

## Attachment 6 – Assessment of Proposed Development Against the Relevant Provisions

TABLE 1 – Local Planning Policy No. 6 – Family Day Care and Child Care Premises

The table below addresses the relevant development provisions and the corresponding design response:

| Development Requirement   | Response   |
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| <b>2.2 Location</b>   |  |
| Child care premises should be appropriately located to ensure they meet the needs of children and their families as well as limiting the impact they may have on surrounding activities and vice versa.   | As demonstrated in Section 5.1 of this Report, there is a need for the proposed childcare centre.  |
| <p>(a) A proposed child care premises may be suitable in locations that are:</p> <ul style="list-style-type: none"> <li>i. within convenient walking distance (5-10 minutes), or part of, appropriate commercial, recreation or community nodes and education facilities (e.g. local parks and playground facilities, schools and kindergartens, etc.);</li> <li>ii. located in areas where adjoining uses are compatible with a child care premises (includes considering all permissible uses under the zoning of adjoining properties);</li> <li>iii. serviced by public transport;</li> <li>iv. considered suitable from a traffic engineering/safety perspective; and</li> <li>v. of sufficient size and dimension to accommodate the development, including provision of sufficient outdoor play space and other facilities as required by the Act and the Regulations, and on-site car parking, without unreasonably affecting the amenity of the area.</li> </ul> | <p>The location of a childcare centre use at the subject site complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The childcare centre abuts G.O. Edwards Park, Kagoshima Park, Burswood Park and Charles Paterson Park, and is located opposite to Perth Montessori School.</li> <li>- The proposal includes other commercial development on the ground floor. The childcare centre is complementary to the ground floor commercial uses and will provide a community service to the surrounding existing and future residents.</li> <li>- The site is in proximity to Burswood train station. Surrounding streets are serviced by bus routes 935, 270, 39, 940.</li> <li>- The proposed development is supported by a Transport Impact Statement which demonstrates that traffic generated by the proposal will not have an adverse impact on the surrounding road network. Refer to <b>Attachment 7 – Transport Impact Statement</b>.</li> <li>- The childcare centre is a purpose built and designed facility which will comply with the relevant outdoor play space requirements set out by the relevant Act and Regulations.</li> </ul> |
| <p>(b) Child care premises are not considered suitable in locations where:</p> <ul style="list-style-type: none"> <li>i. soil contamination exceeds the levels regarded by DEC and DOH as suitable for standard residential land uses with accessible soils as published in guideline “Assessment Levels for Soil, Sediment and Water” (Department of Environment, November 2003);</li> <li>ii. groundwater is to be abstracted for the irrigation of gardens and play area within the child care premises and groundwater contamination exceeds 10 x Australian Drinking Water Criteria in</li> </ul>  | <p>The location of a childcare centre use at the subject site complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- A desktop search of the Department of Water and Environmental Regulation Contaminated Sites Database indicates that the subject site is not a registered contaminated site.</li> <li>- Groundwater is not intended to be abstracted at the subject site.</li> </ul>   |

| Development Requirement  | Response  |
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| <p>accordance with the “Contaminated Sites Reporting Guideline for chemicals in groundwater” (Department of Health 2006);</p> <p>iii. access is from a major road or in close proximity to a major intersection where there may be safety concerns;</p> <p>iv. access is from a local access street where there may be unreasonable adverse amenity impacts due to traffic and parking;</p> <p>v. the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site;</p> <p>vi. noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or</p> <p>vii. the site is in a heavy industry area or within the buffer area of a heavy industry area.</p> | <ul style="list-style-type: none"> <li>- Access to the proposed development to be taken from a rear laneway in accordance with LPP 7.</li> <li>- All properties abutting the laneway are required to take access from the laneway in accordance with LPP 7. Therefore, there is no considered to be any amenity impacts due to traffic and parking.</li> <li>- The proposed development is supported by a Noise Assessment which demonstrates compliance with the relevant assigned noise levels specified by the <i>Environmental Protection (Noise) Regulations 1997</i>. Refer <b>Attachment 5 – Noise Assessment</b>.</li> <li>- The proposed development is supported by a Noise Assessment which demonstrates compliance with the provisions of SPP 5.4. Refer <b>Attachment 5 – Noise Assessment</b>.</li> <li>- The surrounding area is not zoned for industrial activities.</li> </ul> |
| <b>2.3 Site Characteristics</b>  |   |
| <p>(a) Size and Shape of Site</p> <p>i. Sites selected for child care premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping.</p> <p>ii. Sites in residential areas should have a regular shape, with a minimum lot area of 1,000m<sup>2</sup> and effective frontage of 20 metres width to provide the opportunity for design aimed at minimising the impact on surrounding properties.</p>   | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The childcare centre is a purpose built and designed facility which will comply with the relevant outdoor play space requirements set out by the relevant Act and Regulations. The subject site is of a sufficient size to ensure compliance.</li> <li>- The site is a regular shape with an area of 1,226m<sup>2</sup> and a frontage of 24.4m to both Burswood Road and the rear laneway.</li> </ul>   |
| <p>(b) Topography</p> <p>The site should generally be flat or gently sloping, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.</p>   | <p>The topography of the subject site is flat.</p>  |
| <p>(c) Site Contamination</p> <p>As a sensitive land use, any party considering development of a child care premises should obtain and consider any information the Department of Water and Environment Regulation (DWER) may have about the contamination status of a given site. Even in the absence of a report to DWER there is no guarantee that the site has not been contaminated by a previously operating land use and applicants/operators must exercise a duty of care to ensure that the site is suitable for use as a child care premises.</p>  | <p>A desktop search of the Department of Water and Environmental Regulation Contaminated Sites Database indicates that the subject site is not a registered contaminated site.</p>  |

| Development Requirement  | Response  |
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| <p>If the site or adjoining site(s) may have been used for a potentially contaminating activity, a Form 2 – Request for a Summary of Records in Respect of Land is to be applied for and obtained from the Department of Water and Environment Regulation (available from <a href="https://www.der.wa.gov.au/your-environment/contaminated-sites/57-forms">https://www.der.wa.gov.au/your-environment/contaminated-sites/57-forms</a>) for all relevant sites, and supplied to Council with the development application.</p> <p>The site will be assessed by Council to determine potential of soil or groundwater contamination having regard to previous or currently operating land uses on and within the vicinity of the site, and may refer the application to the Department of Water and Environment Regulation for comment and advice should the subject site be known or suspected to be affected by a potentially contaminating land use.</p>   |   |
| <b>2.4 Design</b>  |   |
| <p>(a) Building Appearance</p> <ul style="list-style-type: none"> <li>i. The visual appearance of the development should reflect the character of the area, enhance its amenity and be considered appropriate for regular use by children, with a welcoming and inviting appearance from the street.</li> <li>ii. The development should be designed having regard to any adopted design guidelines, built form/streetscape policies or other development requirements applicable to the site under the relevant Precinct Plan.</li> <li>iii. Development within or adjacent to residential areas should reflect a residential appearance, character and proportions that responds to the requirements of Council's Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas. Particular regard should be given to appropriate building setbacks, roof form and style, external colours, finishes and materials and orientation of building openings, that is sympathetic to surrounding development.</li> </ul> | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The Burswood Road elevation incorporates large ground floor and first floor windows overlooking the street. An awning over the adjoining footpath on Burswood Road provides a human scale to the street and improves the streetscape experience and activation. The use of custom metal screening to the first floor incorporates artwork which will positively contribute to the experience of children at the centre.</li> <li>- The proposal has been designed with the provisions of the LPP 22 in mind. Refer to Table 3 below.</li> <li>- The proposal does not adjoin land zoned 'Residential'. The subject site and the surrounding area is zoned 'Office/Residential' under LPS 1. The proposed development has been designed and is appropriate within the 'Office/Residential' Zone. The Town's Local Planning Policy No. 3 – Non-Residential Uses in or Adjacent to Residential Areas is not applicable in this instance.</li> </ul> |
| <p>(b) Street Walls and Fencing</p> <ul style="list-style-type: none"> <li>i. Fencing and walls visible from the street should be suitably designed to provide appropriate access, privacy, safety and security, whilst maintaining adequate levels of passive surveillance (i.e. 'open style' fencing) and have a visually interesting appearance.</li> </ul>   | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The wall visible from Burswood Road on the second storey is to be Colourbond cladding, glazing and a custom screen with lightweight steel framing. Passive surveillance is provided at ground level with commercial tenancies maximising the use of glazing, and first floor through the permeable screening and glazing.</li> </ul>   |

| Development Requirement   | Response   |
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| <p>ii. Areas of solid walls or screening visible from the street should be of high quality materials and be articulated/visually interesting. Soft landscaping should also be used to reduce the visual dominance of solid portions of walls or fences and soften their appearance from the street.</p> <p>iii. Front fences to child care premises within or adjacent to residential areas should attempt to comply with residential street fencing requirements as far as possible and be constructed of appropriate materials that compliment the development and respect the amenity of the streetscape and surrounding residential properties.</p>   | <ul style="list-style-type: none"> <li>- The specified materials include exposed blockwork, steel stud, painted cfc, concrete panels, and glazing.</li> <li>- The proposal does not adjoin land zoned 'Residential'. The subject site and the surrounding area is zoned 'Office/Residential' under LPS 1. The proposed development has been designed and is appropriate within the 'Office/Residential' Zone.</li> </ul> |
| <p>(c) Fencing to Boundaries with Neighbouring Properties</p> <p>i. New or upgraded boundary fencing shall be required to be a minimum of 1.8 metres high and is encouraged to be of masonry construction in a colour/finish that complements the development as well being of compatible colours and materials to any neighbouring residential properties.</p> <p>ii. Efforts should be made to obtain agreement with neighbouring properties regarding the height, materials and finish of any new/upgraded boundary fencing.</p> <p>iii. The provision of new/upgraded boundary fencing may be applied as a condition of development approval where it is deemed necessary by the Council to reduce the impacts of the development, in particular where the site adjoins residential properties.</p> | <p>There are no fences on the side boundaries.</p>   |
| <p>(d) Location of openings, play areas and other noise sources</p> <p>Openings to rooms which may create a source for unreasonable noise levels, such as play areas, should be oriented away from adjacent residential properties, and be provided with suitable setbacks.</p>   | <p>The proposed development is supported by a Noise Assessment which demonstrates compliance with the relevant assigned noise levels specified by the <i>Environmental Protection (Noise) Regulations 1997</i>. Refer <b>Attachment 5 – Noise Assessment</b>.</p>  |
| <p>(e) Landscaping</p> <p>i. Where car parking is provided between the building and street alignment(s) a minimum 1.5 metre wide landscaping strip to be established and thereafter maintained along the street alignment(s).</p> <p>ii. The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.</p> <p>iii. Car parking areas to be landscaped and provided with shade trees at a minimum rate of 1 tree per 4 car parking bays provided.</p>  | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- There is no parking located between the building and the street.</li> <li>- There is no existing vegetation at the subject site worthy of retention.</li> <li>- The proposed car park is covered by the building. Shade trees within the car park is not possible.</li> </ul>       |
| <p>(f) Signage</p> <p>i. All signage associated with the development should be detailed as part of the development application. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.</p>   | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The signage for the proposed childcare centre is included since the tenant is known. Signage panels are proposed for the ground floor commercial tenancies.</li> </ul>  |

| Development Requirement  | Response   |
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| <p>ii. Signage should be designed integrally with the building/site and be of modest scale and proportions so as not to visually dominate the site/building or detract from the visual amenity of the streetscape or surrounding properties.</p> <p>iii. The use of tethered banners, inflatable signage or free-standing transportable signs is inappropriate and will not be supported by Council.</p> <p>iv. The design, type, location and number of signs on the site/building is subject to the requirements of Council's Local Planning Policy and/or Local Law related to Signs and/or a signage strategy approved by Council as part of a development application for the site.</p>   | <ul style="list-style-type: none"> <li>- The signage panels are located immediately above the entrance to the building and under the awnings. A sign is also located on the first floor façade to signify the location of the childcare centre.</li> <li>- The proposal does not include the use of tethered banners, inflatable signs or free-standing signs.</li> <li>- The proposed signage is consistent with the Town's LPP 38.</li> </ul>  |
| <b>2.5 Car Parking, Vehicular Access and Traffic</b>   |  |
| <p>(a) On-site Car Parking and Vehicular Access Car parking and vehicular access shall be provided and designed in accordance with Council's Local Planning Policy 23 – Parking Policy.</p>  | Refer to Table 4 for an assessment of the proposal against the provisions of LPP 23.   |
| <p>(b) Traffic Generation</p> <p>i. Development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.</p> <p>ii. In assessing an application for a new or expanded child care premises, in addition to considering matters such as traffic volumes, road capacity and road safety from a technical engineering perspective, Council will have also regard to these matters from a residential amenity perspective.</p> <p>iii. A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant may be required to be submitted as part of a development application, which assesses the likely traffic impacts associated with the proposed development and details how parking and/or traffic will be managed.</p> <p>iv. The appropriate level of traffic assessment required to be undertaken for the proposed development will be determined by Council having regard to the requirements of the Western Australian Planning Commission's (WAPC) (2016) Transport Impact Assessment Guidelines.</p> | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The development does not propose adverse effects on the traffic of the area as demonstrated by the Transport Impact Statement (<b>Attachment 7</b>).</li> <li>- The current road capacity is able to manage additional traffic from the childcare without adverse amenity impacts as demonstrated by the Transport Impact Statement (<b>Attachment 7</b>).</li> <li>- This Development Application is supported by a Transport Impact Statement (<b>Attachment 7</b>).</li> <li>- The Transport Impact Statement has been prepared in accordance with the WAPC's Transport Impact Assessment Guidelines.</li> </ul> |
| <b>2.6 Noise Impacts</b>   |  |
| <p>(a) General Design and Layout Considerations</p> <p>Child care premises should be appropriately designed and operated to minimise the noise impact it may have on adjacent properties, and also limit the impact noise from external sources may have on the child care premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings or other noise attenuation measures. The following basic principles will apply when considering a proposal:</p>  | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The outdoor play spaces are separated from adjoining development by a solid wall.</li> <li>- The Noise Assessment demonstrates that the proposed childcare centre will comply with the assigned noise levels at all hours, with no noise abatement measures required (refer <b>Attachment 5</b>).</li> </ul>  |

| Development Requirement  | Response  |
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| <p>i. Where a child care premises is located adjacent to a noise-sensitive use, such as residential dwellings, retirement villages and nursing homes, the noise-generating activities of the child care premises, such as the outdoor play areas, parking areas and any plant and equipment, are to be located away from the noise-sensitive use;</p> <p>ii. Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and</p> <p>iii. The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.</p> | <p>- The Noise Assessment demonstrates that the outdoor play spaces will comply with the relevant noise requirements for external noise sources (refer <b>Attachment 5</b>).</p>  |
| <p>(b) Noise Impact Assessment</p> <p>In general a noise impact assessment/acoustic report will be required by Council where a child care premises is proposed adjacent to a noise sensitive use such as a residential dwelling(s), retirement village or a nursing home.</p>  | <p>The Development Application is supported by a Noise Assessment which demonstrates compliance with the assigned noise levels specified by the <i>Environmental Protection (Noise) Regulations 1997</i> and compliance with the provisions of SPP 5.4.</p> |
| <p>(c) Hours of Operation</p> <p>As a general rule, the hours of operation of a child care premises should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by Council.</p>   | <p>The proposed hours of operation are from 6:30am to 6:30pm, Monday to Friday.</p>   |
| <p>(d) Noise Regulations</p> <p>Sound levels associated with a child care premises are required to comply with the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p>  | <p>The Development Application is supported by a Noise Assessment which demonstrates compliance with the assigned noise levels specified by the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>   |

**TABLE 2 – Local Planning Policy No. 7 – Development and Vehicle Access to Properties Abutting Rights-of-Way**

The table below addresses the relevant development provisions and the corresponding design response:

| Development Requirement  | Response   |
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| <p><b>1. Vehicle access to be solely provided from right-of-way</b></p> <p>(a) New development on a property abutting a right-of-way is required to gain vehicular access solely from the right-of-way, where the property has a legal right of access to use the right-of-way;</p> <p>(b) It is the responsibility of the owner of a property abutting a right-of-way to demonstrate that they have a legal right to take access from the right-of-way;</p> <p>(c) Vehicle access to a property via the primary and/or secondary street for development on a property abutting a right-of-way will generally not be supported by the Town, unless significant topographic or site specific circumstances prevent the ability to gain access from the right-of-way, or a legal impediment prevents the ability to gain access from the right-of-way; and</p> <p>(d) The presence of an existing crossover(s) providing vehicle access from a primary or secondary street to a property will not be supported by the Town as justification for new development on the property not gaining sole vehicle access from the right-of-way, where access to the right-of-way is possible.</p> | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal includes access from the adjoining laneway / right of way.</li> <li>- The subject site currently enjoys access from the laneway / right of way.</li> <li>- No vehicle access is proposed via Burswood Road.</li> <li>- The existing crossover to Burswood Road will be removed through the implementation of the approval for this development.</li> </ul> |
| <p><b>2. Existing developments with access available from a right-of-way</b></p> <p>(a) The relocation of vehicle access provided from a primary or secondary street (along with associated internal driveways, car parking bays and car parking structures) to a right-of-way is strongly encouraged, wherever possible; and</p> <p>(b) Where existing development has vehicle access from a primary or secondary street but adjoins a right-of-way, the existing access may be retained. However, any additional vehicle access shall be provided and located so as to gain access from the right-of-way.</p>  | <p>There is no existing access from the laneway / right of way.</p>  |
| <p><b>3. Removal of redundant crossovers</b></p> <p>(a) Where a development is to be provided with sole vehicle access from a right-of-way, any existing redundant crossovers from the primary or secondary street shall be removed and the verge and kerbing shall be reinstated to the Town's specifications prior to occupation of the development.</p>   | <p>The redundant crossover to Burswood Road will be removed through the implementation of the approval for this development.</p>   |
| <p><b>4. Pedestrian access</b></p> <p>(a) Where sole vehicular access via a right-of-way is proposed for residential subdivision and/or development and the lots or dwellings do not have frontage to the public street, then a pedestrian access leg to the public street for visitors, postal, rubbish collection and utility services will be required;</p> <p>(b) Where a pedestrian access leg is required, it shall be 1.5 metres in width, except where a site is constrained by existing buildings considered worthy of retention by the Town. In such circumstances</p>   | <p>N/A</p>   |

| Development Requirement   | Response   |
|---|--|
| <p>the width may be reduced to the extent necessary to allow for retention of the existing building(s) but at no point being less than 1.0 metre in width (Refer Figure 1 below); and</p> <p>(c) a minimum 1.0m x 1.0m corner truncation at the intersection of any required pedestrian access leg and the street is to be provided and kept free of obstructions to maintain unimpeded access at all times (Refer Figure 1 below).</p>   |  |
| <p><b>5. Provision for widening of under-width rights-of-way</b></p> <p>(a) Unless specified to a greater width in an adopted Policy, Design Guidelines or other Council strategy, the Town shall seek the widening and upgrade of the Town's existing rights-of-way to an ultimate width of 6.0 metres;</p> <p>(b) Widening and upgrading shall generally occur as the properties abutting a right-of-way are developed and/or subdivided by individual property owners, with the land required for the widening of the right-of-way being ceded as Crown land as a condition of freehold (green title) subdivision or amalgamation, survey strata or built strata subdivision approval;</p> <p>(c) The land required to be ceded by properties abutting a right-of-way shall generally be an area equal to half the required width of widening required for the right-of-way to reach an ultimate width of 6.0 metres, for the full length of the property boundary abutting the right-of-way. This allows for the full widening of the right-of-way to be shared by the properties either side of the right-of-way (Refer Figure 2 below);</p> <p>(d) No new building works, landscaping, fencing or other obstructions are to be located in the area of a property abutting a right-of-way that is required for the widening of the right-of-way.</p> | <p>The proposed development has taken into account the 1m of land required to be ceded for the laneway / right of way.</p> |
| <p><b>6. Truncations</b></p> <p>(a) Development of properties abutting a right-of-way, including the installation of new or replacement fencing and landscaping, is to make provision for corner lot truncations as follows:</p> <p>i. a minimum 3.0m x 3.0m corner truncation at the intersection of two rights-of way (Refer Figure 3 below);</p> <p>ii. a minimum 2.0 x 2.0m corner truncation at the intersection of a right-of-way and a street (Refer Figure 3 below); and</p> <p>iii. a minimum 1.0m x 1.0m corner truncation at the intersection of a pedestrian access leg and a street (Refer Figure 1 above); and</p> <p>(b) Provision of truncations shall occur after taking into account any required right-of-way widening, with such areas to be ceded as Crown land as a condition of freehold (green title) subdivision or amalgamation, survey strata or built strata subdivision approval; and</p>  | <p>N/A</p>   |



| Development Requirement   | Response   |
|---|--|
| (c) Corner lot truncation areas at the intersection of two rights-of-way are to form part of the widened and constructed right-of-way (including paving, sealing and drainage requirements).  |  |
| <p><b>7. Upgrading of rights-of-way</b></p> <p>(a) Where a development gains vehicle access from a right-of-way and the right-of-way is subject to a requirement for widening, the area of widening is to be constructed and drained at the owner/applicant's cost to the Town's specifications prior to commencement or occupation of the development; or</p> <p>(b) Dependent upon the existing construction standard of the right-of-way, and any scheduled upgrading works approved to be carried out to the right-of-way, the Town may impose a requirement for the owner/applicant to make a financial contribution to the Town for the upgrade of the right-of-way in-lieu of construction of the area of land required for widening of the right-of-way.</p>  | <p>The Applicant will agree with an appropriately worded condition for the section of the laneway / right of way abutting the subject site to be widened and constructed to the Town's specification.</p>          |
| <p><b>8. Development of properties abutting unsealed rights-of-way</b></p> <p>(a) Where the whole or portion of a right-of-way is unsealed but has no long term prospect for closure (as identified in a Right-of-Way Strategy Plan adopted by Council) due to the fact that it provides essential means of vehicular access to existing development abutting the right-of-way, the owner of the property may be required to make a financial contribution to the future construction and drainage of the right-of-way to an ultimate standard of asphalt or concrete paving, based on a pro-rata contribution;</p> <p>(b) The pro-rata contribution is to be based on the cost of constructing half the width of the right-of-way which abuts the total length of the common boundary or boundaries of the lot with the right-of-way and the construction will be on a rate per lineal metre of construction as determined by the Town and reviewed on an annual basis; and</p> <p>(c) Contributions made to the Town in accordance with the above will be held in a designated fund for the construction of rights-of-way and in the interim the Town will undertake to maintain or improve the right-of-way to a serviceable and trafficable standard.</p> | <p>N/A</p>   |
| <p><b>9. Standard of construction of rights-of-way</b></p> <p>(a) Where the upgrade or widening of a right-of-way has been authorised, or is required by the Town to be undertaken as a condition of development or subdivision approval, then the construction, sealing, and drainage of the upgraded or widened area of the right-of-way is to be carried out in accordance with the adopted specifications of the Town.</p>  | <p>The Applicant will agree with an appropriately worded condition for the section of the laneway / right of way abutting the subject site to be widened and constructed to the Town's specification.</p>          |
| <p><b>10. Building setbacks</b></p> <p>(a) For development on 'Residential' zoned land, building setbacks from an adjoining right-of-way shall be in accordance with the Town's Local Planning Policy 25 – Streetscape;</p>   | <p>The proposed development complies with a 4m setback from the centreline of the laneway / right of way. Refer <b>Table 3</b> for an assessment of the proposed development against the provisions of LPP 22.</p> |

| Development Requirement   | Response  |
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| <p>(b) For development on non-residential zoned land, building setbacks from an adjoining right-of-way shall be a minimum of 4.0 metres from the centreline of the right-of-way, but no greater than 7.0 metres from the centreline of the right-of-way where the development takes access from and has an interface with the right-of-way (Refer Figure 4 below); and</p> <p>(c) The provisions contained within location specific Design Guidelines, Precinct Plan development standards or other Council adopted planning instruments for building setbacks from an adjoining right-of-way prevail over (a) and (b) above.</p>   |   |
| <p><b>11. Surveillance and building design</b></p> <p>(a) The location of visible multi-storey car parking adjacent to a right-of-way is generally not permitted;</p> <p>(b) Upper storeys of residential dwellings adjacent to a right-of-way are to provide at least one major opening from a habitable room that provides surveillance and an outlook on to the right-of-way;</p> <p>(c) Non-residential development adjacent to a right-of-way is required to provide at least one significant window (equivalent in size to a major opening to a residential dwelling as defined by the R-Codes) per 10m of frontage to the right-of-way that provides the opportunity for the development occupants to surveil the right of way; and</p> <p>(d) Bin stores located adjacent to a right-of-way with residential land opposite should be visually screened, well maintained and managed to limit adverse visual impacts, noise, odour emissions, and pests.</p> | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- No multi-storey parking is proposed.</li> <li>- The proposed childcare centre on the first floor provides a large opening to the outdoor play space.</li> <li>- The parking is screened from view of the R.O.W</li> <li>- The entrance lobby to the childcare includes a window to the laneway / right of way.</li> <li>- The bin store is screened behind the ground floor reception of the childcare.</li> </ul> |
| <p><b>12. Lighting</b></p> <p>(a) Lighting for safe access, surveillance and security is to be provided at all points of pedestrian and vehicle access to developments adjacent to a right-of-way;</p> <p>(b) It is recommended that lighting be provided by fixed, motion-activated lighting devices adjacent to or above pedestrian and vehicle access points; and</p> <p>(c) Lighting devices are to be designed and positioned to avoid light spill and glare into surrounding private properties.</p>  | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal will include lighting around the exterior of the building, near entrances of the building and car park and within the car parking.</li> <li>- The proposal will also include the use of CCTV for security.</li> <li>- The details of the outside lighting and CCTV will be confirmed in the detailed design drawings and proposal.</li> </ul>   |
| <p><b>13. Landscaping</b></p> <p>(a) The use of soft landscaping treatments to building frontages and setback areas to the right-of-way is strongly encouraged to soften the appearance of developments and contribute to an attractive streetscape environment;</p> <p>(b) New development using a right-of-way for primary access is required to provide a minimum of 50% soft landscaping within the building setback area to the right-of-way, excluding areas used for vehicular access (e.g. the internal driveway);</p>  | <p>The proposed development complies with these requirements for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development incorporates landscaping between the building and laneway / right of way, to a greater extent than other development in the area.</li> <li>- Approximately 50% of the area between the building and the laneway / right of way is landscaped.</li> </ul>  |

| Development Requirement  | Response   |
|--|--|
| <p>(c) All landscaping is required to be located within the property boundaries and located behind any required right-of-way widening or corner lot truncation areas;</p> <p>(d) Landscaping is permitted within sightline areas provided it is maintained to less than 0.75m in height; and</p> <p>(e) Landscaping of non-residential car parking areas is to be provided in accordance with the Town's Local Planning Policy 23 – Parking Policy.</p>  | <ul style="list-style-type: none"> <li>- All landscaping, except that within the verge of Burswood Road, is contained within the subject site.</li> <li>- No landscaping is located within 0.75m of vehicle access points.</li> <li>- Refer to Table 4 for an assessment of the proposal against the Town's LPP 23.</li> </ul> |
| <p><b>14. Fencing, gates and retaining walls</b></p> <p>(a) All fencing, gates and retaining walls (including their footings) are required to be located wholly within the property boundaries and located behind any required right-of-way widening or corner lot truncation areas;</p> <p>(b) Fencing and gates to residential properties are to be designed in accordance with the requirements of the Town's Local Planning Policy 25 – Streetscape;</p> <p>(c) Fencing to non-residential development adjacent to a right-of-way should be suitably designed to provide appropriate access, privacy, safety and security, whilst maintaining adequate levels of passive surveillance (minimum 50% visually permeable) and having a visually interesting appearance; and</p> <p>(d) Areas of solid walls or screening visible from the right-of-way should be of high quality materials and be articulated/visually interesting. Soft landscaping should also be used to reduce the visual dominance of solid portions of walls or fences and soften their appearance from the right-of-way.</p>   | <p>N/A</p>   |
| <p><b>15. Visual sightlines and vehicle manoeuvring</b></p> <p>(a) A minimum 1.0m x 1.0m visual sightline truncation to be provided at the intersection of a wall or fence with a vehicle driveway or vehicle entry point to a development accessed from a right-of-way (Refer Figure 5 below).</p> <p>(b) Structures may be permitted within the sightline truncation area provided that:</p> <ul style="list-style-type: none"> <li>i. the structure has a maximum height of 750mm, or 600mm in the case of a solid portion of wall/fence; or</li> <li>ii. is a fence with wrought iron (or similar) open style infill incorporating one pier (not higher than 2.0m) not exceeding 350mm x 350mm; or</li> <li>iii. is a fence with pickets or horizontal rails with gaps equal to at least the width of the picket or horizontal rail</li> </ul> <p>(c) Developments provided with vehicular access from a right-of-way shall be designed to ensure sufficient reversing and manoeuvring area for vehicular access/egress to the satisfaction of the Town (as per Australian Standard AS2890). Generally, a minimum manoeuvring distance (i.e. reversing aisle) of 6 metres between a car parking bay or car parking structure and any other</p> | <p>The building set back a minimum of 2m from the widened section of the laneway / right of way. There are no issues with sightlines at the vehicle access location.</p>   |

| Development Requirement   | Response   |
|---|--|
| obstruction/property boundary on the opposite side of the right-of-way (e.g. a light pole or fence on opposite side of right-of-way) is required.   |  |
| <p><b>16. Development approval conditions</b></p> <p>(a) Where a development gains vehicle access from a right-of-way and/or the right-of-way is subject to a requirement for widening, the Town may impose conditions on any development approval to ensure compliance with the requirements of this policy, including the:</p> <ul style="list-style-type: none"> <li>i. setting back of all building works and development (including fencing) to ensure adequate provision for the unobstructed widening of the right-of-way, inclusive of any required corner lot truncations;</li> <li>ii. the removal of any redundant crossovers and reinstatement of the verge to an appropriate standard;</li> <li>iii. the construction and drainage of the required area of widening of the right-of-way, inclusive of any required corner lot truncations; and</li> <li>iv. the construction and drainage of any required pedestrian access legs connecting the development to the primary or secondary street.</li> </ul> | <p>The Applicant will agree with an appropriately worded condition(s) for the section of the laneway / right of way abutting the subject site to be widened and constructed to the Town's specification.</p> |

**TABLE 3 – Local Planning Policy No. 22 – Development Standards For Causeway Precinct**

The table below addresses the relevant general development and Area 4 – Parkside Terrace provisions and the corresponding design response, refer to the Development Application Report Part 6.2.4 for specified area provisions:

| Development Requirement   | Response   |
|---|--|
| <b>Area 4 – Parkside Terrace</b>  |  |
| <p>(i) Desired Future Character</p> <p>This area will undergo significant change, with new residential development up to 6 storeys fronting GO Edwards Park and forming an urban terrace edge of apartments. The laneway will be widened and significantly upgraded, becoming a mini-street flanking the park. Thinning and under-pruning of trees will provide sight lines into the park to improve safety for park users. Apartments will front onto the new mini-street and address the park, providing surveillance for park safety while offering amenity and views for residents. Additional dedicated pedestrian entry to apartments will be provided off the Burswood Road frontage.</p> <p>Modern commercial frontage required to Burswood Road at street level with office and/or residential above, to a maximum of 3 storeys. All car parking accessed off the mini-street.</p> | <p>The proposal is consistent with the desired future character for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal will include ground level commercial uses to activate the streetscape.</li> <li>- The proposed first floor childcare centre will provide a necessary community service to the surrounding existing residential and future residents of future residential development within the Parkside Terrace Precinct.</li> <li>- Pedestrian access to the development is provided via Burswood Road through a secured walkway.</li> <li>- A moder commercial frontage is provided to Burswood Road.</li> </ul>  |
| <b>(ii) Land use</b>  |  |
| <p>Mandatory residential frontage to mini-street and park, mandatory commercial frontage to Burswood Rd at street level with residential and/or commercial above</p>  | <p>The proposed development includes frontage of two commercial tenancies to Burswood Road, and frontage from the childcare entryway to the laneway / right of way. A variation is sought to the requirement for a residential land use facing the laneway / right of way and opposite park. We are of the view that the proposed variation should be supported for the following reasons:</p> <ul style="list-style-type: none"> <li>- As mentioned in Section 5.1 of this Report, the Town is expected to experience population growth (18,000 dwellings by 2050 and up to 53,000 people by 2041). This will place significant pressure on existing childcare services and will result in the need for additional childcare centres.</li> <li>- Based on current ABS data, there is already a demand for childcare centre services in the suburbs of Lathlain, Victoria Park and Burswood. The proposal will help address this demand in a location which is intended to be developed for higher density residential development.</li> </ul> |

| Development Requirement  | Response  |
|--|---|
|  | <ul style="list-style-type: none"> <li>- The location of a childcare centre in this location, will mean that it is not necessary to be located within a residential area.</li> <li>- The proposed development has been designed to be able to be adapted for residential uses in the future.</li> </ul>   |
| <b>(iii) Density</b>   |   |
| R160   | N/A   |
| <b>(iv) Plot ratio</b>   |   |
| 2. Commercial and retail floor space at ground and first floor level on Burswood Rd frontage not included in plot ratio for an amount equivalent to the lot width times a depth of 10m for both levels.  | The maximum permitted plot ratio area is 2,452m <sup>2</sup> . Based on the exclusions under this provision, the proposed plot ratio floor area is 834.4m <sup>2</sup> . Therefore, the proposal is compliant.  |
| <b>(v) Building height and form</b>  |   |
| Maximum 6 storeys (max 22.5 m) for residential facing park. Minimum 2 storeys (min 7.5 m) and maximum 3 storeys (max 11.25 m) to Burswood Rd frontage.<br>Maximum basement wall height 1.2 m above footpath level at lane/street frontage.   | The development is proposed at 2 storeys, with a height of 9.5m. Therefore, the proposal is compliant.  |
| <b>(vi) Setbacks</b>   |   |
| Burswood Rd mandatory nil setback. Upper floors above 3 storeys to be setback min 8 m from Burswood Rd.<br>Lane/mini-street mandatory 2 m setback at ground floor and 4 m above ground floor. Balconies may project into the setback area max 2 m.<br>Nil side setbacks mandatory up to 6 storeys to establish terrace form of development.  | The proposal incorporates a nil setback to Burswood Road and the side lot boundaries.<br>A 4m setback from the centreline of the laneway / right of way is proposed in accordance with LPP 22.  |
| <b>(vii) Access and parking</b>  |   |
| All vehicle access off lane/mini-street.<br>All car parking screened from view, no forecourt parking permitted.<br>Shared visitor/resident pedestrian entry to be provided from the mini-street/lane adjacent to the parkland, to the residential component of developments.<br>Car parking may directly abut the lane/mini-street at ground level, provided at least 30% of the frontage incorporates a residential component including an entry lobby to the residential complex, that addresses the mini-street frontage. Alternative wall/screening treatments to the remainder of the car park street elevation must be of a high architectural/artistic quality. | The proposed development complies with these requirements for the following reasons: <ul style="list-style-type: none"> <li>- Vehicle access is proposed via the laneway / right of way.</li> <li>- Car parking is screened from view from the laneway / right of way.</li> <li>- Pedestrian access to the ground floor commercial tenancies and the first floor childcare centre is available from both Burswood Road and the laneway / right of way.</li> <li>- Car parking does not directly abut the laneway / right of way.</li> </ul> |
| <b>(viii) Other</b>  |   |

| Development Requirement  | Response   |
|--|--|
| <p>Development on lots with a side boundary or boundaries abutting identified pedestrian connections must address those connections to provide passive surveillance to provide safety for pedestrians.</p> <p>1m lane widening required on both sides of lane.</p>   | <p>The proposed development has taken into account the widening of the laneway / right of way by 1m.</p>   |
| <b>General Development Provisions</b>  |  |
| <b>(a) Laneways (Rights of Way)</b>  |  |
| <p>The rationale for laneways within the Precinct to be widened to 7m is to provide acceptable standards in terms of function and amenity.</p> <p>Provisions will require:</p> <ul style="list-style-type: none"> <li>land to be ceded free of cost for widening of laneways to achieve a minimum width of 7.0m — in these cases the area ceded for the widening will be included in the calculations for plot ratio, open space and density; and</li> <li>lots with legal access to a laneway are required to have their only means of vehicular access from the laneway and not a street.</li> </ul>   | <p>The proposed development has taken into account the widening of the laneway / right of way by 1m as required by the Parkside Terrace Precinct requirements.</p> |
| <b>(b) Parking</b>   |  |
| <p>Residential Uses</p> <p>Parking for residential uses shall be provided in accordance with the requirements of the Residential Design Codes.</p> <p>Some discretion will be considered to permit reductions in parking requirements for visitor parking for residential uses, where there is reciprocal parking available on site with non-residential uses. In addition some discretion will be considered where the small size of the sites or site characteristics, makes the separation of parking and/or pedestrian separation for residential and commercial activities unviable within basement areas.</p> <p>Non-Residential Uses</p> <p>Parking for non-residential uses shall be provided in accordance with the requirements of Local Planning Policy 23 – Parking.</p> <p>Only one bay within a tandem parking configuration shall be credited for non-residential car bays.</p> | <p>Refer to Table 4 for an assessment of the proposed development against the relevant parking requirements.</p>   |
| <b>(c) Balcony Size</b>  |  |
| <p>The provisions of the R Codes currently require balconies for multiple dwellings (apartments) in a mixed use development (i.e. where there is residential and commercial development within the same building) to be only 4m<sup>2</sup> with a minimum depth of 1.5 metres. While the R Codes consider this to be a</p>  | <p>The proposed development does not include balconies.</p>  |

| Development Requirement  | Response |
|--|----------|
| <p>functional area for the enjoyment of residents, there is concern that this does not provide adequate amenity for residents.</p> <p>Provisions will require:</p> <p>A minimum 10m<sup>2</sup> balcony with a minimum dimension of 2.0 metres for dwellings in a mixed use development, or ground floor private open space of a minimum area of 16m<sup>2</sup> and minimum dimension of 4m.</p>  |          |
| <b>(d) Calculation of Plot Ratio</b>   |          |
| <p>Under the Town Planning Scheme and R Codes, residential car parking above ground level is calculated as plot ratio floor area, yet commercial car parking above ground level is not. Given that the majority of car parking will be located at or above ground level, this will penalise residential development.</p> <p>Accordingly all car parking areas (whether at, below or above ground level) will not be calculated as plot ratio floor area. It should be noted that building setbacks and height controls will still control the building form.</p>   | N/A      |
| <b>(e) Provision of Communal Open Space</b>  |          |
| <p>The provisions of the R Codes currently do not require communal open space (common space set aside for the recreational use of residents) for residential dwellings. This provides for reduced amenity for residents within these types of developments.</p> <p>Accordingly Communal Open Space is to be provided for any one development/building exceeding 20 dwelling units at a rate of 16m<sup>2</sup> per unit with a minimum of 8m<sup>2</sup> to be provided in a useable/functional space for the active and or passive use of residents, while the remainder of this open space requirement may be provided in the form of additional private open space for individual dwellings in excess of the minimum required balcony or private open space areas and dimensions.</p> <p>For any one development/building of less than 20 dwelling units, a minimum area equivalent to 8m<sup>2</sup> communal open space to be provided per dwelling unit, all or portion of which may be provided in the form of additional private open space for individual dwellings in excess of the minimum required balcony or private open space areas and dimensions.</p> | N/A      |
| <b>(g) Pedestrian and Cyclist Access</b>   |          |
| <p>Specific provisions for pedestrians and cyclists will require:</p> <p>Bicycle end of trip facilities are to be provided in all new developments above three storeys in height which incorporate commercial floor space.</p> <p>Bicycle parking facilities are to be provided in all new developments.</p>   | N/A      |



| Development Requirement   | Response |
|---|----------|
| <b>(f) Affordable Housing</b>   |          |
| Provision for affordable housing will require:  | N/A      |
| Where developments include more than 20 residential dwellings, a minimum of 10% of all dwellings within the development are required to have a floor area less than 85m <sup>2</sup> .  |          |
| Where a developer/proponent proposes affordable housing provision (for example via the inclusion of shared equity units) within their development Council will negotiate development incentives. These incentives could include reduced parking requirements.     |          |
| <b>(h) Residential Density</b>  |          |
| For areas coded R160 within the “Development Provisions for Designated Areas” below, the Council may exercise discretion to permit an increased density.  | N/A      |
| In the exercise of the discretion the Council must be satisfied that if approved were to be granted:  |          |
| (i) the development would be consistent with -  |          |
| • the orderly and proper planning of the locality;  |          |
| • the conservation of the amenities of the locality; and  |          |
| • the statement of intent set out in the relevant Precinct Plan; and  |          |
| (ii) the development would not have any undue adverse affect on –   |          |
| • the occupiers or users of the development;  |          |
| • the property in, or in the inhabitants of, the locality; or   |          |
| • the likely future development of the locality.  |          |
| In the exercise of this discretion the Council must have regard to any assessment of the application by the Design Review Committee and their advice as to whether the application demonstrates a high standard of development and an appropriate design outcome. |          |

TABLE 4: Local Planning Policy No. 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development

The table below addresses the relevant development provisions and the corresponding design response:

| Development Requirement  |                                   | Response                          |                            |                           |         |                                   |                                   |                         |                                   |                                   |   |
|--|-----------------------------------|-----------------------------------|----------------------------|---------------------------|---------|-----------------------------------|-----------------------------------|-------------------------|-----------------------------------|-----------------------------------|---|
| <p><b>5.1.1 Bicycle Parking – Provision</b></p> <p>Bicycle parking shall be provided in accordance with the minimum provision rates specified in <i>Table 1</i>:</p> <table><tr><th>Land Use Group</th><th>Short-stay bicycle parking</th><th>Long-stay bicycle parking</th></tr><tr><td>Offices</td><td>1 space per 500m<sup>2</sup> NLA</td><td>1 space per 250m<sup>2</sup> NLA</td></tr><tr><td>Education and Childcare</td><td>1 space per 100m<sup>2</sup> NLA</td><td>1 space per 250m<sup>2</sup> NLA</td></tr></table>  |                                   | Land Use Group                    | Short-stay bicycle parking | Long-stay bicycle parking | Offices | 1 space per 500m <sup>2</sup> NLA | 1 space per 250m <sup>2</sup> NLA | Education and Childcare | 1 space per 100m <sup>2</sup> NLA | 1 space per 250m <sup>2</sup> NLA | A total of two (2) bicycle racks have been provided, allowing for a total of four (4) bicycles at a time. |
| Land Use Group   | Short-stay bicycle parking        | Long-stay bicycle parking         |                            |                           |         |                                   |                                   |                         |                                   |                                   |   |
| Offices  | 1 space per 500m <sup>2</sup> NLA | 1 space per 250m <sup>2</sup> NLA |                            |                           |         |                                   |                                   |                         |                                   |                                   |   |
| Education and Childcare  | 1 space per 100m <sup>2</sup> NLA | 1 space per 250m <sup>2</sup> NLA |                            |                           |         |                                   |                                   |                         |                                   |                                   |   |
| <p><b>5.1.2 Bicycle Parking – Design</b></p> <p>a) All bicycle parking facilities shall be located in a convenient and safe location;</p> <p>b) All bicycle parking facilities shall be located as close as possible to the main entrance of the premises and not require access via steps;</p> <p>c) All bicycle parking facilities shall be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking, with short-stay and long-stay bicycle facilities required to meet the following criteria:</p> <p><b>Short-stay bicycle parking</b></p> <ul style="list-style-type: none"><li>i. Be placed in public view to enable passive surveillance by customers, staff or passers-by;</li><li>ii. Be located so as not to obstruct pedestrian movements;</li><li>iii. Be clear of manoeuvring vehicles and opening car doors;</li><li>iv. Allow the user to secure the bicycle frame and both wheels to the parking device;</li><li>v. Be protected from the weather;</li><li>vi. Be well lit;</li><li>vii. Be spaced to cater for a wide range of bicycle types including cargo bikes and bicycles with a child trailer.</li></ul> <p><b>Long-stay bicycle parking</b></p> <ul style="list-style-type: none"><li>viii. Be accessible via a continuous path of travel from the cycling or vehicle entry point to the premises;</li><li>ix. Incorporate suitable security features, such as controlled access or security cameras, to provide a high level of security for users;</li><li>x. Be appropriately signed, both at and on approach to the bicycle parking facilities; and</li></ul> |                                   | Provision compliance achieved.    |                            |                           |         |                                   |                                   |                         |                                   |                                   |   |

- xi. Be arranged so that parking and manoeuvring caters for a wide range of bicycle types including cargo bikes and bicycles with a child trailer.

### 5.1.3 End-of-Trip Facilities – Provisions

N/A.

a) End-of-Trip Facilities are to be provided in accordance with the minimum provisions specified in *Table 2*.

| Total Number of bicycle parking facilities required. | Minimum provision of End-of-Trip Facilities |
|--|---|
| 0-5  | Not applicable                              |
| 6-10   | 2 showers and change room facilities        |
| More than 11   | 4 showers and change room facilities        |

### 5.1.4 End-of-Trip Facilities – Design

N/A

a) All End-of-Trip facilities shall be designed to be safe, convenient, functional, and meet the following criteria:

- i. Be located as close as practical to long-stay bicycle parking facilities;
- ii. Be provided with lockers to provide storage of clothing, towels and toiletries at a minimum rate of one locker per long-stay bicycle space;
- iii. Incorporate suitable security features to ensure the safety of users and their belongings.

b) End-of-Trip Facilities may be designed to be shared between multiple private businesses where shared access arrangements are in place between separate tenancies.

### 5.2.1 Car Parking – Provision

Provision compliance achieved.

On-site car parking bays shall be provided in accordance with the 'Open Option' car parking provisions rates set out in *Table 3*.

| Land Use | Minimum number of bays required   | Maximum number of bays permitted   |
|----------|---|--|
| All      | Not applicable unless in accordance with a provision of a local development plan or structure plan. | Not applicable unless in accordance with a provision of the scheme or a precinct structure plan. |

### 5.2.2 Car Parking – Design

a) All non-residential car parking facilities shall be designed in accordance with the relevant Australian Standards AS2890.1 Parking facilities – Off Street Parking, and meet the following criteria:

#### **General**

- b) Car parking areas shall be positioned so that they are not visually prominent from any street other than a right-of-way;
- c) Car parking areas shall provide safe and continuous paths of travel for pedestrians and cyclists, preferably physically separated from vehicles but otherwise via differentiating surface treatments, traffic calming measures and/or appropriate signage;
- d) Car parking and vehicle circulation areas are to be sealed, drained, line marked and sign posted in accordance with AS2890.1;

#### **Uncovered at-grade parking**

- e) Uncovered at-grade parking visible from a street other than a right-of-way shall be designed, landscaped and/or screened to prevent negative visual impact on the streetscape;
- f) The perimeter of all uncovered at-grade parking areas shall be landscaped by a soft landscaping strip of at least 1.5 metres in width. In some circumstances a greater area in landscaping may be required, particularly where a parking area adjoins a residential property, an area of parkland or an open air recreation area.
- g) Uncovered at-grade parking areas shall include shade trees at a minimum rate of one medium tree every four bays.
- h) Water sensitive urban design treatment measures should be demonstrated in the design of all uncovered at-grade parking;

#### **Covered parking at-grade or above**

- i) Covered parking facilities at or above ground level area to incorporate screening, landscaping, public art and/or other design elements to integrate the parking facilities with the building façade;

j) Where covered parking at ground level abuts a street frontage, other than a right-of-way, car parking areas shall be sleeved with active land uses for a minimum of 75% of the frontage to maintain pedestrian interest and activity at street level;

#### **Basement Parking**

k) Basement parking should generally not protrude more than 1 metre above ground, and where is protrudes above ground is designed or screened to prevent negative visual impact on the streetscape;

l) Ventilation grills or screening devices for car parking openings shall be integrated into the building façade and landscape design of the development;

#### **Car Stackers**

m) Car stackers will not be supported in uncovered at-grade parking facilities unless impacts on the streetscape and adjoining properties are mitigated through incorporated screening, landscaping, public art and/or other design elements to integrate with the building façade to the satisfaction of the Town;

n) All car stackers shall be designed in accordance with Australian Standard AS5124:2017 – Safety and machinery – Equipment for power driven parking of motor vehicles; and

o) An Acoustic Assessment relating to the proposed car stacker system may be required as part of the assessment of an application for development approval.

#### **5.2.3 Car Parking – Special Purpose Bays**

Two (2) ACROD bays provided.

#### **ACROD Parking Bays**

a) Where new on-site car parking is provided, bays for exclusive use by people with disabilities are to be provided at a rate of 1 space for every 20 car parking spaces or part thereof;

b) All ACROD parking bays shall be designed in accordance with Australian Standard 2990.6 Parking Facilities – Off-street parking for people with disabilities, to be convenient, functional, safe and meet the following criteria:

- i. All accessible bays shall be located nearest to the principle pedestrian entrance or where appropriate to a publicly available wheelchair accessible lift of the building it serves;
- ii. A continuous, accessible path of travel shall be provided between each ACROD parking space and the pedestrian entry to the building or where appropriate to a publicly accessible wheelchair accessible lift entry;
- iii. All accessible bays shall be marked and signposted by incorporating the international symbol of access for people with a disability

#### **Loading Bays**

c) In non-residential developments with over 1000m<sup>2</sup> NLA and where car parking is provided, at least one bay shall be permanently set aside as a loading bay marked for the exclusive use of service delivery and courier vehicles.

d) All loading bays shall be designed in accordance with the following criteria:

- i. Be located in a convenient and safe location;
- ii. Be of a suitable size for the nature of the land use; and
- iii. Shall not be located adjacent to any adjoining residential land use.

e) Be appropriately signed, both at and on approach to the loading bay.

### **5.3 Access to non-residential parking**

Provision compliance achieved.

a) Vehicle access points to non-residential parking facilities are to be designed so that access is provided from a:

- i. Right-of-way where available for lawful use; or
- ii. From the secondary street frontage where available and where no right-of-way for lawful use exists; or
- iii. From the primary street frontage where no secondary street or right-of-way for lawful use exists.

b) No more than one access point is provided per street frontage other than a right-of-way;

c) Access to developments on corner lots shall be located the maximum distance possible away from the corner truncation;

d) Driveways widths are to be kept to a functional minimum, with two-way access to allow for vehicles to exit in a forward gear where:

- i. The public street to which it connects is designated as a primary distributor or district distributor road.
- ii. The distance from an on-site car parking space to the street is 15.0m or more.

e) Where vehicle access to the car parking facility crosses a footpath, the crossover design and materials shall maintain pedestrian priority for the footpath over vehicle movements;

f) Vehicles exiting a site shall have sightlines to maintain visibility of pedestrians, cyclists and other vehicles in accordance with the following:

- i. A minimum 1m x 1m visual sightline truncation is provided at the intersection of a wall or fence with a vehicle exit point from a development.
- ii. Structures may be permitted within the sightline truncation area provided that:
  - I. The structure has a maximum height of 750mm, or 600mm in the case of a solid portion of wall/fence; or
  - II. Is a fence with an open style infill incorporating one pier not exceeding 350mm x 350mm; or
  - III. Is an open style fence with pickets or horizontal rails with gaps equal to at least the

width of the picket or horizontal rail.

g) Where sight lines are unavoidably compromised suitable traffic calming and other safety devices may be required.

TABLE 5: Local Planning Policy No. 45 – Tree Planting for Non-Residential Development.

The table below addresses the relevant development provisions and the corresponding design response:

| Development Requirement  | Response  |
|--|---|
| <b>5.0 Policy Requirements</b>   |   |
| <b>5.1 New non-residential development</b>   | Given the total site area is 1,226m <sup>2</sup> , a total of five (5) 'large' trees and three (3) 'medium' trees have been provided. |
| Applications for new non-residential development or additions to a non-residential development which increase the existing net floor area with a value exceeding \$200,00:   | Refer <b>Attachment 3 – Landscape Plan.</b>   |
| a) <b>'medium trees'</b> are to be provided at a rate of one (1) tree for every 300m <sup>2</sup> of lot area (rounded to the nearest whole number), or 1 per <b>'regulated tree'</b> that is removed (whichever is the greater).  |   |
| b) The total number of trees required in Clause (a) may be reduced to a rate of one (1) tree for every 500m <sup>2</sup> (rounded to the nearest whole number) for each <b>'regulated tree'</b> that is retained on the site, or <b>'large tree'</b> that is provided.   |   |
| c) All uncovered at-grade parking areas are to contain trees:  |   |
| i. At a minimum rate of one (1) medium tree for every two (2) bays;  |   |
| ii. The provision of trees within a car parking area as per this clause (c) is credited towards satisfying the tree planting requirement of clause (a) and/or (b); and   |   |
| iii. Trees planted within car parking areas are to be planted within a reticulated tree growth zone of a suitable size and depth to the satisfaction of the Town.  |   |
| d) In instances where site constraints may prevent the planting of a tree on each lot at the above rates (a) to (c), the Town will consider approving the planting of the trees in an alternative location, preferably on the private property, or in some instances within the Council verge or in close proximity to the site (at the cost of the property owner). However, the total amount of trees to be provided is unchanged. |   |
| <i>Note: Site constraints are typically classified as:</i>   |   |
| - Heavily vegetated lots demonstrating a high number of 'regulated trees';   |   |
| - Irregular shaped lots;   |   |
| - Sites with extensive service utility easements; and/or   |   |
| - Constraints which severely hinder the proposed development as demonstrated by the applicant and accepted by the Town.  |   |
| e) All development is to comply with the General Requirements in Clause 6.   |   |

## 5.2 Application proposing removal of a regulated tree only

N/A

For non-residential development types not covered by Clause 5.1, which propose the removal of a **'regulated tree'**, new tree planting is to be provided at a minimum rate of two (2) **'large trees'** for each tree removed.

## 6.0 General Requirements

### 6.1 Tree Growth Zone – relating to new tree planting.

TGZ's have been identified around each provided tree.

a) A reticulated 'Tree Growth Zone' (TGZ) is required around the entire base of all new tree plantings, measured at:

- i. A minimum size of 2m x 2m and a minimum depth of 1m for a 'medium tree'; or
- ii. A minimum size of 2m x 2m and a minimum depth of 2m for a 'large tree'.

b) No structure, unless water permeable, is to encroach within the TGZ, above or below ground level.

c) The TGZ is to be contained completely on the site and is not to encroach into an adjoining lot.

d) If the TGZ is situated on top of an impermeable surface, specialist supporting documentation in the form of a report prepared by a **'suitably qualified landscape architect'** or arborist may be required, at the expense of the applicant, confirming that the design of the TGZ is appropriate to allow the tree to grow to maturity, to the satisfaction of the Town.

e) Water Sensitive Urban Design measures are proposed in the car park design that enables long term sustainable watering of landscaping areas.

### 6.2 Alternative Design Solutions

N/A

An alternative design solution that varies any of the requirements contained in this policy will only be considered in circumstances where the alternative is consistent with the objectives of the policy and may need to be justified in a report prepared by a **'suitably qualified landscape architect'**, to the satisfaction of the Town.

### 6.3 Tree Maintenance and Replacement

N/A

In approving development applications involving new tree planting, Council will impose conditions of approval relating to:

- a) The planting and watering (via automated irrigation system or other similar method) for the first five summers by the landowner); and
- b) Adequately maintaining and keeping the tree(s) in good health, (through supplementary watering, periodic mulch application and applying of soil conditioners).



