Native	Rambling	140mm	31
Dichondra argentea	Silver Falls	Exotic	Groundcover	140mm	31
Juniperus conferta	Shore juniper	Exotic	Low Shrub	140mm	31
Limonium perezeii 'blue'	Sea Lavender	Exotic	Rush	140mm	31
Lomandra longifolia	Lime Tuff	Native	Shrub	140mm	31

PLANT SCHEDULE

Senecio barbetonicus	Succulent Bush Senecio	Exotic	Rambling	140mm	31
Senecio mandraliscae	Blue Chalk Sticks	Exotic	Groundcover	140mm	31
Viola Hederacea	Native Violet	Native	Shrub	140mm	37
Westringia fruiticosa	Coastal Rosemary	Native	Shrub	140mm	31
				Total	378

PM04 Rambling Planter Box Mix - 3 plants per sq m					
Arthropodium cirratum	NZ Rock Lilly	Exotic	Rush	140mm	59
Carpobrotus virescens	Pigface	Native	Groundcover	140mm	58
Dracaena trifasciata	Mother in Law's Tongue	Exotic	Rush	140mm	59
Hardenburgia comptoniana	White Out	Native	Rambling	140mm	58
Hemiandra pungens	Snake Bush	Native	Groundcover	140mm	59
Liriope Muscari	Evergreen Giant	Exotic	Rush	140mm	58
				Total	351

PM05 Lush Rooftop Mix - 3 plants per sq m					
Arthropodium cirratum	NZ Rock Lilly	Exotic	Rush	140mm	53
Dichondra argentea	Silver Falls	Exotic	Groundcover	140mm	55
Dracaena trifasciata	Mother in Law's Tongue	Exotic	Rush	140mm	55
Ficus pumila	Creeping Fig	Exotic	Climber	140mm	53
Parthenocissus quinquefolia	Virginia Creeper	Exotic	Climber	140mm	53
Philodendron bipinnatifidum	Philodendron	Exotic	Feature	140mm	53
Strelitzia nicolai	Giant Bird of Paradise	Exotic	Feature	140mm	53
				Total	375

PM06 Rooftop Foraging Garden - 3 plants per sq m					
Cymbopogon	Lemon Grass	Exotic	Rush	140mm	10
Rosmarinus officianalis	Tuscan Blue	Exotic	Shrub	140mm	10
Salvia officinalis	Sage	Exotic	Groundcover	140mm	10
Thymus sp	Thyme	Exotic	Groundcover	140mm	10
				Total	40

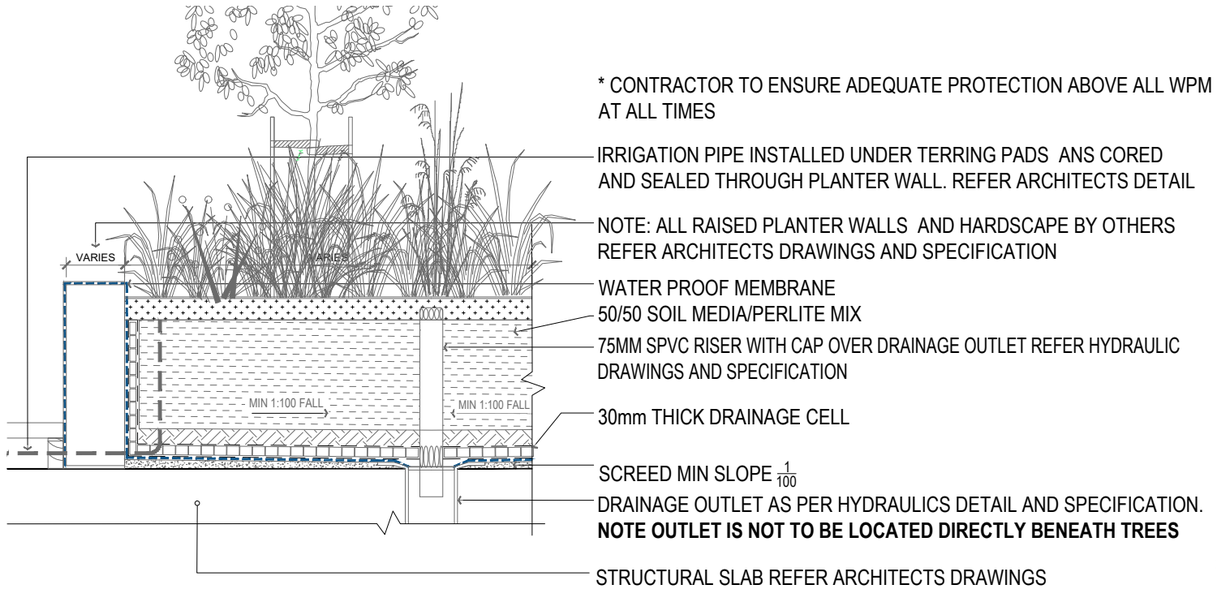
IRRIGATION

The selection of plants for this development has been selected to suit the sites climatic conditions. Plant mixes include native and exotic water-wise species, which will minimize water consumption and contribute to the creation of an attractive and welcoming landscape for future residents. By incorporating various tree species the site will benefit from increased tree canopies, providing ample shade and fostering the development of diverse microclimates.

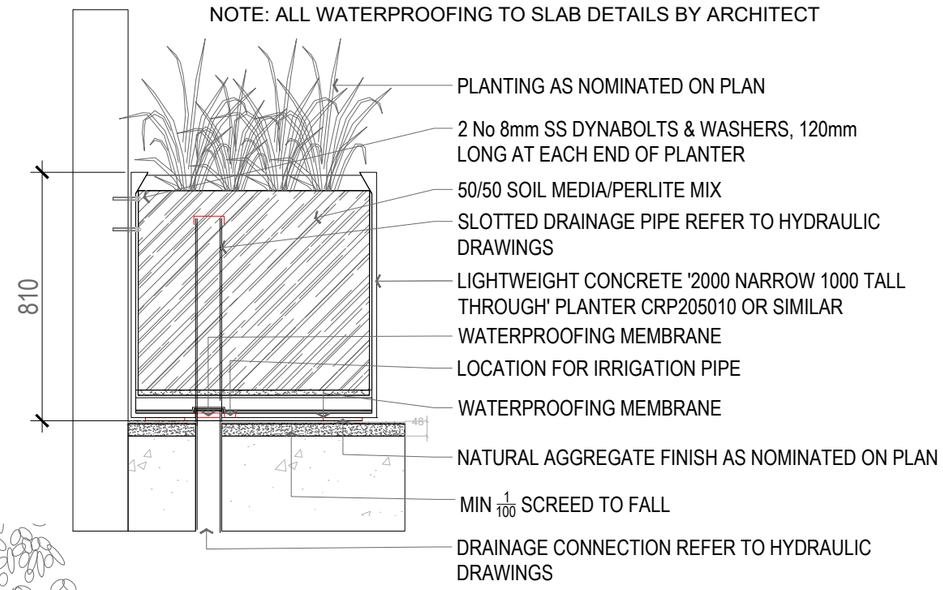
The irrigation system must provide:

- permanent irrigation is provided to all areas requiring water to sustain soft landscaping; Apart from stormwater utilisation all irrigation is to be supplied from scheme water.
- soft landscaping is designed so that only temporary irrigation is required for the establishment of planting areas utilising endemic plant species, planting strategy, good quality mulches and appropriate densities;
- irrigation incorporates hydro-zoning and other management systems to minimise the use of water;
- irrigation systems do not cause rust staining on paths, vegetation or structures and water quality must be managed and treated, if required, to avoid rust staining;
- irrigation considers use of water from stormwater detention;
- irrigation requirements are minimised through plant selection; and
- low maintenance, robust irrigation pipe and delivery systems are utilised.
- a layout to maximise coverage and minimise overwatering;
- individual operation and time control over every sprinkler;
- a computer controlled system which can apply multiple irrigation schedules, created to suit any use scenario;
- remote output soil moisture sensors and a weather monitoring system;
- flow sensors;
- isolation valves at each take off for the automatic control valves and at strategic points on the mainline;
- a fertigation system that provides flexible applications; and
- a system that minimises overspray onto hard landscaping.

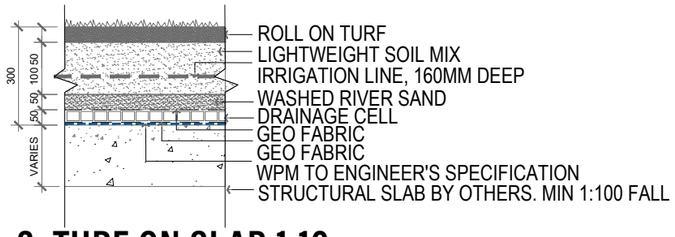
8.1 INDICATIVE PLANTING DETAILING



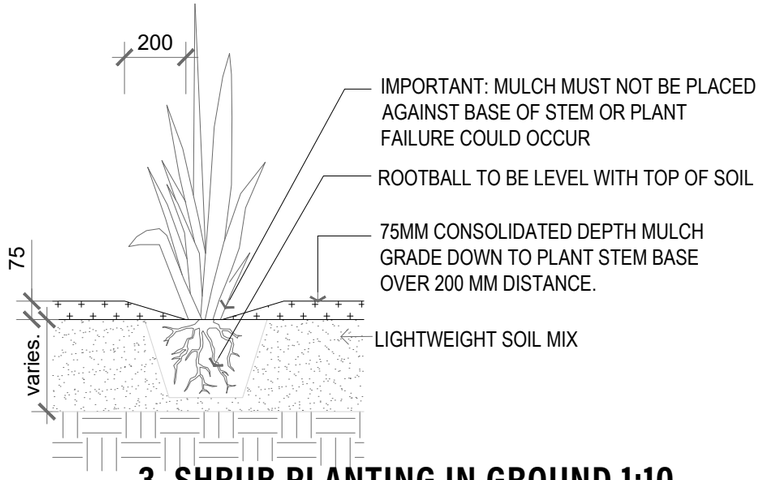
1. RAISED PLANTER ON SLAB 1:10



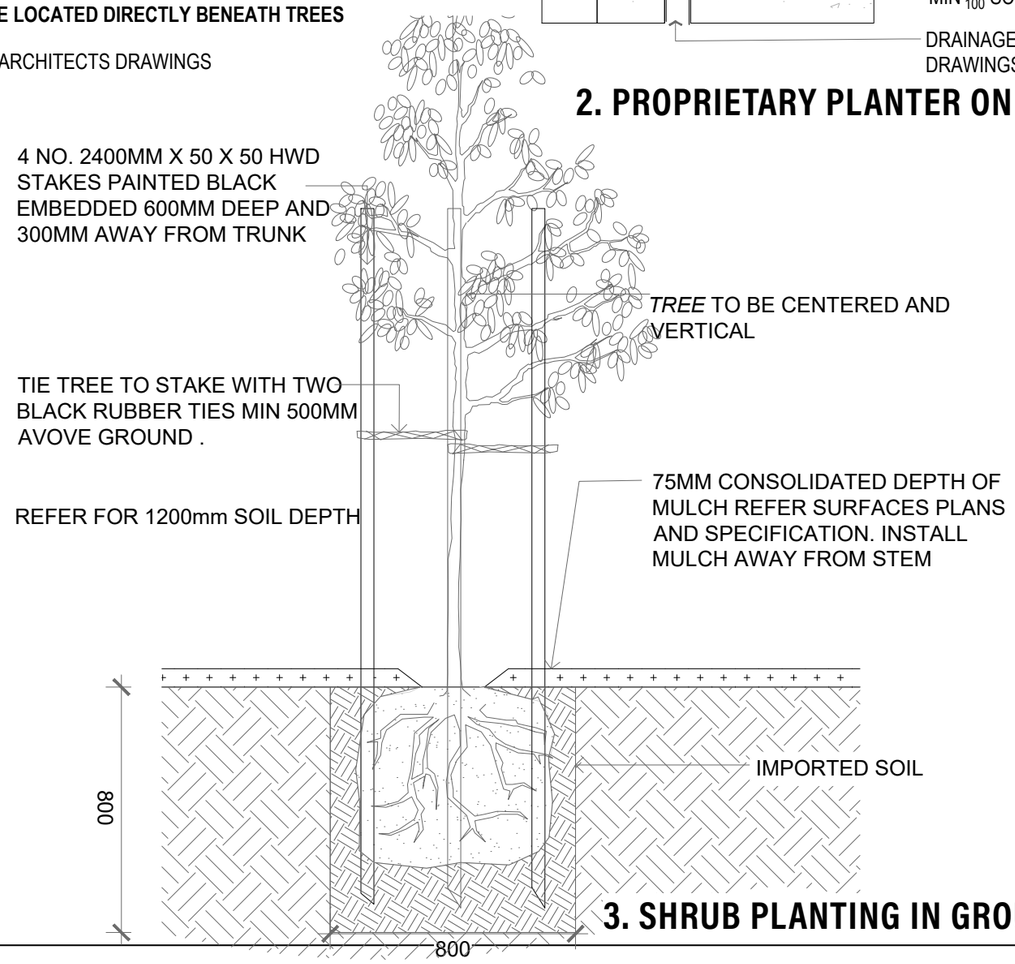
2. PROPRIETARY PLANTER ON SLAB 1:10



3. TURF ON SLAB 1:10



3. SHRUB PLANTING IN GROUND 1:10



3. SHRUB PLANTING IN GROUND 1:10

City of Stirling
7 March 2024
RECEIVED

Transport Impact Statement

Project:	Proposed Residential Development 39 Chester Avenue, Dianella
Client:	Space Collective Architects
Date:	7th March 2023
Shawmac Document #:	2301023-TIS-001

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Document Status: Client Review

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File Reference: Y:\Jobs Active 2023\T&T - Traffic & Parking\SCA_39 Chester Ave, Dianella_TIS_2301023\3. Documents\3.2 Reports\SCA_39 Chester Ave, Dianella_TIS_Rev C.docx

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1. Introduction

1.1. Proponent

Shawmac Pty Ltd has been engaged by Space Collective Architects to prepare a Transport Impact Statement (TIS) for proposed residential development in Dianella.

This TIS has been prepared in accordance with the Western Australian Planning Commission (WAPC) *Transport Impact Assessment Guidelines Volume 4 – Individual Developments*. The assessment considers the following key matters:

- Details of the proposed development.
- Vehicle access and parking.
- Provision for service vehicles.
- Hours of operation.
- Daily traffic volumes and vehicle types.
- Traffic management on frontage streets.
- Public transport access.
- Pedestrian access.
- Cycle access and end of trip facilities.
- Site specific and safety issues.

1.2. Site Location

The site address is 39 Chester Avenue in Dianella. The local authority is the City of Stirling.

The general site location is shown in **Figure 1**. An aerial view of the existing site is shown in **Figure 2**.

Figure 1: Site Location

Figure 2: Aerial View (January 2024)

2. Proposed Development

2.1. Land Use

The site is located within the Dianella Centre Special Control Area and is subject to the Daniella District Centre – Structure Plan.

There are currently six existing grouped residential dwellings on the site which will be demolished.

The proposed development is a new apartment building with 35 apartments.

The proposed ground floor layout is shown in **Figure 3**.

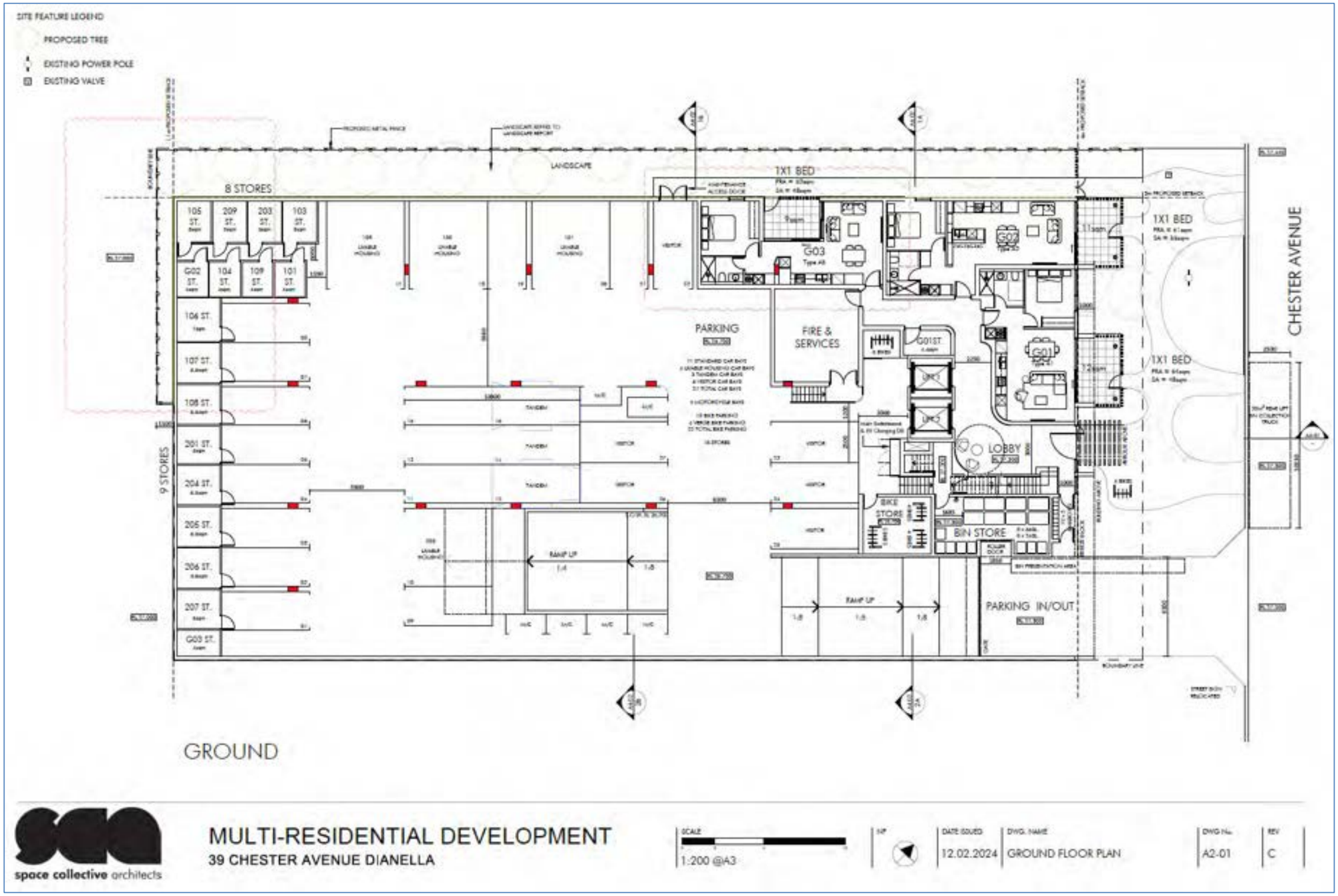


Figure 3: Site Layout

3. Traffic Management on Frontage Streets

3.1. Road Network Layout and Hierarchy

The layout and hierarchy of the existing local road network according to the Main Roads WA *Road Information Mapping System* is shown in **Figure 4**.

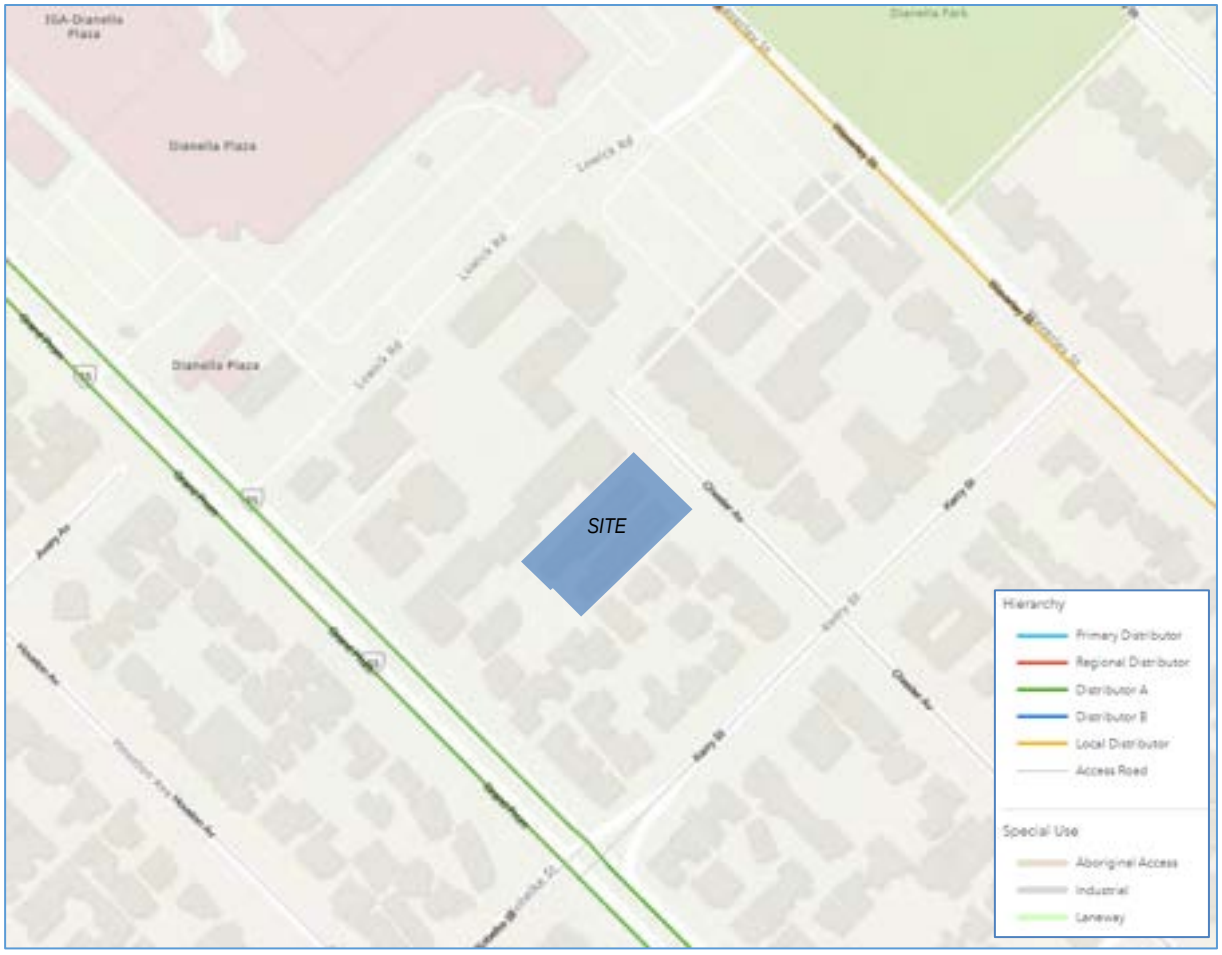


Figure 4: Existing Road Network Hierarchy

3.2. Speed Limit

The existing speed limits are shown in **Figure 5**.

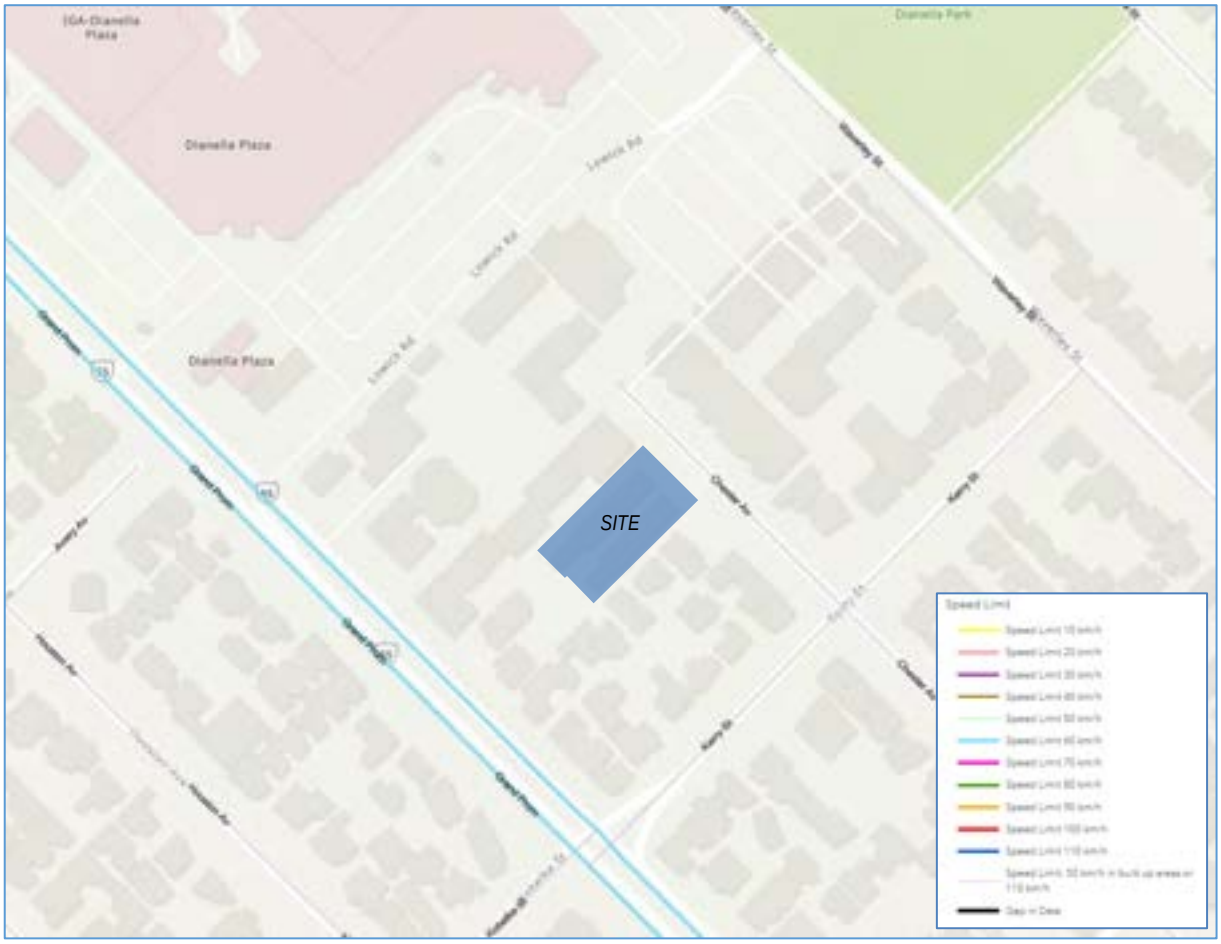


Figure 5: Existing Speed Limits

4. Vehicle Access and Parking

4.1. Vehicle Access

The site has one existing crossover on Chester Avenue which will be removed.

Vehicle access is proposed from a new driveway crossover on Chester Avenue towards the southeast corner of the site as shown in **Figure 6**.

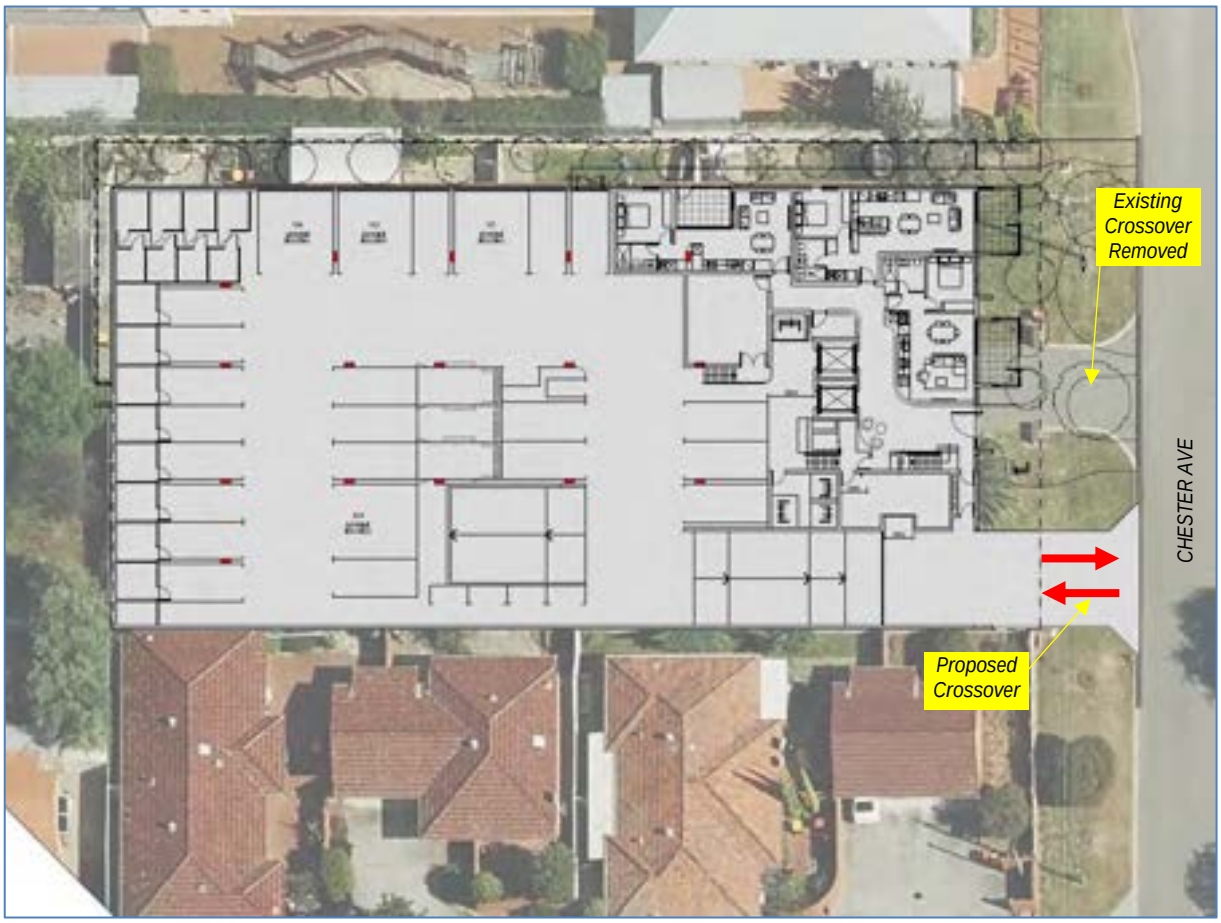
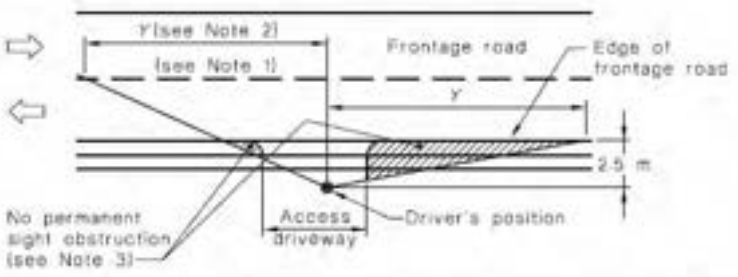


Figure 6: Proposed Access

4.2. Vehicle Sight Distance

Sight distance requirements from vehicle exit points are defined in Figure 3.2 of Australian Standard AS2890.1-2004 *Parking facilities Part 1: Off street car parking* (AS2890.1) which are based on the Austroads Stopping Sight Distance shown in **Figure 7**.



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2nd and 3rd columns
100	139	160	
110	153	190	

Figure 7 : AS2890.1 Sight Distance Requirements

Based on the 50km/h speed limit along Chester Avenue, the minimum required Stopping Sight Distance is 45m. As shown in **Figure 8**, the minimum required sight distance is achieved in both directions.

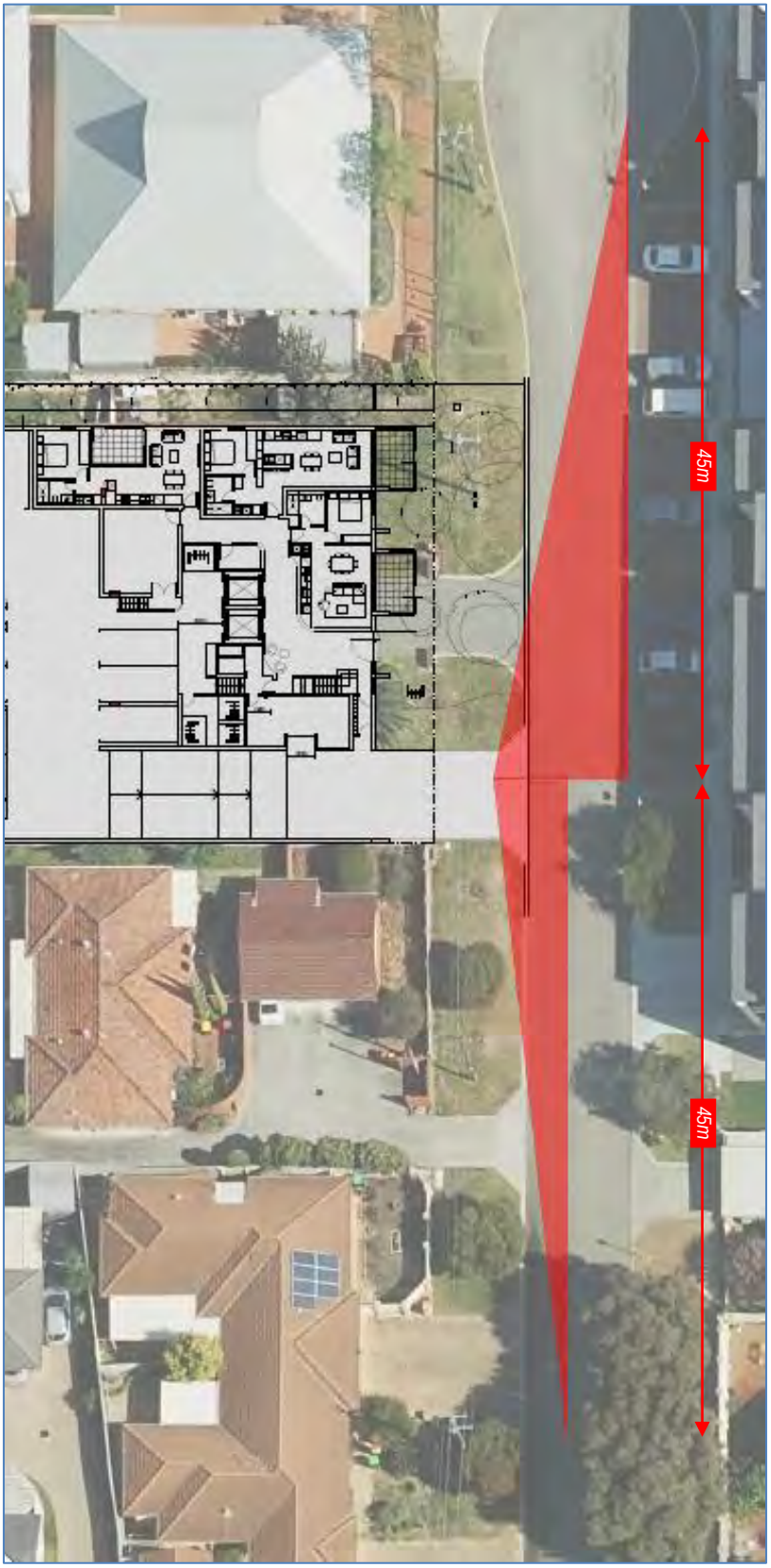


Figure 8: Sight Distance Check

4.3. Pedestrian Sight Distance

To allow for visibility between vehicles and pedestrians on the driveway, the Residential Design Codes (RDC) requires visual truncations to be kept clear of obstruction as shown in **Figure 9**.

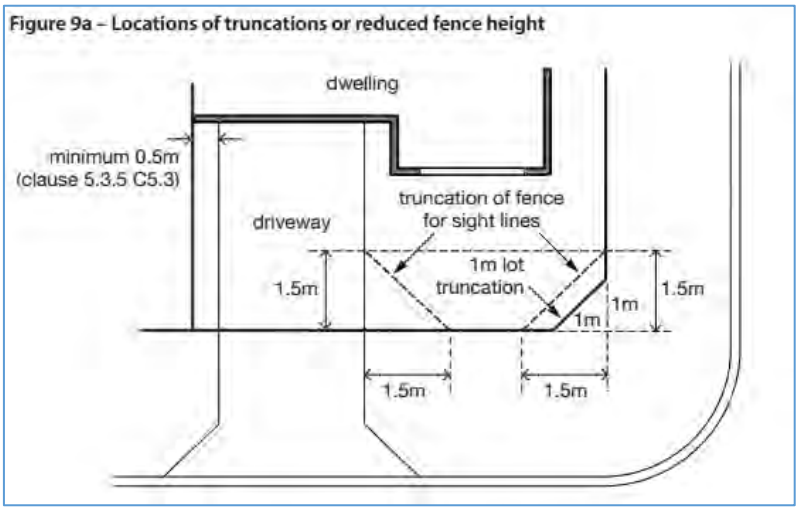


Figure 9: RDC Pedestrian Sight Distance Requirements

As shown in **Figure 10**, the required truncation is achieved as required. It is recommended that any landscaping in this area is kept low to maintain visibility.

Figure 10: RDC Pedestrian Sight Distance Check

4.4. Access Width

The Dianella District Centre – Structure Plan (DDCSP) has indicated that the number of crossovers is to be limited to reduce the impact of pedestrian and traffic. The proposed development will have a single driveway on Chester Avenue which is consistent with the existing conditions.

The DDCSP does not specify crossover widths, and so the City of Stirling *Crossover guidelines: Residential and Non-Residential* has been applied. In accordance with the City's guidelines Section 2.1c, a multi residential development must provide a driveway width between 3.0m – 7.5m.

The proposed crossover width is 6.1m which complies with the City's requirements.

4.5. Car Parking

The car parking requirements for multiple dwelling residential developments are to comply with the Residential Design Codes Volume 2 (RDC2) as outlined in **Table 1**. The Location A requirements have been applied as the development is located within the boundary of the Dianella Plaza District Centre.

Table 1: RDC2 Car Parking Requirements – Location A

Land Use	Unit	Requirement	Quantum	Required Bays
Apartment	1 bedroom dwellings	0.75 bays per dwelling	7	6
	2+ bedroom dwellings	1 bay per dwelling	28	28
	Visitor	1 bay per 4 dwellings up to 12 dwellings	12	3
		1 bay per 8 dwellings for the 13th dwelling and above	23	3
Total Required				34 resident bays 6 visitor bays

As above, the development requires a minimum of 34 resident bays and 6 visitor bays. The development proposes 48 resident bays and 6 visitor bays which satisfies the minimum requirements and is therefore considered to be adequate.

4.6. Motorcycle / Scooter Bays

The RDC2 requires 1 motorcycle / scooter space for every 10 car bays in developments with more than 20 dwellings. Based on the 54 car bays provided, the development would require 5 motorcycle bays.

The development proposes 5 motorcycle / scooter bays which satisfies the calculated requirements.

4.7. Parking Layout

The layout and dimensions of the car park have been assessed for compliance with AS2890.1 as detailed in **Table 2**. As the majority of bays are for resident use, the User Class 1 or 1A requirements have been applied which is the standard for long-term parking.

Table 2: AS2890.1 Car Parking Compliance

Dimension	Requirement	Provided
90 degree parking – Class 1 – Residential, domestic parking		
Car Bay Width	2.4m	2.4m
Car Bay Length	5.4m	5.4m
Parking Aisle Width	5.8m	5.68m – 6.3m
Blind Aisle Extension	1.0m	1.6m

As shown, all relevant dimensions are compliant.

It is noted that there are several proposed columns within the parking area which slightly reduce the aisle width below 5.8m and so a vehicle swept path analysis has been undertaken to check the manoeuvrability of the affected bays. The analysis has been undertaken in Autodesk Vehicle Tracking software using the Australian Standard B85 vehicle template which is the standard requirement for checking parking spaces. The B85 vehicle is the 85th percentile vehicle which is larger than or equal in size to 85% of light vehicles on Australian roads.

The results of the analysis are attached as **Appendix A** and these demonstrate that the parking layout allows satisfactory manoeuvring for the B85 vehicle and the minor shortfall in aisle width adjacent to the columns is not an issue.

4.8. Provision for Service Vehicles

Waste from the development will be stored in the bin store area on the ground level. The client has advised that waste will be collected via council waste collection. The rear loader trucks will stop on Chester Avenue and the bins will be transported to and from the bin store. On this basis, there is no need to accommodate waste vehicles on the site. The waste collection procedure and bin presentation point is detailed in the Waste Management Plan.

5. Traffic Generation

5.1. Proposed Development

The volume of traffic generated by the proposed building has been estimated using trip generation rates from the NSW Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments* as detailed in **Table 3**.

The peak hour trip rates are based on the peak hour of the adjacent road network typically occurring between 7 to 9am and between 4 to 6pm.

Table 3: Proposed Development Vehicle Trip Generation

Land Use	Units	Quantity	Generation Rate		Number of Trips	
			AM Peak	PM Peak	AM Peak	PM Peak
Medium Density Residential Flat Buildings	Dwellings	35	0.5	0.5	18	18

As shown, the proposed development is predicted to generate approximately 18 trips during the morning peak hour and 18 during the afternoon peak hour. The net increase in traffic will be lower as there are existing dwellings on the site which currently generate traffic.

According to the WAPC TIA guidelines, an increase of between 10 to 100 peak hour vehicles is considered to have a low to moderate impact and is generally deemed acceptable without requiring detailed capacity analysis.

The estimated 18 vehicles per hour is towards the lower end of this range and so the development traffic is considered to have a low impact and can be accommodated within the existing capacity of the road network.

5.2. Adjacent School Impact

Our Lady's Assumption Primary School is located to the north-east of the site and during the morning and afternoon school peak periods, the school generates a significant volume of traffic on the adjacent roads.

The school site has extremely limited on-site parking and therefore the majority of school pick-up and drop-off vehicle movements are accommodated on the roads and within the adjacent shopping centre car park. It is understood that Chester Avenue is currently utilised by many school parents and that the cul-de-sac becomes congested during the school peak periods with queuing sometimes extending back to Kerry Street and close to Grand Promenade.

The proposed development itself is expected to generate a low volume of additional traffic compared to the background traffic and school traffic and so the development is unlikely to worsen the current traffic scenario significantly. However, the congestion caused by the school may impact accessibility of the proposed development site and action may be required to mitigate the impact of the school on existing and future residents on Chester Avenue.

Standard practice is to locate schools on sites with multiple frontage roads and to also avoid cul-de-sacs. A potential action to improve traffic could be to discourage school traffic from utilising the Chester Avenue cul-de-sac by keeping the school gate on the cul-de-sac closed during the peak periods. This would effectively contain all school traffic movements to the adjacent shopping centre which would be less impacted than residential development. As the applicant does not have control over the school, any changes to the school operation would need to be implemented by the school and the City of Stirling.

6. Pedestrian and Cyclist Access

6.1. Accessibility

There is an existing pedestrian path on the east side of Chester Avenue. Most other roads in the surrounding area have at least one footpath. The external path network is well established and considered to be adequate for pedestrians and cyclists to safely travel between the site and surrounding areas.

6.2. Bicycle Parking

The bicycle parking requirements for residential developments according to the RDC2 are outlined in **Table 4**.

Table 4: RDC2 Bicycle Bay Requirements – Location A

Land Use	Unit	Requirement	Quantum	Required Bays
Apartment	Resident	0.5 space per dwelling	35	18
	Visitor	1 space per 10 dwelling	35	4
Total Required				22

As above, the development requires a minimum of 18 bicycle bays for residents and 4 bicycle bays for visitors. 18 bicycle spaces are provided within the site on the ground level and 4 spaces are proposed along the Chester Street frontage for visitors. The bicycle parking provision satisfies the minimum requirements according to the RDC2.

7. Public Transport Access

The following public transport services currently operate within 1km walking distance of the site:

- Transperth Bus Route 67 which operates between Perth and Mirrabooka Bus Station via Grand Promenade. The closest stop is on Grand Promenade within 270m walking distance from the site.
- Transperth Circle Route 999 and 998 which operates around the Perth Metropolitan area. The closest stop is on Grand Promenade after Avery Avenue within 500m walking distance from the site.
- Transperth Bus Route 20 which operates between Morley and Edith Cowan University Mt Lawley via Alexander Drive.
- Transperth Bus Route 360 which operates between Perth and Alexander Heights via Alexander Dr and Marangaroo Drive.
- Transperth Bus Route 361 which operates between Perth and Alexander Heights via Alexander Drive and The Avenue.
- Transperth Bus Route 362 which operates between Perth and Ballajura via Alexander Drive and Cassowary Drive.
- Transperth Bus Route 960 which operates from Mirrabooka Bus Station to Curtin University Bus Station via Alexander Drive, Edith Cowan University Mt Lawley, and Perth.

The closest stops for Routes 20, 360, 361, 362 and 960 are on Alexander Drive between Waverley Street and Grand Promenade, approximately 800m walking distance from the site.

The existing available services are adequate to meet the likely demand.

8. Site Specific Issues and Safety Issues

8.1. Crash History

The crash history of the adjacent road network was obtained from the MRWA Reporting Centre.

A summary of the recorded incidents over the five-year period ending December 2023 is shown in **Figure 11**.

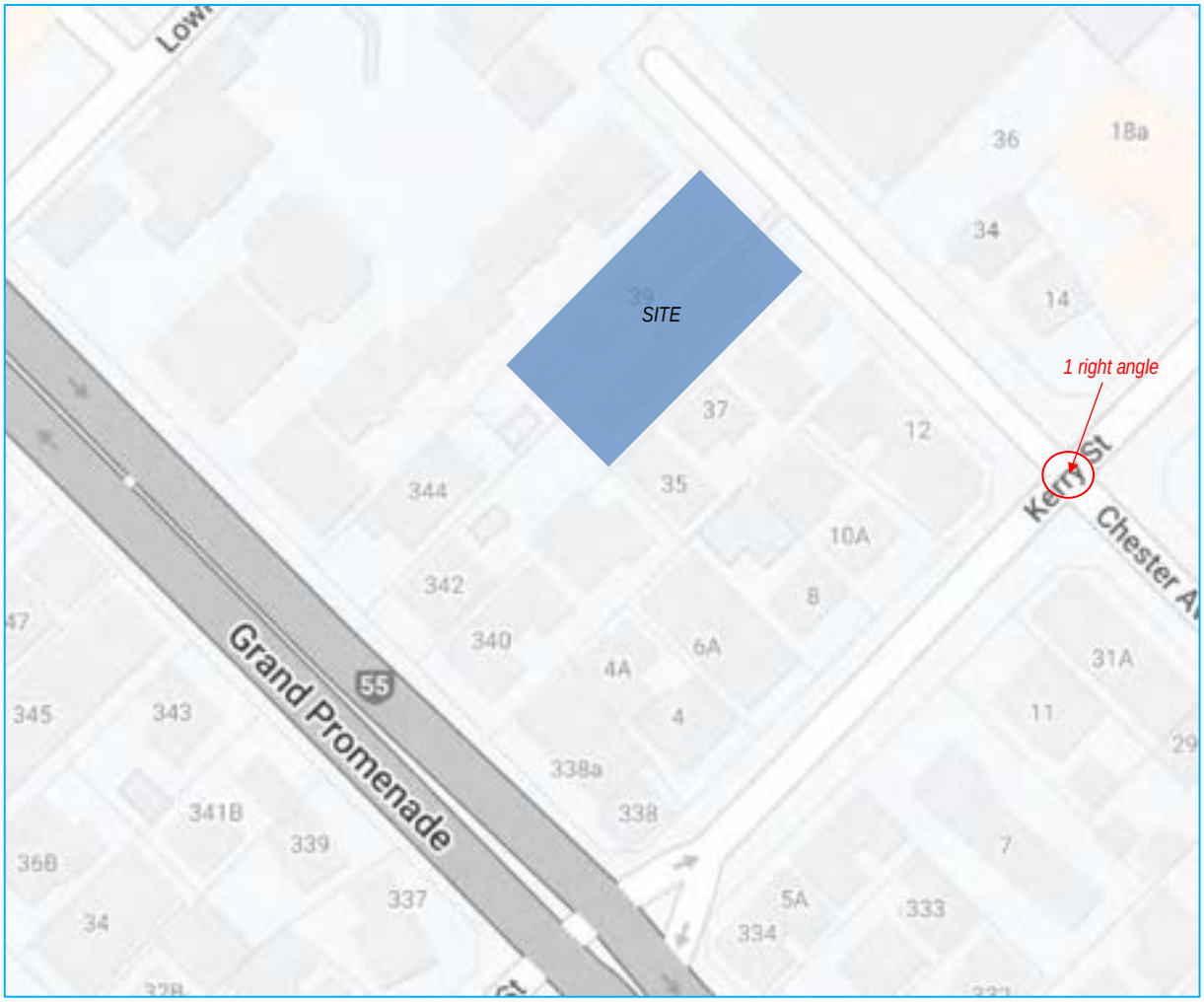


Figure 11: Crash History January 2019 to December 2023

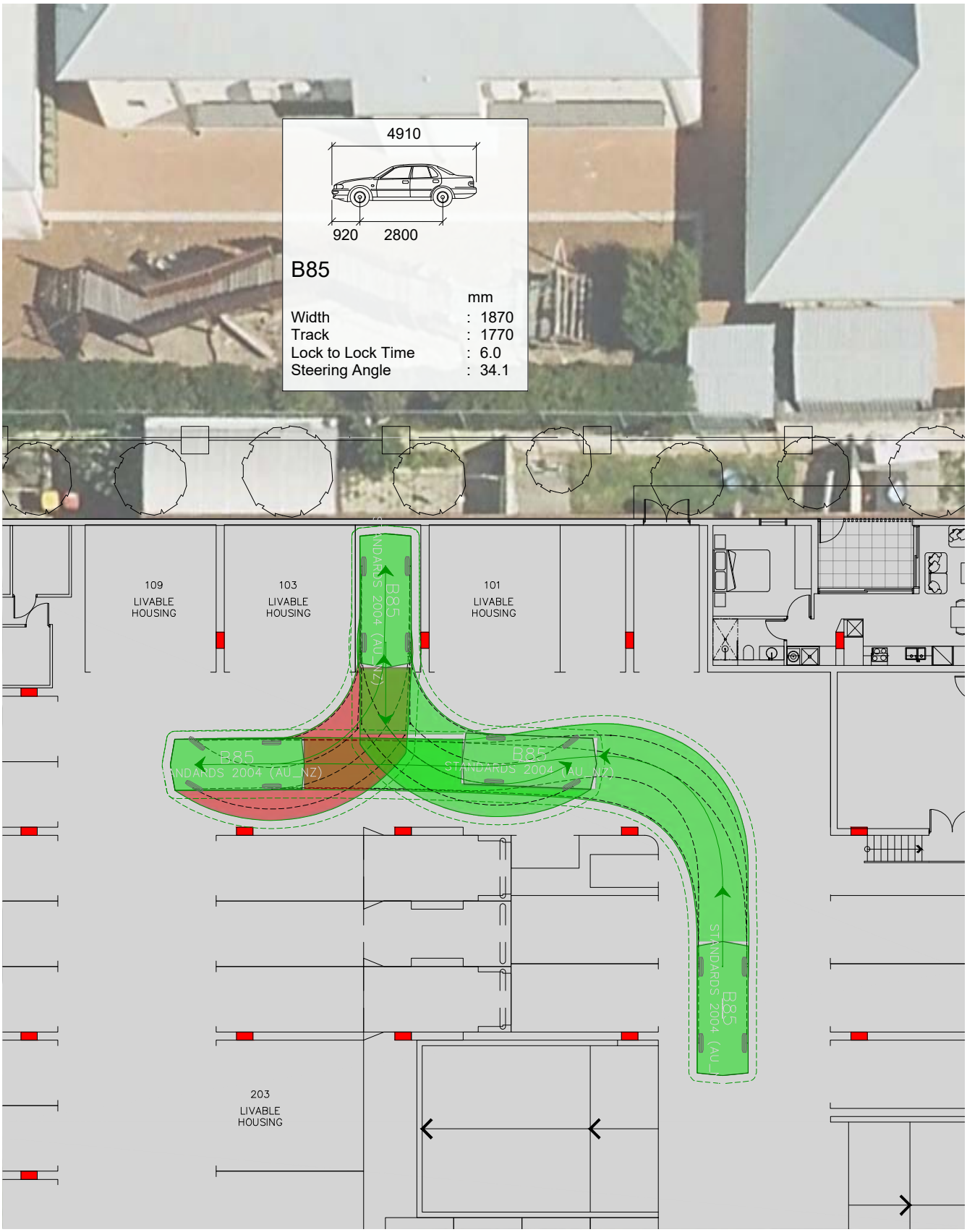
The historic number of crashes is low and there does not appear to be any particular safety issue that needs to be addressed. The proposed development will generate a low volume of traffic and there is no indication that the development would increase the risk of crashes to unacceptable levels.

9. Conclusion

This Transport Impact Statement for the proposed residential development at 39 Chester Ave in Dianella concluded the following:

- The proposed traffic generation of 18 vehicles per hour is considered to have low impact.
- Our Lady's Assumption Primary School is located to the north-east of the site and during the morning and afternoon school peak periods, the school generates a significant volume of traffic on the adjacent roads.
- The proposed development itself is expected to generate a low volume of additional traffic compared to the background traffic and school traffic and so the development is unlikely to worsen the current traffic scenario significantly. However, the congestion caused by the school may impact accessibility of the proposed development site and action may be required to mitigate the impact of the school on existing and future residents on Chester Avenue.
- A potential action to improve traffic could be to discourage school traffic from utilising the Chester Avenue cul-de-sac by keeping the school gate on the cul-de-sac closed during the peak periods. This would effectively contain all school traffic movements to the adjacent shopping centre which would be less impacted than residential development. As the applicant does not have control over the school, any changes to the school operation would need to be implemented by the school and the City of Stirling.
- The existing road network will have sufficient capacity to accommodate the traffic generated by the development and no modifications are required.
- The proposed access complies with the acceptable sight distance as per AS2890.1 against a 50km/h speed limit.
- The 6.1m driveway width complies with the 3m – 7.5m requirement as per City of Stirling *Crossover Guidelines – Residential and Non-Residential*.
- The provision of 54 car parking bays, 5 motorcycle bays and 22 bicycle bays satisfies the minimum parking requirements of the Residential Design Codes Volume 2.
- The car parking layout is compliant with AS2890.1.
- A vehicle swept path analysis demonstrates that the site layout allows satisfactory manoeuvring for the B85 vehicle.
- Waste will be collected from the verge and so there is no need to accommodate waste vehicles on the site.
- The existing external path network is considered to be adequate.
- The existing public transport services are considered to be adequate.
- The crash history does not indicate any issues with the road network. The traffic generated by the site will be low and is unlikely to increase the risk of crashes to unacceptable levels.

Appendix A – Swept Paths


4910
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Steering Angle : 34.1
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City of Stirling
7 March 2024
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talis consultants

Waste Management Plan

39 Chester Avenue, Dianella

Prepared for Space Collective Architects

1 March 2024

Project Number: WMP23005

Assets | Engineering | Environment | Noise | Spatial | Waste

DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer	Approver
1.0	First Approved Release	16/06/2023	RH	DP	DP
2.0	Second Approved Release	24/10/2023	AB	DP	AB
3.0	Third Approved Release	1/03/2024	AB	DP	AB

Approval for Release

Name	Position	File Reference
Ann Brouwer	Project Manager – Waste Management Consultant	WMP23005-02_Waste Management Plan_3.0
Signature	Ann Brouwer Digitally signed by Ann Brouwer Date: 2024-03-01 09:02:45	

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Executive Summary

Space Collective Architects is seeking development approval for the proposed residential development located at 39 Chester Avenue, Dianella (the Proposal).

To satisfy the conditions of the development application the City of Stirling (the City) requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

A summary of the bin size, numbers, collection frequency and collection method is provided in the below table.

Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Refuse	3,430	660	Three	Two times each week	City of Stirling
Recycling	4,200	660	Four	Two times each week	City of Stirling
FOGO	1,470	240	Seven	Two times each week	City of Stirling

The City will service the Proposal utilising a rear loader waste collection vehicle. The City's waste collection vehicle will stop on Chester Avenue and service the bins from the Bin Presentation Area on the internal driveway.

Strata management will oversee the relevant aspects of waste management at the Proposal.

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1 Introduction

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To satisfy the conditions of the development application the City of Stirling (the City) requires the submission of a Waste Management Plan (WMP) that will identify how waste is to be stored and collected from the Proposal. Talis Consultants has been engaged to prepare this WMP to satisfy the City's requirements.

The Proposal is bordered by Chester Avenue to the north, residential development to the east and south and Our Lady's Assumption School to the west, as shown in Figure 1.

1.1 Objectives and Scope

The objective of this WMP is to outline the equipment and procedures that will be adopted to manage waste (refuse, recyclables and FOGO) at the Proposal. Specifically, the WMP demonstrates that the Proposal is designed to:

- Adequately cater for the anticipated volume of waste to be generated;
- Provide an adequately sized Bin Storage Area, including appropriate bins; and
- Allow for efficient collection of bins by appropriate waste collection vehicles.

To achieve the objective, the scope of the WMP comprises:

- Section 2: Waste Generation;
- Section 3: Internal Transfer of Waste;
- Section 4: Waste Storage;
- Section 5: Waste Collection;
- Section 6: Waste Management; and
- Section 7: Conclusion.

2 Waste Generation

The following section shows the waste generation rates used and the estimated waste volumes to be generated at the Proposal.

2.1 Proposed Tenancies

The anticipated volume of refuse, recyclables and FOGO is based on the number of apartments at the Proposal, as follows:

- One Bedroom Apartments – 7;
- Two Bedroom Apartments – 22; and
- Three Bedroom Apartments – 6.

2.2 Waste Generation Rates

In order to achieve an accurate projection of waste volumes for the Proposal, consideration was given to the City of Stirling's (the City) *Waste Guidelines for New Developments* (Feb 2022 v2.1).

Table 2-1 shows the waste generation rates which have been applied to the Proposal.

Table 2-1: Waste Generation Rates

Tenancy Use Type	City's Guideline Reference	Refuse Generation Rate	Recycling Generation Rate	FOGO Generation Rate
One Bedroom Apartments	Standard Service – Communal Use Bins	98L/week	120L/week	42L/week
Two Bedroom Apartments	Standard Service – Communal Use Bins	98L/week	120L/week	42L/week
Three Bedroom Apartments	Standard Service – Communal Use Bins	98L/week	120L/week	42L/week

**Note: FOGO has been calculated based on 30% of the refuse waste generate rate from the City's Guidelines*

2.3 Waste Generation Volumes

Waste generation is estimated by volume in litres (L) as this is generally the influencing factor when considering bin size, numbers and storage space required.

Waste generation volumes in litres per week (L/week) adopted for this waste assessment is shown Table 2-2. It is estimated that the residential apartments at the Proposal will generate 3,430L of refuse, 4,200L of recyclables and 1,470L of FOGO each week.

Table 2-2: Estimated Waste Generation

Residential Apartments	Number of Apartments	Waste Generation Rate (L/week)	Waste Generation (L/week)
Refuse			
One Bedroom Apartments	7	98	686
Two Bedroom Apartments	22	98	2,156
Three Bedroom Apartments	6	98	588
		Total	**3,430**

Residential Apartments	Number of Apartments	Waste Generation Rate (L/week)	Waste Generation (L/week)
Recyclables			
One Bedroom Apartments	7	120	840
Two Bedroom Apartments	22	120	2,640
Three Bedroom Apartments	6	120	720
		Total	**4,200**
FOGO			
One Bedroom Apartments	7	42	294
Two Bedroom Apartments	22	42	924
Three Bedroom Apartments	6	42	252
		Total	**1,470**

3 Internal Transfer of Waste

3.1 Internal Bins

To promote positive recycling behaviour and maximise diversion from landfill, the residential apartments will have room to accommodate two under counter/kitchen bins for the separate disposal of refuse and recyclables.

Residents will then take the contents of these internal bins directly to the Bin Storage Area for disposal into the appropriate bin.

All bins will be colour coded and labelled in accordance with Australian Standards (AS 4123.7) to assist residents to dispose of their separate waste materials in the correct bins.

3.2 Provision for Food Organics Garden Organics (FOGO)

In the near future it is expected that the City will be introducing bins for the separate collection of food organics and garden organics (FOGO) within multi-unit residential properties in line with the state government's Waste Avoidance and Resource Recovery (WARR) Strategy 2030. As such, the development has provided sufficient space to accommodate eight 240L FOGO bins, should the development be required to separate food waste for collection in the future.

Kitchen caddies would be used in each residential apartment to collect FOGO, which would then be taken by residents to the Bin Storage Area for depositing into communal 240L lime green lidded FOGO bins.

4 Waste Storage

Waste materials generated within the Proposal will be collected in the bins located in the Bin Storage Area, as shown in Diagram 1, and discussed in the following sub-sections.

4.1 Bin Sizes

Table 4-1 gives the typical dimensions of standard bins sizes that may be utilised at the Proposal. It should be noted that these bin dimensions are approximate and can vary slightly between suppliers.

Table 4-1: Typical Bin Dimensions

Dimensions (mm)	Bin Sizes			
	140L	240L	360L	660L
Height	1,065	1,080	1,120	1,250
Depth	540	735	905	850
Width	500	675	700	1,200

Reference: City of Stirling Guidelines (Table 3: Mobile Garbage Bins (MGB) Dimensions)

4.2 Bin Storage Area Size

To ensure sufficient area is available for storage of the bins, the amount of bins required for the Bin Storage Area was modelled utilising the estimated waste generation in Table 2-2, bin sizes in Table 4-1 and based on collection of refuse, recyclables and FOGO twice each week.

Based on the results shown in Table 4-2 the Bin Storage Area has been sized to accommodate:

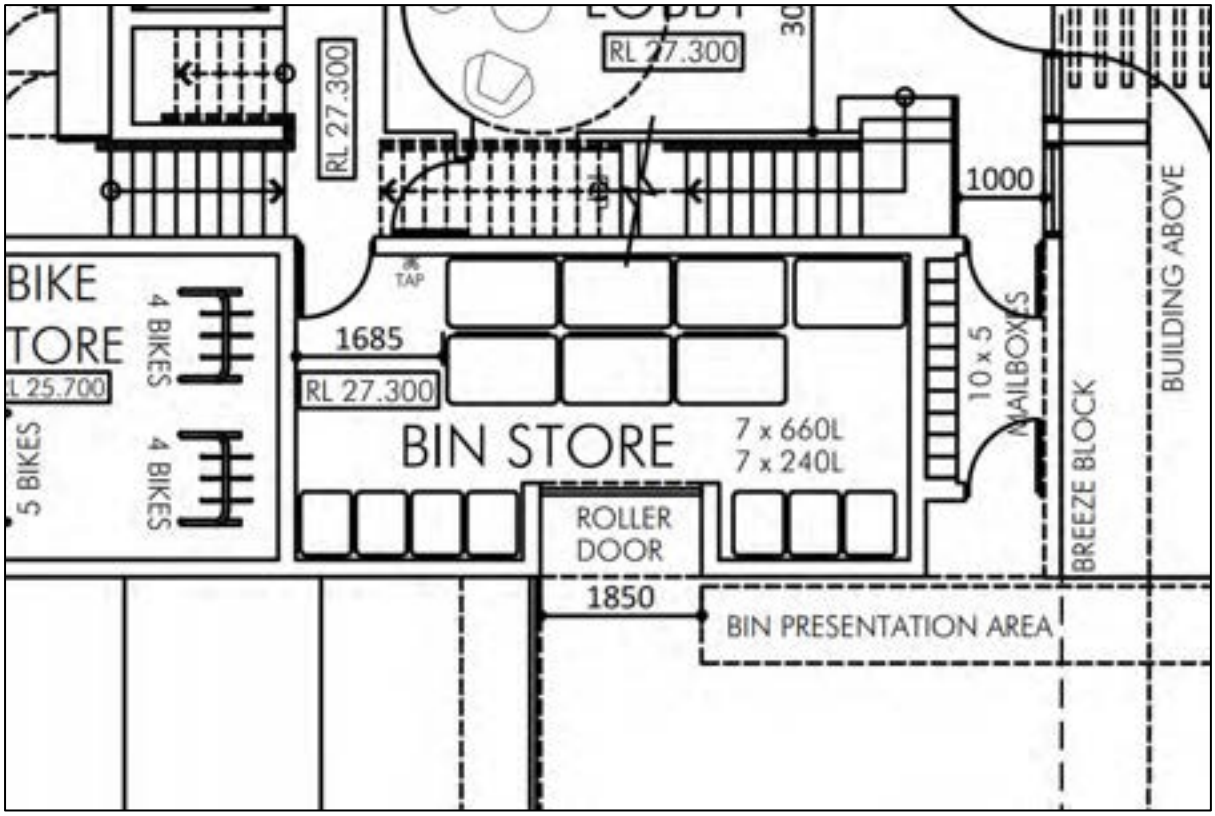
- Three 660L refuse bins;
- Four 660L recycling bins; and
- Seven 240L FOGO bins.

Table 4-2: Bin Requirements for Bin Storage Area

Waste Stream	Waste Generation (L/week)	Number of Bins Required			
		140L	240L	360L	660L
Refuse	3,430	13	8	-	3
Recycling	4,200	-	9	6	4
FOGO	1,470	11	7	-	-

The configuration of these bins within the Bin Storage Area is shown in Diagram 1. It is worth noting that the number of bins and corresponding placement of bins shown in Diagram 1 represents the maximum requirements assuming two collections each week of refuse, recyclables and FOGO.

Diagram 1: Bin Storage Area



4.3 Bin Storage Area Design

The design of the Bin Storage Area will take into consideration:

- Smooth impervious floor sloped to a drain connected to the sewer system;
- Taps for washing of bins and Bin Storage Area;
- Adequate aisle width for easy manoeuvring of bins;
- Doors to the Bin Storage Area self-closing and vermin proof;
- Doors to the Bin Storage Area wide enough to fit bins through;
- Ventilated to a suitable standard;
- Appropriate signage;
- Undercover where possible and be designed to not permit stormwater to enter into the drain;
- Located behind the building setback line;
- Bins not to be visible from the property boundary or areas trafficable by the public; and
- Bins are reasonably secured from theft and vandalism.

Bin numbers and storage space within the Bin Storage Area will be monitored by strata management during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.

5 Waste Collection

The City will service the Proposal utilising its rear loader waste collection vehicle and the following bin numbers and collection frequencies:

- Three 660L refuse bins, collected two times each week;
- Four 660L recycling bins, collected two times each week; and
- Seven 240L FOGO bins, collected two times each week.

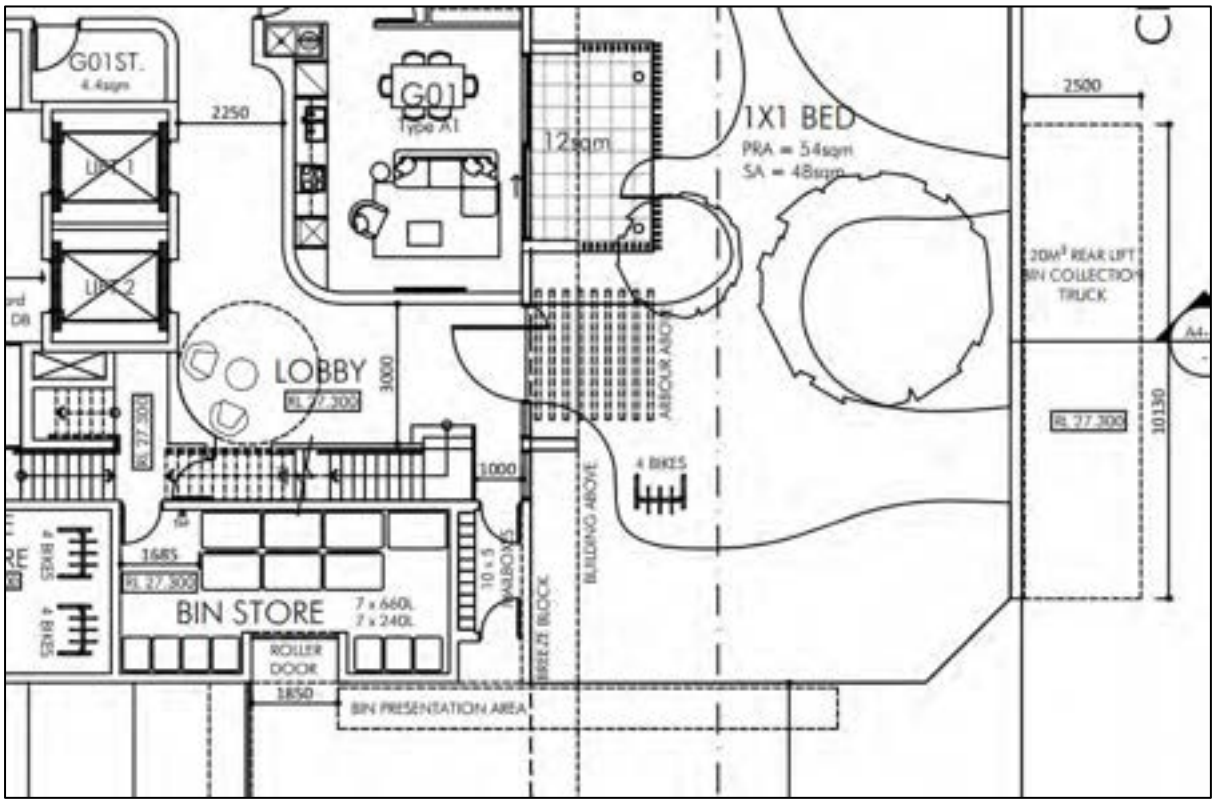
The City's rear loader waste collection vehicle will service the bins from the Bin Presentation Area on the internal driveway, from a stopping point on Chester Avenue, as shown in Diagram 1.

The strata manager/caretaker will ferry the bins to and from the Bin Presentation Area on the internal driveway on collection days. The travel path between the Bin Storage Area and the Bin Presentation Area will be of flat surface and kept free of obstacles. The strata manager/caretaker will return the bins to the Bin Storage Area as soon as possible on the same day following collection.

The City's waste collection staff will ferry bins to and from the rear loader waste collection vehicle and the Bin Presentation Area during servicing. This will allow safe access for staff and removes the need to provide access remotes to the City or its Contractors.

Once servicing is complete the City's rear loader waste collection vehicle will continue in a forward motion along Chester Avenue, moving with traffic flow.

Diagram 2: Bin Presentation Area and Vehicle Stopping Point



5.1 Bulk Waste

To assist with the reduction of illegal dumping and bulky wastes each residential apartment has an allocated storage room which could be used for the temporary storage of bulk waste. Strata management will liaise with residents on procedures for bulky waste disposal within the Proposal, as required.

The City offers residents the following on demand collection services annually:

- One – 3m^3 skip bin;
- One – E-waste collection;
- One – Whitegoods collection; and
- One – Mattress collection.

An area on the verge may be used for the placement of a skip bin, and for use as a collection point for e-wastes, whitegoods and mattresses, as required. Residents would liaise with strata management on organisation of the collection/delivery of the bulk waste services.

6 Waste Management

Strata management will be engaged to complete the following tasks:

- Monitoring and maintenance of bins and the Bin Storage Area;
- Cleaning of bins and Bin Storage Area, when required;
- Ensure all residents at the Proposal are made aware of this WMP and their responsibilities thereunder;
- Monitor resident behaviour and identify requirements for further education and/or signage;
- Monitor bulk waste accumulation and assist with its removal, as required;
- Regularly engage with residents to develop opportunities to reduce waste volumes and increase resource recovery; and
- Regularly engage with the City to ensure efficient and effective waste service is maintained.

7 Conclusion

As demonstrated within this WMP, the Proposal provides a sufficiently sized Bin Storage Area for storage of refuse, recyclables and FOGO, based on the estimated waste generation volumes and suitable configuration of bins. This indicates that adequately designed Bin Storage Area have been provided, and collection of refuse and recyclables can be completed from the Proposal.

- Three 660L refuse bins, collected two times each week;
- Four 660L recycling bins, collected two times each week; and
- Seven 240L FOGO bins, collected two times each week.

The City will service the Proposal utilising a rear loader waste collection vehicle. The City's waste collection vehicle will stop on Chester Avenue and service the bins from the Bin Presentation Area on the internal driveway.

Strata management will oversee the relevant aspects of waste management at the Proposal.

Figures

Figure 1: Locality Plan

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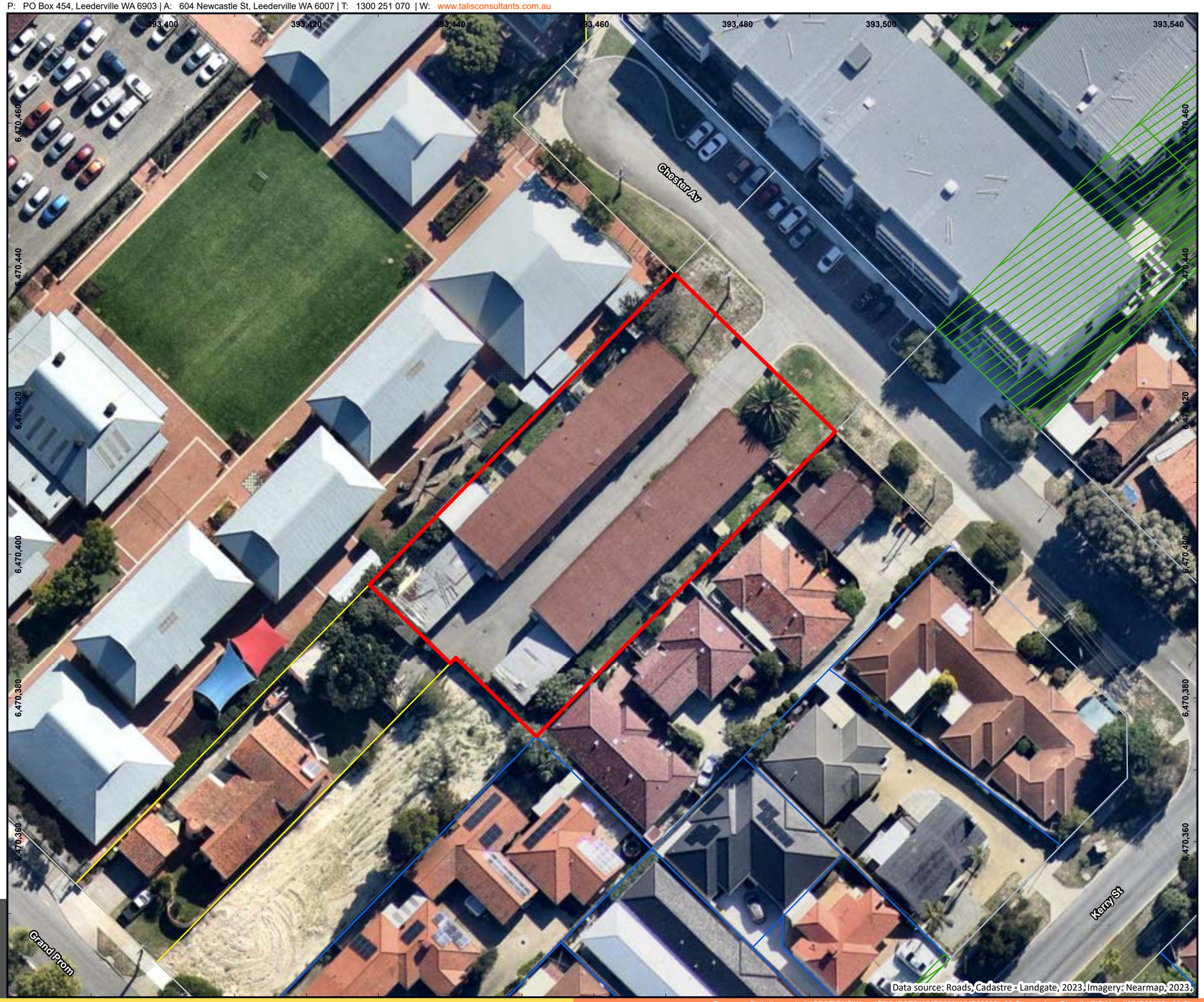

LEGEND

- Site Boundary

Cadastre

- Freehold
- Road
- Strata Plan or Lot
- Easement

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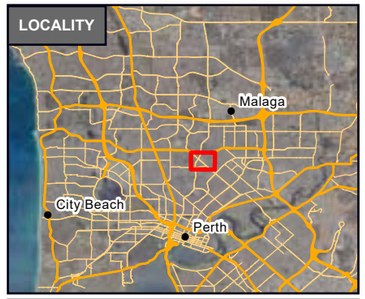
LOCALITY



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LOCALITY

39 Chester Avenue
Dianella WA 6059

Space Collective Architects

N

0 5 10 15 20 m

Coordinate System: GDA2020 MGA Zone 50
Scale @ A3: 1:500

Prepared:	E Jackson	Date:	12/06/2023
Reviewed:	D Patel	Revision:	A
Project:	WMP23005		

talis consultants

Figure 01

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Assets | Engineering | Environment | Noise | Spatial | Waste

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Schedule of Submissions

Submission Number	Comment
1 Within 200m	This is in response to your letter dated 15 March 2024. 1. The Applicant has not met the City of Stirling's building heigh restriction of approximately 3 storeys as Applicant is now proposing height of five storeys 2. Balconies of proposed development on Chester Avenue will have direct sight to the living/bedroom areas of the opposite Dianella Apartments at 36 Chester Avenue 3. Cannot see any overshadowing studies done in relation to the Dianella Apartments on 36 Chester Avenue – a 5 storey complex will cast shadow on the Dianella Apartment Complex opposite proposed development. Overshadowing studies only appears to cover right and left and behind of the proposed development Thank you for providing the opportunity to further comment on the revised proposal.
2 Within 200m	*After considering the likely impact this proposal has on your property or suburb please advise whether your support the proposal or object to the proposal*: Object to the proposal 1. Immense increase in traffic in already congested school area. 2. Tall building above height zone of 12 m which is the restriction on the current apartment complex at 36 Chester Avenue. 3. Immense issues to access the road on 36 Chester Avenue. No Place for Bin disposal. Excessive congestion and cleanliness is a big issue. 4. Property should not be right next to/overlooking school where my child will go to. 5. Privacy invasion reason - same as point 4. 6. Too many people in an already crowded area will ruin the community.
3 Within 200m	I received the letter about this building and revised plans. NO I do not agree, its still too tall. We don't want this in our street, especially the communal roof top overlooking our private gardens and the primary school Its not appropriate. I reiterate every other letter I have sent to you about this development: 1. Chester Ave is already far too congested and busy with both pedestrians and traffic. ITs a dangerous intersection at Chester ave X Kerry Street. Accidents waiting to happen. 2. There is no integration whatsoever of the apartments with the local community, the residents there full of yapping dogs bring their animals out of their neat little compound to shit all over our verges and lawns. Its dissected the community and made it hostile and turned it into a hotbed of rentals that come and go. 3. Increased crime since the Dianella apartments. Look at the police statistics enough said. 4. Noise pollution, disruption, loss of peace, damage to my 60 year old property foundations and walls. I already had damage from the Dianella apartments that no one came to fix or rectify - how do you plan on proving

Submission Number	Comment
	that my property is not going to be damaged by the further digging and ground works of their carpark basement??? 5. If you considered dropping the height to 3 stories and if they bought the adjacent block on Grand Prom side and used the Grand Prom as their carpark/main entry point, this would mitigate many of the concerns and issues because having an extra 50 -70 vehicles cascading in and out especially during peak school hours and traffic is not a wise planning decision for such a tiny and already congested cut de sac. Also where is [City officer name]? Why are you now in charge of this? And where's [City officer name]? Furthermore, I know you guys expect me to go through all the council local planning schemes, state planning policies and residential codes etc etc and pick it apart to find relevant data and points to use for my arguments to support my claims but Im not going to do that. Thats your job. You guys work for the council, you're supposed to know the laws, planning policies, schemes and codes - its not up to me to know them or to study them. Im not going to spend another whole night reading and then trying to present this argument in a nice pretty bow for you guys to take to the JDAP and just for it to be ignored like all my other letters. You guys know what provisions are permitted. You guys know these developers are trying to pull the wool over our eyes and only care about the $$$$ signs. They think we are stupid. We are not stupid at all and we see through this, but I don't want to spend my time and valuable energy doing the work that the council should be doing in providing evidence that this development is stupid and should not go ahead. Im not paid to do that, you guys are. Lastly, I know that [Councillor name] has resigned from her position of councillor, however if you go back to last September/October RECORDED council meetings which I attended and I called her out on the fact that this was a pervasive conflict of interest that she is one of the Directors of Urbanista. I believe if you review the recordings of that meeting she indicated that she no longer worked for that company however you go on their website she is still listed as the director here is a screenshot of the image I took today. So looking at all the evidence since when this design and planning was started, it is clear that [Councillor name] WAS working for Urbanista and WAS still a councillor AT THE SAME TIME. WHY HAS THIS BEEN BRUSHED UNDER THE RUG? Yes she resigned right after this was Brought to light but is anyone going to investigate this further????? As I said I don't have time to be fighting this, you guys now how the community feels, you have 100s of signatures against this, you guys need to look for the evidence to support us so we don't get jipped again with another abomination of an apartment block that has ruined our lovely street. Thank you

Submission Number	Comment
4 Within 200m	*After considering the likely impact this proposal has on your property or suburb please advise whether your support the proposal or object to the proposal*: Object to the proposal I am the owner of apartment [number] across the road in Dianella Apartments and my apartment has a very pleasant balcony that looks directly across the road to number 39. It is lovely to sit in the balcony and enjoy the gentle vista above all roof tops and a lovely palm tree sits in the middle of the view. The proposed development is far too high at 20 metres and will eliminate any pleasantness of the view, Further privacy will be impacted a lot as new apartments would look directly into my balcony. Traffic movement will also increase significantly with the proposal.
5 Within 200m	I have attached a submission concerning the development **DA23/0883** at Lot 201, House Number 39 Chester Avenue, Dianella WA 6059. Hoping you will take my comments into consideration. Thankyou. **TO WHOM IT MAY CONCERN:** **REFERENCE: DA23/0883** Yes - I received a notification from the City about the development application. I object to the proposal. Here are my reasons why:- I am directly opposite the proposed apartments. I paid extra for my apartment because it had city views. But I will lose this view and it will devalue my property if the new complex goes up across the road. It will also take away a lot of my natural light into my apartment. The building will overshadow my whole apartment making it quite dark inside. My privacy will be compromised because many of the apartments across the road will be able to see directly into my apartment. My front window is the only way to let air and light into the place. They will be able to see into all my rooms, i.e bedrooms & living areas. A high 5-storey building will look out of place in the area as it will tower over all the surrounding houses and buildings. Finbar were not allowed to build past 3 storeys so why should the new complex be allowed. Chester Ave is a cul-de-sac and a small street with only one entrance/exit as you come in from Grand Promenade/Kerry Street and then to the left. There is a school at the end of the cul-de-sac. This street is used as a drop off and pick up for school kids. The new complex will make it extremely congested with children being put at risk because in the morning there is lots of movement. With the new complex, there will be an extra 100+ people coming and going from one entrance point, together with our own people from our apartments all trying to get in and out at the one time from the same small street. This becomes extremely dangerous for school children moving around. Far too many people living in such a confined street. It will take years of work to build this complex which will have many tradesmen using the front car bays and street verge, making it very hard for

Submission Number	Comment
	school drop-off and pick-up. Plus it will create lots of noise and dust for years. With the communal open space located on the rooftop, this open space will have the potential to create noise issues. It will also overlook into the school grounds which I feel is an invasion of privacy. We have car bays in front of our building. These are already full most of the time because people in the existing units use them also. But with an extra 100 people in the new complex, I believe these people will be using those bays as well and this will force people to park all over the grassed areas and wherever they can. Hoping you will take these matters into consideration.
6 Within 200m	The answer is in the Question: Permitted building height 11m Proposed 20m.- not permitted/. From my point of view nothing has altered: The surrounds would be no more than 3 storeys. What an insult to the children attending the next door School - continually being peered at and observed - that part I find objectionable - I did not mention that in my last submission but wanted to - as it wasn't the subject being asked did not, and on reading other submissions should have. To add to that the School is pleading with the Community to disallow this Development. Once again I draw your attention to the traffic - as I said there are queues in Kerry Street pick up and drop off times and pedestrians crossing streets and even in the Car Park at the Back Entrance - the moving in and out traffic can be awkward. It is chaotic to increase population there. I have also learned recently that it is Council's intention to allow the Development of Apartments on Alelxander Drive - whatever is Council thinking? The traffic is far too busy - endangering the safety of future inhabitants. Generally, I am so disappointed - it is busy enough now at the Complex - what would Council prefer - contented inhabitants or swelling of the 'coffers' ? Disappointed
7 Within 200m	Hello, I would like to reject the proposal of the 5 storey dwelling. Current utilities are constantly being broken such as the swimming pool and car park gates, elevators. An increase in occupants will surely increase that frequency. There are already a number of residents not abiding by the strata rules. Increased occupancy would make this even more difficult to manage. The occupancy/suburb demographic is more senior and their more suited towards less traffic. The school nearby has enough traffic already. The quality of the wall structure of the apartment currently isn't that the best. The walls are thin and cannot hang television or heavy curtains on it. I am concerned of the structural integrity of the building and the impact it will have on the current residents if expansion is to go ahead. The underground parking issues and the construction costs will only lead to more expenses for the current residents on strata fees from facilities breaking down.

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	Dianella apartments is uniquely has the perfect number of apartments already. If residents needs to live in a more congested apartments, there are plenty in other suburbs. The current apartment caters to less traffic which is one of the reasons I purchased this apartment in the first place.
8 Within 200m	The Department of Communities (Communities) generally supports the development of multiple dwellings on well-located infill sites. The ongoing amenity of communities and neighbourhoods is also a matter of concern to Communities. In view of the latter, the following aspects of the proposed development are noted as areas of concern. No consideration of providing a proportion of the development as affordable or otherwise diverse housing has been incorporated into the development. Bulk and scale of the development: amenity impacts of a five-storey building in this location are beyond the scale of development envisaged by the local planning scheme. Overlooking into the adjoining properties including 342 Grand Promenade is considered excessive in terms of likely impacts on future residents of the site. Overshadowing of the property at 342 Grand Promenade is considered excessive in terms of likely impacts on future residents of the site. No consideration has been given to landscaping the south-western portion of the rear boundary of the site to soften the impact of the development on 342 Grand Promenade. No sustainable landscape (deep soil area) has been provided to the south-eastern side boundary of the site to soften the impact of the development on 37 Chester Avenue. It is recommended that the above issues are addressed with amended plans and a clear design rationale which includes consideration of the site context and impacts on adjoining residential properties.
9 Within 200m	I am writing to strongly oppose the proposed five storey multiple dwelling development at Lot 201, House Number 39 Chester Avenue, Dianella WA 6059, in very close proximity to the **Our Lady of Assumption Primary School**, just few meters from our house and other community residences. This plan raises significant safety concerns for all students attending the school (including my daughter), potential disruptions during construction, and a drastic alteration of our neighborhood's character. The expected surge in traffic, strain on infrastructure, and adverse visual impact on existing residences necessitate the termination of this project. I urge you to prioritise the well-being of our community and the education of our children by thoroughly evaluating the proposed site for this development. Thank you for your attention to this matter. I am hopeful that the City of Stirling prioritises the safety and harmony of our community by firmly opposing this proposed development.
10 Within 200m	I am in receipt of your letter dated 15 March 2024. I do not agree with the proposal of a five storey (20m) development. Therefore, I am in agreement with the City of Stirling's Provision of "Permitted building height of 11m (approximately three storeys) to a concealed roof".

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	This would be in keeping with the development across the road and in general.
11 Within 200m	I wish to object to the 5 story development 39 Chester Ave, Dianella. My reasons are 1. The current zoning is for a 3 storey height restriction ànd I believe this is line for a residential area. I don't know why a developer would put in a submission for 5 stories knowing of the limitations. 2. 5 stories would adversely effect the privacy of nearby residents and the school. 3. The extra traffic in the area will create additional noise, affect air quality and create a risk of more crashes and injury. 4.The number of extra Tennant's has the risk of creating extra noise and potential for antisocial and criminal behaviour. 5. With the number of extra apartments there will be an extra demand on essential services such as water, electricity, gas, sewerage. Upgrades of the systems will be disruptive to residents lifestyle.
12 Within 200m	Hello, Thanks for inviting me, as a member of the public, to comment on the proposed building on Chester Avenue, Dianella. In short, I don't like that the building is that tall. I think it will stick out like a sore thumb, and right next to Dianella Apartments, which is only three storeys high. I think Dianella should keep its suburban look of houses and not too many low-rise apartments. Thanks for your time.
13 Within 200m	Please find attached **Reference: DA23/0883** – Development Application for 39 Chester Avenue Dear Sirs, Whilst it would be easy to raise objections to this development on purely emotive grounds, it behoves the Council and Community to take a more rational approach to the Pro's and Con's of the application. As I am not a qualified Town Planner nor an Architect, I will limit my narrative to the Prima Facie points of the application. **Pro's:** 1. **Government:** The building will meet the State Governments' stated objective to provide more affordable(?) accommodation into the housing pool in Perth and WA. 2. **Economic Boost:** The influx of people will almost certainly give an economic boost to the Dianella Plaza shopping centre and other local services and amenities. **Con's:** 1) **Construction Risks:** As witnessed during the recent construction of the development at 36 Chester Avenue, there are multiple inherent risks during and after the actual construction.

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	a) **During construction:** i) Possible instability of existing nearby structures caused by heavy foundation works. ii) Damage to essential services such as: (1) Gas, Sewage and Clean water pipes, including those for existing structures that may cross boundary lines. (2) Electricity / Telecommunication cabling, including those for existing structures that may cross boundary lines. iii) Sink holes due to earth removal and movement. iv) Heavy haulage in a residential cul-de-sac; as demonstrated by the garbage truck access for the regular pickup from the complex at number 36 (where the truck is reversed into the street because of difficulty in turning around in the cul-de-sac). v) Parking of trades vehicles where parking is limited. Generally trades people will park their vehicles where it is convenient for themselves, regardless of signage or safety. This would exacerbate the traffic access problem as noted above in iv). b) **After construction:** i) Higher demand on existing essential services; Water pressure is already reduced in the area due to ageing infrastructure, ii) Increase of traffic in the cul-de-sac with the addition of circa 54 vehicles coming and going. 2) **Privacy:** The building would be immediately adjacent to a school catering to children ranging from pre-K to year 6 (ages 4 to 11). The children would therefore be subject to scrutiny during and after the construction phase. The school may therefore be disadvantaged if parents decide to remove their children from the school for fear of their child(ren) being watched or photographed. (By extension, the Council would need to explore the issue of culpability in the event of litigation, where any illegal photography or stalking of a child or other offence to a child is prosecuted.) 3) **Noise & Dirt:** Construction sites are notorious for being very noisy and very dirty, especially during the foundation phase. The levels of noise and airborne dirt would not be acceptable for children trying to listen to their lessons and safely enjoy their outdoor activities in their school environment immediately adjacent to the construction site. 4) **Compliance:** The proposed height of 20 metres is almost twice that recommended in the Council provision for new buildings. It is noted that the apartment complex at 36 Chester Avenue was restricted to 3 storeys and thus creates a precedent for high-rise buildings in this neighbourhood. **Zoning:** *"The development is zoned Residential R-AC3 and is located within the Dianella Centre Special Control Area. The development application will be assessed against the relevant provisions of the Local Planning Scheme, state planning policies, planning codes and local planning policies, with the primary planning instruments including but not limited to:* *> City of Stirling Local Planning Scheme No. 3 (LPS3);*

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	> State Planning Policy 7.0 – Design of the Built Environment; *> State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments."* *"The residential design provisions for apartments with supporting documents.* *18 Aug 2023 - It is noted that in the previous Part 6 of the former R-Codes (SPP 3.1), land zoned for mixed use development without an assigned R-Code should be assessed as R-AC3. This is no longer included in the R-Codes Volume 2...."* References: *State Planning Policy 7.3 - Residential Design Codes – Apartments.* *https://www.wa.gov.au/government/document-collections/residential-design-codes* *https://www.wa.gov.au/system/files/2021-06/SPP-7-3-R-Codes-Apartments_.pdf* *11 Mar 2024 — The Residential Design Codes (**R**-Codes) provide planning and design provisions for residential development across Western Australia."* *"The maximum building height for R-AC3 is six storeys. <u>This code is suitable for high density, largely commercial centres with some residential development.</u>"* Reference: *Residential Design Codes* *Western Australian Government* *https://www.wa.gov.au › document-collections › reside..."* However, I note that, according to the PDF "R codes Vol 2 – mar 2024", although the new R code changes have been promulgated they are yet to be gazetted. So it appears that the application was made before the revised R code regulation for R-AC3 was tabled let alone gazetted; that is when "*<u>This code is suitable for high density, largely commercial centres with some residential development.</u>"* was effective. I assume that the R code changes will retrospectively be applied to active applications after gazzetting occurs!? Thank you for the invitation to comment.
14 Within 200m	Please find attached a submission in relation to the above proposed development. **ATTN: JDAP** **OPPOSITION TO PROPOSED DEVELOPMENT – APARTMENT COMPLEX: 39 CHESTER AVENUE, DIANELLA – DA23/0883** I would like to provide some background to living next door to apartment complexes as the type proposed for 39 Chester Avenue. As the most directly impacted neighbour from Finbar's monstrous 200 apartment complex development at 36-40 Chester Avenue, I am outraged that such a ridiculously oversized complex is being proposed in a cul-de-sac which is already well and truly punching above its weight with regard to housing

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	density. For the developer to have removed one storey only following JDAP's recent consideration displays the degree of greed and arrogance by the associated developers in considering the impacts to the hundres of residents already residing on this small cul de sac. **Given the extreme proximity of this complex to a primary school and kindergarten, approval of this development will send a clear and dangerous, precedent setting message that anything goes and nothing is off limits with regard to planning developments in this State. Does the safety of children aged 3-12 no matter require consideration?** It is no exaggeration to state I have been living an unabated nightmare over the last five years as a consequence of Finbar's multi storey development (and am still suffering PTSD from the 18 month construction period which allowed for activity six days a week, twelve hours a day, at a time when I was home fulltime). **Traffic** Living some ten feet to a supposed 'visitors' carpark (which is NO such thing) I can no longer utilise my masterbedroom due to the nonstop traffic noise at all hours of the night. Luckily for me there are a number of shift workers and motorbikes using this carpark. I was completely misled with regard to the purpose of this carpark – as per the clear signage, I was advised this secondary carpark was indeed only for the use of visitors. Chester Avenue has seen a huge increase in the amount of daily traffic as a result of Finbar's 200 apartment development. The traffic during peak hours (ie. 7am to 10am and 4pm to 7:00pm) in particular is constant. I can no longer sleep in my master bedroom due to the associated traffic noise. To propose the addition of a further underground carpark literally across the road defies belief – particularly with Our Lady's Assumption Primary School in the direct mix. I note the property in question does not extend through to Grand Promenade so all traffic will be via Chester Avenue. At any rate even if carpark access was possible via Grand Promenade it is obvious from Finbar's development that vehicles will continue to access the complex via Chester Avenue as it is not (yet) an arterial road with as much traffic passing through as Waverley Street or Grand Promenade – nor should it be with a primary school and daycare centre situated on it. There are often cars banked up to access the carpark for the apartments at 36-40 Chester Avenue due to the delay awaiting opening of the security barricade. This literally means cars are banked up on the road awaiting entry. I have often had to await multiple cars to enter the carpark before it is possible to reverse out of my driveway. This congestion will only increase with the addition of a second underground carpark across the road. There is complete mayhem on Chester Avenue (extending to Kerry Street) at school drop off, and in particular pick up time. During these periods Chester Avenue is literally in gridlock – on many occasions I have cars standing IN and blocking my driveway and parked on the (clearly marked 'no parking') verge. While I have attempted to obtain the City's cooperation in addressing this matter it has failed to undertake any additional surveillance or take any action. **Lack of Green Space**

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	Countless research has shown the physical and mental benefits of green spaces and how crucial nature is to quality of life. There is already a dire lack of parks and green spaces in this pocket – particularly given the addition of approximately 500 residents in Finbar's apartment complex. HOW MANY MORE PEOPLE ARE GOING TO BE SQUEEZED INTO THIS CUL-DE-SAC??!!! I attach a recent article on the importance of green spaces. The proposed rooftop observation area included as part of the proposal will NOT be large enough to cater for all inhabitants !!!! **Refuse Bins** Chester Avenue looks like a rubbishtip and I am sick to death of feeling like I am living in a ghetto !!!!!!! At present over two dozen large commercial refuse bins are picked up every other day from Chester Avenue as a result of Finbar's development. These bins are unsightly and left out for extended periods before and after being emptied, to the point where there is USUALLY ONLY ONE DAY (Sunday) THERE ISN'T A PROLIFERATION OF BINS ON DISPLAY. I feel as though I am living in a ghetto – being surrounded by dozens of industrial size rubbish bins daily – many of which lie knocked over for days at a time (odourous in the warmer months). To now be faced with the prospect of even more refuse bins in the same location is ludicrous and completely unjust. These bins are more than often knocked over with rubbish flying out as a result. I have contacted the City to address this matter (and rubbish bins blocking my driveway) following an unsuccessful attempt at dealing with the complex's Strata management. To date nothing has changed – TWO years and the situation remains just as problematic . To add insult to injury one of the verge trees in question is dying as a result of the stress being caused by these heavy bins staying out for days and being rolled over the same tiny piece of land daily. I am desperately trying to save the other tree but to date have had NO support whatsoever from the City. Please refer the attached photographic evidence to demonstrate the above. Where is my right to a decent quality of life – why should I have to feel embarrassed by where I live and have to listen to dozens of refuse bins being rolled back and forth daily?!!!!!!! Also, given the narrowness of the length of this development and the need for clearance to access the associated underground carpark WHERE ARE THE BINS GOING TO BE PICKED UP FROM??? Lessons need to be learned from Finbar's development wherein the amount of refuse generated was (conveniently) grossly underestimated by the developer and the City The result is Chester Avenue looks like a rubbish dump !!!! **Lack of sense of community**

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	Living next door to an almost 200 apartment complex for over two years I have not spoken to one single tenant in over two years. Just stop and think about this statement – because it is the unfortunate reality of developments of this nature. The extent of my contact with residents is watching and hearing their cars zoom in and out of the carpark. There is no sense of community and comraderie one would hope for and there is absolutely no sense of comfort that neighbours are looking out for one another etc. There is no relationship whatsoever between existing residents and inhabitants of developments such as these. I implore decision makers not to make this situation even more untenable by adding a further complex into this mix. **Current population density levels on Chester Avenue** **The pocket of Chester Avenue relating to this proposal is already grossly overdeveloped.** From my location at [number] Chester Avenue, I have two high rise apartment complexes next door to me (36-40), a primary school and day care centre approximately 50 feet down the road and a community centre and further high rise apartment block to the rear of my residence. I have lived in my home for 22 years – over the past five years my quality of life (and mental wellbeing) has plummeted to lows I never thought possible – all as a consequence of the inclusion of three highrise apartment blocks, all of which has been allowed to occur with NO restitution whatsoever despite the ongoing extreme impacts. As a result of my living conditions I am suffering from extreme depression and insomnia and am struggling to continue to work fulltime. I am helpless and trapped by this situation as I am not in a financial position to move. Irrespective of the City's rezoning, Chester Avenue is already carrying more than its fair share of the burden when it comes to high density living. **ENOUGH IS ENOUGH !!!!!!** The current 'housing crisis' does not give State or local government or JDAPs a mandate to rubber stamp approvals for developments in areas that are obviously already over developed and doing more than enough heavy lifting with extremely high population density. Approving this development will not assist in resolving the housing crisis in any tangible way and will instead be the final nail in the coffin in an area that is already so grossly overdeveloped wherein the quality of life for residents has plummeted to unacceptable levels. I can only hope common sense will prevail in the case of this proposed development where it completely failed with Finbar's development. Development cannot and must not be at ANY cost -

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	 Refuse bins on one of the two verges on Chester Avenue – often left out like this for days.

Submission Number	Comment
	 This tree on one of the collection verges in final stages of dying due to ongoing stress over the past four years.

Submission Number	Comment
	People Living in Green Areas Seem to Age Slower at The Cellular Level Story by Tessa Koumoundouros • 3mo • 3 min read Surrounding ourselves with nature does wonders for our bodies, from better mental health to healthier hearts and stronger developing immune systems. So much so that some doctors are literally prescribing nature as a treatment. New research may have found a potential explanation for some of these benefits: People living in areas surrounded by nature tend to have younger biological ages. Green spaces are well known to mitigate stresses in many ways. Plants help protect and insulate us from the environment, keeping our surrounds up to several degrees cooler during heat waves. They decrease air and noise pollution. Green spaces encourage physical activity and social interactions and are associated with lower risk of crime. Yet at the same time we've been learning just how intrinsically reliant our minds and bodies are on the natural world, we've become more segregated from it than ever, in perception as well as in our physical realities. This disconnection has likely contributed to the deterioration of the natural world around us (the sixth mass extinction), as we've lost awareness of what the world around us should be like – a situation related to the phenomenon of shifting baseline syndrome. While this phenomenon may offer some psychological protection in the short term, it's also dangerous for our future health, and studies such as this one are now demonstrating the immediate impacts separation from nature has on our health as well. "Considering the average rate of attrition in the sample, greenspace could reduce a person's biological age by 2.2 to 2.6 years," Ogletree and colleagues calculated.
15 Address not supplied	Having reviewed the proposal by the requested developer, I am more disgusted than when I first saw their initial plans to develop this property. Reducing it from a 6 story building to a 5 story building still does not fit in with the permitted guidelines of the building being 11m in height. (Building height reduced from 23 m to 20 m is not a significant decrease in height at all). I don't believe that the proposed developer has addressed the issue of traffic congestion in regards to the access of their parking lot; especially between school drop off and pick up hours. They have further just criticised the idea that parents who use the cul-da-sac for these purposes should not do so. If this is already an issue which has caused traffic congestion, why add to it by adding parking which is **ONLY** accessable through this cul-de-sac? As mentioned in my last email, the other apartments which are already existing opposite the school, have parking entrances off Chester and Waverly which means that congestion during those pick up and drop off times will not impact residents that live in these apartments. (Refer to developers proposal pg 16-17)

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	Also as the developer has proposed, if the main gates are off limits during peak periods of pick up and drop off, this will move traffic towards the shopping center, which has two affects; 1. Increase the stain on parking at the shopping center even more which could impact business and business operations which 2. Leads to unsafe spaces for large amounts of young children. Honestly, this is a money gouging opportunity for the proposed developer to maximise their profits. By reducing the plans to 5 stories, why do you need to add an additional 1 bedroom unit to the ground floor? By doing so, you are adding in one more parking bay and just more people to an already congested area? These are my opinions and thoughts given we actually live quite close to the school. I know how congested it can get and we love the area that we live in. From a concerned resident
16 Within 200m	Re Development 39 Chester Ave Dianella. SUBMISSION NO. DA23/0883 Re. BUILDINH HEIGHT 1. TOO HIGH FOR RESIDENTIAL AREA OF SINGLE / 2 STOREY HOMES 2. OVERLOOKS SCHOOL 3. OUT OF PLACE IN the landscape 4. NO PRIVACY FOR HOMES nearby PARKING 1. NO ON STREET PARKING 2. THIS END OF CHESTER IS A CUL DE SAC 3. PARKING SPACE IN FRONT OF NO 35 IS full UP WITH RESIDENT 2nd cars – visitors etc 4. Where will rsesidents + extra vehicles park from No 39? TRAFFIC ACCESS 1. ENTRANCE + EXIT FROM NO 39? 2. AM + PM CAR DROPS from school block the cul de sac every day school entrance only in the Culdesac. CONCLUSION As an 85 yr old resident at Dianella apartments and concerned for the future of the area I would ask Council to refuse the application to development such a high density building. the high density + future traffic problems around this part of Chester Ave are of great concern
17 Within 200m	*After considering the likely impact this proposal has on your property or suburb please advise whether your support the proposal or object to the proposal*: Object to the proposal I object to the proposal because of the negative impact it will have on my property and the surrounding neighbourhood. The height of the proposal exceeds by nearly double the permitted building height of 11m as prescribed in the City of Stirling Local Planning Scheme. This size is far to high and out of character with the surrounding area and will overshadow

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	my property and those of other neighbours. It will also overlook the neighbouring primary school creating negative privacy and security issues for the school community. The extra traffic in the cul de sac will negatively impact the amenity of our quiet street, and will be dangerous especially at school drop off and pick up times when traffic is already backed up both in Chester Avenue and Kerry Street (I often have difficulty accessing my driveway already at these times). This proposal should not be approved as it is too high and large for the location and does not conform to current planning regulations. I believe it will have a negative impact on the value of my property and other neighbours

Design Review Report – Item 1

Local government:	City of Stirling		
Item no.:	Item 1 – DA23/0883 – 39 Chester Avenue, Dianella – Development Assessment Panel – Form 1 – 43 Multiple Dwellings		
Acting Chairperson:	Philip Gresley		
Panel members:	Anthony Duckworth		
Local government officers:			
Observers			
Date:	8 April 2024	Time: Offline	
Venue:	City of Stirling – Challenger Room		

Proponent/s		
	Felipe Soto Petar Mrjda	Space Collective Architects *(Applicant)* Urbanista Town Planning
	Owners	Snow Oak Pty Ltd & Affluent Property Investments Pty Ltd
Observer/s		

Briefings		
Development assessment overview	Cameron Howell	Senior Planning Officer
Technical issues	Cameron Howell	Senior Planning Officer
Design Review		
Proposed development	Item 1 – DA23/0883 – 39 Chester Avenue, Dianella – Development Assessment Panel – Form 1 – 43 Multiple Dwellings	
Property address	39 Chester Avenue, Dianella	
Background		
Proposal		
Applicant or applicant's representative address to the design review panel		
Key issues / recommendations	The previous design review had highlighted concerns with the bulk and scale of the proposal. This was a result of a repetitive footprint extended over six levels, which was significantly more height and plot ratio than the planning framework anticipated. The applicant had worked very hard to ameliorate the impact of the scale of the previous proposal through careful	

	articulation of the built form at a range of scales and attention to materiality. Despite these efforts the envelope of the building was too massive for its context, particularly given the transitional nature of the site and impacts on some sensitive adjacent land uses. In the revised submission the applicant has maintained the overall strategy but removed a story from the building and revised the footprint on the upper levels to improve side setbacks. This has had a significant improvement in the impacts of overshadowing on adjacent properties and improved the perception of bulk and scale and privacy separation from a number of vantages. It should also be noted that this has improved the presentation of the project to Chester Avenue and its integration with a transitional streetscape. The commitment to architectural design to mitigate impacts of bulk and scale should be commended as it demonstrates the value of good design in achieving more sustainable higher density developments in transitional, well located areas. The Panel supports the built form and scale of the proposed development in its revised arrangement.
Chairperson signature	

Design quality evaluation **Item 1 – DA23/0883 – 39 Chester Avenue, Dianella – Development Assessment Panel – Form 1 – 43 Multiple Dwellings** **DRP Meeting – Offline Meeting April 2024**		
	S	*Design Principle satisfied*
	P	*Design Principle pending further attention*
	N	*Design Principle not satisfied*
Principle 1 **Context and character**		*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*
	S	1a. The Panel support the proposal in relation to this principle. 1b. The Panel commended the applicant in their considered and nuanced response to the character of place, drawing on the language of the area to create a contemporary interpretation relevant to the future context of the area.
Principle 2 **Landscape quality**		*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*
	S	2a. The Panel expressed support for the proposal in relation to this principle, including the verge treatment. 2b. It was mentioned by the Panel there could be further opportunity for the applicant to draw attention to the extent to which the landscape is positively impacting and increasing the local tree canopy, especially along the northwest boundary. 2c. The Panel commended the Applicant on the high-quality roof terrace amenity being offered to residents in this proposal. The proposed planters are at balustrade height and low shrubs have been nominated allowing views over the planting, albeit at arm's length, thus affording long distance views. Notwithstanding there was another comment made by the Panel that there could be an opportunity to the northeast to provide the odd break in the planters (closer to the longitudinal centerline of the building) to allow people to approach that edge of the built form and look out to access a more comprehensive view in this direction. 2d. The Panel commented on the opportunity to clearly communicate to the school the degree to which the planting along the boundary at ground level would restrict views from the lower levels into the school grounds.
Principle 3 **Built form and scale**		*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*
	S	3a. The applicant has removed a storey from the building without significantly altering the footprint which has significantly reduced the impact of the overshadowing on neighbouring properties. Setback changes to some of the apartments on the southeastern and northwestern sides have also improved the impact of overshadowing. 3b. The building envelope has been reduced in volume through the removal of a story and amendments to building setbacks on the northwestern and southeastern boundaries. 3c. The applicant has provided a range of overshadowing diagrams focused on winter solstice. Whilst the argument of the 'LPS 3 permitted envelope' is still presented the comparison between the two proposed schemes demonstrates a clear improvement in the overshadowing impacts. Overshadowing impacts on the school would be most prevalent during summer months in the morning. This information has not been provided although overshadowing impacts are usually confined to winter solstice to determine solar access impacts during winter months. 3d. The applicant has removed a storey from the proposal which has significantly ameliorated the bulk and scale impacts.

		The top two levels have a reduced footprint in relation to the lower levels which has further improved the bulk and scale impacts. 3e. Whilst this suggestion to amend the distribution of the footprint has not occurred it may be uneconomical or impractical. The applicant has instead effectively halved the volume of the top two floors by removing one of the stories. It should also be noted that the removal of the top story has also significantly improved the perception of bulk and scale on the streetscape. These increases in setback also build in some opportunity for neighbouring development to adapt more effectively to the scale and impact of the proposed building in the future. 3f. The removal of one storey has had a significant improvement on managing the bulk of the building and improved the perception of the scale from key vantage points including the street.
Principle 4 **Functionality and build quality**		*Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*
	S	4a. The Panel is supportive of this principle. 4b. The Panel suggested the efficiency of the storerooms could be improved and increased through the inclusion of roller doors.
Principle 5 **Sustainability**		*Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*
	P	5a. The Panel noted it is important to think about heat gain and be mindful when using dark colours, particularly referring to the upper two floors. While it may be possible to manage the transfer of heat internally via insulation the applicant was encouraged to think about the impacts of radiant heat externally and the impacts on this on the environment. 5b. The Panel expressed some reservation in relation to the light and ventilation of bedroom facing the lightwells. More information in relation to the extent of glazing and the colour of the lightwell would assist in better understanding the effectiveness of the lightwells. 5c. The Panel questioned if the orientation of the photo voltaic cells was optimal. 5d. The Panel reiterated the importance of commitments to sustainability initiatives not targets. 5e. The Panel expressed some concern in relation to the extent of dark colour on the southern side of the building, noting that this will be in shade the majority of the time and further reduce the reflected light into rooms that face the open corridor.
Principle 6 **Amenity**		*Good design optimises internal and external amenity for occupants, visitors and neighbours providing environments that are comfortable, productive and healthy.*
	S	6a. The Panel is generally supportive of the amenity of this proposal. 6b. The Panel reiterated its concerns around the amenity of those bedrooms located in the 'centre of the building' which are effectively internalised, ie having windows facing onto small, south-facing breeze-block-enclosed courtyards requiring additional privacy screening (at Level 1), or onto small, south-facing breeze-block-enclosed light-wells (Levels 2-4), all of which are further bounded by a walkway, and as a consequence are likely to receive very little natural light, yet likely be subject to noise transference issues. 6c. The location of the air conditioning condensers should be shown on the drawings. 6d. The Panel commended the applicant on the high level of amenity offered to residents as a result of the roof top communal open space.

Principle 7 **Legibility**		*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
	S	7a. Comment was made by the Panel that the street interface is considered positive and this principle is supported by the Panel. 7b. The Panel commented there could be opportunity to indent the entry doors to apartments to create semi-private space at the threshold to each dwelling.
Principle 8 **Safety**		*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
	S	8a. The Panel commented that this principle has been addressed and is supported.
Principle 9 **Community**		*Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*
	S	9a. Comment was made by the Panel that the external stair is a community asset for resident interaction and encourage the further development and articulation of its design language, focusing on opportunities of visual connection. 9b. The Panel supported the proposal in relation to the contribution it makes to the community of residents and the wider social context.
Principle 10 **Aesthetics**		*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*
	S	10a. The Panel supported this high-quality design. 10b. Comment was made by the Panel the material palette and articulation adds a lot to the proposal. 10c. Comment was made by the Panel that further development of the fine level of detail around the southern elevation in terms of material language. The Applicant was encouraged to think about the connection to the broader scheme.

Design Review progress
Item 1 – DA23/0883 – 39 Chester Avenue, Dianella – Development Assessment Panel – Form 1 – 43 Multiple Dwellings
DRP Meeting – Offline Meeting and Thursday 28 September 2023, 25 May 2023, 16 March 2023 and 24 November 2022

	Design Principle satisfied
	Design Principle pending further attention
	Design Principle not satisfied

	DR1 24/11/22	***DR2 16/3/23***	***DR3 25/5/23***	***DR 4 28/9/23***	***Offline***
Principle 1 - **Context and character**					
Principle 2 - **Landscape quality**					
Principle 3 - **Built form and scale**					
Principle 4 - **Functionality and build quality**					
Principle 5 - **Sustainability**					
Principle 6 - **Amenity**					
Principle 7 - **Legibility**					
Principle 8 - **Safety**					
Principle 9 - **Community**					
Principle 10 - **Aesthetics**					

Recommendations Summary Item 1 – DA23/0883 and PDA22/0113 – 39 Chester Avenue, Dianella							
DR1 – DRP Recommendations DRP Meeting – 24/11/2022	**DR1 – Applicant Response DRP Meeting – 24/11/2022**	**DR2 - DRP Recommendations DRP Meeting – 16/3/2023**	**DR2 – Applicant Response DRP Meeting – 16/3/2023**	**DR3 - DRP Recommendations DRP Meeting 25/5/2023**	**DR3 – DRP Applicant Response DRP Meeting 25/5/2023**	**DR4 – DRP Recommendations DRP Meeting 28/9/2023**	**DRP 5 – DRP Meeting Offline**
1a. The Panel support an increase in density in this location and urge the applicant to thoroughly communicate the applicability and benefit of this proposal to the area. 1b. The Panel noted there are no side elevations included in the drawing package and request these at any future reviews as the broader context will be affected.		1c. The Applicant was encouraged to apply additional articulation to the streetscape interface, considering the assignment of communal space, private outdoor space and the legibility of the building entry as it responds to its context.	1c. A dark color scheme is now proposed for the upper levels to reduce the perception of bulk from the street. The revised ground floor landscape offers a more resolved interface; balancing privacy for the ground floor apartments, street access and increasing tree canopies for communal seatings. Legibility of the building entry is improved with the help of the revised landscape along with the revised entry design.				1. This design principle is now supported by the Panel.
2a. It was commented by the Panel landscaping is key to the success of this proposal and a		2a. The Panel reiterated the comment from DRP 1 that landscaping is critical to the success of the	2a. Main amenity for the proposal is on the Rooftop. Ground floor landscape focuses on creating street engagement Level	2b. It was mentioned by the Panel there could be further opportunity for the applicant to	2b. A total of 436sqm tree canopy coverage is proposed by including 35 trees	2b. It was mentioned by the Panel there could be further opportunity for the applicant to draw attention	2. This design principle is now supported by the Panel.

robust and convincing strategy needs to be employed from the outset. 2b. The Panel noted an increase in front setbacks may be required to permit planting of advanced trees in the front setback and verge area and to obtain the required deep soil. 2c. The Applicant was advised by the Panel to substantiate the landscape proposed throughout the development and expressed reservations in relation to the allocation of deep soil areas, overshadowing and planting on structure.		project and as such feel that there is significant development still required to provide true amenity to the residents and the community at large. 2b. The Panel commented that the quantum of deep soil is a positive and it is necessary to consider the location of these and ensure they are useful to the development. 2c. The Applicant was encouraged to think about increasing the tree canopy within the site lot boundaries, ensuring there is not an over-reliance on verge planting. All planting in front of the building will need to take into consideration the power lines. There	1 landscape designed to be a visual courtyard. 2b. Noted. 2c. Tree canopies on the ground floor landscape is increased. 2d. Additional and revised information provided for Level 1, 4 and Rooftop. 2e. Sections demonstrating the proposed landscape are included. Please refer to Landscape Package. 2h. Rooftop amenity area reconfigured to maximise northern aspects & utilise views	draw attention to the extent to which the landscape is positively impacting the need to increase the local tree canopy 2c. There was a comment made by the Panel that there could be an opportunity to the northeast to provide the odd break in the planters at the upper level to allow people to approach the edge of the built form and look out.	throughout the development, while relocating 54sqm of existing trees (3 nos.) to street verge. Please refer to Landscape Report. 2c. Planters on Level 4 have been omitted. Please refer to Level 4 Plan and Landscape Report	to the extent to which the landscape is positively impacting and increasing the local tree canopy, especially along the northwest boundary. 2c. The Panel commended the Applicant on the high-quality roof terrace amenity being offered to residents in this proposal. The proposed planters are at balustrade height and low shrubs have been nominated allowing views over the planting, albeit at arm's length, thus affording long distance views. Notwithstanding there was another comment made by the Panel that there could be an opportunity to the northeast to provide the odd break in the	

		was comment made the Melaleuca tree is not appropriate as a result of the power lines. 2d. The Panel questioned the landscape on structure and would like to gain a better understanding and have comfort around access and maintenance. The renders indicate trees on levels 1,4 and 7. More information is needed to understand how these will be accommodated on structure. 2e. Comment was made by the Panel it would be beneficial to have cross-sections which include landscaping. 2h. Comment was made the communal open space requires further thought and development.				planters (closer to the longitudinal centerline of the building) to allow people to approach that edge of the built form and look out to access a more comprehensive view in this direction. 2d. The Panel commented on the opportunity to clearly communicate to the school the degree to which the planting along the boundary at ground level would restrict views from the lower levels into the school grounds.	

		The Panel recommend consideration of an expansion of the rooftop landscape area to provide better amenity to residents.					
3a. The Panel acknowledges the Applicants' case for the increased height of the development and request they demonstrate why this should be supported and what is being given back. 3c. The Panel queried whether a subterranean carpark had been explored. 3e. The Panel requested more information in relation to the interface of the school and the apartment building.		3a. The Panel commented that the perception of bulk in relation to the proposal relates primarily to the articulation and prominence of the upper two stories as well as the extent of blank walls that are viewed on the side elevations. The Applicant is encouraged to think about the view from the street, developing the design to address the perception of bulk. It was suggested that viewing the building in three parts could assist in breaking down the overall bulk of the proposal.	3a. Further articulation along with a darker color scheme to the upper levels to reduce the perception of bulk. Further openings are added to reduce blank walls presenting to the neighbours. 3b. Overshadowing studies to the neighbours has already been provided. The studies findings are included in the following section. 3c. The revised ground floor landscape offers a more resolved interface. Please refer to Landscape Package	3a. The Panel is supportive of the additional height proposed for this development although acknowledges there are impacts to neighbouring properties in terms of overshadowing. 3b. It was noted by the Panel the overshadowing comparison is not accurate and acknowledges there will be some overshadowing to adjacent properties. 3c. Comment was made by the Panel the articulation of the side elevations is a plus in reducing the	3a. Please refer to diagrams in Overshadowing Studies. Both of the overshadowing studies and solar access demonstrated proposed scheme has lesser impact to adjacent properties compared to guideline scheme. 3b. Please refer to diagrams in Overshadowing Studies. Both of the overshadowing studies and solar access demonstrated proposed scheme has lesser impact to adjacent properties compared to guideline scheme. 3c. Noted	3c. It was also noted by the Panel that the overshadowing comparison is problematic, as it is based on the site's maximum building envelope permitted, but this 'container' would not equate to a built outcome. Refer to SPP 7.3, 2 Primary Controls and Figure 2.1a. "The final built form will usually differ significantly from the building envelope, due to plot ratio constraint as well as necessary articulation of building for light, ventilation,	3. This design principle is now supported by the Panel.

		3b. A request was made by the Panel for further clarification in relation to overshadowing to the neighbours. 3c. The Panel commented that the interface of the ground floor apartments with the street require further thought to balance the connection of context, activation, passive surveillance and the need for a degree of privacy.		brutality of the form		open spaces and circulation". The suggestion was made that the extent of overshadowing should be recorded at different times of the day as this will illustrate the range of likely impacts of the scale of the building. For example, the impact on the school during the morning. 3e. It was suggested by the Panel the top two floors could be reduced to half the footprint, particularly at the southwest end, which would reduce the impact on neighbouring properties. 3f. The Panel stated the proposal must achieve a balance between the current and future context when considering the envelope and	

						bulk of the building and that the current proposal was still potentially over-scaled when the impacts on adjacent properties was considered.	
4a. It was suggested by the Panel the lifts could be split and it was questioned whether it is necessary for both lifts to go to the roof top. 4d. The Panel expressed some concern in relation to car park circulation and queried whether or not the carpark was ventilated, noting this would have impacts on the quality of other spaces.		4a. Comment was made by the Panel the tandem bays and motorcycle access looks very tight and requires further thought. 4b. The Applicant was encouraged to look at the furniture layouts in the apartments as some apartments provide inadequate circulation space behind sofas to allow easy access to balconies. 4d. The Panel expressed concern around the access required to carry out maintenance and the	4a. Tandem bays are increased to 10.8m. Motorcycle/scooter parking reconfigured to have direct access from the aisle. 4b. Overall apartment layout has been improved. Please refer to Architectural Drawings. 4c. Window placement revised. Overall privacy around these voids are now improved. 4d. Level 1 landscape is designed to strictly perform as a visual courtyard. Service strips are provided for maintenance. This will be further discussed in Amenity section. 4e. Secured bike parking included within the Ground Floor parking.	4b. It was mentioned by the Panel there may be an opportunity on the ground floor to improve the efficiency of the storage.	4b. Noted.	4b. The Panel suggested the efficiency of the storerooms could be improved and increased through the inclusion of roller doors.	4. This design principle is supported by the Panel.

		usability of the landscape, particularly on level 1, and suggested this landscape may be better distributed elsewhere in the building. 4e. The Panel stated the lack of secure bike parking is a concern and the Applicant was urged to include this in the development.					
5b. The Applicant is strongly encouraged to address this in the early stages of project development, to make commitments to impactful sustainability initiatives and to engage a sustainability consultant as part of the project team.		5c. The Panel commented the provision of future proofing is important to the proposal. 5d. It was mentioned by the Panel openings for natural ventilation are valuable. Side or highlight windows should be clearly integrated into the drawings if the intention is to pursue this strategy for cross ventilation.	5b. Location of Solar PV indicated on the Rooftop Plan. Please refer to Architectural Drawings. 5c. The design includes a number of elements that provide community benefits and allow for future proofing with the ability harness renewable energy sources and increase in EV stations. 5d. Please refer to Architectural Drawings.	5b. The Panel encouraged the Applicant to make a commitment to sustainability and look for ways to translate the proposed sustainability references into specifics, noting these in the drawings. 5c. The Panel noted it is important to think about heat gain and be mindful when using dark colours.	5b. Roof top solar panels and main switch board with ev charging provision are proposed. Please refer to Ground Floor and Rooftop Terrace plans. 5c. The dark colour has minor impact on thermal transfer, due to typically north-south orientation, and minimal at east/west. Also, the likely hood of this heat transfer will be	5a. The Panel noted it is important to think about heat gain and be mindful when using dark colours, particularly referring to the upper two floors. While it may be possible to manage the transfer of heat internally via insulation the applicant was encouraged to think about the impacts of radiant heat externally and	5. The same comments remain from the previous DRP review. 5a. The Panel noted it is important to think about heat gain and be mindful when using dark colours, particularly referring to the upper two floors. While it may be possible to manage the transfer of heat internally via insulation the

					reduced with the provision of thermal insulation. Please refer to ESD Report	the impacts on this on the environment.	applicant was encouraged to think about the impacts of radiant heat externally and the impacts on this on the environment. 5b. The Panel expressed some reservation in relation to the light and ventilation of bedroom facing the lightwells. More information in relation to the extent of glazing and the colour of the lightwell would assist in better understanding the effectiveness of the lightwells. 5c. The Panel questioned if the orientation of the photo voltaic cells was optimal. 5d. The Panel reiterated the importance of commitments to sustainability initiatives not

							targets. 5e. The Panel expressed some concern in relation to the extent of dark colour on the southern side of the building, noting that this will be in shade the majority of the time and further reduce the reflected light into rooms that face the open corridor.
6b. The Panel stated increasing the setback could improve street activation, along with direct street access for ground floor apartments. 6c. Comment was made the amenity of the neighbourhood requires further thought. The Panel encouraged the Applicant to think about what it takes to		6b. The Panel commented on the opportunity for the proposal to provide greater amenity to residents through an expanded roof terrace. 6c. Comment was made the communal open space on level one is poor, questioning the location of this to provide true amenity for the community of residents and requires	6b. Rooftop amenity reconfigured to maximise northern aspect & utilise views. This include a communal seating space and outdoor bbq area, set back to avoid additional bulk to the street. 6c. Level 1 landscape is designed to be a visual courtyard instead of a communal space for residents. Main amenity for the proposal is located on the Rooftop Level. 6d. Lobby space has been improved, allowing a small				6. This design principle is supported by the Panel.

be a good neighbour, to seek design excellent to justify the increased heights. 6f. The Panel suggested community consultation could be of benefit in the Applicant understanding community expectations. 6g. Comment was made around the opportunity for hardscape to create visual amenity on the first floor.		further thought and development.	seating area with the opportunity of a feature ceiling. Overall lobby is now bigger and better resolved with a discrete car park & services access as well as an integrated mail room.				
7a. The Panel encouraged the Applicant to consider the sense of entry and arrival early in the proposal.		7a. It was recommended by the Panel to provide a more visible pedestrian entry, considering a hierarchy in the legibility of the ground floor interface with the street. 7b. It was stated by the Panel the lobby experience is inadequate and feels too small. It would benefit	7a. Building entry legibility is improved with the proposed revised landscape. The entry is framed by trees, leading pedestrian into the lobby space. 7b. Lobby space has been improved as previously discussed			7b. The Panel commented there could be opportunity to indent the entry doors to apartments to create semi-private space at the threshold to each dwelling.	7. This design principle is supported by the Panel.

		from a more generous space for public arrival as visitors enter the building.					
		8a. Comment was made by the Panel the lobby space feels unsafe as a result of the lack of passive surveillance from the street and the narrow lobby proposed.	8a. Lobby space has been improved to include a seating area which could encourage passive surveillance. The entry is redesign to have more transparency to the street, allowing passive surveillance from the street.	8a. The Panel acknowledged the lobby has improved but there is still a preference for a larger lobby that would allow a line of sight to the lifts for people waiting	8a. A line of sight to the lifts is further improved by increasing the width of the Lobby.		8. This design principle is supported by the Panel.
		9a. It was stated by the Panel there is an opportunity to improve community engagement by providing direct access from the street for ground floor apartments. 9b. It was suggested by the Panel the roof terrace has the potential to become the greatest community asset for the	9a. Ground floor apartments are provided a setback footpath that connects to, both, their private balconies and the street. Instead of providing direct footpath to the street, the setback retains residents' privacy while also allowing engagement to the street. 9b. Rooftop amenity reconfigured to maximise northern aspect & utilise views as previously discussed.	9a. Comment was made by the Panel the external stair is a community asset for resident interaction and encourage the further development and articulation of its design language. 9b. The Panel suggested allowing more generosity around the stairs to allow for social interaction and mentioned there is opportunity to	9a. Noted. 9b. Wide stair landings combined with generous corridor across multiple levels, and revised stair landing at lobby allow for various social interaction to happen, encouraged by strong physical and visual connection.	9a. Comment was made by the Panel that the external stair is a community asset for resident interaction and encourage the further development and articulation of its design language, focusing on opportunities of visual connection.	9. This design principle is supported by the Panel.

		community of residents.		improve the way the stairs land in the lobby.			
10b. The Panel encouraged the Applicant to look at the architectural expression and finer grain of the development, noting the excellent precedents that have been identified as part of the context and character study.		10b. The Panel encouraged the Applicant to think about ways to continue to develop a language and materiality throughout the proposal. 10c. The Panel note the substantial development of the side elevations and encourage the applicant to continue to develop these with a focus on the articulation of materials, ensuring that large, blank panels do not contribute to the perceived bulk of the project.	10b. A darker color scheme is now proposed to the upper levels to reduce the perception of bulk. Along with this, full height screens are introduced to address privacy. 10c. Side blank walls are reduced by adding additional windows.			10c. Comment was made by the Panel that further development of the fine level of detail around the southern elevation in terms of material language. The Applicant was encouraged to think about the connection to the broader scheme.	10. This design principle is supported by the Panel.

Planning Assessment – Key Considerations

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1.0 Residential Design Codes Volume 2 (R-Codes Volume 2)

R-Codes Volume 2 – Part 2 – Primary Controls	
Element Objectives	**Officer Comments**
2.1 Primary controls	Element 2.1 does not include Element Objectives. The development has been assessed against the R-AC3 column of Table 2.1, except where those primary controls have been otherwise varied by Table 6.12.4 b) of LPS3.
2.2 Building height *O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.* *O 2.2.2 The height of buildings within a development responds to changes in topography.* *O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.* *O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*	The LPS3 building height requirement is a maximum 11 metres top of wall height (concealed roof), in accordance with Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. The maximum building height proposed is 20 metres. As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives and the City supports the proposed building height of the development.
2.3 Street setbacks *O 2.3.1 The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.*	The LPS3 street setback requirement to Chester Avenue is a minimum of 2.0 metres, in accordance with Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. The street setback of the main façade of the development varies between 3.0

R-Codes Volume 2 – Part 2 – Primary Controls	
Element Objectives	**Officer Comments**
O 2.3.2 The street setback provides a clear transition between the public and private realm. *O 2.3.3 The street setback assists in achieving visual privacy to apartments from the street.* *O 2.3.4 The setback of the development enables passive surveillance and outlook to the street.*	metres and 5.5 metres. The canopies over the Ground Floor level courtyards for Apartments G01 and G02 project further forward, with a proposed street setback of 1.4 metres. As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives and the City supports the proposed street setbacks of the development.
2.4 Side and rear setbacks *O 2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.* *O 2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.* *O 2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.* *O 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*	The Acceptable Outcome to the side and rear boundary is a minimum of: • Nil setback for walls, up to four storeys in height, subject to the maximum boundary wall heights requirements of Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. • 3.0 metres for major openings to bedroom, study and open access walkways, up to four storeys in height. • 4.5 metres for major openings to habitable rooms other than bedrooms and studies, up to four storeys in height. • 6.0 metres for unenclosed private outdoor spaces, up to four storeys in height. • 9.0 metres, above four storeys in height. The LPS3 boundary walls requirements to Chester Avenue are a maximum of 7.0 metres and a maximum on average of 6.0 metres, in accordance with Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives and the City supports the proposed building setbacks of the development from the side and rear boundaries.
2.5 Plot ratio *O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.*	The LPS3 plot ratio requirement is a maximum of 1.5 (2,824.5m^2 plot ratio area), in accordance with Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. The proposed plot ratio is 2.05 (3,856m^2 plot ratio area).

R-Codes Volume 2 – Part 2 – Primary Controls	
Element Objectives	**Officer Comments**
	As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives. The City supports the proposed plot ratio of the development.
2.6 Building depth *O 2.6.1 Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.* *O 2.6.2 Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.* *O 2.6.3 Room depths and/or ceiling heights optimise daylight and solar access and natural ventilation.*	This development is not comprising single aspect apartments on both sides of the central corridors. As such, the development is to be assessed on its merits with particular consideration to Element 4.1 Solar and daylight access and Element 4.2 Natural ventilation. The development is considered to achieve the Element Objectives for the following reasons: • As outlined further in Element 4.1, most dwellings receive high levels of natural light. • As outlined further in Element 4.2, the development ensures most dwellings are naturally ventilated.
2.7 Building separation *O 2.7.1 New development supports the desired future streetscape character with spaces between buildings.* *O 2.7.2 Building separation is in proportion to building height.* *O 2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.* *O 2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings.*	The Acceptable Outcome to the side and rear boundaries is a minimum of: • Nil setback for walls, up to four storeys in height, subject to the maximum boundary wall heights requirements of Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3. • 3.0 metres for major openings to bedroom, study and open access walkways, up to four storeys in height. • 4.5 metres for major openings to habitable rooms other than bedrooms and studies, up to four storeys in height. • 6.0 metres for unenclosed private outdoor spaces, up to four storeys in height. • 9.0 metres, above four storeys in height. The LPS3 boundary walls requirements to Chester Avenue are a maximum of 7.0 metres and a maximum on average of 6.0 metres, in accordance with Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3.

R-Codes Volume 2 – Part 2 – Primary Controls	
Element Objectives	**Officer Comments**
	As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives and the City supports the proposed building, windows and balcony setbacks of the development from the side and rear boundaries.
2.8 Development incentives for community benefit	Element 2.8 does not contain Element Objectives. The City's local planning framework has not established development incentives that may be provided in exchange for community benefit, that are applicable to the subject site.

R-Codes Volume 2 – Part 3 – Siting the Development	
Element Objectives	**Officer Comments**
3.1 Site analysis and design response	Element 3.1 does not contain Element Objectives. The Applicant has undertaken a site analysis.
3.2 Orientation *O 3.2.1 Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.* *O 3.2.2 Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.*	As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives. The City supports the manner the building obtains natural light and the overshadowing impacts to neighbouring properties in mid-winter.
3.3 Tree canopy and deep soil areas *O 3.3.1 Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.* *O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.* *O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*	The development achieves the Element Objectives for the following reasons: • The site feature survey plan identifies eight trees on the site, between three and seven metres in height. The City has reviewed the existing species and concluded there are no existing trees on the subject site worthy of retention. The City will require the existing street trees in the verge to be retained. There are no adjoining trees affected by the development. • There is 248m^2 of deep soil area at ground level, which is greater than 10% of the site area. • The development proposes the planting of 18 Medium Trees and 17 Small Trees, based upon the

R-Codes Volume 2 – Part 3 – Siting the Development	
Element Objectives	**Officer Comments**
	classification of tree sizes in Table 3.3b. This results in proposed tree canopy cover of 436m² (22%) of the site as opposed to the existing tree canopy cover of 54m² (3%) of the site. • The deep soil area provided is sufficient for the proposed tree plantings. • The development provides 347m^2 of planting on structure, particularly within the Visual Courtyard on Level 1 and within the communal open space on the roof. The proposed deep soil area is considered sufficient by the City to support the proposed tree plantings and will ultimately lead to tree canopy growth that provides an attractive outlook and environmental benefits.
3.4 Communal open space *O 3.4.1 Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.* *O 3.4.2 Communal open space is safe, universally accessible and provides a high level of amenity for residents.* *O 3.4.3 Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.*	The development achieves the Element Objectives for the following reasons: • A communal open space is provided on the roof top of the building. • The communal open space provides dining, gathering, recreational and relaxing spaces in a landscaped setting, including trees. • The lifts service the rooftop level, providing universal access to the communal open space. • The indoor amenity areas are co-located with the outdoor spaces. • No habitable room windows or private open space opens onto the communal open space, ensuring residents of the development are not adversely affected in their dwellings by others using the communal open space. • The communal open space is on top of the building and the neighbouring developments are at a much lower height than the communal open space. The vertical separation, landscape screening and setbacks from the boundaries assists in minimising overlooking to sensitive areas.
3.5 Visual privacy	

R-Codes Volume 2 – Part 3 – Siting the Development	
Element Objectives	**Officer Comments**
O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.	As outlined in the Planning Assessment section of the RAR, the development achieves the Element Objectives and the City supports the manner the building design addresses potential overlooking of the neighbouring properties from the windows and balconies.
3.6 Public domain interface *O 3.6.1 The transition between the private and public domain enhances the privacy and safety of residents.* *O 3.6.2 Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.*	The development achieves the Element Objectives for the following reasons: • The development is expected to have a security system to prevent unauthorised public access into the building. • The building façade design does not create concealed spaces. • Passive surveillance is provided over the street, from the habitable room windows and balconies on the building's façade. • Landscaping, including trees, are planted within the street setback area of the site.
3.7 Pedestrian access and entries *O 3.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.* *O 3.7.2 Entries to the development connect to and address the public domain with an attractive street presence.*	The development achieves the Element Objectives for the following reasons: • Universally access is provided from the street to lobby. All dwellings have step free access from the lobby and the car parking levels, by using the lifts. • The pathway from the street to the lobby and from the car park to the lift is evident. • An awning is provided over the lobby entrance, providing sun and rain protection. • It is expected that all communal areas will have adequate lighting. A lighting condition is required to ensure its provision.
3.8 Vehicle access *O 3.8.1 Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.*	The development achieves the Element Objectives for the following reasons: • The driveways meet the Acceptable Outcomes requirements for vehicle sightlines at the street boundary.

R-Codes Volume 2 – Part 3 – Siting the Development	
Element Objectives	**Officer Comments**
O 3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape.	• The car park is fully enclosed within the building and no vehicle headlights will face into dwellings within the development or into adjoining properties. • The driveway is not a dominant element of the building's facade, noting vehicle access is limited to one driveway. • Two-way vehicle access is provided. • Pedestrian access between the street and the development is separated from vehicles. • The only area pedestrians share a space with vehicles is within the car park, which should be a low vehicle volume and speed environment.
3.9 Car and bicycle parking *O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.* *O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.* *O 3.9.3 Car parking is designed to be safe and accessible.* *O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*	The development achieves the Element Objectives for the following reasons: • The development provides an average of 1.37 car bays for resident parking per dwelling, the equivalent of approximately one out of three dwellings having two parking spaces. This amount of parking achieves the minimum and maximum Acceptable Outcome parking rates and is appropriate for an apartment development within an activity centre with good access to high frequency public transport. • The development achieves the minimum Acceptable Outcomes parking rates for bicycles and motorcycles and scooters. This is seen to actively encourage the use of alternative modes of transport. • The car park is concealed from the view of the street, located behind the dwellings and lobby on the Ground Floor level of the building. • The car park design generally satisfied the Australian Standards, such as AS/NZS 2890.1. Certification is required with the building permit application to confirm compliance. • It is expected that appropriate signage will be provided on site to designate the visitor parking and a parking management plan to appropriately consider access

R-Codes Volume 2 – Part 3 – Siting the Development	
Element Objectives	**Officer Comments**
	arrangements into the car parking area. Conditions are recommended to address these matters.

In reference to Element 3.9, the provision of parking is outlined in the tables below:

R-Codes Volume 2 Element 3.9 Number of Car Parking Bays Assessment – Residential			
Parking Type	**Acceptable Outcomes Rate**	**Proposed Dwellings**	**Bays Required / Permitted**
One Bedroom Dwellings	Minimum 0.75 bays per dwelling	Seven	Minimum six resident bays Note 1
	Maximum 1.5 bays per dwelling		Maximum 11 resident bays Note 1
2+ Bedroom Dwellings	Minimum one bay per dwelling	28	Minimum 28 resident bays
	Maximum two bays per dwelling		Maximum 56 resident bays
Visitors	Minimum one bay per four dwellings up to 12 dwellings (0.25) and one bay per eight dwellings for the 13th dwelling and above (0.125)	35	Minimum six visitor bays Note 1
	Maximum two bays per four dwellings up to 12 dwellings (0.5) and two bays per eight dwellings for the 13th dwelling and above (0.25)		Maximum 12 visitor bays Note 1
Acceptable Outcomes Total Required (Minimum):			34 resident bays and six visitor bays
Acceptable Outcomes Total Permitted (Maximum):			67 resident bays and 12 visitor bays
Total Provided:			48 resident bays and six visitor bays
Acceptable Outcomes Total Required Surplus / Shortfall:			Residents: 16 bays surplus Visitors: Nil
Acceptable Outcomes Total Permitted Surplus / Shortfall:			Residents: 19 bays under the maximum Visitors: Six bays under the maximum

Notes:
1: The number of car bays is rounded up to the nearest whole number as per Note 1 of Table 3.9.

R-Codes Volume 2 Element 3.9 Number of Bicycle Parking Spaces Assessment – Residential			
Parking Type	**Acceptable Outcomes Rate**	**Proposed Dwellings**	**Spaces Required**
Resident	Minimum 0.5 spaces per dwelling	35	Minimum 18 resident spaces Note 1
Visitors	Minimum one space per 10 dwellings (0.1)	35	Minimum four visitor spaces Note 1
		Total Provided:	18 resident spaces and four visitor spaces
Acceptable Outcomes Total Required Surplus / Shortfall:			Residents: Nil Visitors: Nil

Notes:
1: The number of bicycle spaces is rounded up to the nearest whole number as per Note 1 of Table 3.9.

R-Codes Volume 2 Element 3.9 Number of Motorcycle / Scooter Parking Spaces Assessment – Residential			
Parking Type	**Acceptable Outcomes Rate**	**Variable**	**Spaces Required**
Residential	Minimum one space per 10 car bays (0.1)	54 car bays	Minimum six spaces Note 1
		Total Provided:	Six spaces
Acceptable Outcomes Total Required Surplus / Shortfall:			Nil

Notes:
1; The number of motorcycle / scooter spaces is rounded up to the nearest whole number as per Note 1 of Table 3.9.

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
4.1 Solar and daylight access *O 4.1.1 In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.* *O 4.1.2 Windows are designed and positioned to optimise daylight access for habitable rooms.* *O 4.1.3 The development incorporates shading and glare control to minimise heat gain and glare:* *- from mid-spring to autumn in climate zones 4, 5 and 6 AND* *- year-round in climate zones 1 and 3.*	The development achieves the Element Objectives for the following reasons: • Most dwellings have either a north east or north west orientation to their balcony and adjacent internal living space. 25 of the total 35 dwellings will receive at least two hours of winter sunlight and no dwellings will receive no winter sunlight. • All habitable room have an adequately sized exterior window for daylight. • Most living areas will be shaded from direct summer sunlight by the roof of the adjacent balcony.
4.2 Natural ventilation	

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
O 4.2.1 Development maximises the number of apartments with natural ventilation. *O 4.2.2 Individual dwellings are designed to optimise natural ventilation of habitable rooms.* *O 4.2.3 Single aspect apartments are designed to maximise and benefit from natural ventilation.*	The development achieves the Element Objectives for the following reasons: • 33 of the total 35 dwellings can achieve natural cross ventilation. • The room and window layouts enable adequate air flow through the rooms. • Fresh air is not provided by lightwells. • The communal corridors on Levels 1 to 4 inclusive are not fully enclosed. The single aspect dwellings on these levels have an openable window to the corridor, to allow some cross ventilation to be provided to those dwellings.
4.3 Size and layout of dwellings *O 4.3.1 The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.* *O 4.3.2 Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.*	The development achieves the Element Objectives for the following reasons: • 30 of the total 35 dwellings meet the minimum Acceptable Outcomes total internal floor area. • All bedrooms meet the minimum Acceptable Outcomes area and dimensions. • While the living rooms of the two and three bedroom dwellings are narrower than the minimum Acceptable Outcomes requirements, having regard to the furniture layout, these rooms are functional and provide an adequate level of resident amenity. • A minimum 2.8 metres ceiling height is provided. • No living rooms exceed the maximum Acceptable Outcomes room depth from the exterior window. • 24 of the total 35 dwellings have a kitchen that does not exceed the maximum 9.0 metres Acceptable Outcomes room depth from the exterior window. All remaining kitchens receive a reasonable level of natural light, noting the favourable orientation of these dwellings to the north east or north west (the greatest depth to the back wall of a kitchen is 10.1 metres).

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
4.4 Private open space and balconies *O 4.4.1 Dwellings have good access to appropriately sized private open space that enhances residential amenity.* *O 4.4.2 Private open space is sited, oriented and designed to enhance liveability for residents.* *O 4.4.3 Private open space and balconies are integrated into the overall architectural form and detail of the building.*	The development achieves the Element Objectives for the following reasons: • 27 of the total 35 dwellings have a private open space that meets the minimum Acceptable Outcomes area and dimension. • While the terraces for the three dwellings on the Ground Floor level do not meet the minimum Acceptable Outcome area and dimension requirements for ground floor dwellings, these dwellings are single bedroom dwellings and would meet the minimum Acceptable Outcome requirements for single bedroom dwellings. • The two-bedroom dwellings that do not meet the minimum Acceptable Outcome area have a secondary miniature balcony that provides some additional outdoor space. • The three-bedroom dwellings that do not meet the minimum Acceptable Outcome area would meet the minimum Acceptable Outcome area for a two-bedroom dwelling. There is enough space for a functional and useable private open space. • All balconies and ground floor terraces are directly connected to an internal living space. • All balconies have a wholly or predominately unscreened external elevation, providing residents with an adequate visual outlook. • The balconies are integrated into the buildings' design. • No visible services and fixtures are proposed on the balconies.
4.5 Circulation and common spaces *O 4.5.1 Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.* *O 4.5.2 Circulation and common spaces are attractive, have good amenity and support*	The development achieves the Element Objectives for the following reasons: • The path of travel through the communal space is designed to accommodate universal access, with all dwellings, communal spaces and parking spaces accessible without stairs.

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
opportunities for social interaction between residents.	• The corridor to Apartment G03 is 1.5 metres in width and all other communal corridors are at least 1.6 metres in width, which exceeds the minimum Acceptable Outcomes width of 1.5 metres. • The majority of circulation and common spaces are provided with an external outlook. • The development avoids creating spaces that provide concealment opportunities. • It is expected that the common spaces can be appropriately lit without adverse light spill impacts into the dwellings. • No dwelling windows directly open onto common spaces.
4.6 Storage *O 4.6.1 Well-designed, functional and conveniently located storage is provided for each dwelling.*	The development achieves the Element Objective for the following reasons: • A storage area is provided for each dwelling and are compliant with the Acceptable Outcomes minimum dimensions. • The storage areas are in the car park and are seen to be provide convenient access to residents. • The storage areas are concealed from public view, located within the car park.
4.7 Managing the impact of noise *O 4.7.1 The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.* *O 4.7.2 Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.*	The development achieves the Element Objectives for the following reasons: • The application includes an acoustic report that responds to road noise impacts from Grand Promenade, noise emissions from the rooftop mechanical and plant equipment and the lifts. • Acoustic treatments can be made to the development to mitigate noise impacts for internal spaces. A condition is required to ensure all noise mitigation measures are implemented. • The servicing, utility and amenity areas are located away from the dwellings.
4.8 Dwelling mix	

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
O 4.8.1 *A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.*	The development achieves the Element Objective for the following reasons: • The development provides a mix of single bedroom, two-bedroom and three-bedroom dwellings that can accommodate a variety of household types. Overall, there are seven single bedroom dwellings, or 20%, 22 two-bedroom dwellings, or 62.9% and six three-bedroom dwellings, or 17.1%. • There is a variety of dwelling types provided on most floor levels throughout the development. • The mix of dwellings is considered to be appropriate in this location.
4.9 Universal design *O 4.9.1* *Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.*	The development achieves the Element Objectives for the following reasons: • Seven dwellings, or 20%, are to achieve Silver Level certification under the Livable Housing Design Guidelines, which would satisfy the Acceptable Outcomes. A condition is required to ensure compliance. • Each Silver Level dwelling is provided with a 4.8 metres wide car bay, which provides additional space for those residents to enter and exit their vehicle, compared to a standard car bay (2.4 metres in width).
4.10 Façade design *O 4.10.1* *Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.* *O 4.10.2* *Building façades express internal functions and provide visual interest when viewed from the public realm.*	The development achieves the Element Objectives for the following reasons: • The development has a three level podium base, which reflects the height of the apartment building on the opposite side of Chester Avenue to the subject site. The two levels above have a noticeably reduced tower footprint from having relatively greater setbacks from the street, side and rear boundaries. • The development includes articulation through a variety of colours and materials. • The development has balconies and habitable room windows facing the street.

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
4.11 Roof design *O 4.11.1 Roof forms are well integrated into the building design and respond positively to the street.* *O 4.11.2 Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.*	The development achieves the Element Objectives for the following reasons: • The development has a flat roof form which is concealed from view. • The communal open space is provided on the roof of the building. • Solar panel arrays are provided on the roof of the building.
4.12 Landscape design *O 4.12.1 Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.* *O 4.12.2 Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.* *O 4.12.3 Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.* *O.4.12.4 Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.*	The development achieves the Element Objectives for the following reasons: • The street setback area and verge are landscaped, including the planting of trees. • The tree canopy will contribute towards to the provision of an attractive outlook, particularly for the dwellings on the lower levels. • The City is satisfied with the species selected. A condition is required to ensure a final and detailed landscaped plan is approved and implemented.
4.13 Adaptive reuse *O 4.13.1 New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.* *O 4.13.2 Residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy.*	These Element Objectives are not applicable, as the development does not retain the existing development.
4.14 Mixed use *O 4.14.1 Mixed use development enhances the streetscape and activates the street.* *O 4.14.2 A safe and secure living environment for residents is maintained through the design and management of the*	These Element Objectives are not applicable, as the development does not contain any non-residential uses.

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
impacts of non-residential uses such as noise, light, odour, traffic and waste.	
4.15 Energy efficiency *O 4.15.1 Reduce energy consumption and greenhouse gas emissions from the development.*	The development achieves the Element Objective for the following reasons: • The development is on track to meet the Acceptable Outcomes. A condition is required to ensure energy efficiency measures are provided. • The Applicant has submitted an Ecologically Sustainable Design Report that includes identifies the sustainability outcomes of the development. This includes targeting a NatHERS performance that is one star above the minimum requirement. • The roof plans identify the installation of solar panel arrays on the roof top.
4.16 Water management and conservation *O 4.16.1 Minimise potable water consumption throughout the development.* *O 4.16.2 Stormwater runoff from small rainfall events is managed on-site, wherever practical.* *O 4.16.3 Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.*	The development achieves the Element Objectives for the following reasons: • The Applicant has submitted an Ecologically Sustainable Design Report that includes identifies the sustainability outcomes of the development. This includes minimum WELS ratings for fixtures and fittings. • Stormwater is identified to be disposed on-site and will be required via condition of approval.
4.17 Waste management *O 4.17.1 Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.* *O 4.17.2 Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*	The development achieves the Element Objectives for the following reasons: • The provided Waste Management Plan is broadly accepted by the City in relation to waste generation, storage and collection. A condition is required to ensure a waste management plan is approved and implemented. • The bin storage area is concealed from view of the street. • The supplied Waste Management Plan advises that space is provided within each kitchen to house separate waste and recycling bins

R-Codes Volume 2 – Part 4 – Designing the Building	
Element Objectives	**Officer Comments**
	and a kitchen caddy for food organics garden organics (FOGO) waste (residents empty these bins into the communal bins). • The supplied Waste Management Plan refers to ongoing communication with residents relating to the correct use of the waste facilities.
4.18 Utilities *O 4.18.1 The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.* *O 4.18.2 All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.* *O 4.18.3 Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.* *O 4.18.4 Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.*	The development achieves the Element Objectives for the following reasons: • The site is serviced with the necessary utilities. • All utilities are accessible and do not restrict safe movement. • Utilities are concealed from prominent view. • Laundry spaces are provided in each dwelling and are expected to be suitable for residents.

2.0 State Planning Policy 4.2 – Activity Centres (SPP 4.2)

The development is within the Dianella Activity Centre, a District Centre under SPP 4.2.

In relation to dwelling density, the development proposes 35 dwellings and achieves the average residential density of 25+ dwellings per gross hectare of Urban Zone land within the walkable catchment.

It is acknowledged that the addition of residential dwellings on the subject site is appropriate to support the non-residential functions of the Activity Centre, establish a sense of community and increase activity outside normal business hours. Notwithstanding, it is critical that the built form of the development is compatible with

the context and character of the area, without causing unreasonable adverse amenity impacts.

The form of the development is considered to satisfy the provisions of the relevant State and local planning framework and is supported by the City, as addressed in the RAR.

3.0 State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)

SPP 7.0 applies to all development in Western Australia. The purpose of SPP 7.0 is to inform and guide landowners, proponents, designers, reviewers and decision-makers to achieve good design outcomes in the built environment.

The City's summary of the proposed development against SPP 7.0 is as follows:

SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
1.Context and Character *Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*	Dianella is primarily a low to medium density residential suburban area. The subject site is within the Dianella Activity Centre, which is a section of the suburb anchored by the Dianella Plaza Shopping Centre and located adjacent to high frequency bus routes. This area is intended to provide for a higher density form than the surrounding suburban areas. Clause 6.12 of LPS3 and the Dianella Centre Plan provide for maximum building heights of six storeys in the commercial areas transitioning down to three storeys in the residential areas. The City's assessment concludes the development is consistent with the planned future character of the area in terms of height, bulk and scale.
2. Landscape Quality *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*	The proposed development provides for substantial on-site landscaping with 18 Medium Trees and 17 Small Trees with tree canopy cover of 436m² (22%). This represents a significant increase in canopy cover which is currently 54m² (3%) on-site. The abovementioned planting of the Medium Trees and Small Trees on the subject site addresses the City's requirement for new developments to include the planting of Advanced Trees.
3. Built Form and Scale	The planning provisions for the Dianella Activity Centre were prepared through a

SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
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.	strategic planning exercise, including community consultation, which informed the specific built form provisions of Clause 6.12 of LPS3. Discretion is being sought to the primary built form controls of Clause 6.12 of LPS3 influencing the height, bulk and scale of the development. The discretion being sought is consistent with desired built form outcomes envisaged for the area and is appropriate for its setting.
4. Functionality and Build Quality *Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.*	The development includes dwellings with universal design features, which assists those residents to changes, such as disabilities, limited mobility and ageing, and a variety of apartment types. The internal design of the proposed development satisfies the needs of occupants.
5. Sustainability *Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*	The development achieves the Element Objectives of R-Codes Volume 2 relating to the landscaping of the site, energy efficiency and water management and conservation. The development does not have an oversupply of private car parking spaces, encouraging the use of active and public transport options.
6. Amenity *Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*	The development provides a good level of amenity to residents, there are no design issues that would substantially affect the liveability of the new dwellings. The City is satisfied that the height, bulk and scale of the development has been designed so as not to adversely affect the amenity of the neighbouring properties.
7. Legibility *Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*	The development has a legible layout, with evident pathways and entrances into the development and passages within the development.
8. Safety *Good design optimises safety and security, minimising the risk of personal*	The development provides passive surveillance over the streetscape. There are no significant safety design issues present within the development.

SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
harm and supporting safe behaviour and use.	
9. Community *Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*	The development provides opportunities for interaction between residents, such as within the communal open space area. The development includes dwellings specifically designed to provide universal access and adaptability.
10. Aesthetics *Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*	The proposed design presents well to the street utilising a range of high quality materials and a range of colours. The development has been designed so that the height, bulk and scale is aligned with the future character of the area.

4.0 Traffic

In support of the proposed development, the Applicant submitted a Transport Impact Statement prepared by Shawmac. The Applicant's Transport Impact Statement predicts the development will generate approximately 18 trips during both the morning and afternoon peak hours. The road network has the capacity to accommodate the additional traffic generated by this development and is not expected to cause a greater traffic safety risk. The Applicant's Transport Impact Statement has been reviewed by the City and is supported.

It is noted that the adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times. Although the development may slightly increase the existing congestion during peak periods, the additional traffic volume generated by the proposed development is relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.

LOT NO. 201 (HOUSE NUMBER 39) CHESTER AVENUE, DIANELLA – 43 MULTIPLE DWELLINGS

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner-North JDAP
Local Government Area:	City of Stirling
Applicant:	Urbanista Town Planning
Owner:	Affluent Property Investments Pty Ltd and Snow Oak Pty Ltd
Value of Development:	$8 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)
Responsible Authority:	City of Stirling
Authorising Officer:	Amanda Sheers, Director Planning and Development
LG Reference:	DA23/0883
DAP File No:	DAP/23/02548
Application Received Date:	29 August 2023
Report Due Date:	30 November 2023
Application Statutory Process Timeframe:	90 Days, with an additional 16 days agreed between the Applicant and City of Stirling
Attachment(s):	1. Development Plans (date stamped 27 October 2023) 2. Aerial Location Plan 3. Metropolitan Region Scheme Zoning Map 4. City of Stirling Local Planning Scheme Zoning Map 5. Applicant's Original Planning Submission (as accepted for assessment on 29 August 2023) 6. Applicant's Revised Planning Submission (received 27 October 2023) 7. Applicant's Responses to Submissions (received 9 November 2023) 8. Schedule of Submissions 9. City of Stirling Design Review Panel Reports a. Design Review Report dated 24 November 2022 b. Design Review Report dated 16 March 2023 c. Design Review Report dated 25 May 2023 d. Design Review Report dated 28 September 2023 10. Planning Assessment – Residential Design Codes Volume 2 - Apartments

Previous Responsible Authority Report

Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes ☐ N/A ☐ No ☒ To be advised – the Council resolution is scheduled after the RAR due date.

Responsible Authority Recommendation

That the Metro Inner-North JDAP resolves to:

1. **Refuse** DAP Application reference DAP/23/02548 and accompanying plans (as listed in the table) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No. 3, for the following reasons:

    a. Pursuant to Schedule 2, Part 9, Clause 67 (2)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the height, bulk and scale of the proposed development is not consistent with the planned built form outcomes for the subject site as identified in Clause 6.12.4 b) and Table 6.12.4 b) of City of Stirling Local Planning Scheme No. 3.

    b. Pursuant to Schedule 2, Part 9, Clause 67 (2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not minimise direct overlooking of adjoining properties.

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    c. Pursuant to Schedule 2, Part 9, Clause 67 (2)(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015,* the height, bulk and scale of the development is not compatible with its setting and will have a significant negative impact on amenity.

    d. Pursuant to Schedule 2, Part 9, Clause 67 (2)(y), submissions received in relation to building height which raise valid concerns in relation to the height, bulk and scale of the development and visual privacy which will have an adverse impact on amenity.

<u>List of Development Plans</u>

PLAN TITLE	DATE	REVISION	DRAWN BY
A1-01 Site Plan	4 September 2023	A	Space Collective Architects
A2-01 Ground Floor Plan	23 October 2023	B	Space Collective Architects
A2-02 Mezzanine Floor Plan	23 October 2023	B	Space Collective Architects
A2-03 Level 1 Plan	23 October 2023	B	Space Collective Architects
A2-04 Level 2-3 Plan	23 October 2023	B	Space Collective Architects
A2-05 Level 4 Plan	23 October 2023	B	Space Collective Architects

PLAN TITLE	DATE	REVISION	DRAWN BY
A2-06 Level 5 Plan	23 October 2023	B	Space Collective Architects
A2-07 Rooftop Terrace	23 October 2023	B	Space Collective Architects
A2-08 Roof Plan	23 October 2023	B	Space Collective Architects
A3-01 East Elevation	23 October 2023	B	Space Collective Architects
A3-02 North Elevation	23 October 2023	B	Space Collective Architects
A3-03 West Elevation	23 October 2023	B	Space Collective Architects
A3-04 South Elevation	23 October 2023	B	Space Collective Architects
A4-01 Section	20 October 2023	B	Space Collective Architects
A4-02 Section 1A & Section 1B	20 October 2023	B	Space Collective Architects
A4-03 Section 2A & Section 2B	20 October 2023	B	Space Collective Architects

Advice Notes

1. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

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Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Stirling Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Residential R-AC3
Structure Plan/Precinct Plan	Dianella Centre Plan
Structure Plan/Precinct Plan - Land Use Designation	Residential
Use Class and permissibility:	Multiple Dwelling – P^1 P – Use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme. P^1 – A 'P' Use, with a cross reference to Condition 1: Multiple Dwellings not permitted in areas coded R35 or below.
Lot Size:	1,883m^2
Existing Land Use:	Grouped Dwelling
State Heritage Register	No

Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Proposed Land Use	Multiple Dwelling
Proposed Plot Ratio Area	4,761m^2 (2.53 plot ratio)
Proposed No. Storeys	Seven (7), comprising six (6) levels of apartments and the roof terrace
Proposed No. Dwellings	43

Background:

Pre-Lodgement

The Applicant first sought preliminary advice (PDA22/0113 refers) on 13 October 2022 from the City's Design Review Panel (DRP) with conceptual drawings of the proposed development submitted for review. Prior to the City's referral of the submitted proposal to DRP, the City met with Applicant on 31 October 2022 to discuss the key elements of the proposal, including building height. The pre-development application allowed the Applicant to seek comments from the City's DRP and to refine the proposal, from a design perspective, prior to the lodgement of a formal development application. The pre-development application was considered by the DRP on three (3) other occasions at meetings held on 24 November 2022, 16 March 2023 and 25 May 2023.

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The City provided high-level written pre-lodgement advice on 11 April 2023, following the second DRP meeting. In all meetings, and in written advice provided by the City, the proposed building height has been identified as a major issue which needed to be resolved. As noted in the reasons for refusal in the Responsible Authority Recommendation section of this RAR, the issues relating to building height have not been addressed.

Development Application

The development application is for a Multiple Dwelling development at Lot 201, House Number 39, Chester Avenue, Dianella, containing 43 dwellings within a seven (7) storey building. The development is summarised as follows:

- A seven (7) storey development comprising six (6) levels of apartments, including car parking, and a roof terrace.
- A total of 64 car parking bays within the basement and mezzanine levels.
- A communal open space area located on the rooftop of the development with other landscaped areas provided on the Ground Level and Level 1.

The development application was submitted to the City on 18 July 2023. Additional information was received by the City on 25 July 2023, 22 August 2023 and 29 August

2023 in response to a Clause 63A Request for Further Information dated 25 July 2023. The application was accepted for assessment on 29 August 2023.

A Clause 65A Request for Further Information letter was provided to the Applicant on 5 October 2023, requesting revised plans and/or further justification in response to the City's planning assessment and referral comments. Revised plans and further information were received by the City on 27 October 2023.

Site Context

The subject site is zoned Urban under the Metropolitan Region Scheme (MRS) (Attachment 3) and Residential with a R-AC3 coding under Local Planning Scheme No. 3 (LPS3) (Attachment 4).

The subject site is 1,883m^2 in area, has a 31.27 metre frontage to Chester Avenue and is within the Dianella Activity Centre. The existing development on the subject site is a single storey Grouped Dwelling complex containing six dwellings.

The neighbouring properties to the south west, south east and east are zoned Residential RAC-3 and consist of single storey Single House and Grouped Dwelling developments. The neighbouring property to the north west is zoned District Centre R-AC2 and contains an Educational Establishment and a Place of Worship (Our Lady's Assumption School and Catholic Church), with single and two storey school buildings and a playground located immediately adjacent to the subject site. The neighbouring property to the north east on the opposite side of Chester Avenue is zoned Residential R-AC2 and contains a Multiple Dwelling development, with a three-storey building facing Chester Avenue and a four-storey building facing Waverley Street.

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Chester Avenue is classified as a Local Road under the City's Functional Road Hierarchy. This section of Chester Avenue is a 'no-through' road to vehicles. Pedestrians and cyclists can pass through the City's Dianella Library site, House Number 44 Chester Avenue, to access the Dianella Plaza Shopping Centre and other areas to the north of the subject site via a pedestrian accessway.

City of Stirling Local Planning Strategy

The City of Stirling Local Planning Strategy was endorsed by the Western Australian Planning Commission in October 2019 and it sets the vision and long-term planning direction for the City of Stirling.

One of objective of the Local Planning Strategy is to prioritise growth and investment in activity centres and corridors. The Local Planning Strategy identifies density targets for each activity centre. For district centres such as Dianella, this includes a minimum 20 dwelling and desirable 30 dwelling density target per gross hectare.

There are 164 existing dwellings within the Dianella Activity Centre, including six (6) dwellings on the subject site. This equates to an existing density of approximately 14 dwellings per hectare within the boundaries of the Dianella Activity Centre.

While the addition of more dwellings is broadly seen as a positive outcome, The City's assessment finds that the manner and form that these dwellings are being proposed imposes adverse amenity impacts to the surrounding properties.

Dianella Activity Centre

The Dianella Activity Centre is a District Centre under the Activity Centres Hierarchy in State Planning Policy 4.2 Activity Centres. The Dianella Activity Centre comprises the land bound by Alexander Drive, Waverley Street, Kerry Street and Grand Promenade. The Dianella Activity Centre includes the Dianella Plaza Shopping Centre, the City's Dianella Library and Our Lady's Assumption Church and School.

The Dianella Activity Centre boundary correlates with the Dianella Centre Special Control Area identified in LPS3. Development within the Special Control Area is subject to the relevant provisions of Clause 6.12 of LPS3.

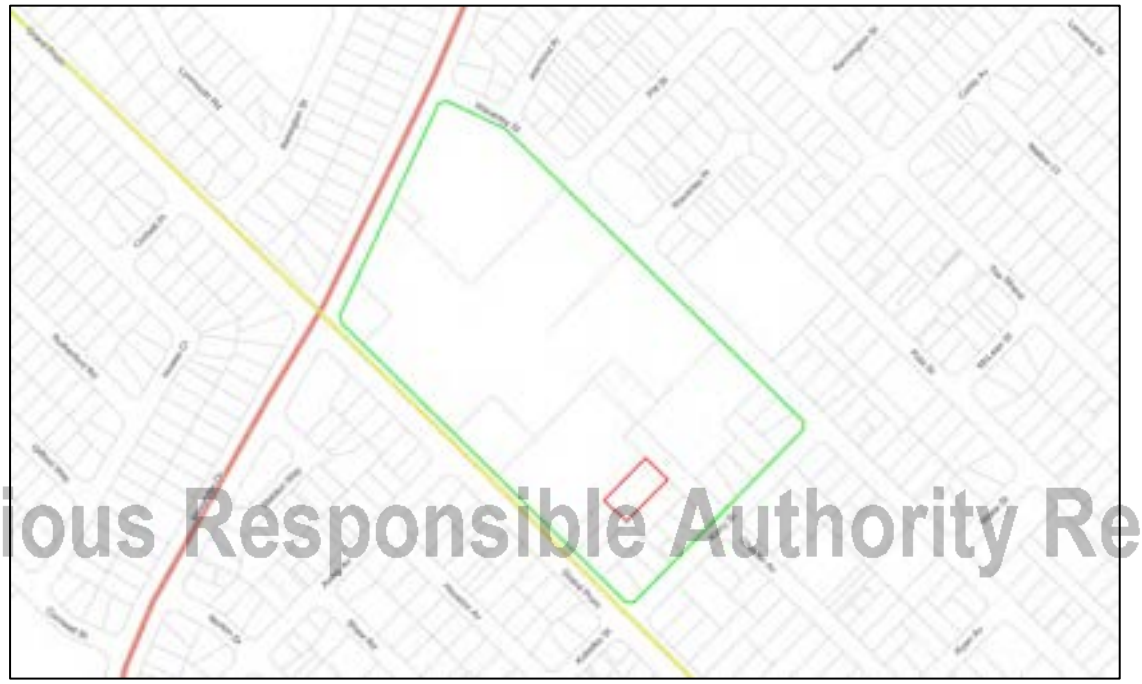

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Figure 1 Dianella Activity Centre and Dianella Centre Special Control Area Boundaries (in Green)

The Dianella Centre Plan was approved by Council in August 2012 and is a Structure Plan operative under Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Dianella Centre Plan was established to provide a broad framework to guide the future development of the Dianella Activity Centre in a way that enhances the operation of the shopping centre, improves amenity, and increases the range of activities and services available to the community.

In reference to building height and built form, the Dianella Centre Plan indicates that the tallest buildings should be located within the commercial area, such as the shopping centre and former hotel sites, with lower heights in the residential areas, to transition to the residential areas outside of the Activity Centre. The Dianella Centre Plan identifies that a three to six storey built form would be acceptable for the commercial areas and the residential areas should have a two to three storey built form. The subject site is identified on the Indicative Development Opportunities Plan contained with the Dianella Centre Plan as two to three storey townhouses.

Figure 2 Dianella Centre Plan Figure 17 – Indicative Development Opportunities Plan

The City and Council subsequently progressed a scheme amendment to LPS3, Amendment No. 7, which was ultimately gazetted in September 2014. Amendment No. 7 introduced Clause 6.12, the Dianella Special Control Area, into LPS 3 and the current zonings to the south eastern portion of the Activity Centre. The subject site was rezoned from the R30 to the R-AC3 density code, with the inclusion of built form provisions in LPS3 Table 6.12.4 b) to replace the acceptable development R-AC3 provisions of the Residential Design Codes that would have otherwise applied. In effect, LPS3 Table 6.12.4 b) replaced the following acceptable development provisions applicable to the subject site:

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- Maximum plot ratio, reduced from 2.0 to 1.5.
- Maximum height –
    - Top of external wall, reduced from 18 metres to 9.5 metres.
    - Top of external wall (concealed roof), reduced from 19 metres to 11 metres.
    - Top of pitched roof, reduced from 21 metres to 15 metres.

The specific built form outcomes referenced above were informed through community consultation undertaken as part of the Dianella Centre Plan.

The north western portion of the Activity Centre, consisting of the Dianella Plaza Shopping Centre and adjacent commercial properties, was not rezoned at the time, to District Centre with the R-AC2 code applying through a provision and figure in the scheme text, as an amendment was considered premature. At the time, a light rail project was being planned, the design of the Dianella light rail station and bus interchange adjacent to the Activity Centre had not been completed and the State Government had initiatives to create a planning framework along the future Alexander Drive light rail corridor.

The State Government later determined not to proceed with the light rail project. A new scheme amendment to rezone the rest of the Dianella Activity Centre has not eventuated.

<u>Draft Local Planning Scheme No. 4 (LPS 4)</u>

On 15 August 2023, Council resolved (Council Resolution Number 0823/034) to prepare Local Planning Scheme No.4 (LPS 4). City officers have prepared draft LPS 4 with a report prepared for consideration by Council's Planning and Development Committee Meeting on 28 November 2023 and for consideration by Council at its Ordinary Meeting on 5 December 2023. The purpose of this report is to obtain resolution of Council to commence advertising of draft LPS 4 and to obtain advice from the Western Australian Planning Commission on any modifications to LPS 4 prior to the commencement of advertising.

At the time of preparing this report, the Minutes from the Ordinary Council meeting on 5 December 2023 were not available. These will be provided as an addendum to the City's Responsible Authority Report.

In relation to draft LPS 4, a decision-maker can give due regard to a seriously entertained planning proposal when determining an application, in accordance with Schedule 2 Clause 67(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The final form of draft LPS4 is not imminent nor certain at this time, noting the draft scheme has not been advertised, and accordingly no weight should be given to the proposed development controls when determining this application. Accordingly, the City has not assessed the development against draft LPS 4.

Notwithstanding the above, the City has provided a brief summary of the key modifications proposed to the subject site and surrounding area as per draft LPS 4 for contextual purposes.

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Subject Site:

- Zoning: Residential R80.
- Removal of specific built form controls that currently apply through Table 6.12.4 b) of LPS 3 and replacement with the built form controls of Table 2.1 of State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments (SPP7.3):
    - Building Height: Four storeys.
    - Street setback: 2.0 metres.
    - Side and rear setbacks: 3.0 metres, with 3.5 metres average side setback for wall lengths greater than 16 metres.
    - Boundary walls: Two storeys.
    - Plot ratio: 1.0.

Surrounding Properties:

- All sites zoned Residential R-AC2 and R-AC3 within the Dianella Special Control Area of LPS3 are proposed to be recoded to Residential R80 in draft LPS4.
- The District Centre, Hotel and Service Station zones within the Dianella Special Control Area under LPS3 are proposed to be rezoned to Centre R-AC0.
- The zoning and density coding of the Residential zoned properties immediately surrounding the Dianella Special Control Area of LPS3 are proposed to be left unchanged in draft LPS4.
- There are no development provisions specifically applicable to the Dianella Special Control Area under draft LPS4 that vary the provisions of SPP 7.3.

An extract of the Scheme Map of draft LPS4 showing the zoning of the Dianella Activity Centre, as per the agenda of Council's Planning and Development Committee meeting held on 28 November 2023, is shown in Figure 3.

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Figure 3 Proposed draft LPS4 Zoning – Dianella Activity Centre

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme (MRS)
- City of Stirling Local Planning Scheme No. 3 (LPS3)

State Government Policies

- State Planning Policy 4.2 – Activity Centres (SPP4.2)
- State Planning Policy 5.4 – Road and Rail Noise (SPP5.4)
- State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)
- State Planning Policy 7.2 – Precinct Design (SPP7.2)
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (SPP7.3)

Structure Plans/Activity Centre Plans

- Dianella Centre Plan

Local Policies

- Local Planning Policy 6.3 – Bin Storage Areas (LPP6.3)
- Local Planning Policy 6.6 – Landscaping (LPP6.6)
- Local Planning Policy 6.7 – Parking and Access (LPP6.7)
- Local Planning Policy 6.11 – Trees and Development (LPP6.11)
- Local Planning Policy 6.12 – Public Art on Private Land (LPP6.12)
- Local Planning Policy 6.18 – Public Consultation (LPP6.18)

Consultation:

Public Consultation

The application is defined as a 'Complex Application' as per LPP6.18 and was advertised for a period of 28 days, in accordance with Schedule 2 Clause 64(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with advertising commencing on 15 September 2023 and concluding on 16 October 2023.

Consistent with the requirements of Schedule 2 Clause 64(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertising included letters to owners and occupiers within 200 metres of the site, the installation of signage on site, and a notice placed on the City's website. Notification was also provided to Ward Councillors at the commencement of the consultation period.

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During the public consultation period, the City received 62 submissions. These are summarised with their relative locations in the table.

Submissions Received	Within 200m Radius		Greater than 200m Radius		All Submissions	
Support	0	(0.0%)	1	(1.6%)	1	(1.6%)
Object	37	(59.7%)	23	(37.1%)	60	(96.8%)
Other (Not stated / no opinion / 'conditional')	1	(1.6%)	0	(0.0%)	1	(1.6%)
Total	38	(61.3%)	24	(38.7%)	62	(100%)

All matters raised in the submissions received during the consultation period have been summarised in the table below. Additionally, the table outlines the number of submissions of which a specific matter was raised, and the City's response to the matter.

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
43	Proposed development will exacerbate existing traffic congestion issues.	It is noted that the adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times, as demonstrated

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		during site visits and correspondence with the community. Although the development may slightly increase the existing congestion during peak periods of the Educational Establishment, the additional traffic volume generated by the proposed development is relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.
31	Proposed development results in loss of privacy to the adjoining primary school.	The development has outlook from the private balconies and the roof top communal open space area, over the school grounds. The setback of the balconies on the lower levels, Levels 1, 2 and 3, meets the minimum Acceptable Outcomes distance of SPP 7.3. The development does not meet the Element Objectives of SPP 7.3 for visual privacy.
26	Proposed building height results in adverse overshadowing to surrounding properties.	The Applicant has prepared a series of overshadowing diagrams in their submission, showing the shadow cast by the development at hourly intervals between 9.00am and 3.00pm on 21 June (Winter Solstice). The proposed height of the development exceeding the maximum building height requirements prescribed by the Local Planning Scheme is contributing towards a greater overshadowing impact to the neighbouring properties and results in

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		those properties being adversely affected by the development.
22	Proposed building height is inconsistent with existing character of the area.	The existing character of the area is largely single storey residential buildings, with an apartment building opposite the subject site that presents as three (3) storeys high as viewed from Chester Avenue. The proposed development is inconsistent with the existing character of the area. Noting that the planning framework has planned for a more intense built form within the Dianella Activity Centre, consideration of the existing and planned future character should be given when determining the suitability of this development. The development is also inconsistent with the future character, as the site is within a transition area and the height of this development does not provide an appropriate transition between the planned more intensive commercial core of the Dianella Activity Centre and the lower scale residential areas beyond the boundaries of the Activity Centre.
16	Proposed development will result in loss of privacy to surrounding properties.	The development has outlook over the surrounding properties. The development does not meet the Element Objectives of SPP 7.3 for visual privacy.

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
15	The proposed density is not appropriate for the site location.	The development proposes 43 dwellings and achieves the average residential density of 25+ dwellings per gross hectare of Urban Zone land within the walkable catchment of the Dianella Activity Centre, as identified in SPP 4.2. The built form of the development, rather than the number of dwellings within it, is the primary cause of the adverse amenity impact on the locality.
13	Concerns regarding impacts to surrounding properties during the construction of the proposed development.	If the development was to be supported, the City would recommend a Construction Management Plan condition, to minimise the impacts of construction to the surrounding properties.
10	Proposed development should not exceed 11m.	The building height requirements apply through a performance based framework, meaning the Applicant can propose a greater height. There is discretion where a variation to the 11 metres height limit can be considered in accordance with Clause 5.5.1 of LPS3. Due to the adverse amenity impacts from the additional height being sought, the use of discretion under Clause 5.5.1 of LPS3 is not supported.
10	Safety concerns for students in response to increased traffic.	The arrival and departure of students to the adjacent school is for a short window each school day morning and afternoon.

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		The traffic volume from the proposed development is not expected to be substantial, with the Applicant's Transport Impact Statement estimating 22 vehicle trips during the peak hours of the development, which occur between 7.00am and 9.00am and between 4.00pm and 6.00pm.
9	Concerns regarding additional on-street parking in relation to the proposed development.	The development provides car parking for residents and visitors on site. The development meets the Element Objectives of SPP 7.3 for the provision of parking and also meets the Acceptable Outcomes for the minimum and maximum provision of car parking.
9	Concerns regarding traffic congestion during construction of the proposed development.	If the development was to be supported by the Metro-Inner North JDAP, the City would recommend a Construction Management Plan condition, to minimise the impacts of construction to the functionality of Chester Avenue.
9	The height of the development is inconsistent with the planning framework.	The building height of the development exceeds the height prescribed by the local planning scheme. The exercise of discretion to permit the proposed height is not supported due to the adverse impacts to the locality.
8	Proposed development adversely impacts views from adjoining properties.	The development does not obstruct prominent significant views, such as the city skyline, river or

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		ocean, from adjoining properties. The development has a visual building bulk impact upon the adjoining properties and the bulk and scale of the development has adverse amenity impacts to the adjoining properties.
8	Concerns regarding accuracy of submitted Transport Impact Statement.	The Applicant's Transport Impact Statement has been reviewed and the City holds no concerns with this document.
8	Concerns regarding adverse impact on property values in relation to the proposed development.	The impact to property values is not a valid planning consideration.
7	Proposed development will adversely alter the character of the area.	The development is inconsistent with the planned future built form for the Dianella Activity Centre and it will change the character of the area.
7	Proposed development will result in anti-social behaviour in the surrounding area.	The Multiple Dwelling use is permitted on this site. The development includes windows and balconies on the building façade to provide passive surveillance over Chester Avenue.
6	Adverse impacts to adjoining primary school during the construction of the proposed development.	Should the Metro Inner-North JDAP support the development, the City would recommend a Construction Management Plan condition, to minimise the impacts of construction to the adjacent school.
6	Inadequate public consultation undertaken in relation to the proposed development.	The City has undertaken public consultation in accordance with the requirements of the *Planning and Development (Local*

Previous Responsible Authority Report

Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		Planning Schemes) Regulations 2015. Letters were sent to all owners and occupiers within 200 metres of the subject site, a sign was placed on site and a 28 day period to submit comments was provided. Additionally, City officers met with neighbouring residents on site during the consultation period, to discuss the proposed development.
6	Concerns regarding accuracy of submitted overshadowing diagrams.	Revised overshadowing diagrams were requested by the City as part of its Clause 65A Request for Further Information. The City has reviewed the Applicant's revised overshadowing diagrams and it satisfied it is reflective of the actual shadow that would be cast by the development and the guideline building envelope. The guideline building envelope assists in understanding the impacts of the additional building though it may not fully reflect the design of a potential building as further articulation may be necessary for architectural design, access to natural light and ventilation to dwellings.
5	Proposed building height results in adverse overshadowing to surrounding public spaces.	Chester Avenue is located to the north east of the subject site and will only be affected by overshadowing in the late afternoon.

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		There are no other public spaces near the subject site that are affected by overshadowing from this development.
5	Concerns that the height of the proposed development will set a precedence for the area.	The approval of this development should not set a precedent, as each development application is to be determined on its own merits.
5	Concerns regarding adverse impacts to surrounding properties during waste collection.	The waste collection arrangements are detailed in the submitted Waste Management Plan. The waste collection vehicle will park on the street and the bins will be taken to the vehicle. It is not expected that the waste collection will impose adverse amenity impacts on the surrounding properties. The bin storage and collection areas are located away from dwellings, minimising the noise and odour impacts. The City plans to collect the bins outside of school drop off and pick up times, when there is little traffic in the street, to minimise traffic and safety impacts on the street.
4	Proposed development will have an adverse impact on infrastructure including sewer, water and stormwater.	The Water Corporation has advised that there is capacity in the water and sewerage systems to service the development. The utility providers may require the developer to contribute towards infrastructure upgrades if they cannot service this development. Stormwater disposal from the development is to

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		occur on site. There is no impact to on-street stormwater disposal.
4	Proximity of proposed development to the primary school is not supported.	The Education Establishment is already located adjacent to residential uses. The Multiple Dwelling use is permitted and anticipated on this site by the local planning framework. The built form of the development has an adverse amenity impact on the adjoining Educational Establishment as identified in the City's assessment.
4	Concerns regarding increased noise impacts from proposed development	The development is required to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
3	Concerns regarding conflict of interest between Applicant and Ward Councillor.	The City and the DAP have procedures in place for Councillors in relation to potential conflicts of interest. It is expected that Councillors will manage conflicts of interests in accordance with the statutory requirements.
2	Proposed development does not provide sufficient car parking.	The development provides car parking for residents and visitors on site. The development meets the Element Objectives of SPP 7.3 for the provision of parking and also meets the Acceptable Outcomes for the minimum and maximum provision of car parking.
2	Concerns regarding the ability of the City of Stirling's expertise to assess the development.	A comprehensive assessment of the application has been

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		undertaken as per the City's RAR. The City has many experienced and degree qualified town planners that regularly assess complex applications.
2	Increased density increases pressure on public open space areas.	The City's Public Open Strategy, adopted May 2022, uses a standard of 33.6m^2 of public open space per person as a guideline to quantify how much public open space is required, based upon the Stephenson-Hepburn Report prepared in 1955. This Strategy advises that the suburb of Dianella had 39.3m^2 of public open space per person in 2016, including local and regional reserves. With the projected population increase, Dianella is projected to have 36.6m^2 per person in 2031. This suggests that Dianella is already well served by public open space and can accommodate the additional density. There are four (4) public 'local open space' reserves within 400 metres of the subject site (Chester Reserve, Ryan Waverley Reserve, Wake Pola Reserve and Waverley Pola Reserve), excluding those reserves located to the south west of Grand Promenade.
2	Outcomes of Design Review Panel are not supported.	The role of the Design Review Panel (DRP) is to provide independent design advice only. It is the role of the City officers to carry out an

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		assessment of a proposal against the relevant planning framework.
2	Concerns regarding the accuracy of the architectural plans relating to visual privacy.	Revised section plans were submitted as part of the amended submission and are consistent with the floor and elevation plans. The building envelope of the adjoining buildings shown on the section plans are an approximate representation of those buildings, based upon the data and observations accessible to the Applicant from the subject site.
1	Building height should be consistent with the existing development at House Number 36 Chester Avenue.	The appropriateness of the proposed building height is considered as part of the City's assessment.
1	Concerns regarding increased pollution from additional vehicle traffic.	The City's assessment of the proposed development does not identify concerns relating to increased pollution as a result of the proposed development.
1	The proposed development will have an adverse impact on the capacity of emergency services.	The Dianella Activity Centre is planned to have an increased residential population. The detailed design will need to satisfy the fire fighting requirements of the Department of Fire and Emergency Services.
1	Concerns regarding impact of proposed building height on existing trees and vegetation.	The impacts of the proposed building height are considered as part of the City's assessment.
1	Housing crisis should not be used to justify the approval of the development.	The development application has been assessed against the relevant planning framework.

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
1	The architectural design of the proposed development is not supported.	The design of the development is discussed in this report. The development has been considered by the City's DRP.
1	Proposed building height of four storeys is supported.	The appropriateness of the proposed building height is considered as part of the City's assessment.
1	The proposed development does not include any affordable housing component.	There are no planning requirements for a development on the subject site to provide affordable housing.
1	The proposed setbacks are inconsistent with the relevant planning framework.	The setback requirements apply through a performance based framework. The development does not achieve the relevant Element Objectives of SPP 7.3 relating to setback to the side and rear boundaries. There is a minor variation proposed to the street setback requirements, though the City has no objection to supporting that variation.
1	Concerns regarding landscape design of the proposed development.	The landscape design has been reviewed by the City. The development generally achieves the relevant Element Objectives of SPP 7.3 relating to the planting of trees and vegetation. However, the City does not support the removal of the existing street trees.
1	Proposed building height is inappropriate for lot size.	The planning framework does not link permissible development outcomes to the area of the development site.

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		The developable area influences the design of a development, though the 1,883m^2 lot size cannot be used for this application to determine the acceptability of the proposed building height.
1	Residents were not consulted when the residential density coding changed to R-AC3.	The Dianella Centre Plan document was prepared with input from the local community, including the consultation undertaken between 30 May 2011 and 15 July 2011 in accordance with the City's Consultation Procedure that was applicable at that time. After approval of the Dianella Centre Plan, the City and Council subsequently progressed Amendment No. 7 to Local Planning Scheme No. 3, which included changing the density coding to R-AC3. The scheme amendment was advertised from 2 July to 13 August 2013 in accordance with the relevant Town Planning Regulations 1967 and the City's Consultation Procedure that were applicable at that time.
1	Notification to be placed on Certificate of Title regarding noise from primary school.	The submission identifies that noise generated by the school, such as the ringing of the school bell throughout the day, could be of annoyance to the future residents based on recent experience regarding the apartment building at House Number 36 Chester Avenue, Dianella. Should the development be supported by the Metro

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		Inner-North JDAP, the City can recommend a condition that requires a Section 70A notification on the Certificate of Title, advising of the noise originating from the school and that the property could be affected by more noise than typically expected in a residential area.
1	Concerns regarding noise impacts from communal open space on rooftop.	The development is required to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
1	Proposal is perfect for the area, will help improve safety and sustainability having more residents in our suburb.	It is acknowledged that the addition of residential dwellings on the subject site is appropriate to support the non-residential functions of the Activity Centre, establish a sense of community and increase activity outside normal business hours. The development also provides additional passive surveillance over Chester Avenue. Notwithstanding, it is critical that the built form of the development is compatible with the context and character, without causing unreasonable adverse amenity impacts.
1	The proposed development does not include community benefits.	The development is not required to provide community benefits. The City's planning framework does not outline development incentives for the subject site, such as additional building height, that may

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		be provided in exchange for community benefits. The development is not seeking approval of the proposed building height by the provision of Community Facilities under Clause 5.5.3 of the local planning scheme.
1	Local context analysis prepared by Applicant is incorrect and misleading.	The Applicant's comments relating to the site context have been reviewed by the City as part of our assessment. The City is satisfied that the submitted information is accurate in terms of the local context. Notwithstanding, the City also undertook our own analysis of the local context when assessing this application.
1	The proposed plot ratio is inconsistent with the character of the area.	Plot ratio is intrinsically linked to building height and setbacks. The additional building height above the maximum prescribed by the local planning scheme is provided in a bulky form, in that the floorplate of the additional storeys is not considerably smaller than the lower storeys. The bulk and scale of the development, combined with the additional building height being sought has an adverse impact on the amenity of neighbouring properties and the streetscape.
1	Proposed use of landscape screening is not supported.	The planter boxes are being used to reduce the viewing angle looking downwards and to provide a more attractive outlook for residents. The landscaping within these

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Number of Submissions to Raise Issue	Submission Comment	Officer Comment
		planter boxes is not intended to provide screening to block sightlines.
1	Concerns regarding ventilation of car parking areas and impact on air quality.	The car park will require mechanical ventilation. The car park is enclosed by solid walls on all sides which alleviates noise and headlight impacts from vehicles upon the neighbouring properties.
1	Proposed landscaping design is supported.	The landscape design has been reviewed by the City. The development generally achieves the relevant Element Objectives of SPP 7.3 relating to the planting of trees and vegetation. However, does not support the removal of the existing street trees.
1	Alternative sites in the immediate locality are more suitable for a multi-storey development.	All applications are required to be assessed and determined on their merits. Multiple Dwellings are a permitted and anticipated use on the subject site.
1	The height of the proposed development is not consistent with the Dianella District Centre Structure Plan.	The Dianella Centre Plan indicates that this site is for two (2) to three (3) storey townhouses. The height of the development exceeds the height identified in the Dianella Centre Plan. The requirements of the local planning scheme will take precedence, though the decision-maker is required to have due regard to the Dianella Centre Plan when determining the application.
1	Proposed development may reduce school enrolments.	The impact to school enrolments at the adjacent school not a valid planning consideration.

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The City received a petition in relation to the proposed development with 481 submissions opposing the development. It should be noted this was not accepted as a formal petition as it did not satisfy the City's requirements.

The City forwarded the public submissions including the petition to the Applicant to allow the Applicant the opportunity to respond to each submission. The Applicant's response to submissions is included in Attachment 7.

Referrals/consultation with Government/Service Agencies

Water Corporation

The application was referred to the Water Corporation for water and wastewater services advice. Their advice indicates that there is sufficient water and wastewater capacity for this development and that no Water Corporation assets are affected by the development.

Internal Referrals

Internal referrals to the City's Engineering Services Business Unit, Development Services Engineer, Parks and Sustainability Business Unit, Waste Services Business Unit, Environmental Health team and Community Safety Business Unit were undertaken as part of the City's assessment. The relevant comments are contained later in this report, within the relevant sections of the planning assessment.

Planning Assessment:

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The proposed development has been assessed against LPS3 and the relevant State Planning Policies and Local Planning Policies. LPS3 provides the requirements in respect to zoning and land use permissibility, and specific development standards relating to plot ratio, open space, street setbacks, building height and boundary wall height. Other specific development standards also apply through the relevant state and local planning policies. The following matters have been identified as key considerations in the assessment of this application:

1. Proposed Land Use
2. Built Form
    a. Building Height
    b. Street Setbacks
    c. Side and Rear Setbacks, Building Separation and Visual Privacy
    d. Plot Ratio
    e. Overshadowing
    f. Dianella Special Control Area
    g. Variations to Site and Development Standards and Requirements
3. Parking and Access
    a. Car Parking
    b. Traffic
4. Waste
5. Noise and Amenity
    a. Road Noise
    b. Noise from Development
    c. Notification on Title
6. Landscaping
    a. Element 3.3 – Tree Canopy and Deep Soil Areas

b. Local Planning Policy 6.11 – Trees and Development (LPP 6.11)
7. State Planning Policy 4.2 – Activity Centres (SPP 4.2)
8. State Planning Policy 7.2 – Precinct Design (SPP 7.2)
9. City of Stirling Design Review Panel (DRP)
10. State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)
11. Planning and Development (Local Planning Schemes) Regulations 2015

1. Proposed Land Use

The subject site is zoned Residential in accordance with LPS3. The table below lists the proposed land uses and associated permissibility within the Residential zone as per Table 1 – Zoning Table of LPS3.

LPS3 Table 1 – Zoning Table	
Land Use	**Use Class**
Multiple Dwelling	P[1]
P - Use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme. P[1] - A 'P' Use, with a cross reference to Condition 1: Multiple Dwellings not permitted in areas coded R35 or below.	

The subject site is assigned a R-AC3 density coding, which is a higher coding than R35. As such, Multiple Dwelling is a permitted use on the subject site, providing the use complies with the relevant development standards and requirements of LPS3. Although the Multiple Dwelling use is supported, the City's assessment concludes the built form does not satisfy the development standards of LPS3.

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2. Built Form

Part 2 (Primary Controls) of SPP7.3, and some sections of Part 3 (Siting the Development) can be modified by local planning framework. The subject site is located within the Dianella Special Control Area of LPS3 which applies specific built form controls relating to plot ratio, open space, primary street setback, maximum building height and maximum boundary wall height which are relevant to the proposal. These specific built form controls of Clause 6.12 of LPS3 replace the default acceptable outcomes of SPP7.3, however consideration is still required against the relevant Element Objectives of the R-Codes.

The specific built form controls of Table 6.12.4 b) of LPS3 apply in addition to the general provisions of LPS3, local planning policies and SPP7.3. A summary of the proposed development in relation to the primary built form controls of Table 6.12.4 b) and Part 2 (Primary Building Controls) of SPP7.3 is provided below.

Built Form Controls			
Provision	**Requirement**	**Proposal**	**Assessment**
Plot Ratio*	Maximum 1.5	2.53	Discretion sought
Open Space*	No minimum requirements	16% open space at ground level	Complies
Primary Street Setback*	2m	Canopy: 1.4m Main building: 3m	Discretion sought
Height – Top of External Wall	Maximum 11m	Maximum 23m	Discretion sought

Built Form Controls			
Provision	**Requirement**	**Proposal**	**Assessment**
Height (Concealed Roof)*			
Height of Built to Boundary Walls*	Maximum 7m and average 6m	Maximum 5.1m	Complies
Side and Rear Setbacks / Building Separation / Visual Privacy	Development is to achieve the relevant Element Objectives of Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy SPP 7.3 Further detailed commentary regarding this matter is provided later in this report.	Various building setback and visual privacy setback distances are proposed with further detailed commentary provided later in this report.	Discretion sought

* Refers to a requirement of Table 6.12.4 b) of LPS 3

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The following sections provide an assessment of the proposed development against the primary controls where discretion is sought. Additionally, this section provides an assessment of the proposed development against Element 3.2 – Orientation of SPP7.3 where significant discretion is sought in response to building height.

The City has included its full assessment of the proposed development against SPP7.3 within Attachment 10 of this report. The City's assessment concludes the proposed development does not satisfy the primary built form controls relevant to its site context, however the proposed development does generally satisfy the Element Objectives of Part 3 (Siting the Development) and Part 4 (Designing the Building) or is capable of satisfying the Element Objectives subject to appropriate condition setting should the Metro Inner-North JDAP be of mind to support the proposal.

a. Building Height

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Height – Top of External Wall Height (Concealed Roof)	Maximum 11m	Maximum 23m	Discretion sought

The proposed height of the development is a maximum of 23 metres above natural ground level and seven (7) storeys in accordance with the 'storey' definition of SPP7.3 which is defined as:

Storey - the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that

portion between the top of the floor and the ceiling above it but does not include:
— a basement
— a space that contains only a lift shaft, stairway or meter room
— a mezzanine
— a loft.
Double height floors greater than 5m floor to ceiling are counted as two floors.

The number of storeys includes six levels of apartments and the roof terrace. The roof terrace level is defined as a storey as the lift and fire escape portion of the building that protrudes above the main roof level, contains a bathroom.

The development does not comply with the maximum 11 metres top of external wall (concealed roof) height requirement that is applicable to this development. The proposed height of the development is a maximum of 23 metres above natural ground level. The height of the building excluding the structures built above the roof terrace floor level equates to a height of approximately 19.5 metres above natural ground level.

As the proposal seeks discretion against the building height provisions, consideration against the Element Objectives of Element 2.2 of SPP7.3 is provided below.

O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.
O 2.2.2 The height of buildings within a development responds to changes in topography.
O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.
O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.

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In determining the appropriateness of the height of the development, it is necessary to consider the existing and future character of the area.

The existing built form of the developments on the neighbouring properties consists of predominately single storey buildings. Some of the adjacent school buildings are two storeys in height and the apartment building opposite the subject site is three storeys in height as viewed from Chester Avenue and a four storey apartment building as viewed from Waverley Street.

The building height requirements for new development in the Dianella Special Control Area and surrounding residential properties opposite are listed in the following tables, with a visual representation provided in Figure 4.

Dianella Special Control Area Building Heights		
Zone	**Minimum Building Height Requirements**	**Maximum Building Height Requirements**
District Centre zone	Clause 6.12.4 a) i) 2. of LPS3: • 15 metres – to the top of pitched roof.	LPS3 – Not prescribed.

Dianella Special Control Area Building Heights		
Zone	**Minimum Building Height Requirements**	**Maximum Building Height Requirements**
	• 11 metres – to the top of external wall (concealed roof). • 9.5 metres – to the top of external wall.	Dianella Centre Plan – Three (3) to six (6) storeys.
Residential R-AC2 zone	Clause 6.12.4 a) iii) of LPS3: Three (3) storeys, except as otherwise required in the Scheme.	Clause 6.12.4 a) ii) of LPS3: • 15 metres – to the top of pitched roof. • 11 metres – to the top of external wall (concealed roof). • 9.5 metres – to the top of external wall.
Residential R-AC3 zone	Clause 6.12.4 a) iii) of LPS3: Three (3) storeys, except as otherwise required in the Scheme.	Clause 6.12.4 a) ii) of LPS3: • 15 metres – to the top of pitched roof. • 11 metres – to the top of external wall (concealed roof). • 9.5 metres – to the top of external wall.
Hotel zone	Not prescribed.	LPS3 – Not prescribed. Dianella Centre Plan – Three (3) to six (6) storeys.
Service Station zone	Not prescribed.	LPS3 – Not prescribed. Dianella Centre Plan – Three (3) to six (6) storeys.

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Surrounding Building Heights		
Zone	**Minimum Building Height Requirements**	**Maximum Building Height Requirements**
Residential R20, R25 and R30 zones (opposite the boundary of the Dianella Special Control Area)	Not prescribed.	State Planning Policy 7.3 Residential Design Codes Volume 1: • 7 metres – height of wall. • 8 metres – total height (gable, skillion and concealed roof). • 10 metres – total height (hipped and pitched roof).

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Figure 4 LPS3 Zones and Height Requirements – Dianella Special Control Area and Surrounds

The above analysis demonstrates the height of the development does not respond to the existing surrounding development which is primarily single storey Grouped Dwellings with the adjacent school site including buildings up to two storeys and the apartment building opposite the subject site at three storeys as viewed from Chester Avenue. Similarly, the height of the development does not respond to the desired future scale and character of the area as per the Dianella Special Control Area and Dianella Centre Plan which provide for buildings of up six storeys in height in the commercial area. Transitioning down to three storeys in the residential area towards the periphery of the Dianella Centre Plan boundary to respond to the adjacent properties with a residential density coding of R25 and R30 with building heights of two storeys. The intent of the Dianella Centre Plan is to provide higher density / yield on the commercial areas rather than the residential zoned properties, which has not been achieved. At a height of 23m or seven (7) storeys, with a podium height of four (4) storeys, the proposed development does not appropriately respond to the existing or desired future scale and character of the streetscape. This height would change the height profile and the intent of the Dianella Centre Plan.

As outlined by Figure 5, the majority of the surrounding properties are strata titled which will impact the timeframe for any transition towards the envisioned built form for the area which is not expected to change in the short to medium term. As such, the impact of the proposed building height will be exacerbated in the short to medium term.

Figure 5 Neighbouring Strata Properties (highlighted properties are under strata title with colours representing the different types of strata).

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As the site is relatively flat, the height of the proposed development does not need to vary to reflect topography.

The development incorporates a flat roof with a communal open space area which includes landscaping and amenities for residents. The design of the rooftop communal open space area is generally supported with any adverse impacts regarding overlooking or noise to adjoining properties capable of being addressed via condition setting should the Metro Inner-North JDAP be of mind to support the proposed development.

The height and bulk of the proposed development results in greater overshadowing to the southern adjoining properties and has an adverse impact on access to sun to major openings to habitable rooms, outdoor living areas and solar panels compared to the permitted building height of three storeys as per LPS 3. Further detailed commentary regarding overshadowing is discussed later in this report. The overshadowing from the proposed development does not impact any public spaces.

In light of the above, the development does not satisfy the Element Objectives of Element 2.2 – Building Height of SPP7.3. As the proposed development seeks to vary the building height provisions of Table 6.12.4 b) of LPS3, further commentary regarding the proposed building height is provided later in this report.

b. Street Setbacks

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Primary Street Setback	2m	Canopy: 1.4m Main building: 3m - 4m	Discretion sought

The street setback of the main façade of the development varies between 3.0 metres and 4.0 metres. The canopies over the Ground Floor level courtyards for Apartments G.01 and G.02 project further forward, with a proposed street setback of 1.4 metres.

The main façade of the development complies with the primary street setback requirements of Table 6.12.4 b) of LPS3. The projecting canopies do not comply with the primary street setback requirements of Table 6.12.4 b) of LPS3.

As the proposal seeks discretion against the street setback provisions, consideration against the Element Objectives of Element 2.3 of SPP7.3 is provided below.

O 2.3.1 The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.
O 2.3.2 The street setback provides a clear transition between the public and private realm.
O 2.3.3 The street setback assists in achieving visual privacy to apartments from the street.
O 2.3.4 The setback of the development enables passive surveillance and outlook to the street.

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The street setback area to the building is predominately landscaped with low level plantings, complimented by trees and the hard surface required for pedestrian and vehicle access. The elements of the building set back less than 2.0 metres from the street are canopies elevated above the ground and do not affect the landscape design. The presentation of street setback area, being a landscaped space, is consistent with the existing and future streetscape character of Chester Avenue.

The public and private realms will be distinct, noting the building design allows public access into the building and the side landscaped area to be restricted. The street façade includes habitable room windows and balconies facing towards the street. The provided 3.0 metre setback provides both an adequate separation from the buildings opposite the street, to provide a reasonable degree of visual privacy, whilst being close enough to the street to provide passive surveillance and outlook over Chester Avenue.

The main component of the building complies with the scheme requirements. The canopies are minor projecting structures and do not adversely affect the streetscape character or the amenity of the locality.

In light of the above, the development satisfies the Element Objectives of Element 2.3 – Street Setbacks. As the proposed development seeks to vary the primary street setback provisions of Table 6.12.4 b) of LPS3, further commentary regarding the proposed street setback is provided later in this report**.**

c. Side and Rear Setbacks, Building Separation and Visual Privacy

The planning assessment of the proposed building setbacks and visual privacy setbacks are intrinsically linked to each other, noting the Acceptable Outcomes setback distances for Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy are cross-referenced as per SPP 7.3. The table below provides an assessment of the proposed development against the relevant Acceptable Outcomes of SPP 7.3, noting the Acceptable Outcomes of SPP 7.3 are not 'deemed-to-comply' requirements, but compliance assists in achieving the Element Objectives.

SPP7.3 – Side and Rear Setbacks, Building Separation and Visual Privacy				
Boundary	**Level**	**Building Description**	**Acceptable Outcome Setback**	**Proposed Setback**
North West	Ground and Mezzanine	Apartment G02 and car park	Walls: Nil Window: Min. 3.0m	3.0m Complies
South West	Ground and Mezzanine	Car park (western end)	Walls: Nil	2.0m Complies
South West	Ground, Mezzanine and 1	Boundary wall	Max. 7.0m and average 6.0m height*	Max. 5.1m height Complies
South West	Ground, Mezzanine and 1	Boundary wall	Max. 7.0m and average 6.0m height*	Max. 4.6m height Complies
South East	Mezzanine	Car park (southern end)	Walls: Nil	2.7m Complies
North West	1	Apartments 103 and 107	Walls: Nil	3.0m Complies
North West	1	Apartments 104-106	Walls: Nil	5.6m Complies
			Balconies: Min. 6.0m	6.4m Complies
South West	1	Apartments 108-109	Walls: Nil	5.9m and 7.0m Complies
			Windows: Min. 3.0m (bedrooms) and 4.5m	7.0m and 8.1m Complies
			Balconies: Min. 6.0m	5.9m and 7.0m Discretion sought
South East	1	Apartments 101 and 109	Walls: Nil	3.0m Complies
North West	2	Apartments 203 and 207	Walls: Nil	3.0m Complies
North West	2	Apartments 204-206	Walls: Nil	5.6m Complies
			Balconies: Min. 6.0m	6.4m Complies
South West	2	Apartments 207-209	Walls: Nil	5.9m and 7.0m Complies
			Windows: Min. 3.0m	7.0m and 8.1m Complies

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SPP7.3 – Side and Rear Setbacks, Building Separation and Visual Privacy				
Boundary	**Level**	**Building Description**	**Acceptable Outcome Setback**	**Proposed Setback**
			(bedrooms) and 4.5m	
			Balconies: Min. 6.0m	6.4m and 7.5m Complies
South East	2	Apartments 201 and 209	Walls: Nil	3.0m Complies
North West	3	Apartments 303 and 307	Walls: Nil	3.0m Complies
North West	3	Apartments 304-306	Walls: Nil	5.6m Complies
			Balconies: Min. 6.0m	6.4m Complies
South West	3	Apartments 307-309	Walls: Nil	5.9m and 7.0m Complies
			Windows: Min. 3.0m (bedrooms) and 4.5m	7.0m and 8.1m Complies
			Balconies: Min. 6.0m	6.4m and 7.5m Complies
South East	3	Apartments 301 and 309	Walls: Nil	3.0m Complies
North West	4	Apartments 402 and 406	Walls: Nil	4.0m Complies
			Balconies: Min. 9.0m	4.5m Discretion sought
North West	4	Apartments 403-405	Walls: Nil	5.6m Complies
			Windows and balconies: Min. 9.0m	6.4m Discretion sought
South West	4	Apartments 406 and 407	Balconies: Min. 9.0m	6.6m and 7.7m Discretion sought
South East	4	Apartments 401 and 407	Walls: Nil	4.0m Complies
			Balconies: Min. 9.0m	4.5m Discretion sought
North West	5	Apartments 502 and 506	Walls: Nil	4.0m Complies
North West	5	Apartments 503-505	Walls: Nil	4.0m Complies
			Balconies: Min. 9.0m	4.5m Discretion sought
South West	5	Apartments 506 and 507	Walls: Nil	8.8m and 9.9m Complies

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SPP7.3 – Side and Rear Setbacks, Building Separation and Visual Privacy				
Boundary	**Level**	**Building Description**	**Acceptable Outcome Setback**	**Proposed Setback**
			Windows and balconies: Min. 9.0m	9.5m and 10.6m Complies
South East	5	Apartments 501 and 507	Walls: Nil	4.0m Complies
North West	Rooftop Terrace	Communal open space area	Min. 9.0m	6.4m Discretion sought
South West	Rooftop Terrace	Communal open space area	Min. 9.0m	20.3m and 21.4m Complies
South East	Rooftop Terrace	Communal open space area	Walls: Nil	8.6m Complies
			Terrace: Min. 9.0m	14.6m Complies

*** Refers to a requirement of Table 6.12.4 b) of LPS 3 – R-AC3 Provisions**

The following components of the building do not meet the minimum Acceptable Outcomes for side and rear setback, building separation and/or visual privacy setback distances to the side and rear lot boundaries:

- North west boundary: Unscreened balconies of Apartments 403-405 and 503-505 on Levels 4 and 5 with setbacks between 4.5m and 6.4m in lieu of 9m.
- North west boundary: Part of the balconies for Apartments 402 and 406 on Level 4 with setbacks of 4.5m in lieu of 9m.
- North west boundary: Communal open space rooftop terrace with a setback of 6.4m in lieu of 9m.
- South west boundary: Unscreened balconies of Apartments 108-109 and 406-407 on Levels 1 and 4 with setbacks of 5.9m in lieu of 6m and 6.6m to 7.7m in lieu of 9m.
- South east boundary: Part of the balconies for Apartments 401 and 407 on Level 4 with setbacks of 4.5m in lieu of 9m.

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Figure 6 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 1 (Highlighted)

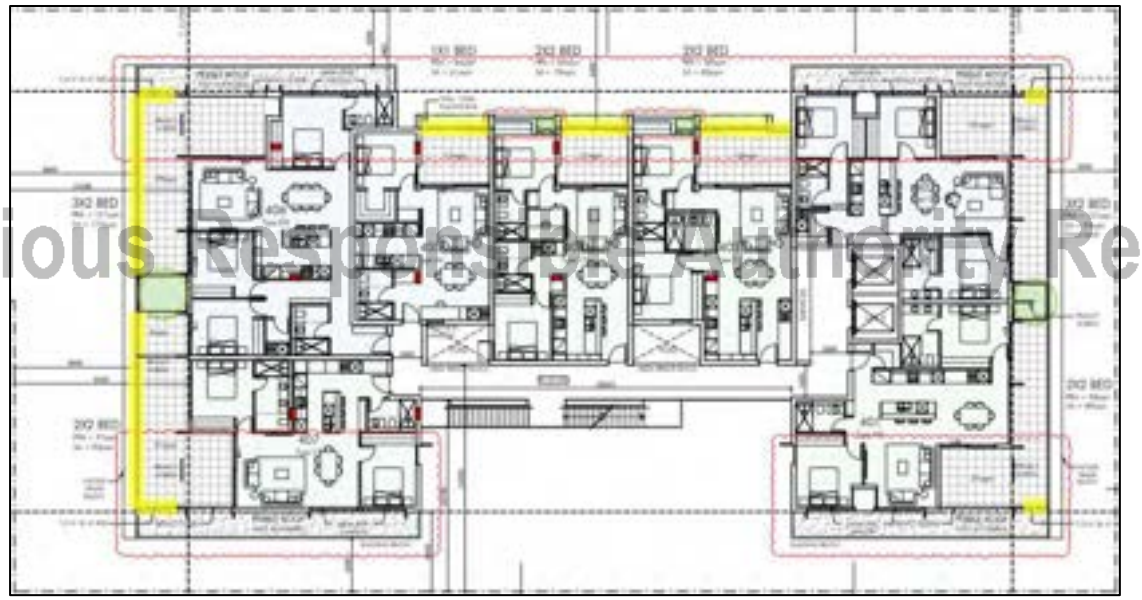

Figure 7 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 4 (Highlighted)

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Figure 8 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Level 5 (Highlighted)

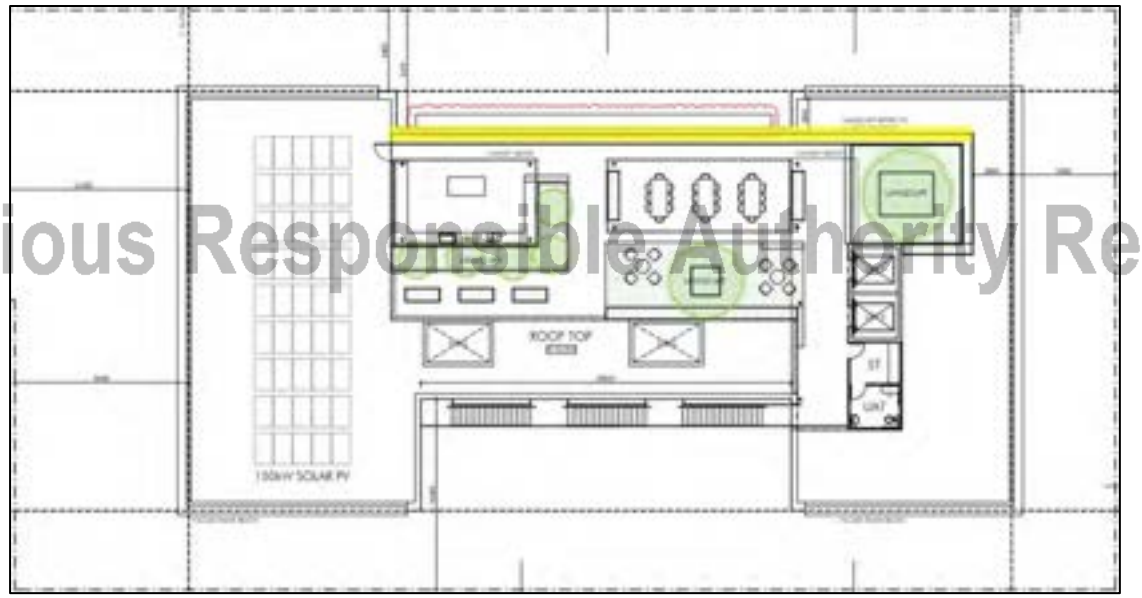

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Figure 9 Discretion Sought – Minimum Acceptable Outcome Setback Distances – Roof Terrace (Highlighted)

The following sections provide an assessment of the proposed development against the relevant Element Objectives for Elements 2.4 – Side and Rear Setbacks, 2.7 – Building Separation and 3.5 – Visual Privacy.

<u>Element 2.4 – Side and Rear Setbacks</u>

Consideration of the proposal against the Element Objective of Element 2.4 – Side and Rear Setbacks of SPP7.3 is provided below.

O 2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.
O 2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.

O 2.4.3 The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.

O 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.

The proposed development includes variations to the recommended side and rear setbacks of SPP7.3 to the south east, south west and north west lot boundaries. These variations primarily relate to the upper floors of the development, specifically the balconies on Level 4, Level 5 and the rooftop communal open space area. As detailed later in this report, the overlooking from these areas is generally supported through the design of the balcony areas which includes a mixture of screening devices, planters and balustrading which mitigates direct overlooking to the north-west and south-east lot boundaries. However, the setbacks of the unscreened balconies to Apartments 406 and 407 are not supported with significant and direct overlooking to sensitive areas of the primary school site and Lots 40 (House Number 34), 56 (House Number 342) and 200 (House Number 344) Grand Promenade.

In response to the height and massing of the proposed development, adequate separation is not provided to the south east and south west lot boundaries with significant overshadowing to outdoor living areas and solar panels of the adjoining properties. The extent and duration of overshadowing in response to the proposed building height and setbacks will have an adverse impact on the adjoining southern properties. The impacts of overshadowing from the proposed development are discussed later in this report.

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The existing streetscape of Chester Avenue is primarily single storey Grouped Dwellings with two storey buildings located on the primary school and a three storey apartment building opposite the subject site. As such, the height and bulk of the proposed development is not consistent with the existing streetscape. In relation to the desired streetscape character, Clause 6.12 of LPS 3 and the Dianella Centre Plan provides for six storey buildings in the commercial zoned areas with heights transitioning to a maximum of three storeys in the residential zoned areas. At a height of seven storeys, the proposed development does not achieve the desired streetscape character.

The proposed development does provide for a 3m setback along the north-west boundary and a 1.1m setback along the rear boundary at ground level (the plans erroneously have drawn it at 2m) which provides for significant landscaping and deep soil area. The proposed landscaping provides for an attractive setting for the building.

The height of the proposed development at seven storeys is significantly inconsistent with the built form outcomes of the area which permit a maximum height of six storeys for the commercial zoned properties and three storeys to the residential zoned properties. The proposed height and massing of the development does not provide for an appropriate transition to any of the adjoining properties which are primarily single storey Grouped Dwellings with two storey buildings located on the primary school site. Given the nature of the adjoining properties, which include an Educational Establishment and primarily strata titled properties, the built form outcomes of the Clause 6.12 of LPS 3 and the Dianella Centre Plan are unlikely to be realised in the short to medium term which would exacerbate the transition to adjoining properties. Furthermore, the proposed development does not provide for appropriate separation

between the podium and tower elements with a setback of 1.5m provided to Levels 4 and 5. This lack of separation further intensifies the impact to the adjoining properties and streetscape in terms of bulk.

In light of the above, the development does not satisfy the Element Objectives of Element 2.4 – Side and Rear Setbacks of SPP7.3.

Element 2.7 – Building Separation

Consideration of the proposal against the Element Objective of Element 3.5 – Visual Privacy of SPP7.3 is provided below.

- *O 2.7.1 New development supports the desired future streetscape character with spaces between buildings.*
- *O 2.7.2 Building separation is in proportion to building height.*
- *O 2.7.3 Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.*
- *O 2.7.4 Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings.*

The height and massing of the proposed development is not consistent with the desired future streetscape character as per Clause 6.12 of LPS 3 and the Dianella Centre Plan. The massing of the proposed development and lack of separation from the upper floors of the development results in significant overlooking from the south-east boundary to sensitive areas of the primary school site and Lots 40 (House Number 34), 56 (House Number 342) and 200 (House Number 344) Grand Promenade, and adverse overshadowing to outdoor living areas and solar panels of the adjoining southern properties

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Broadly, the development does provide greater building separation to lot boundaries in proportion to building height. However, the separation of the Levels 4 and 5 from the podium element is 1.5m which is not sufficient to address the issues relating to overlooking and overshadowing as identified in the City's assessment. Increased setbacks are required to address the overlooking, overshadowing issues and to minimise the bulk of the development.

The setbacks of the proposed development, particularly to the upper floors of the development provide for residential amenity to occupants, however this is at the detriment of the adjoining properties in terms of overlooking and overshadowing.

The proposed development provides for a 3m setback along the north-west boundary and a 1.1m setback along the rear boundary at ground level (the plans erroneously have drawn it at 2m) which includes significant landscaping and deep soil areas. The proposal provides for balconies to the upper levels of the development which are generally supported, with the exception of Apartments 406 and 407 in relation to visual privacy issues which is discussed later in this report. The proposal also includes a rooftop communal open space area which is sufficiently setback or screened to minimise issues relating to overlooking.

In light of the above, the development does not satisfy the Element Objectives of Element 2.7 – Building Separation of SPP7.3.

Element 3.5 – Visual Privacy

Consideration of the proposal against the Element Objective of Element 3.5 – Visual Privacy of SPP7.3 is provided below.

> *O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The proposed development has been designed with all windows from habitable rooms to be highlight windows or setback to address the recommended visual privacy setbacks of SPP 7.3.

All upper floor apartments include unscreened balconies which provide an external outlook, however this results in variations to the recommended visual privacy setbacks of SPP 7.3 to the south east, south west and north west boundaries with the impacts considered below.

In relation to the south-east boundary, the balconies to Apartments 401 and 407 on Level 4 are setback 4.5m in lieu of 9m. As per Figure 10, Figure 11 and Figure 12, portions of the balcony are screened with the overlooking mitigated through the 'Pebble Roof' and balustrade which prevents direct overlooking downwards into the adjoining properties which is supported in terms of visual privacy.

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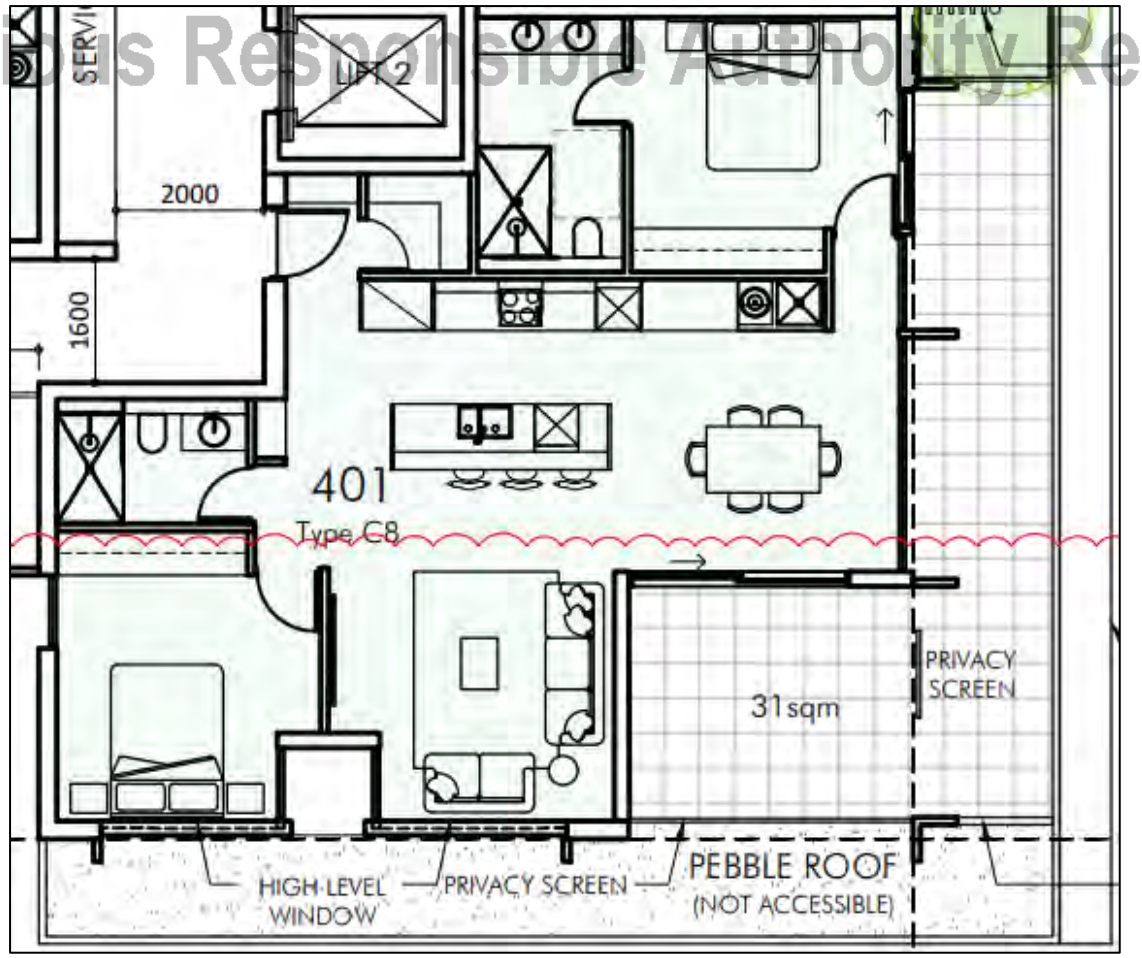

Figure 10 Floorplan of Apartment 401 on Level 4

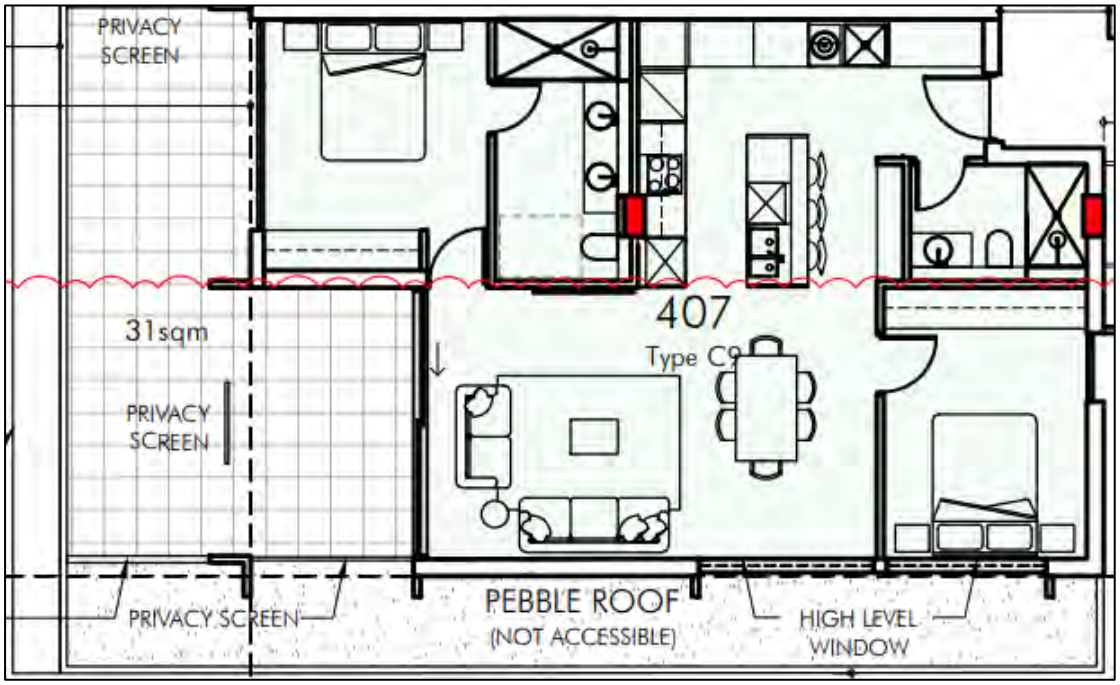

Figure 11 Floorplan of Apartment 407 on Level 4

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Figure 12 Annotated Extract of Section Plan 2A – South Eastern Lot Boundary

In relation to the south-west boundary, the balconies of Apartments 108 and 109 on Level 1 and Apartments 406 and 407 on Level 4 are setback 5.9m in lieu of 6m and 6.6m to 8.6m in lieu of 9m. As per Figure 13, Figure 14 and Figure 15, the overlooking from the Balconies of Apartments 108 and 109 on Level 1 is mitigated through the 'Pebble Roof' and landscaping which prevents direct overlooking downwards into the adjoining properties which is supported in terms of visual privacy.

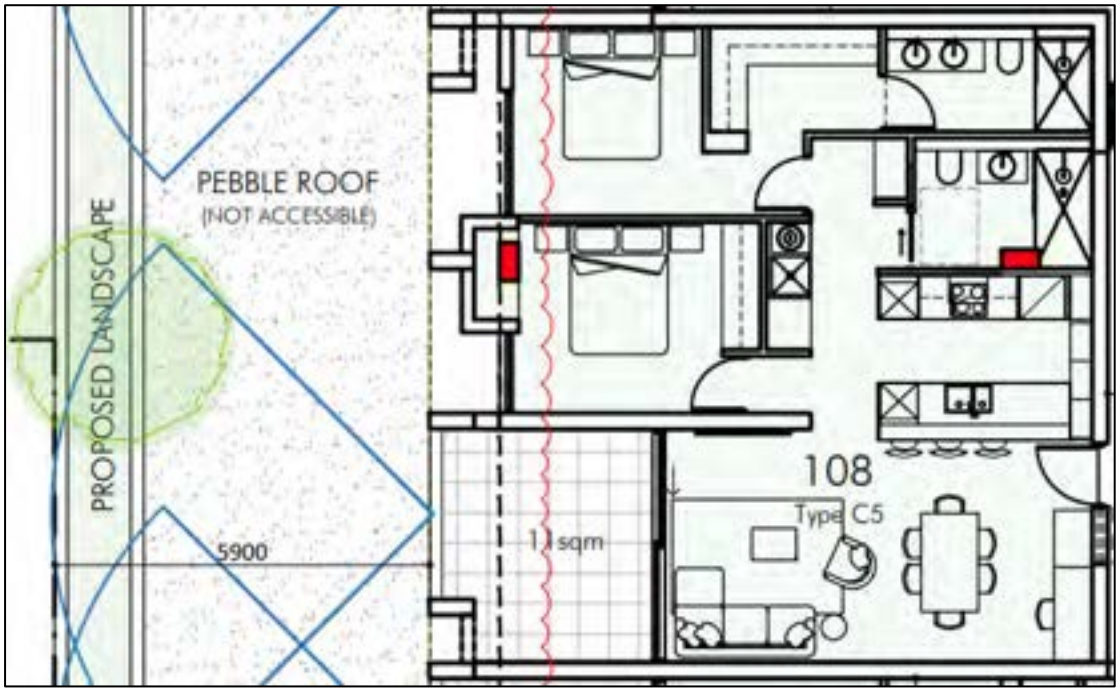

Figure 13 Floorplan of Apartment 108 on Level 1

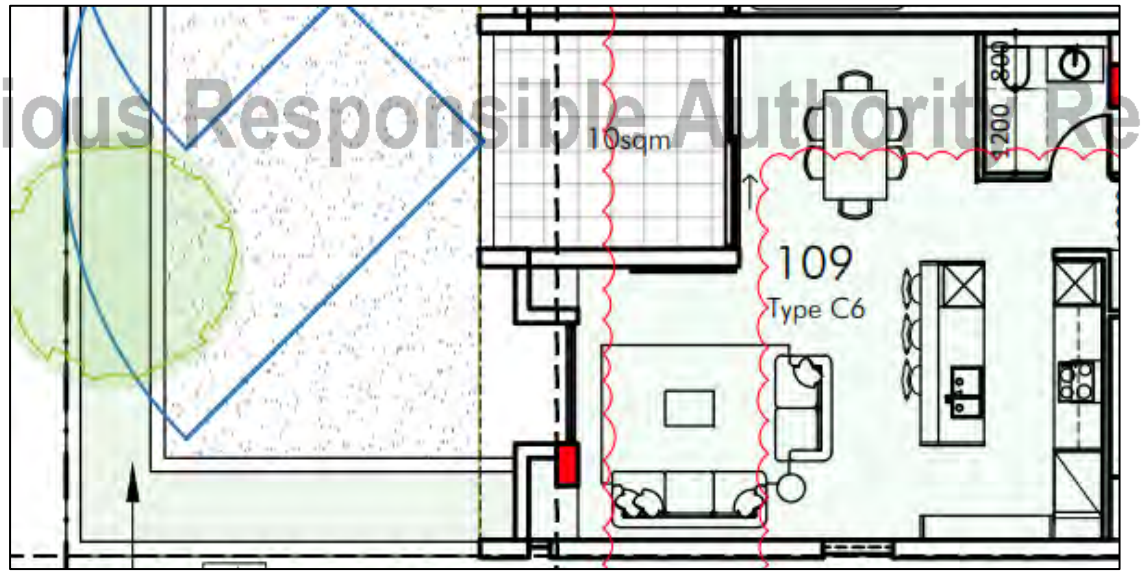

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Figure 14 Extract of Floorplan of Apartment 109 on Level 1

Figure 15 Extract of Section Plan – South Western Lot Boundary

As per Figure 16 and
Figure *17*, the resultant overlooking from the balconies of Apartments 406 and 407 on Level 4 is not supported as these balconies are unscreened and result in direct overlooking to the outdoor living areas of House Number 340 Grand Promenade and a rear unit of House Number 344 Grand Promenade and to the rear playground of the primary school. Additionally, the resultant overlooking projects into the vacant property at House Number 342 Grand Promenade and is not supported. As Acceptable Outcomes 3.5.2 and 3.5.3 of Element 3.5 – Visual Privacy recommends balconies are unscreened for at least 25% of their perimeter, it is not considered appropriate to impose a screening condition to address this matter. The City notes the balconies of Apartments 406 and 407 significantly exceed the minimum area of 12m² as per Element 4.4 – Private Open Space and Balconies of SPP 7.3 with an area of 39m² and 31m² which could be reduced to satisfy the recommend visual privacy setbacks, however as this would require modifications to the building, it is not considered appropriate to impose a condition regarding this matter.

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Figure 16 Floorplan of Apartment 406 on Level 4 Overlayed October 2023 Aerial Photograph

Figure 17 Floorplan of Apartment 407 on Level 4 Overlayed October 2023 Aerial Photograph

In relation to the north-west boundary, the balconies of Apartments 402 – 406 and the Communal Open Space area on the rooftop are setback between 4.5m to 6.4m in lieu of 9m. As per Figure 18 through to Figure 21 inclusive, the resultant overlooking from the balconies of Apartments 402 and 406 is mitigated through the use of screening, the 'Pebble Roof' and the balustrading which prevents direct overlooking into the playground area of the adjoining primary school. Similarly, the planter boxes to Apartments 403 – 405 prevents direct overlooking downwards into the playground area. As such, the proposed setbacks are supported in terms of visual privacy.

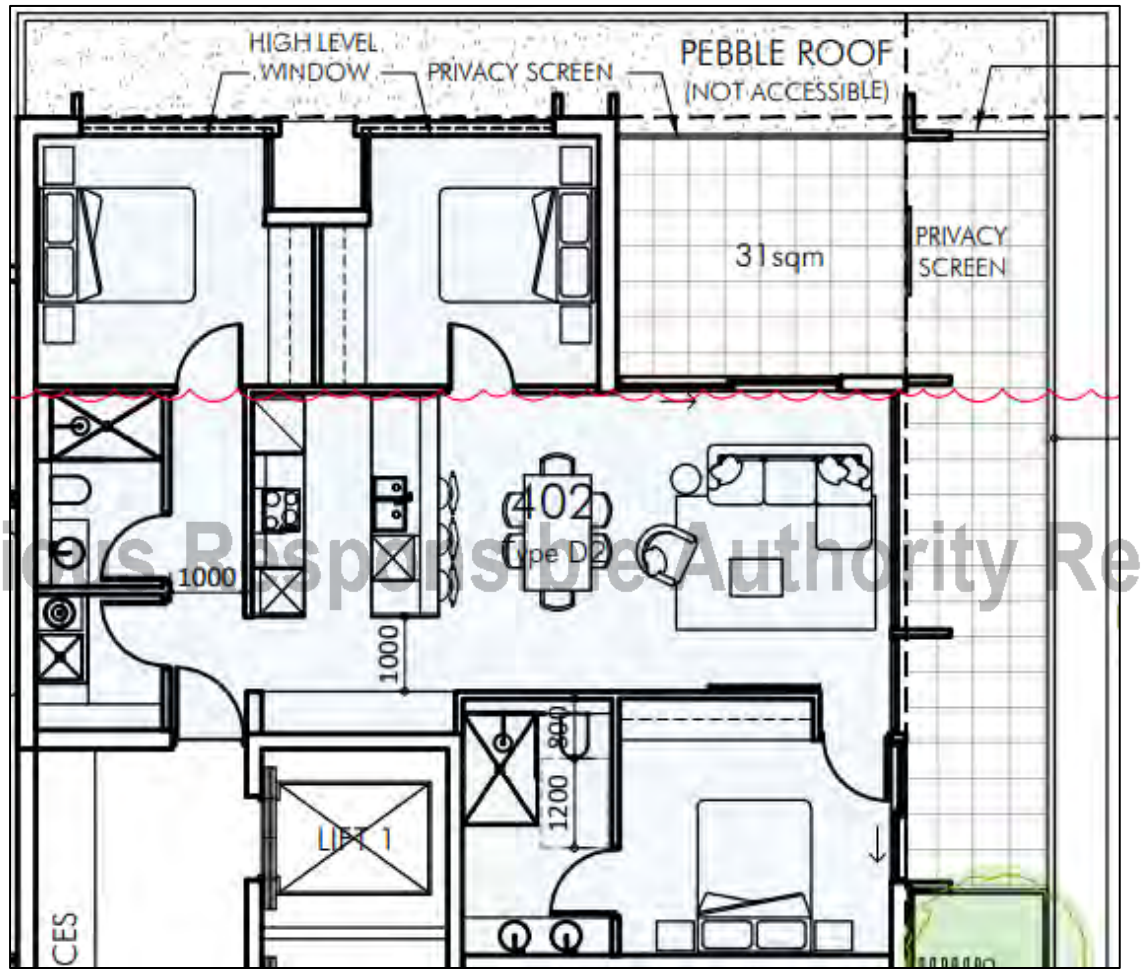

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Figure 18 Floorplan of Apartment 402 on Level 4

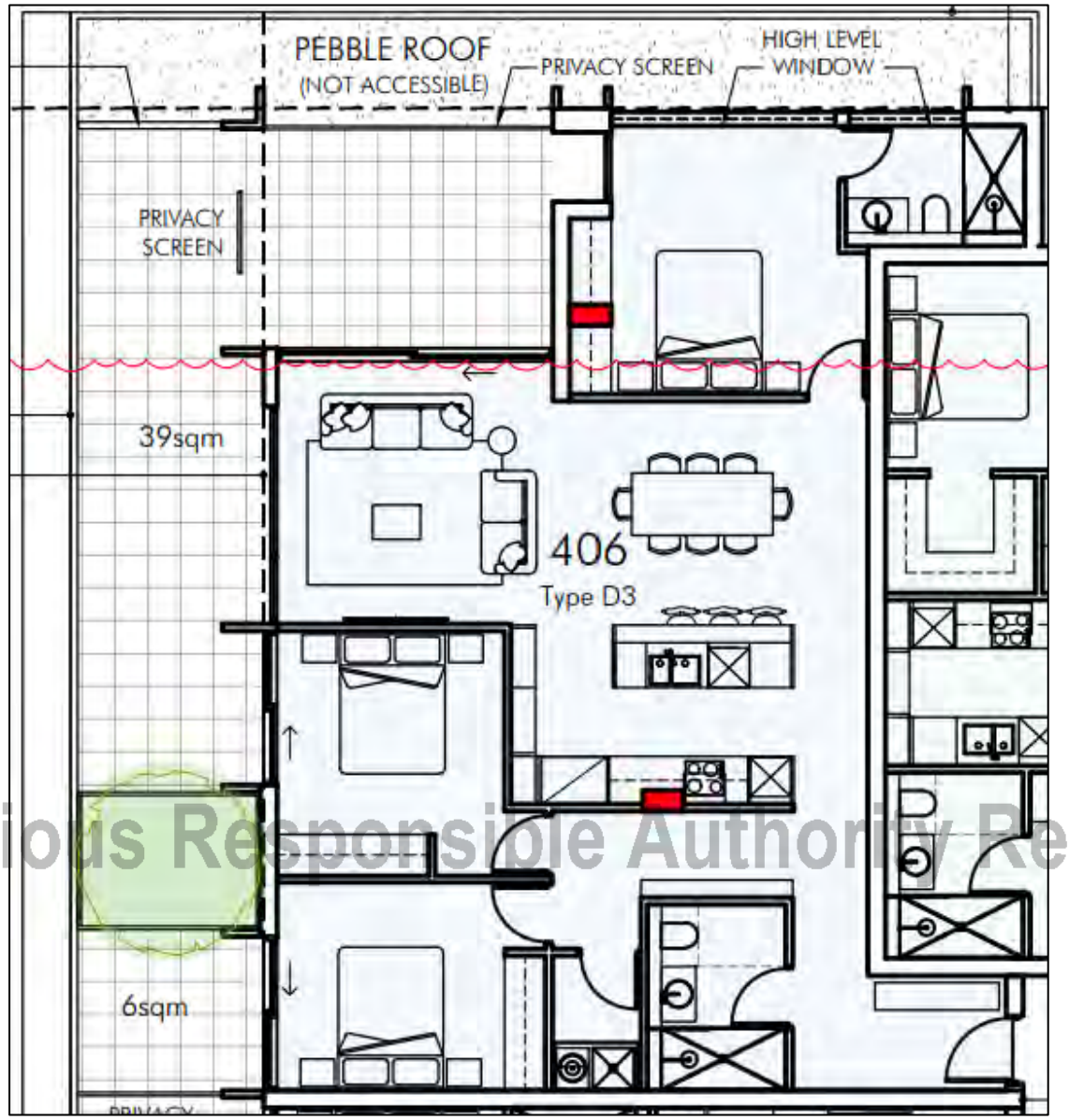

Figure 19 Floorplan of Apartment 406 on Level 4

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Figure 20 Extract of Section Plan 1A – North Western Lot Boundary

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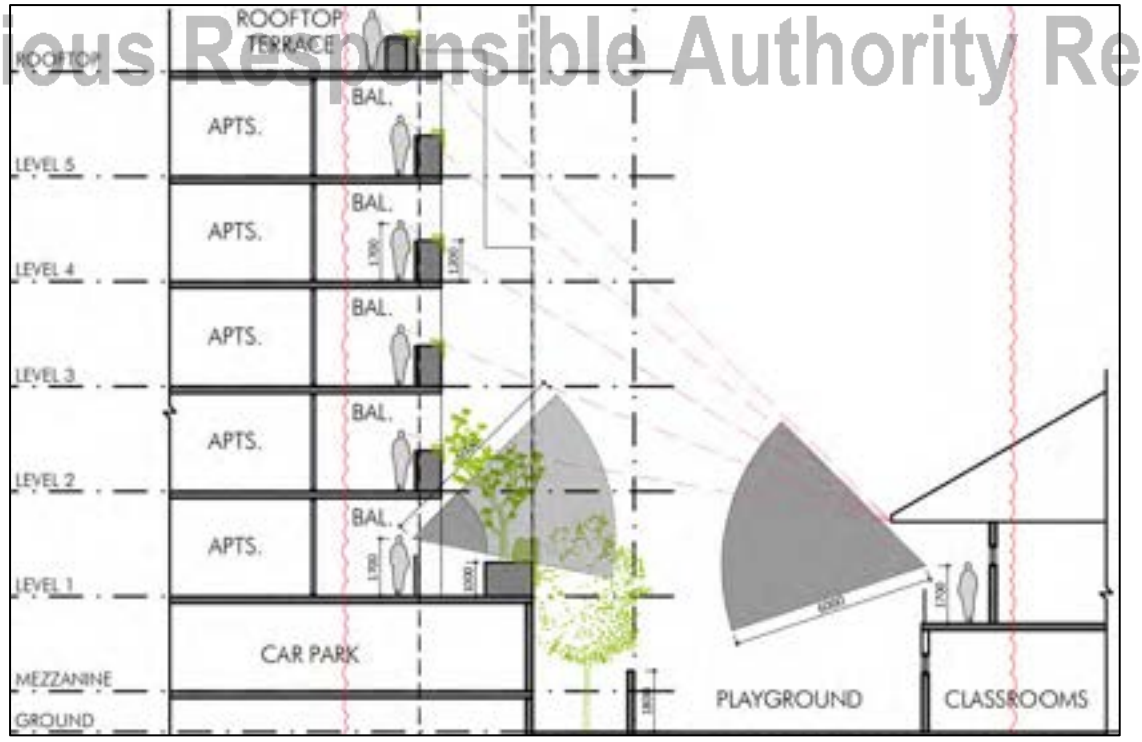

Figure 21 Extract of Section Plan 1B – North Western Lot Boundary

As per Figure 20 and Figure 21, the resultant overlooking from the rooftop communal open space area is mitigated through the planter which prevents direct overlooking into the playground area of the adjoining school. As such, the proposed setback of the rooftop communal area is supported in terms of visual privacy.

In relation to Apartments 104 – 106 on Level 1 of the development, balconies achieve the recommend visual privacy setbacks with a setback of 6.4m in lieu of 6m to the north-west boundary. As per Figure 22 and Figure 21, to further mitigate visual privacy impacts to the adjoining primary school, the proposed development includes the extended 'Pebble Roof' and landscaping to prevent overlooking into the playground area and to the second floor classrooms which are setback a minimum 7.5m from the boundary. Based on the proposed design of the balcony area and minimum separation of 13.9m to the school building, the proposed setback is supported in terms of visual privacy.

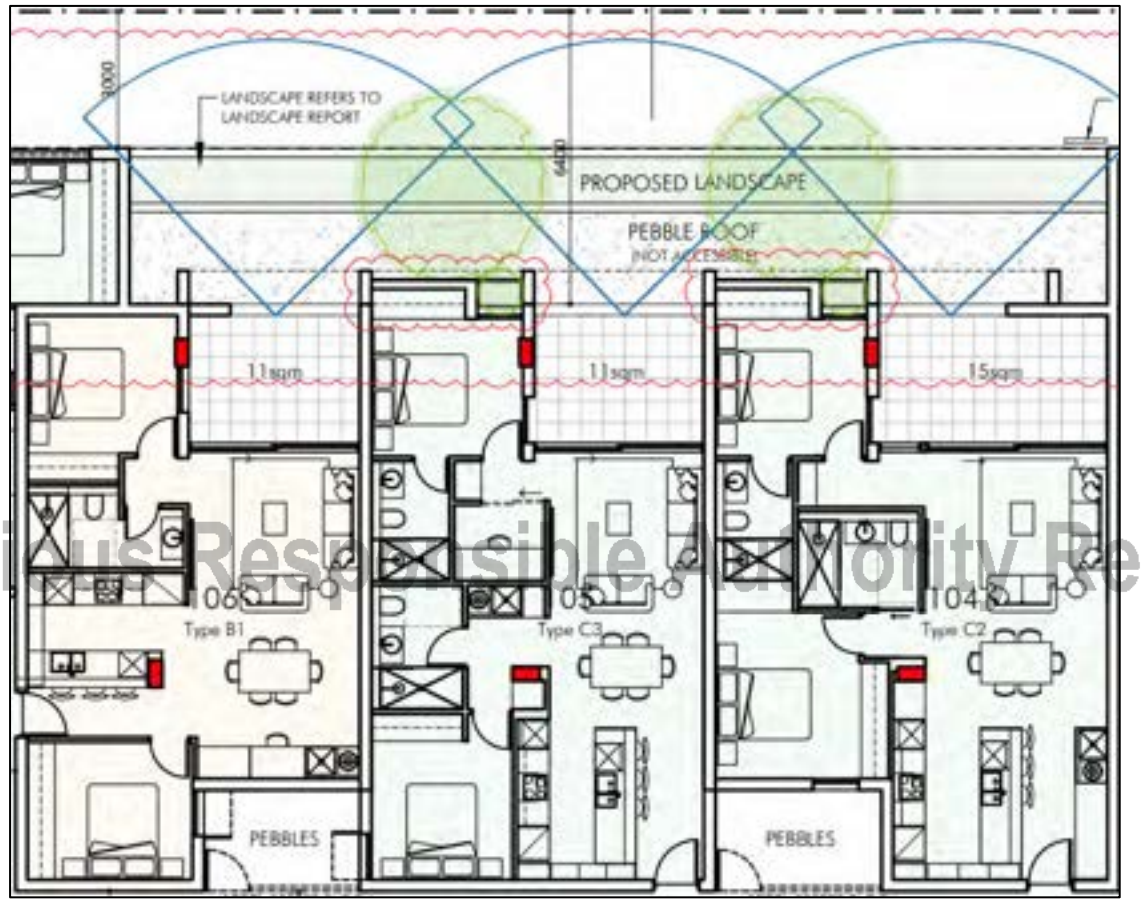

Figure 22 Floorplan of Apartments 104, 105 and 106 on Level 1

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In light of the above, the development does not satisfy the Element Objective of Element 3.5 – Visual Privacy of SPP7.3, specifically in relation to the overlooking from the balconies of Apartments 406 and 407 which results in significant and direct overlooking to House Number 340, 342, 344 Grand Promenade and the primary school. As previously discussed, the City does not consider it appropriate to address this matter via condition setting as it would result in screening to a height of 1.6m for the entirety of the south-west boundary or modifications to the building.

d. Plot Ratio

LPS3 Table 6.12.4 b) – R-AC3 Provisions			
Provision	**Requirement**	**Proposal**	**Assessment**
Plot Ratio	Maximum 1.5	2.53	Discretion sought

The development does not comply with the maximum 1.5 plot ratio requirement, which equates to a plot ratio area of 2,824.5m^2. The proposed plot ratio area of the development is 4,761m^2 and equates to a plot ratio of 2.53. As such, the proposed development exceeds the permitted plot ratio area by 1,936m² or a plot ratio of 1.03.

As the proposal seeks discretion against the plot ratio provisions, consideration against the Element Objectives of Element 2.5 of SPP7.3 is provided below.

O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.

In considering the appropriateness of the proposed plot ratio, the City refers to the intent of plot ratio as per Element 2.5 of SPP7.3 which states:

Plot ratio is the method of establishing an allowable volume of development within the 'container' of the building envelope. It is the ratio of the floor area of a building expressed relative to the site area and sets the building massing for a development site. This allowable volume of built form can be deployed with flexibility within the building envelope to respond to contextual and orientation factors.

The achievable plot ratio for a site is primarily determined by the limitations set for building heights and setbacks. The proposed development significantly exceeds the maximum building height of 11m as per Table 6.12.4 b) of LPS 3 with a maximum height of 23m proposed and setbacks which result in significant overlooking and overshadowing of the adjoining properties. As such, the proposed height and bulk of the proposed development results in a plot ratio which is not contained within the building envelope anticipated by the relevant planning framework. The impact of the proposed plot ratio is considered below in terms of bulk and scale.

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In relation to building height, the proposal is more than double the permitted height as per Table 6.12.4 b) of LPS 3. The height of the development does not respond to the existing or desired future scale and character of the area as per the Dianella Special Control Area and the Dianella Centre Plan which seeks to provide for buildings up to six storeys in the commercial area transitioning down to three storeys to the residential areas. At a height of 23m or seven storeys, with minimal transition to the adjoining properties, the proposed development is significantly inconsistent with the desired built form outcomes for the area.

The height and bulk of the development also results in significant overshadowing to habitable rooms, open space and solar panels of the adjoining southern properties compared to the permitted building heights of Table 6.12.4 b) of LPS 3 which will have an adverse impact on these properties.

The proposed development has a plot ratio of 2.53 (4,761m²) in lieu of the permitted plot ratio of 1.5 (2,824.5m²). In relation to the proposed development, a plot ratio of 1.5 equates to the Ground Floor Level, Level 1, Level 2 and a portion of Level 3. As such, the remaining portion of Level 3, Level 4 and Level 5 of the proposed development account for the additional plot ratio of 1.01 (1,936m²). These upper levels, particularly Level 4 and Level 5 in their current form, result in the plot ratio variation but are closely linked to the primary issues of bulk, scale and overshadowing. As such, the proposed plot ratio contemplated results in a built form that is not appropriate in the context of the site and it is considered overdevelopment of the site.

In light of the above, the development does not satisfy the Element Objectives of Element 2.5 – Building Height of SPP7.3. As the proposed development seeks to vary the building height provisions of Table 6.12.4 b) of LPS3, further commentary regarding the proposed building height is provided later in this report.

e. Overshadowing

Element 3.2 – Orientation of SPP7.3 includes provisions relating to the orientation of buildings to the street, orientation of buildings to maximise northern solar access to living areas and minimising overshadowing impacts to adjoining properties.

In relation to overshadowing, Acceptable Outcome 3.2.3 of Element 3.2 – Orientation of SPP7.3 stipulates for adjoining properties with a residential density coding of R80 or higher there are 'nil requirements' in relation to the permitted amount of overshadowing. Notwithstanding, the Acceptable Outcomes of SPP7.3 are not 'deemed-to-comply' provisions to satisfy the relevant Element Objectives. As the building height of the proposed development is more than double the permitted height of Table 6.12.4 b) of LPS 3, consideration of the proposed development against the Element Objectives of Element 3.2 – Orientation is provided below:

O 3.2.1 Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.

O 3.2.2 Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

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The development is designed to address Chester Avenue. The building has architectural finishes appropriate for the front of a building, windows and balconies provide articulation and passive surveillance opportunities over the street and the lobby entrance is clearly visible. Most dwellings have either a north eastern or north western orientation and accordingly obtain high levels of natural sunlight. As such, the proposed development achieves Element Objective O 3.2.1.

In relation to overshadowing, the Acceptable Outcomes do not impose a permitted percentage of overshadowing for properties with a residential density coding of R80 and higher. However, this does not imply that any amount of overshadowing is automatically acceptable but rather it was not appropriate to quantitively define an acceptable level of overshadowing in high-density areas, as site specific performance-based assessment is required, having regard to the site context and the primary built form planning controls applicable. This assertion is supported by Element Objective O 3.2.2 which requires that building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.

To demonstrate the overshadowing of the proposed development against a 'Guideline Scheme Shadow', the Applicant has prepared a series of overshadowing diagrams in their submission, showing the shadow cast by the development at hourly intervals between 9.00am and 3.00pm on 21 June (i.e. Winter Solstice). The City notes the 'Guideline Scheme' may not fully reflect the design of a potential building as further articulation may be necessary for architectural design, access to natural light and ventilation to dwellings, however this provides for a comparison with these images provided below, in Figure 23 through to Figure 30 inclusive.

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Figure 23 Applicant's Winter Solstice Diagram at 12noon

The below table provides an analysis of the proposed scheme overshadow against the Guideline Scheme shadow to Lot 62 (House Number 37) Chester Avenue and Lots 40 (House Number 340), 56 (House Number 342) and 200 (House Number 344) Grand Promenade during the Winter Solstice.

Property	Guideline Scheme Shadow	Proposed Scheme Shadow	Variation
Lot 62 (House Number 37) Chester Avenue	32%	37.5%	+ 5.5% (67.5m²)
Lot 40 (House Number 340) Grand Promenade	5.5%	12.8%	+ 7.3% (97.9m²)
Lot 56 (House Number 342) Grand Promenade	17.9%	18.7%	+ 0.8% (7.46m²)
Lot 200 (House Number 344) Grand Promenade	10.0%	3.6%	- 6.4% (58.6m²)

As demonstrated above, the proposed development results in greater overshadowing to Lot 62 (House Number 37) Chester Avenue and Lot 40 (House Number 340) and Lot 56 (House Number 342) Grand Promenade with reduced overshadowing to Lot 200 (House Number 344) Grand Promenade. Although the increased overshadowing during the Winter Solstice is relatively minor in relation to percentage it demonstrates the proposal does result in greater overshadowing compared to the 'Guideline Scheme'. In considering the appropriateness of the resultant overshadowing, Figure 24 through to Figure 30 inclusive provide a comparison of the overshadowing from the 'Guideline Scheme' against the proposed scheme.

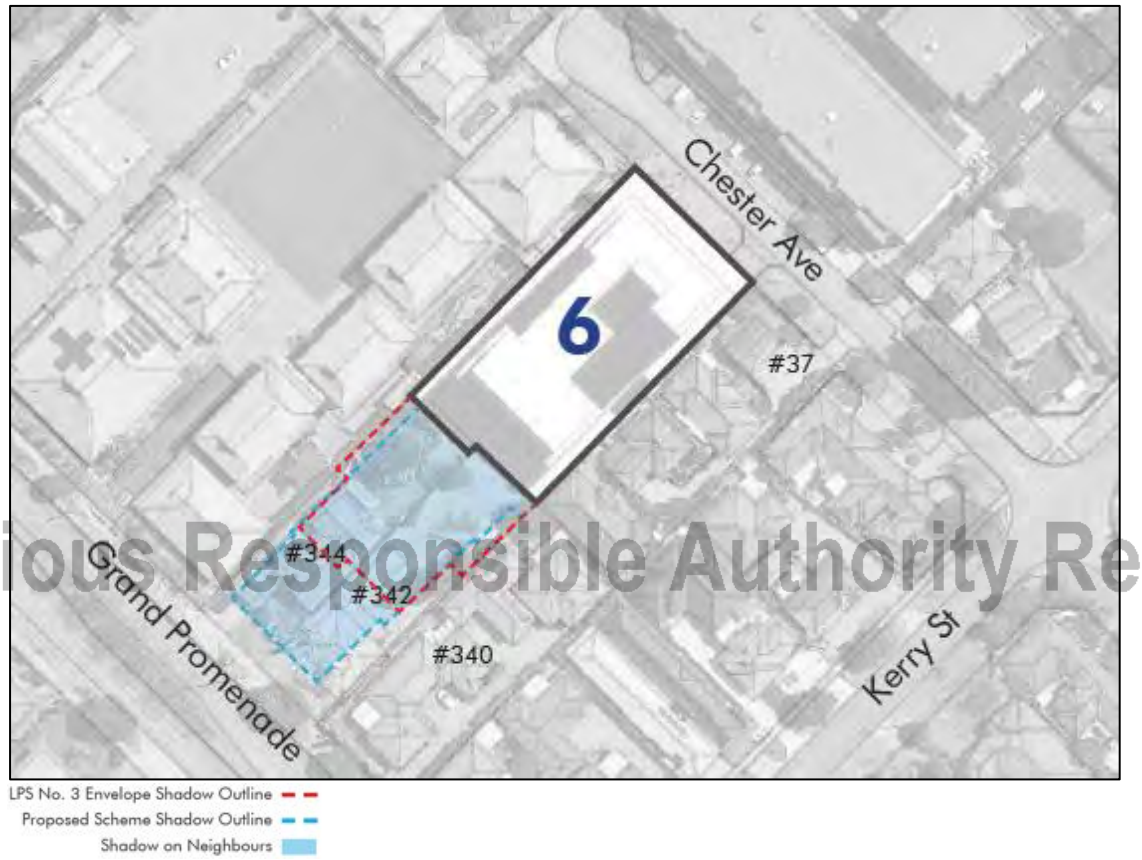

Figure 24 Applicant's Winter Solstice Overshadowing Diagram – 9.00am

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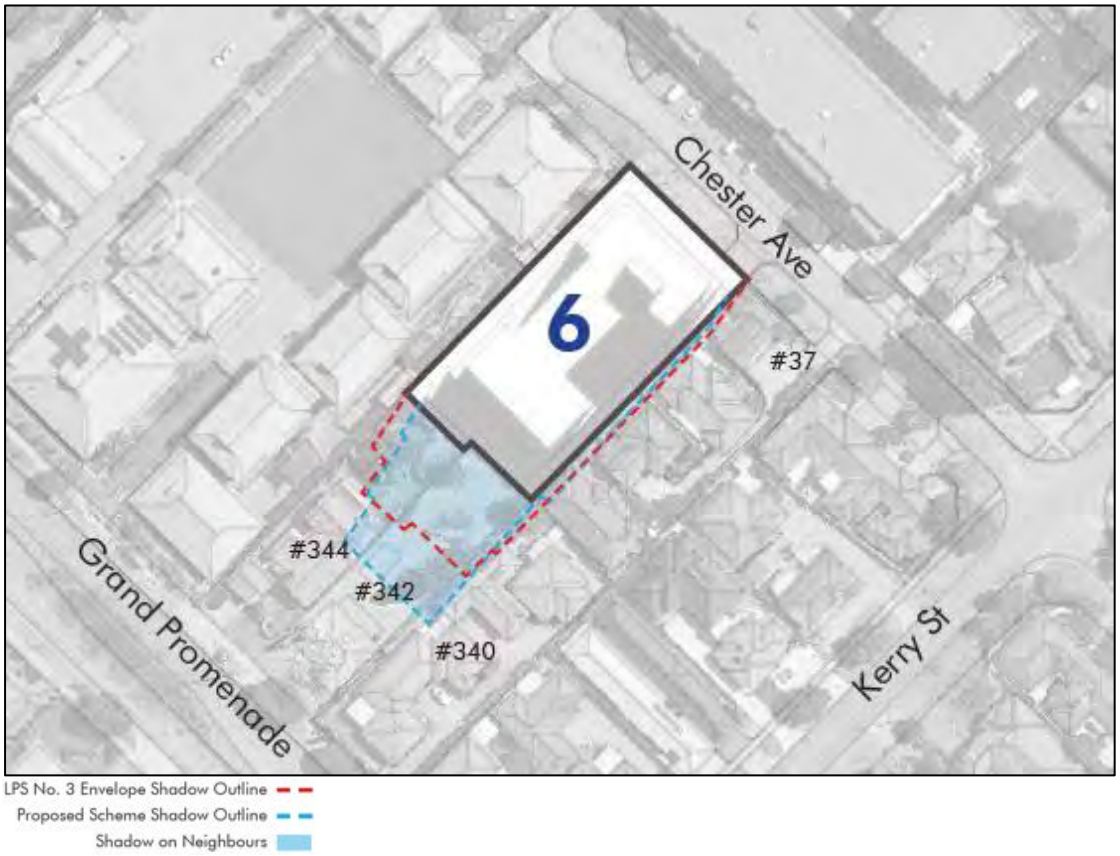

Figure 25 Applicant's Winter Solstice Overshadowing Diagram – 10.00am

Previous Responsible Authority Report

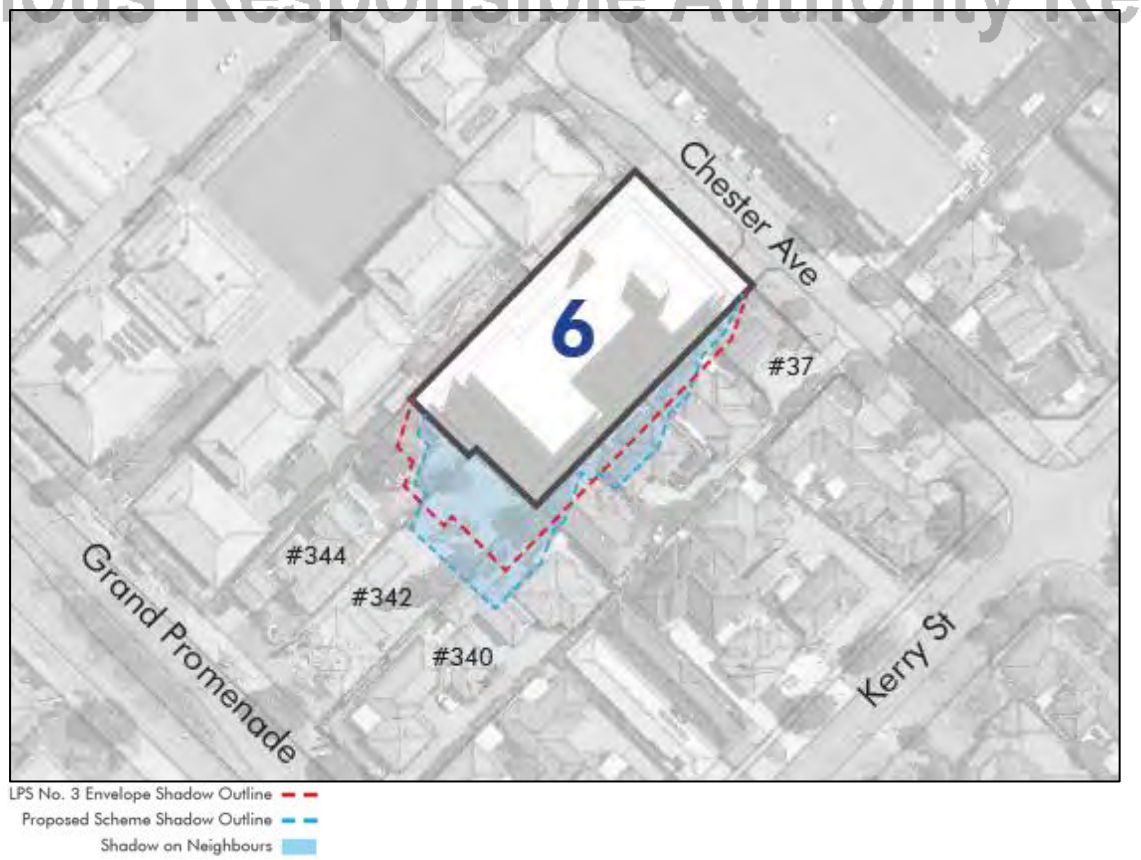

Figure 26 Applicant's Winter Solstice Overshadowing Diagram – 11.00am

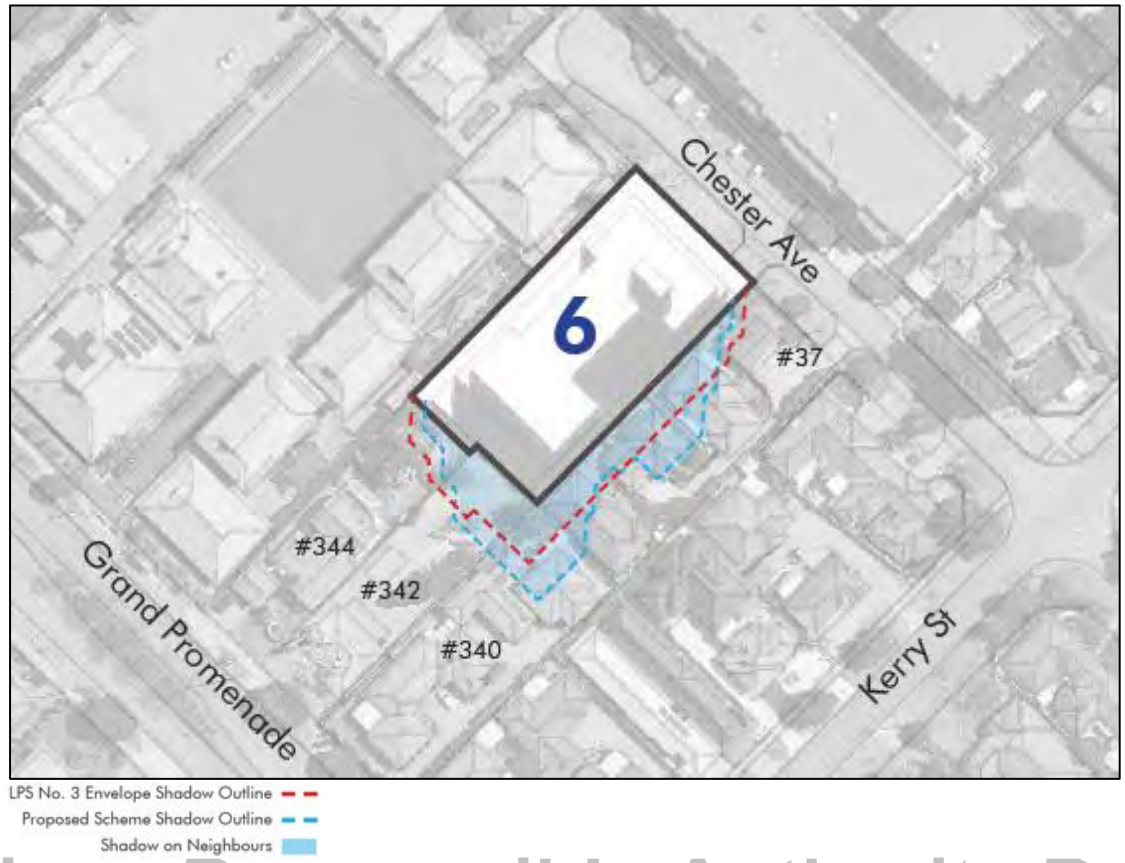

Figure 27 Applicant's Winter Solstice Overshadowing Diagram – 12noon

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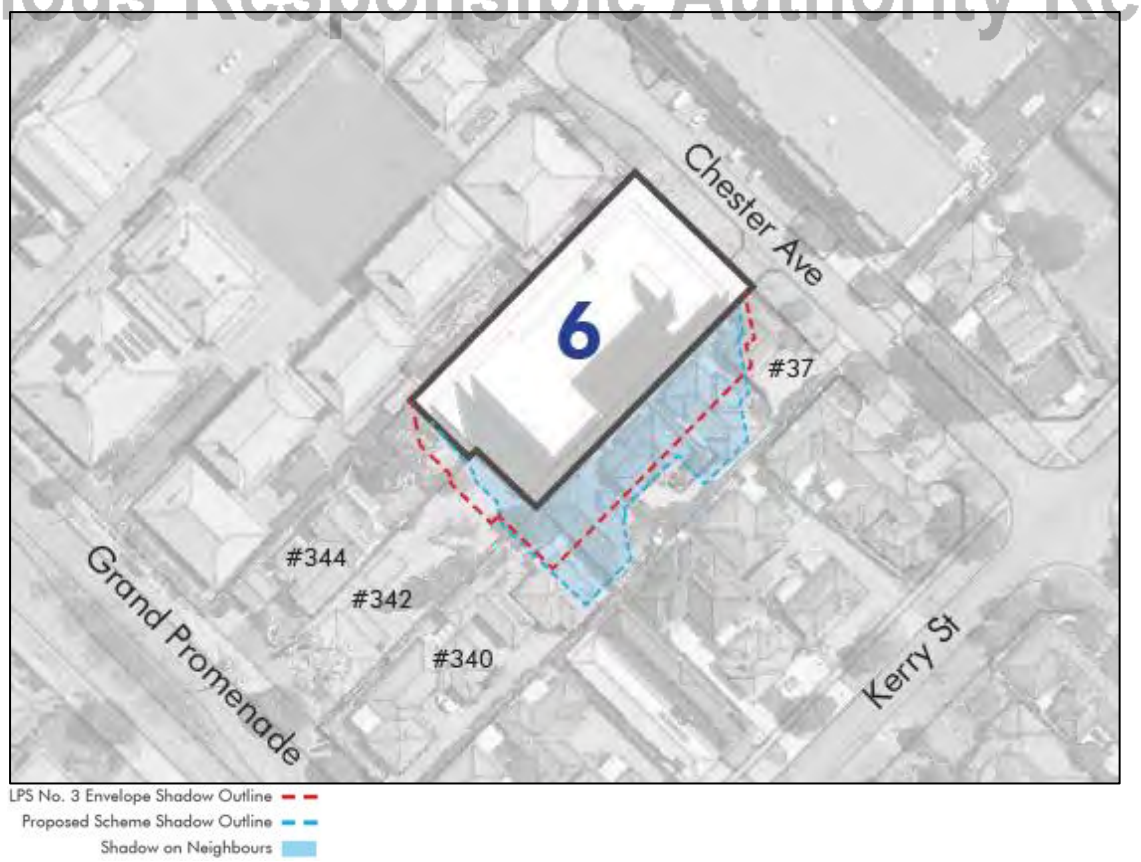
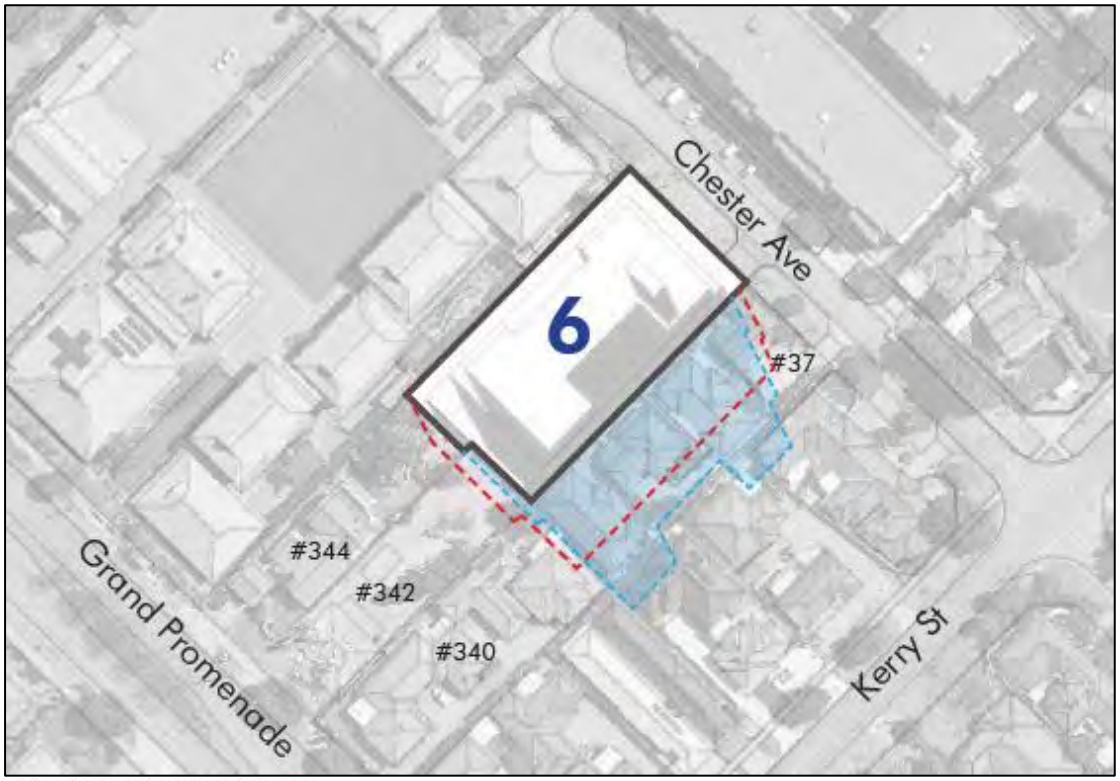


Figure 28 Applicant's Winter Solstice Overshadowing Diagram – 1.00pm



LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline
Shadow on Neighbours

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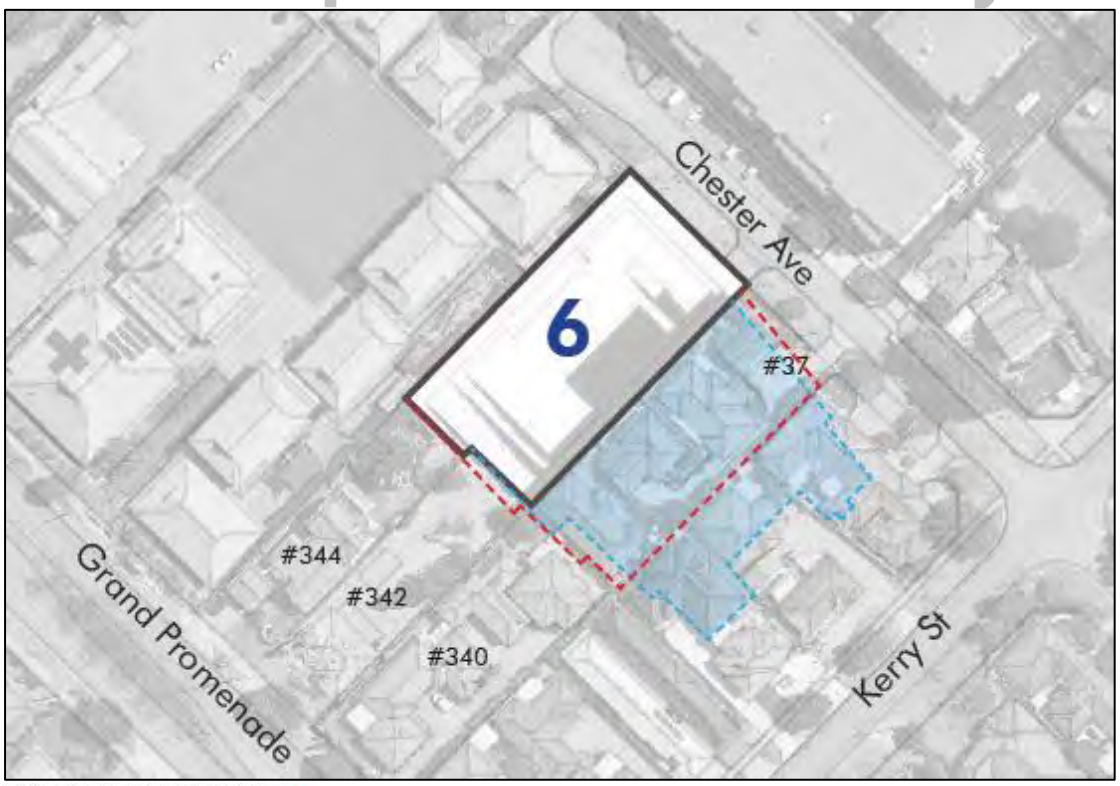
Figure 29 Applicant's Winter Solstice Overshadowing Diagram – 2.00pm



LPS No. 3 Envelope Shadow Outline
Proposed Scheme Shadow Outline
Shadow on Neighbours

Figure 30 Applicant's Winter Solstice Overshadowing Diagram – 3.00pm

Figure 24 through to Figure 30 inclusive, demonstrate the extent and timeframe of the resultant overshadowing from the proposed development is significantly greater compared to the 'Guideline Scheme' which is directly related to the seven (7) storey height of the proposal.

In relation to overshadowing to outdoor living area and major openings to habitable rooms, House Number 37 Chester Avenue and House Number 1-4/340 Grand Promenade are most affected in terms of the extent and duration of overshadowing to major openings to habitable rooms and outdoor living areas. The proposed development will adversely impact the liveability of these dwellings in the winter months. The resultant overshadowing also extends to the outdoor living areas of House Numbers 33 and 35 Chester Avenue and 8A and 10A Kerry Street. Although the overshadowing to the outdoor living areas is for a maximum of two hours, these outdoor living areas are not affected by the overshadowing from a 'Guideline Scheme' as per the submitted overshadowing diagrams.

In relation to solar panels, the overshadowing from the proposed development extends to the solar panels at properties House Numbers 1-4/340 Grand Promenade, 8A and 10A Kerry Street and 35 Chester Avenue. Although the overshadowing of these solar panels is for a maximum period of three hours, these solar panels are not impacted in terms of overshadowing from a 'Guideline Scheme' as per the submitted overshadowing diagrams.

Based on the above analysis, the height of the proposed development results in greater overshadowing to adjoining properties in terms of percentage and has an adverse impact to access to sun to major openings to habitable rooms, outdoor living areas and solar panels. As the Element Objective of Element 3.5 requires building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties, the proposed development cannot fundamentally satisfy this objective in its current form.

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In light of the above, the development does not satisfy the Element Objective of Element 3.2 – Orientation of SPP7.3.

f. Dianella Special Control Area

The proposed development seeks discretion against the specific built form provisions of plot ratio, primary street setback and maximum height of Table 6.12.4 b) of LPS 3. As such, consideration is provided against the Objectives of the Dianella Special Control Area in Clause 6.12.1 of LPS3 as follows:

LPS3 Clause 6.12.1 – Dianella Special Control Area Objectives	
Objective	**Officer Comment**
a) To ensure a diversity of uses and services which encourage reduced car travel, shorter trips and better social interaction.	The development provides additional dwellings within walking distance of the commercial businesses, public facilities and high frequency bus services within and adjacent to the Dianella Activity Centre. The development does not exceed the maximum ratio of car parking bays per dwellings, as per the Acceptable Outcomes of SPP7.3. The

LPS3 Clause 6.12.1 – Dianella Special Control Area Objectives	
Objective	**Officer Comment**
	development will contribute towards the achievement of this objective.
b) To ensure the development of multiple functions benefiting the community through appropriate social services and business mix.	The subject site is Residential zoned land, so it would not be appropriate for social services and businesses to be included in this development. However, the development will contribute towards the achievement of this objective by increasing the residential population within the Dianella Activity Centre.
c) To ensure integration of intensive building form and land uses with public transport infrastructure.	Although the proposed development does not satisfy the specific built form provisions of Table 6.12.4 b) of LPS3, the proposed development does provide for a more intensive building form in close proximity to public transport services and the Dianella Activity Centre.
d) To ensure building forms provide for a long life span and adaptability for use, changing with time.	The development is expected to have a long life span. The development is designed for residential purposes, consistent with the zoning of the subject site. The development includes dwellings with universal design features, which assists those residents to changes, such as disabilities, limited mobility and aging, and a variety of apartment types.
e) To apply the activity centre standards of the Residential Design Codes, to encourage consolidated housing forms and diversity.	The City's assessment concludes the development does not satisfy the specific built form outcomes of Table 6.12.4 b) of LPS3 and SPP 7.3. The proposed development would provide for greater housing diversity.
f) To apply minimum development standards to achieve the desired intensive building form and land use mix.	The City's assessment concludes the development does not achieve the desired built form outcomes of Table 6.12.4 b) of LPS 3. Significant discretion is being sought to building height with 23m proposed in lieu of 11m which results in substantial variations to plot ratio, building setbacks, visual privacy and overshadowing. The proposed development will have significant detrimental impacts to the surrounding properties.

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The proposed development does not satisfy the Objectives of the Dianella Special Control Area and is not supported.

g. Variations to Site and Development Standards and Requirements

Clause 5.5.1 of LPS3 provides a decision-maker with the ability to approve an application despite non-compliance with the Scheme requirements. In this instance, discretion is sought in relation to the specific built form controls of building height, plot ratio and primary street setback of Clause 6.12.4 b) ii) and Table 6.12.4 b) of LPS3.

Clause 5.5.2 of LPS3 imposes procedural obligations on the decision-maker when considering discretion under Clause 5.5.1 of LPS3 which are as follows:

> *5.5.2 In considering an application for planning approval under Clause 5.5.1, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to –*
> *a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 9.4; and*
> *b) have regard to any expressed views prior to making its determination to grant the variation.*

The City has undertaken public consultation in accordance with Schedule 2 Clause 64(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The submissions received during public consultation have been provided as an attachment and summarised within this report. Submissions received during the public consultation period raise concerns regarding several matters, however these primarily relate to the height and scale of the proposed development which is inconsistent with Table 6.12.4 b) of LPS3.

Clause 5.5.3 of LPS3 allows a decision-maker to exercise discretion in accordance with Clause 5.5.1 of LPS3 where there is significant non-compliance with a standard or requirement as follows:

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> *5.5.3 Where:*
> *a) An application for planning approval requires the exercise of Council's discretion under clause 5.5.1; and*
> *b) In the opinion of Council, there is significant non-compliance with the standard or requirement;*
> *Council may impose conditions on its approval requiring the provision of specified community facilities at the applicants cost.*
>
> *Note 1 It is the intention of the Council to require the provision of community facilities where there has been a significant increase in demand for that facility as a direct result of the proposed development.*
>
> *Note 2 Definition of community facilities is contained within Schedule 1.*

The proposed development does not provide for any community facilities in accordance with Schedule 1 of LPS3, however the development is not expected to result in a demand for community facilities as a direct result of the proposed development.

In accordance with Clause 5.5.4 of LPS3, The power conferred by Clause 5.5.1 of LPS3 can only be exercised if the decision-maker is satisfied that:

a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 10.2* [Deemed Provisions Clause 67(2) prevails over LPS3 Clause 10.2]*; and*

b) *the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

The City's assessment concludes the proposed development does not satisfy the relevant matters of Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, primarily in response to the height, bulk and scale of the development which is not appropriate and will have a significant detrimental impact on the amenity of the adjoining properties. Submissions received during the public consultation period are consistent with the City's assessment. Accordingly, the application of Clause 5.5.1 of LPS 3 to vary the specific built form controls of building height and plot ratio as per Table 6.12.4 b) is not appropriate.

Despite Clause 5.5.4 of LPS3, Clause 5.5.5 of LPS3 allows for the use of discretion in accordance with Clause 5.5.1 of LPS3 where non-compliance with the standard or requirement would enable the retention of a Significant Tree on site. This is not relevant to the proposed development.

Separate to the above, the City supports the application of Clause 5.5.1 of LPS3 to vary the primary street setback which is proposed at 1.4m in lieu of 2m. This relates to a small section of the building's canopy which provides cover to the ground floor terrace areas with the remaining portion of the building setback at 3m. The development satisfies the relevant Element Objectives of Element 2.3 – Street Setbacks of SPP 7.3 and is therefore supported.

3. Parking and Access

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a. Car Parking

The car parking requirements for this development are specified in Element 3.9 – Car and Bicycle Parking of SPP 7.3. The table below provides a summary of the City's car parking assessment.

SPP7.3 – Car Parking			
Parking Type	**Acceptable Outcomes Rate**	**Proposed Dwellings**	**Bays Required / Permitted**
1 Bedroom Dwellings	Minimum 0.75 bays per dwelling	Seven (7)	Minimum six (6) resident bays Note 1
	Maximum 1.5 bays per dwelling		Maximum 12 resident bays Note 1
2+ Bedroom Dwellings	Minimum one (1) bay per dwelling	36	Minimum 36 resident bays
	Maximum two (2) bays per dwelling		Maximum 72 resident bays
Visitors	Minimum one (1) bay per four (4) dwellings up to 12 dwellings (0.25) and one (1) bay per eight (8) dwellings for the 13th dwelling and above (0.125)	43	Minimum seven (7) visitor bays Note 1

SPP7.3 – Car Parking			
Parking Type	**Acceptable Outcomes Rate**	**Proposed Dwellings**	**Bays Required / Permitted**
	Maximum two (2) bays per four dwellings up to 12 dwellings (0.5) and two (2) bays per eight (8) dwellings for the 13th dwelling and above (0.25)		Maximum 14 visitor bays Note 1
Acceptable Outcomes Total Required (Minimum):			42 resident bays and seven (7) visitor bays
Acceptable Outcomes Total Permitted (Maximum):			84 resident bays and 14 visitor bays
Total Provided:			57 resident bays and seven (7) visitor bays
Acceptable Outcomes Total Required Surplus / Shortfall:			Residents: 15 bays surplus Visitors: Nil
Acceptable Outcomes Total Permitted Surplus / Shortfall:			Residents: 27 bays under the maximum Visitors: Seven (7) bays under the maximum

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Notes:
1: The number of car bays is rounded up to the nearest whole number as per Note 1 of Table 3.9.

The development provides an average of 1.33 car bays for resident parking per dwelling, the equivalent of approximately one out of three dwellings having two parking spaces. This amount of parking achieves is appropriate for an apartment development within an activity centre with good access to high frequency public transport.

The design and configuration of car parking areas also generally satisfies Australian Standards AS2890.1 with condition setting recommended should the Metro Inner-North JDAP be of mind to support the proposed development.

b. Traffic

In support of the proposed development, the Applicant submitted a Transport Impact Statement prepared by Shawmac. The Applicant's Transport Impact Statement predicts the development will generate approximately 22 trips during both the morning and afternoon peak hours. The road network has the capacity to accommodate the additional traffic generated by this development and is not expected to cause a greater traffic safety risk. The Applicant's Transport Impact Statement has been reviewed by the City and is supported.

It is noted that the adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times. Although the development may slightly increase the existing congestion during peak periods, the additional traffic volume generated by the proposed development is

relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.

4. Waste

In support of the proposed development, the Applicant submitted a Waste Management Plan prepared by Talis Consultants. The Waste Management Plan details the communal bin store is located within the building on the Ground Floor level, in between the lobby and the driveway. Residents are required to take their waste and recycling to the communal bin store. On waste collection day, the strata is responsible for placing the bins in the designated collection area, on the edge of the driveway. The bins will be taken by the waste collection staff to the waste collection vehicle, parked on the street.

Waste collection times will also arranged outside the school drop off and pick up times to minimise congestion along Chester Avenue.

The City has reviewed and endorses the submitted Waste Management Plan.

5. Noise and Amenity

a. Road Noise

The development is affected by transport noise, due to the subject site's proximity to Grand Promenade, an 'Other Significant Freight/Traffic Route' in accordance with SPP5.4. The dwellings are a noise sensitive land use under SPP5.4. SPP5.4 sets target maximum noise levels for bedrooms (L_{Aeq} (Night) 35dB), indoor living and works areas (L_{Aeq} (Day) 40dB) and outdoor living areas (L_{Aeq} (Day) 55dB and L_{Aeq} (Night) 50dB).

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Based upon the SPP5.4 Guidelines Noise Exposure Forecast, the proposed development is located within Exposure Categories B and A. The submitted Acoustic Report advises the forecast noise level to the dwellings facing towards Grand Promenade is 60dB(A). Generally, SPP5.4 advises that noise sensitive land use and development is acceptable when that development is subjected to noise levels up to Exposure Category C (up to 66dB), subject to the implementation of mitigation measures in accordance with an approved noise management plan, or the applicable quiet house package.

In support of the proposed development, the Applicant submitted an Acoustic Report prepared by SLR Consulting. The Acoustic Report includes recommendations and details on precisely how compliance with the noise targets can be achieved. The Acoustic Report has been reviewed by the City and the development can be supported in terms of road noise, subject to the implementation of the Quite House Package B and the acoustic treatments identified in Appendix A of the Acoustic Report.

b. Noise from Development

The Applicant's submitted Acoustic Report provides recommendations relating to noise generated from the roof top mechanical equipment and plant equipment within the development. This information was requested by the City, to respond to potential amenity impacts to the future residents of the building and adjoining properties.

The Acoustic Report provides a number of mitigation measures to be applied to rooftop and mechanical equipment to address the *Environmental Protection (Noise) Regulations 1997.* The City is generally satisfied with the proposed measures identified in the Acoustic Report. Should the Metro Inner-North JDAP be of mind to support the proposed development, this matter can be addressed via appropriate condition setting with further details provided at the detailed design stage, identifying the specific measures required, so that the actual noise generated meets the maximum noise requirements to all dwellings.

c. Notification on Title

The public submissions include a comment regarding the existing noise generated by the adjoining Educational Establishment. The submission identifies that noise generated by the school, such as the ringing of the school bell throughout the day, could be of annoyance to the future residents based on recent experience regarding the apartment building at House Number 36 Chester Avenue, Dianella.

Should the Metro Inner-North JDAP be of mind to support the proposed development, the City recommends a condition is imposed requiring a Section 70A Notification on the Certificate of Title advising of the noise originated from the school and that the property if affected by more noise than typically expected in a residential area.

6. Landscaping

a. Element 3.3 – Tree Canopy and Deep Soil Areas

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The Acceptable Outcomes of Element 3.3 – Tree Canopy and Deep Soils Areas of SPP 7.3 identifies that the development site requires either one (1) Large Tree and two (2) Medium Trees or one (1) Large Tree and several Small Trees to suit the associated deep soil area provided. The proposal includes 18 Medium Trees and 17 Small Trees with a deep soil area of 248m² provided.

The proposal also includes the removal of all eight (8) existing trees on-site.

Consideration of the development is required against the Element Objectives of Element 3.3 – Tree Canopy and Deep Soil Areas which are as follows:

O 3.3.1 Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.
O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.
O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.

In reference to the existing trees on-site, the site feature survey plan identifies eight trees on the site, between three and seven metres in height. The City has reviewed the existing species and concluded there are no existing trees on the subject site worthy of retention. Additionally, there are no trees on the adjoining properties which are affected by the proposed development. The proposed development does include the removal of two existing street trees. The proposed removal of these trees is discussed in the following section of this report.

The proposed development provides for 18 Medium Trees and 17 Small Trees which results in proposed tree canopy cover of 436m² (22%) of the site as opposed to the existing tree canopy cover of 54m² (3%) of the site. As such, the proposed development significantly improves the existing tree canopy cover on-site.

With a deep soil area of 595m² proposed, including 248m² of deep soil area and 347m² on structure, the proposed deep soil area is considered sufficient by the City to support the proposed tree plantings and will ultimately lead to tree canopy growth that provides an attractive outlook and environmental benefits.

The Applicant has submitted a Landscaping Report prepared by UDLA in support of the proposed development. The Landscaping Report has been reviewed and is generally supported by the City, with the exception of the proposed street tree removal which is discussed below.

b. Local Planning Policy 6.11 – Trees and Development (LPP 6.11)

The proposed development includes the removal of the two existing Street Trees located towards the north-west and south-west of the subject site. As per Clause 5.2 e) of LPP 6.11, the removal of street trees can only be considered when no other reasonable design alternative exists.

Consideration of the proposed street tree removal is considered against the Objectives of LPP 6.11 as follows:

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a) *To promote and facilitate development that enables existing significant trees to be retained;*
b) *To minimise the removal of significant trees on zoned land as a consequence of development;*
c) *To protect significant trees which are to be retained on zoned land and existing street trees during the demolition and construction phase of development;*
d) *To ensure appropriate advanced trees are planted which are suited to their environment and location where significant trees have been removed or do not exist on zoned land;*
e) *To ensure suitable advanced trees are planted on verges forming part of the road reserves abutting a development site where street trees have been removed;*
f) *To protect and increase the long term viability of City trees on verges adjacent to development sites; and*
g) *To preserve the existing streetscapes within the City*.

The proposal includes the removal of two existing street trees (Koelreuteria Paniculata) which were planted in August 2022. The City has reviewed the condition of the existing trees and is satisfied they are in good condition and are not affected by the location of the driveway with a minimum setback of 2m achieved from the southernmost street tree to the proposed crossover. As such, there is no suitable reason to support the removal of either of the existing street trees.

The proposed removal of the existing street trees is unnecessary and does not preserve the existing streetscape. Should the Metro Inner-North JDAP be of mind to support the proposed development, a condition is recommended for a revised Landscaping Plan to be submitted with the existing street trees retained.

7. State Planning Policy 4.2 – Activity Centres (SPP 4.2)

The development is within the Dianella Activity Centre, a District Centre under SPP4.2.

In relation to dwelling density, the development proposes 43 dwellings and achieves the average residential density of 25+ dwellings per gross hectare of Urban Zone land within the walkable catchment.

It is acknowledged that the addition of residential dwellings on the subject site is appropriate to support the non-residential functions of the Activity Centre, establish a sense of community and increase activity outside normal business hours. Notwithstanding, it is critical that the built form of the development is compatible with the context and character of the area, without causing unreasonable adverse amenity impacts.

The form of the development is not considered to adequately address the provisions of the relevant State and local planning framework and is not supported by the City, as addressed in this RAR.

8. State Planning Policy 7.2 – Precinct Design (SPP 7.2)

SPP7.2 applies to precincts, guiding the preparation, assessment, determination and implementation of precinct structure plans, local development plans, subdivision applications and development applications.

As the subject site is located within a precinct which has an endorsed precinct structure plan, the Dianella Centre Plan, SPP7.2 advises that the development should be consistent with the precinct structure plan. The City's assessment concludes the proposed development is not consistent with the Dianella Centre Plan.

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9. City of Stirling Design Review Panel

Prior to lodgement of the development application, the proposal was referred to the City's DRP on 24 November 2022, 16 March 2023 and 25 May 2023. Following lodgement of the development application, the proposal was referred to the DRP on 28 September 2023. The Design Review Reports are contained in Attachment 9 City of Stirling Design Review Panel Report.

The DRP's key issues and recommendation on 28 September 2023, relating to the original development application submission, was as follows:

> *"The Panel has reviewed this proposal closely against the Principles of SPP7.3 and considers it to demonstrate the necessary attributes to be supported on the basis of good design.*
>
> *The proposal has demonstrated an understanding of the nuances of place in order to respond in a sophisticated and integrated manner, proposing a development that addresses the need for increased density.*
>
> *A high level of amenity has been provided to residents through the development of the rooftop communal open space. This space as well as the open stairwell connecting each level encourage connection and interaction for the community of residents.*

The Panel supports the discretion sought for the increase in height to Chester Avenue but does maintain some reservations in relation to the potential impacts of bulk and scale at the rear of the lot and its interface with adjacent properties."

The revised submission received on 27 October 2023 was not referred to the DRP for a further review. As such, the City has provided a brief summary of the revised submission against the DRP comments regarding the outstanding items discussed at its meeting on 28 September 2023.

Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
1. Context and Character	*1a. The Panel support the proposal in relation to this principle.*	1a. Noted.
	1b. The Panel commended the applicant in their considered and nuanced response to the character of place, drawing on the language of the area to create a contemporary interpretation relevant to the future context of the area.	1b. Noted.
2. Landscape Quality	*2a. The Panel expressed support for the proposal in relation to this principle, including the verge treatment.*	2a Noted.
	2b. It was mentioned by the Panel there could be further opportunity for the applicant to draw attention to the extent to which the landscape is positively impacting and increasing the local tree canopy, especially along the northwest boundary.	2b. There were no further revisions to the plans to increase the visibility of the landscaped area along the north western boundary.
	2c. The Panel commended the Applicant on the high-quality roof terrace amenity being offered to residents in this proposal. The proposed planters are at balustrade height and low shrubs have been nominated allowing views over the planting, albeit at arm's length, thus	2c. The revised plans did not add the suggested break to the planters.

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
	affording long distance views. Notwithstanding there was another comment made by the Panel that there could be an opportunity to the northeast to provide the odd break in the planters (closer to the longitudinal centerline of the building) to allow people to approach that edge of the built form and look out to access a more comprehensive view in this direction.	
	2d. The Panel commented on the opportunity to clearly communicate to the school the degree to which the planting along the boundary at ground level would restrict views from the lower levels into the school grounds.	2d. Noted.
3. Built Form and Scale	*3a. The Panel is supportive of the additional height proposed for this development given the high quality of the design being proposed. However, the Panel acknowledges that the form of the building envelope means there are impacts to neighbouring properties in terms of overshadowing and that this will be pronounced during the period of transition in the local area to increased density.*	3a. The Panel's comments are noted, though the City has assessed the building height and overshadowing impacts of the development against the relevant provisions of the planning framework applicable to the subject site. As outlined further in this RAR, the building height and bulk and scale of the development is not supported.
	3b. It was noted that the built envelope of the building had not changed since the previous DRP meeting.	3b. The revised submission has not made any substantial changes to the built form.
	3c. It was also noted by the Panel that the overshadowing	3c. The Applicant submitted revised overshadowing diagrams based on a

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
	comparison is problematic, as it is based on the site's maximum building envelope permitted, but this 'container' would not equate to a built outcome. Refer to SPP 7.3, 2 Primary Controls and Figure 2.1a. "The final built form will usually differ significantly from the building envelope, due to plot ratio constraint as well as necessary articulation of building for light, ventilation, open spaces and circulation". The suggestion was made that the extent of overshadowing should be recorded at different times of the day as this will illustrate the range of likely impacts of the scale of the building. For example, the impact on the school during the morning.	potential built form outcome in accordance with the built form controls of Table 6.12.4b of LPS 3 and SPP 7.3.
	3d. The Panel expressed concern in relation to the footprint of the top two floors, particularly at the southwest end of the building, and the subsequent impact these have on the perceived bulk and scale at the rear of the lot. This is unchanged from the previous DRP.	3d. The revised submission does not include any substantial change to the footprint of the top two floors.
	3e. It was suggested by the Panel the top two floors could be reduced to half the footprint, particularly at the southwest end, which would reduce the impact on neighbouring properties.	3e. The revised submission did not include any substantial change to the building footprint of Levels 4 and 5.
	3f. The Panel stated the proposal must achieve a	3f. The revised submission did not include any

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
	balance between the current and future context when considering the envelope and bulk of the building and that the current proposal was still potentially over-scaled when the impacts on adjacent properties was considered.	substantial change to building height or bulk.
4. Functionality and Build Quality	*4a. The Panel is supportive of this principle.* *4b. The Panel suggested the efficiency of the storerooms could be improved and increased through the inclusion of roller doors.*	4a. Noted. 4b. The storeroom doors have not been replaced with roller doors.
5. Sustainability	*5a. The Panel noted it is important to think about heat gain and be mindful when using dark colours, particularly referring to the upper two floors. While it may be possible to manage the transfer of heat internally via insulation the applicant was encouraged to think about the impacts of radiant heat externally and the impacts on this on the environment.* *5b. The Panel expressed some reservation in relation to the light and ventilation of bedroom facing the lightwells. More information in relation to the extent of glazing and the colour of the lightwell would assist in better understanding the effectiveness of the lightwells.* *5c. The Panel questioned if the orientation of the photo voltaic cells was optimal.*	5a. The revised submission does not include any modification to the colours of the proposal. 5b. The revised submission does not provide the additional information regarding this matter. 5c. The revised submission does not provide

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
		additional information regarding this matter.
	5d. The Panel reiterated the importance of commitments to sustainability initiatives not targets.	5d. The revised submission does not provide additional information regarding this matter.
	5e. The Panel expressed some concern in relation to the extent of dark colour on the southern side of the building, noting that this will be in shade the majority of the time and further reduce the reflected light into rooms that face the open corridor.	5e. The revised submission does not include any modification to the colours of the proposal.
6. Amenity	*6a. The Panel is generally supportive of the amenity of this proposal.*	6a. Noted.
	6b. The Panel reiterated its concerns around the amenity of those bedrooms located in the 'centre of the building' which are effectively internalised, ie having windows facing onto small, south-facing breeze-block-enclosed courtyards requiring additional privacy screening (at Level 1), or onto small, south-facing breeze-block-enclosed light-wells (Levels 2-4), all of which are further bounded by a walkway, and as a consequence are likely to receive very little natural light, yet likely be subject to noise transference issues.	6b. The revised submission retains the bedroom windows facing into the enclosed courtyards.
	6c. The location of the air conditioning condensers should be shown on the drawings.	6c. The revised submission does not show the location of the air conditioning condensers.

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
	6d. The Panel commended the applicant on the high level of amenity offered to residents as a result of the roof top communal open space.	6d. Noted.
7. Legibility	*7a. Comment was made by the Panel that the street interface is considered positive and this principle is supported by the Panel.* *7b. The Panel commented there could be opportunity to indent the entry doors to apartments to create semi-private space at the threshold to each dwelling.*	7a. Noted. 7b. The revised submission did not indent the entry doors into each dwelling.
8. Safety	*8a. The Panel commented that this principle has been addressed and is supported.*	8a. Noted.
9. Community	*9a. Comment was made by the Panel that the external stair is a community asset for resident interaction and encourage the further development and articulation of its design language, focusing on opportunities of visual connection.* *9b. The Panel supported the proposal in relation to the contribution it makes to the community of residents and the wider social context.*	9a. The revised submission did not include any modifications to the external stairs. 9b. Noted.
10. Aesthetics	*10a. The Panel supported this high-quality design.* *10b. Comment was made by the Panel the material palette and articulation adds a lot to the proposal.* *10c. Comment was made by the Panel that further development of the fine*	10a Noted. 10b. Noted. 10c. The revised submission did not provide further

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Summary of Final DRP Comments against Design Principles of SPP7.0		
Principle	**DRP Comment**	**City Comment**
	level of detail around the southern elevation in terms of material language. The Applicant was encouraged to think about the connection to the broader scheme.	details of the external materials and colours.

The revised submission received on 27 October 2023 did not substantially change the development and did not address the majority of the suggestions and outstanding items raised by the DRP with the Design Principles of Built Form and Scale and Sustainability remaining outstanding.

With respect to the above, the City notes the commentary from the DRP in relation to the proposed development is generally supportive. The role of the DRP is to provide design advice only and it is the role of the City to carry out an assessment of a proposal against the relevant planning framework, including commentary from the DRP.

10. State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)

SPP7.0 applies to all development in Western Australia. The purpose of SPP7.0 is to inform and guide landowners, proponents, designers, reviewers and decision-makers to achieve good design outcomes in the built environment.

Previous Responsible Authority Report

The City's summary of the proposed development against SPP7.0 is as follows:

SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
1.Context and Character *Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*	Dianella is primarily a low to medium density residential suburban area. The subject site is within the Dianella Activity Centre, which is a section of the suburb anchored by the Dianella Plaza Shopping Centre and located adjacent to high frequency bus routes. This area is intended to provide for a higher density form than the surrounding suburban areas. Clause 6.12 of LPS 3 and the Dianella Centre Plan provide for maximum building heights of six storeys in the commercial areas transitioning down to three storeys in the residential areas. Located within the residential area and at a height of seven storeys, the development is not consistent with the existing or planned future character of the area in terms of height, bulk and scale.

SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
2. Landscape Quality *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*	The proposed development provides for substantial on-site landscaping with 18 Medium Trees and 17 Small Trees with tree canopy cover of 436m² (22%). This represents a significant increase in canopy cover which is currently 54m² (3%) on-site.
3. Built Form and Scale *Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*	The planning provisions for the Dianella Activity Centre were prepared through a strategic planning exercise, including community consultation, which informed the specific built form provisions of Clause 6.12 of LPS 3. The height, bulk and scale of the development at seven storeys is not consistent with the primary built form controls of Clause 6.12 of LPS 3. The discretion being sought is not consistent with desired built form outcomes and results in significant detrimental impact to surrounding properties.
4. Functionality and Build Quality *Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.*	The development includes dwellings with universal design features, which assists those residents to changes, such as disabilities, limited mobility and aging, and a variety of apartment types. The internal design of the proposed development satisfies the needs of occupants.
5. Sustainability *Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*	The development achieves the Element Objectives of SPP7.3 relating to the landscaping of the site, energy efficiency and water management and conservation. The development does not have an oversupply of private car parking spaces, encouraging the use of active and public transport options.
6. Amenity *Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*	The development provides a good level of amenity to residents, there are no design issues that would substantially affect the liveability of the new dwellings. Conversely, the height, bulk and scale of the development will have substantial adverse amenity impacts to neighbours.
7. Legibility	The development has a legible layout, with evident pathways and entrances into

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SPP 7.0 – Design of the Built Environment	
Design Principle	**Officer Comment**
Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.	the development and passages within the development.
8. Safety *Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*	The development provides passive surveillance over the streetscape. There are no significant safety design issues present within the development.
9. Community *Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*	The development provides opportunities for interaction between residents, such as within the communal open space area. The development includes dwellings specifically designed to provide universal access and adaptability.
10. Aesthetics *Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*	In terms of aesthetics, the proposed design presents well to the street utilising a range of high quality materials and a range of colours. The height, bulk and scale of the development does not reflect the existing or future character of the area.

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11. Planning and Development (Local Planning Schemes) Regulations 2015

The application is required to be considered against the relevant matters listed under Clause 67(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The City's response to each point requiring consideration is outlined in the table below:

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed Multiple Dwelling use is consistent with the Residential zoning of the site as per LPS 3. The appropriateness of the development has been considered in the City's assessment and is not supported.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any	The height, bulk and scale of the proposed development is inconsistent with the specific built form provisions of Clause 6.12 of LPS 3. Although the City has prepared draft LPS 4, the final form of draft LPS4 is not

Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
other proposed planning instrument that the local government is seriously considering adopting or approving;	imminent nor certain at this time, noting the draft scheme has not been advertised. Accordingly, no weight should be given to draft LPS 4 when determining this application.
(c) any approved State planning policy;	The City's assessment has considered the relevant State Planning Policies. The development does not satisfy all of the objectives and provisions of those policies, particularly Design Elements 2.2, 2.4, 2.5, 2.7, 3.3 and 3.5 of SPP 7.3.
(fa) any local planning strategy for this Scheme endorsed by the Commission;	The Local Planning Strategy identifies density for each activity centre. For district centres such as Dianella, this includes a minimum 20 dwelling and desirable 30 dwelling density target per gross hectare. There are 164 existing dwellings within the Dianella Activity Centre, including six (6) dwellings on the subject site. This equates to an existing density of approximately 14 dwellings per hectare within the boundaries of the Dianella Activity Centre. The development provides a substantial contribution towards the density targets. As a guide, the density in this development would add approximately 3.7 dwellings per hectare to the whole of the Dianella Activity Centre and the density of the subject site is 228 dwellings per hectare. While the addition of more dwellings is broadly seen as a positive outcome, the manner and form that these dwellings are being proposed imposes adverse amenity impacts to the surrounding properties.
(g) any local planning policy for the Scheme area;	The City's assessment has considered the relevant Local Planning Policies. The development is generally compliant with the objectives and provisions of those policies, subject to condition setting should the Metro Inner-North JDAP be of mind to support the development.
(h) any structure plan or local development plan that relates to the development;	The Dianella Centre Plan does not contain any specific development provisions, it articulates the vision for the

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Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
	Dianella Activity Centre and it informed the preparation of the scheme amendment that introduced Clause 6.12 Dianella Special Control Area of LPS3. There are no local development plans applicable to the subject site.
(m) the compatibility of the development with its setting, including — *(i) the compatibility of the development with the desired future character of its setting; and* *(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*	The height, bulk and scale of the development is not compatible with its setting and will have an adverse impact on the amenity of surrounding properties.
(n) the amenity of the locality including the following — *(i) environmental impacts of the development;* *(ii) the character of the locality;* *(iii) social impacts of the development;*	The development will have enhanced environmental impact as the landscaping proposed is significantly greater than the existing Grouped Dwelling development. The height, bulk and scale of the development has an adverse impact on the amenity of surrounding properties. The development will have some positive social impacts, through greater housing diversity in the area.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	The development proposes the planting of 18 medium trees and 17 small trees (at ground level and on structure. Landscaped areas include the street setback area, the setback to the north western lot boundary, the Visual Courtyard on Level 1 and within the communal open space on the roof of the building. The existing development on the subject site contains little mature vegetation and no trees are being retained. The City requires the existing street trees to be retained.

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Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
	The submitted Landscaping Plan has been reviewed and the City is satisfied with the landscape design.
(s) the adequacy of — *(i) the proposed means of access to and egress from the site; and* *(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*	The vehicle access and design of the parking areas meets the City's requirements, subject to further review at the detailed design stage. The provision of car, bicycle and motorcycle/scooter parking spaces has been assessed against the relevant Element Objectives of SPP7.3 and the development achieves compliance with these Element Objectives.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The Applicant's Transport Impact Statement predicts the development will generate approximately 22 trips during both the morning and afternoon peak hours. The road network has the capacity to accommodate the additional traffic generated by this development and this traffic is not expected to cause a greater traffic safety risk. It is noted that the adjacent Educational Establishment has a significant short term parking and traffic impact in the immediate area at school drop off and pick up times. Although the development may slightly increase the existing congestion during peak periods, the additional traffic volume generated by the proposed development is relatively minor and is not anticipated to cause any substantial functional or safety impact to the local road network.
(u) the availability and adequacy for the development of the following — *(i) public transport services;* *(ii) public utility services;* *(iii) storage, management and collection of waste;* *(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);* *(v) access by older people and people with disability;*	The site has good access to public transport, being located within a short walking distance of high frequency bus routes. Utility services are available. A Waste Management Plan has been provided and meets the City's requirements. There is a public footpath on the opposite side of Chester Avenue and the

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Deemed Provisions Consideration of Application by Local Government	
Provision	**Officer Comment**
	development provides a path between the roadway and the lobby entrance. Bicycle parking spaces are provided on site and meet the requirements of SPP7.3, though specific end-of-trip facilities are not needed as these functions are accommodated within each dwelling. Universal access has been provided as part of the development.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The height, bulk and scale of the development has a localised impact.
(y) any submissions received on the application;	The development application was advertised in accordance with the City's LPP6.18 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The submissions received raise valid planning considerations in relation to the height, bulk and scale of the proposed development.
(za) the comments or submissions received from any authority consulted under clause 66;	The City received comments from the Water Corporation with no objections to the proposed development.

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Conclusion:

The proposed development seeks approval for the construction of 43 Multiple Dwellings within a seven (7) storey building.

It is acknowledged that the development provides additional dwellings into the Dianella Activity Centre and this would assist in supporting the non-residential functions of the Activity Centre and provide a greater diversity of housing options.

However, the impacts of the proposal in relation to the height, bulk and does not respond to with the existing or future built form outcomes of the locality. The transition of the built form is critical in an established suburban context. The development does not provide a transition between the commercial component of the Dianella Activity Centre, where the greatest height is intended to be provided, and the low to medium density residential areas for the area immediately opposite the perimeter of the Activity Centre. There are no imminent or seriously entertained modifications to the relevant framework that indicate further substantial changes to the planned future built form of the Dianella Activity Centre are proposed.

The City has concluded that due to the significant discretion being sought, particularly to building height, the height, bulk and scale of the development results in significant

adverse impacts to the surrounding properties. The proposed development also results in direct overlooking to sensitive areas of the surrounding properties. It is recommended the Metro Inner-North JDAP refuse the application.

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP notes the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	**LG Name**	**Property Location**	**Application Description**	**Date Lodged**
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/23/02480 DR184/2023	City of Vincent	Lot 3 (37-43) Stuart Street, Perth	Proposed Unlisted Use (Community Purpose) & Alterations & Additions	
DAP/22/02259 DR166/2023	City of South Perth	Lots 253 & 50 (4-8) Charles Street, South Perth	Mixed use development	03/11/2023
DAP/23/02550 DR196/2023	City of Belmont	Lots 2, 606, 608 and 609 (No. 97-107) Great Eastern Hwy and Lots 302, 304, 305 (No.2) Acton Ave, Rivervale	Warehouse (Self Storage Facility)	21/12/2023

2. General Business

3. Meeting Closure

In accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.