



## **LOCAL PLANNING POLICY 5.9: PRIMARY CONTROLS FOR APARTMENT DEVELOPMENTS**

---

### **1.0 PURPOSE**

- 1.1 To provide guidance to the decision-maker when considering whether an apartment development on land coded R40 or above meets the Element Objectives of Part 2, inclusive of sections 2.1-2.7 of State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments (R Codes Vol.2).
- 1.2 To establish a clear position for residents, developers and decision-makers with respect to the application of R Codes Vol.2 Primary Controls in achieving the Element Objectives in the assessment of Apartments within the City of Nedlands.
- 1.3 To confirm the City's preference for apartment development to be consistent with the R Codes Vol.2 default development standards and values for the Primary Controls in the context of a performance-based State Planning Policy.

### **2.0 APPLICATION OF POLICY**

- 2.1 This policy applies to all development which is subject to assessment in accordance with R Codes Vol.2.
- 2.2 This Policy is to be read in conjunction with the Nedlands Local Planning Strategy 2017 and the City of Nedlands Local Planning Scheme No.3 (the Scheme). Where this Policy is inconsistent with the Scheme, the Scheme shall prevail, to the extent of the inconsistency.
- 2.3 This policy defines the primary control values that apply unless augmented by a local planning instrument of the City of Nedlands.
- 2.4 The City acknowledges that the R Codes Vol.2 is a performance-based State Planning Policy. Applications for Development Approval need to demonstrate that the design achieves the outcomes of each Element Objective. While addressing the Acceptable Outcomes is likely to achieve the Element Objectives, they are not a 'deemed-to-comply' pathway and the proposal will be assessed in context of the entire design solution to ensure the Element Objectives are achieved.
- 2.5 This policy will apply unless augmented by another endorsed local planning instrument of the City of Nedlands, in which case to achieve the Element Objectives, proposals may require additional and/or alternative design solutions in response to site conditions, streetscape and design approach where specified in the local planning framework.

### **3.0 OBJECTIVES**

- 3.1 To ensure that the built form outcomes of new development do not result in an unreasonable adverse impact on the amenity of adjoining neighbours and wider locality.



3.2 To ensure that where possible, development ameliorates adverse amenity impacts such as visual bulk and scale, visual and acoustic privacy, odours, overshadowing, ventilation and loss of tree canopy.

3.3 To promote good design in terms of future desired context and character.

### 4.0 POLICY MEASURES

#### Primary Controls

4.1 The default Primary Controls extracted from Part 2, of State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments (R Codes Vol.2) are set out below.

4.2 In regard to defining the context and character in Nedlands, in relation to the Element Objectives of the Primary Controls in sections 2.2 – 2.7 in Part 2 of R Codes Vol.2 (for the relevant R-code zoning), and whether these Element Objectives are achieved by an apartment development, the City of Nedlands provides the following policy advice.

4.3 In the absence of another endorsed local planning instrument, the City refers to the R-code zoning as designated by LPS3 and deems that to respond to the existing and desired future scale, height and character of Nedlands, and to therefore achieve the Primary Control Element Objectives as they are defined and apply in Nedlands under LPS3, a development must meet the default development standards and values provided in Tables 2.1, 2.2 and 2.7 of R Codes Vol.2 in regards to the Primary Control elements.

Accordingly, the City deems that not meeting, and specifically in the case of height and plot ratio, exceeding these standards and values is not in keeping with the existing and desired future scale, height and character of Nedlands as designated by the relevant LPS3 R-code zoning, and will therefore not achieve the Element Objectives for these critical design elements.

The relevant Element Objectives and development standards and values for each Primary Control are defined in SPP 7.3 Vol 2 Part 2 sections 2.2 – 2.7, and that document should be read in conjunction with the following clauses 4.4 to 4.9.

4.4 Building height (Refer to section 2.2 and Tables 2.1 and 2.2)

In particular Clause O2.2.1 – The height of development responds to the desired future scale and character of the street and local area (as defined in Clause 4.3 above), including existing buildings that are unlikely to change.



**Table 2.1** Primary controls table

Streetscape contexts and character <i>refer A2</i>	Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments						Applicable where designated by local government in local planning scheme, activity centre plan, structure plan, local development plan, local planning policy					
	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	
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9	Refer to local planning scheme, local dev plan and/or precinct controls as applicable	
Boundary wall height (storeys) <sup>1,2</sup> <i>refer 2.4</i>	1 <sup>3</sup>		1 <sup>3</sup>	2 <sup>3</sup>	2 <sup>3</sup>		2	3	4			
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m <sup>4</sup>	2m	2m		2m		2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>			
Minimum side setbacks <sup>6</sup> <i>refer 2.4</i>	2m	3m	3m		3m		Nil					
Minimum rear setback <i>refer 2.4</i>	3m		3m		6m		6m	Nil	Nil			
Average side setback where building length exceeds 16m <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA			
Plot ratio <sup>7</sup> <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0		
Notes	<sup>1</sup> Wall may be built up to a <b>lot boundary</b> , where it abuts an existing or simultaneously constructed wall of equal or greater proportions <sup>2</sup> Where the subject <b>site</b> 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 <sup>3</sup> Boundary wall only permitted on one boundary, and shall not exceed 2/3 length. <sup>4</sup> Minimum <b>secondary street setback</b> 1.5m <sup>5</sup> Nil <b>setback</b> applicable if commercial use at ground floor <sup>6</sup> Boundary <b>setbacks</b> will also be determined by provisions for <b>building</b> separation and visual privacy within this SPP and building separation provisions of the <b>NCC</b> . <sup>7</sup> Refer to Definitions for calculation of <b>plot ratio</b>											

Source: State Planning Policy SPP7.2 R Codes Volume 2 (WAPC)



**Table 2.2 Indicative building height**

Storeys	Indicative overall building height in metres
2	9
3	12
4	15
5	18
6	21
7	24
8	27
9	30
10	33

- Overall building heights are set by adding together the floor to ceiling heights for the desired number of storeys, with a nominal allowance of 4m for the ground floor and 3m for subsequent floors. Add at least 2m to the total to allow for rooftop articulation.

- Building height limits for higher density typologies: These default heights are provided as a conservative baseline and higher building height limits may be appropriate subject to detailed local planning.

Source: State Planning Policy SPP7.2 R Codes Volume 2 (WAPC)

#### 4.5 Street setbacks (Refer to section 2.3)

In particular Clause O2.3.1 – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street (as defined in Clause 4.3 above).

#### 4.6 Side and rear setbacks (Refer to section 2.4)

In particular Clause O2.4.2 – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape pattern (as defined in Clause 4.3 above).

#### 4.7 Plot ratio (Refer to section 2.5)

In particular Clause O2.5.1 – The overall bulk and scale of development is appropriate for the existing or planned character of the area (as defined in Clause 4.3 above).

#### 4.8 Building depth (Refer to section 2.6)

In particular Clause O2.6.1 – Building depth supports apartment layouts that optimize daylight and solar access and natural ventilation (as defined in Clause 4.3 above).

#### 4.9 Building separation (Refer to section 2.7 and Table 2.7)



In particular Clause O2.7.1 – New development supports the desired future streetscape character with spaces between buildings (as defined in Clause 4.3 above).

**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.

Source: State Planning Policy SPP 7.3 R Codes Volume 2 (WAPC)

4.10 SPP 7.3 Vol 2, Part 2 section 2.8 refers to development incentives for community benefit, which are not Primary Controls and are not dealt with under this LPP. Development incentives are entirely discretionary and will only be considered where the City of Nedlands has developed a specific local planning policy for a location or area, with the aim to achieve an identified community benefit that may otherwise not be made available. If implemented, these area specific local planning policies can provide a framework to guide assessment of community value, and whether the development entitlement is commensurate with any specific and tangible benefit to the Nedlands community in terms of new streets/laneways, through-site access, open space, public amenity, culture or recreational facilities, which can be transparently achieved and measured. There should not be the expectation that incentives are a ‘default’ development standard, nor a reward merely for good design.

## 5.0 RELATED LEGISLATION

5.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.0 Design Review
- State Planning Policy 7.2 Precinct Design
- State Planning Policy 7.3 - Residential Design Codes - Volume 2 – Apartments





## 6.0 DEFINITIONS

6.1 For this policy, the following definitions apply:

Definition	Meaning
<b>Community Benefit</b>	A development that has value has components which provide benefit to the community in a way that is clear and meaningful. A benefit to the community should contribute and improve upon the local context and amenity.
<b>Context and Character</b>	As defined in Clause 2.1.1 of R Codes Vol.2. Context is defined by the broader environment within which the development occurs with a focus on transport, land uses, economic activity, local services, and open spaces as well as demographic and socio-economic factors. Character is an important aspect of local identity created through the combined effect of: <ul style="list-style-type: none"> <li>• The height, scale, setback, style, and conditions of buildings.</li> <li>• Land uses and street-based activity.</li> <li>• The physical form of the street including widths and function, verges, and footpaths.</li> <li>• Landscaping of the public and private realm.</li> </ul>
<b>Desired Future Character</b>	Cues can be taken from the context and character of surrounding areas to determine a street grid and hierarchy of lot sizes, building typologies and building envelopes, as designated by the R-code zoning, that together will create the desired suburban or urban character.

6.2 A word or expression that is not defined in the Policy has the same meaning as it has in the Residential Design Codes.

Council Resolution Number	PD52.08.22
Adoption Date	23 August 2022
Date Reviewed/Modified	