Planning and Development Act 2005

Order to the City of Nedlands under section 76(1) of the Act

1. I, the Hon Rita Saffioti MLA, Minister for Planning, pursuant to section 76 of the Planning and Development Act 2005, order the City of Nedlands to initiate proposed Amendment No. 212 to Town Planning Scheme No. 2, as outlined in the representation by Urbis on behalf of Fabcot Pty Ltd, and detailed in the attached Scheme Amendment Report dated 6 March 2018, as follows:

a. Rezoning and reclassifying the land bound by Stirling Highway to the north, Lot 24 Florence Road and Lot 31 Stanley Street to the south, Stanley Street to the east and Florence Road to the west from a Hotel and Residential R10 zone to a Special Use zone.

b. Amend Schedule V - Special Use zone to include the following:

<table>
<thead>
<tr>
<th>(A) DESCRIPTION OF SITE</th>
<th>(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES</th>
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| Lot 1 Stirling Highway, Lots 21, 22 and 23 Florence Road and Lots 32 and 33 Stanley Street, Nedlands | (1) Objectives  
(a) Maximum intensity of development along Stirling Highway as the transit corridor, with gradual reduction in intensity behind the corridor;  
(b) To ensure that zones within the Special Control Area are distinctive and provide nodes of activity and intensity;  
(c) Ensure that development along Stirling Highway is not monotonous in terms of bulk and scale across the whole length of the corridor;  
(d) To encourage land assembly for large scale development to avoid fragmentation of land;  
(e) To coordinate vehicle access via the creation of rear laneway and right-of-way access to enable safe and appropriate access to development fronting Stirling Highway;  
(f) To ensure that new built form is of a high architectural standard and is designed to positively contribute to the streetscape and surrounding area; and  
(g) Avoid underdevelopment within this Special Control Area as the City’s most intense activity corridor.  
(2) Land Use  
(a) The following uses are permitted ‘P’ uses:  
- Child Day Care Centre  
- Consulting Room  
- Health Studio  
- Home Occupation  
- Hotel  
- Lunch Bar  
- Restaurant  
- Shop  
- Shopping Centre |
(b) The following uses are discretionary 'D' uses:
- Amusement Parlour
- Cinema/Theatre
- Civic Building
- Club Premises
- Dwelling House - Grouped/Attached
- Dwelling House - Multiple
- Dwelling House - Single
- Educational Establishment
- Hire Service
- Home Business
- Medical Centre
- Office - General
- Office - Professional
- Office - Service
- Produce Store
- Reception Lodge
- Veterinary Consulting Rooms
- Veterinary Hospital

(c) The following uses are advertised 'A' uses:
- Drive-in Theatre
- Fast Food Outlet
- Market
- Public Utility
- Recreation - Private
- Residential Building
- Tavern

(d) The following uses are incidental 'IP' uses:
- Betting Shop
- Car Park
- Trade Display
- Warehouse

(e) All other uses are not permitted.

(f) Residential, Office and Consulting Rooms uses are not permitted on the ground floor facing a primary and/or secondary street; except where the use faces a laneway or right-of-way.

(g) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way.

(h) Active uses on the ground floor facing a street must have a minimum tenancy depth of 10m.

(3) Development Requirements

(a) The City reserves the right to request a Local Development Plan or Development Framework for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.

(b) All development shall have due regard for any Local Development Plan or Framework that has been prepared over the site.

(c) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City.
(d) Development within the Special Use area is to comply with the following:

- 11.0m minimum wall height at the primary and/or secondary street setbacks, this exclude rights-of-ways and laneways.

- Lots with an area of 2,000m² or less:
  - 14.5m maximum wall height; and
  - 17.5m maximum building height.

- Lots with an area of 2,000m² or more:
  - 21.5m maximum wall height; and
  - 24.5m maximum building height.
  - The City may permit additional height to 35.5m maximum wall height and 38.5m maximum building height, in accordance with an approved Local Development Plan and/or Local Planning Policy.

(e) The City reserves the right to determine the primary and secondary streets as part of any development application.

(f) External ducting, air conditioners, plant, pipes, lift over-runs, telecommunication structures and similar building services shall be incorporated in the building design and be screened from view from the primary and/or secondary street; except where facing a laneway or right-or-way.

(4) Carparking and Access

(a) Carparking bays are to be provided in accordance with the maximum ratios set out below:

- Shop/Shopping Centre - 5 bays per 100 m² NLA.
- Dwelling House – Single, Multiple and Grouped/Attached - as per R Codes.
- Restaurant - 1 bay for every 4 seats.
- Hotel - 1 bay per 10 m² NLA plus 0.5 bay per staff member, plus 1 bay per bedroom.
- Child Care Centre - 1 bay per 10 children plus 0.5 bay per staff member, and drop-off and pick-up areas to the satisfaction of the Council.
- Consulting Room/Medical Centre - 3 bays for every practitioner.
- Office - 2 bays per 100 m² NLA.
- All other users at the discretion of Council, having regard to similar uses and standards above.

(b) Variations to the carparking standards above may be approved at the Council's discretion.

(c) Where a site has more than one street frontage, vehicle access must be obtained from the lowest hierarchy road. This is inclusive of laneways and rights-of-way.

(5) Bicycle Parking

(a) Short-term bicycle parking facilities shall be provided in accordance with the following:

- Shop/Shopping Centre - 2 per 10 carparking bays.
- Restaurant/Hotel - 2 per 10 carparking bays.
- Child Care Centre - 2 per 10 carparking bays.
- Consulting Room/Medical Centre - 2 per 10 carparking bays.
- Office - 3 per 10 carparking bays.
- All other users at the discretion of Council, having regard to similar uses and standards above.
(b) Variations to the bicycle parking standards above may be approved at the Council’s discretion.

6. End-of-Trip Facilities

(a) Longer-term end-of-trip facilities* shall be provided for:

- **Commercial land uses** - 1 space per 500 m² NLA (minimum 4 spaces), 1 locker per long-term space and 1 shower per 10 spaces.
- **Office** - 1 space per 200 m² NLA, 1 locker per long-term space and 1 shower per 10 spaces.
- **Consulting Room and Medical Centre** - 1 space per 8 practitioners, 1 locker per long-term space and 1 shower per 10 spaces.
- Any other use to be determined by the Council.

* Long-term end-of-trip facilities include:

- Locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or
- Fully enclosed individual lockers; and
- Devices to which the bicycle frame and wheels can be locked in position close and directly visible from inside the development.

(b) Variations to the end-of-trip facility standards above may be approved at the Council’s discretion.

c. Modifying the Scheme Map accordingly.

2. The City of Nedlands is to comply with this order within 60 days of the date of the order.

Signed this 22nd day of May 2018

HON RITA SAFFIOTTI MLA
MINISTER FOR PLANNING
Planning and Development Act 2005

Order to the City of Nedlands under section 76(1) of the Act

Reason for Decision

I, the Hon Rita Saffioti MLA, Minister for Planning, am satisfied on representation by Urbis on behalf of Fabcot Pty Ltd, that the City of Nedlands has failed to initiate proposed Amendment No. 212 to Town Planning Scheme No. 2 as detailed in the attached Scheme Amendment Report dated 6 March 2018 where such an amendment ought to be initiated, for the following reason:

1. I consider proposed Amendment No. 212 is in keeping with the principle of providing for intensification of development in, and adjoining activity centres consistent with, Perth and Peel@3.5million and State Planning Policy 4.2 - Activity Centres for Perth and Peel. Accordingly, it is appropriate for proposed Amendment No. 212 to be advertised for public submissions and for further detailed assessment to be undertaken through the local planning scheme amendment process.

Signed this 22nd day of May 2018

[Signature]

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING