

# TOWN PLANNING SCHEME NO 3

# LOCAL PLANNING POLICY

LPP3 URBAN DESIGN POLICY



SUSTAINABLE DEVELOPMENT

NOVEMBER 2009

# TOWN PLANNING SCHEME NO 3

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FINAL

### **Background to Local Planning Policy No 3 – Urban Design Policy**

In June 2009, Council commenced a major review of its existing Local Planning Policies.

From a review of previous practices and assessments of development applications, it was recognised that many aspects of urban design were insufficiently addressed within Scheme 3, the Residential Design Codes and existing Local Planning Policies.

Local Planning Policy No 3 *Urban Design Policy* has been prepared to provide policy guidance on improving the quality of urban design of planning applications submitted to Council.

### **Record of Adoption of Local Planning Policy 3 – Urban Design Policy**

<i>Revision No &amp; Date</i>	<i>Description</i>	<i>Endorsed by Council</i>
<b>0 (02.09)</b>	<i>draft (for internal review)</i>	N/A
<b>1 (06.09)</b>	<i>draft for Council adoption to advertise</i>	PCDS.14/6/09 G.38/6/09 16 June 2009
<b>2 (11.09)</b>	<i>final for Council adoption</i>	PCDS.31/11/09 G.51/11/09 24 November 2009

### **Record of Modifications to the approved Local Planning Policy 3 – Urban Design Policy**

<i>Amendment No</i>	<i>Description</i>	<i>Endorsed by Council</i>

### 1. INTRODUCTION

Mandurah is experiencing rapid growth as Western Australia's largest urban centre outside the Perth Metropolitan Region. The Peel Region has undergone significant growth over the last 20 years, with Mandurah experiencing the highest rates of growth.

By the year 2021, Mandurah's population is expected to reach approximately 97,800 people and around 40,700 households (based on the City's Population & Household Forecasts 2009). This equates to an annual population growth rate of 3.39%.

The growth of Mandurah acts as a positive catalyst in the local and regional economy in terms of diversifying skills, employment and services, increasing opportunities for small business development, increasing workforce stability and growth of household incomes.

To assist in directing urban growth towards a more sustainable future, this policy is intended to act as an instrument for Mandurah to become the 'Southern City' and thereby anchoring residential and economic growth within the region.

The ongoing growth of Mandurah is anticipated to result in a greater intensity of development within strategic locations. Such locations are identified through the City's various Structure Plans and Precinct Plans; however additional locations, or the size of these locations, may change over time as the growth of Mandurah continues.

Council is committed to the formation of quality urban places within the district. The community of Mandurah has the opportunity to expect and receive high standards of quality within new and developed areas that not only reflect the 'Australian way of life', but also reflect the world's best-practice in urban design.

The purpose of Scheme 3 is to provide a planning framework that works to achieve the development of Mandurah as a sustainable city through the integration of the economic, social and environmental goals of the city. This is balanced to effectively utilise resources and achieve employment opportunities while providing human amenity with due regard to the preservation of the natural environment. This policy will expand upon Scheme 3's purposes by being implemented as an urban design tool.

#### 1.1 OBJECTIVE

The primary objective of this policy is to:

- Provide an urban design tool for Council, developers and the public to apply when designing the way places and spaces are developed within the district.

Secondary objectives of this policy are:

- Foster interaction and participation in civic life through good urban design incorporating buildings, streets and neighbourhoods;
- Ensure appropriate and sympathetic (re)development of sites/places of heritage value in accordance with the methodology outlined in the *Burra Charter*;
- Enhance the amenity and aesthetics of places and spaces within the district;
- Encourage a greater variety, intensity and diversity of appropriate land-uses;
- Encourage robust building design to foster the capability for changes in use and activity over time;
- Ensure the urban fabric and developments within it are attractive, accessible and pedestrian friendly;
- Encourage building height that is appropriate, sympathetic and in context to the building's location;
- Ensure building bulk is aesthetically appropriate;
- Provide sensory interest through the use of articulation, architectural detail, variety of materials, quality landscaping, variety of colours, texture, and public art; and
- Ensure public safety, private property security and suitable passive surveillance is environmental design principles.

#### 1.2 RELATIONSHIP TO TOWN PLANNING SCHEME NO 3

A Local Planning Policy is adopted under clause 9.6 of Town Planning Scheme No 3.

A Local Planning Policy is not part of Scheme 3 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under Scheme 3. Although Local Planning Policies are not part of Scheme 3, they must be consistent with, and cannot vary, the intent of Scheme 3 provisions, including the Residential Design Codes.

In considering an application for planning approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with Scheme 3, Scheme 3 prevails.

### 1.3 INTERPRETATIONS

'Scheme 3' means the City of Mandurah Town Planning Scheme No. 3. For the purpose of this policy, definitions and interpretations shall be applied in accordance with Scheme 3.

'Desired Character' means the appeal of an area is dependent on its landscape, topography, vegetation, views/vistas, existing/anticipated built form, lot/building layout, colours, materials, open spaces, streetscapes and the relationships between these attributes. The desired character of an area may be reflected within Council's strategic planning documents, precinct plans, or within the purpose and intent of a particular 'zone' under Scheme 3.

'Mixed Use Development' mentioned in this policy has the same definition as outlined in the R-Codes, being "buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration."

A 'transportation reserve' mentioned in this policy refers to any 'Primary Regional Roads', 'Other Regional Roads' or 'Railways' reserve under the provisions of the Peel Region Scheme, or a 'Primary Distributor Road' or 'District Distributor Road' reserve under the provisions of Scheme 3.

'Noise-sensitive premises' mentioned in this policy refers to the definition contained within Schedule 1 of the *Environmental Protection (Noise) Regulations 1997*. The classification of premises is also located in Appendix 3 of this policy.

### 1.4 POLICY CONTEXT

This policy is applicable to the municipal district of the City of Mandurah as per the provisions of Scheme 3.

Land-uses within Scheme 3 may have different interpretations to those premises described under Appendix 3 of this policy, and as such the closest description should be used in any assessment relating to noise attenuation measures.

All applications are to have regard to the provisions of this policy when submitted for assessment and determination by the Council.

- Where an applicable Precinct Plan or Outline Development Plan incorporates urban design requirements, this policy is to be used complimentary to that statutory document. In addition, this policy can guide the preparation of urban design requirements for draft Precinct Plans or Outline Development Plans.

This Policy incorporates the provisions of the following (revoked) policies:

- LPP3 – Heritage Policy (adopted 15 August 2000, G.45/8/00);
- LPP8 – Special Purpose (Seniors Housing) Dwelling Development Policy (adopted 18 September 2001, G.22/9/01);
- LPP15 – Noise Attenuation Measures (adopted 15 March 2005, G.36/3/05); and
- LPP16 – Designing Out Crime (adopted 17 April 2007, G.44/4/07).

The content of this policy is consistent with Council's Policy SD-12 *Designing Out Crime*.

## 2. POLICY PROVISIONS

The policy provisions of quality in urban design guide the design of developments, including buildings, landscaping and public spaces (i.e. streetscapes). The following provisions outline what developments should address when submitting an application for planning approval.

### 2.1A Design for the Desired Character and Context of the Locality and the Site

The design of a development must address the key natural and built features of the locality and the site.

- Clearly relate to the existing, or desired, urban fabric in terms of building scale, architectural style, building articulation, colours and type of materials used.
- Clearly delineate the boundary between public and private space. This in turn can assist with crime prevention through environmental design principles.
- Retain or reasonably protect important vegetation, subject to clause 6.5 of Scheme 3.
- Building typologies are to generate an appropriate street frontage. In order to achieve this, the built form should support adaptability, economic change and amenity over time. Consideration of building setbacks to the street, sides and rear boundaries as well as height and bulk of the built form, the range of activities addressing the street, the frequency of doors and windows at ground level, the absence of blank façades and choice of colours and materials should all be considered.

### 2.1B Design for Built Form to reflect Community and Cultural Values

Built form should recognise the Council's expectations for high quality architectural form, use of high quality and durable materials, and a high level of amenity for users.

- Reinforce differences between places by highlighting and celebrating unique qualities:
  - Respond to context, in particular, underlying landscape character, cultural heritage, valued existing built form, ecology and habitat.

### 2.1C Design for Retaining and Enhancing Sites/Places of Heritage Value

Council recognises that the city centre is a place of increasing growth. While improving the city centre's services and facilities is important, Council recognises that it is the centre of Mandurah's historical development. Protection of historic elements of Mandurah is important.

Council recognises that local heritage is a non-renewable resource and that built heritage contributes towards interesting and unique streetscapes and precincts. Built heritage can contribute towards a viable local and regional tourism industry, and to a community's sense of place and history. Therefore, Council recognises the need to preserve characteristic or representative built form from each era of Mandurah's development, and regularly update and review the Municipal Heritage Inventory.

When assessing development applications on actual or potential sites/places of heritage value, whether listed on the State Heritage Register or the Municipal Heritage Inventory, Council will take into consideration the following:

- The criteria for assessment according to the State Planning Policy No. 3.5 *Historical Heritage Conservation*, particularly sections 6.5 and 6.6 of the SPP; and
- The principles of heritage management expressed in the *Burra Charter*.

### *Management of Council Assets Demonstrating Heritage Value*

The Council will lead by example by caring for heritage assets within its control and management.

Professional heritage advice will be sought where necessary when assessing applications and when making decisions regarding the management of Council's sites/places of heritage value.

### *Use of Heritage Agreements with Private Landowners*

Council may enter into an agreement with an owner of a property that is identified as a site/place of heritage value. The purpose of such an agreement is to secure the long-term conservation of sites/places of heritage value by agreement through voluntary contracts that bind the current and successive landowners to a set of conservation conditions, and may in some instances provide compensating benefits to the landowner(s) in some circumstances.

### *Municipal Heritage Assistance*

Council will establish guidelines for a fund to provide limited financial assistance to landowners of properties listed on the Municipal Heritage Inventory. Half of the fund shall be set aside for the purpose of interest-free loans.

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### 2.1D Design for Attractive and Legible Building Functions

For a locality to function in a manner that is legible and understandable, developments need to be designed to attract and subconsciously define themselves to users.

- Developments are designed to indicate the image and function of buildings:
  - Tower and podium elements can be incorporated to assist in forming a coherent building line along street blocks;
  - Entrance features should be incorporated into the building design for corner sites, to improve legibility and weather protection;



- Buildings are encouraged to address street boundaries, squares and other areas for public use, with buildings generally built to property boundaries, or otherwise nominated minimum boundary setbacks; and



- Building walls visible from a public street or public open space should be articulated to provide visual interest. Long blank walls generally will not be acceptable. Sectioning of walls through articulation can be achieved by the variation of wall setbacks, the use of windows, different architectural styles, different external finishing treatments and different colours.
- Building bulk and scale is to be consistent with the desired streetscape character and produces a human scale:

- Bulk and scale of buildings can be reduced through terracing building heights closer towards the street edge; and
- Setbacks may be reduced in order to further provide visual interest and improve building articulation.



- Buildings are to be articulated to create a street-level rhythm;
  - The height, scale and bulk of a building should be taken into account when considering an appropriate setback to streets, public open space, and other properties;
  - Proposed colonnades or verandahs are to be of a consistent pattern, use of materials and design to integrate with a whole street block; and



- Buildings are to promote pedestrian movement through suitable weather protection from verandahs/balconies, suitable spacing of doors, unobscured glass in ground floor windows, and the integration of public art.

### 2.1E Design for Adaptation over time

For mixed use developments, or residential developments that are identified within areas for future change in land-use over time, adaptability of building design should be incorporated into the development.

- Development shall be a minimum of 2 storeys in height, and development of 3-4 storeys is encouraged in order to create landmark elements on corners. Note: height limits are to be as per the provisions of the State Planning Policy No. 2.6 *State Coastal Planning Policy*, Scheme 3, Residential Design Codes, Precinct Plans, Local Planning Policy No 4 *Development Height Policy* or any other applicable document.
- For non-residential or mixed use developments, the ground floor is to have a minimum ceiling height of 3.0 metres.



- Buildings are to have suitable boundary setbacks to provide amenity and privacy for (initial) ground floor residential dwellings:
  - The conversion from residential to commercial uses may then be achieved through the removal of front yards (if any) and the extension of the footpath to the building line; or
  - Where commercial units are to be occupied initially, the front street setback can provide additional area for outdoor displays/alfresco dining, as well as allowing for appropriate weather protection through overhanging balconies.
- A reduction in car parking bays may be permitted, having consideration to the proximity of public transport, shopping, shared parking ability (subject to clause 5.6.5 of Scheme 3), on-street parking and other facilities in immediate proximity to the mixed use development.

### 2.1F Design for vibrant and diverse communities

Council aims to promote an urban fabric that celebrates community diversity and vibrancy through inclusiveness, equity and a high degree of quality of life for its residents.

Special purpose dwellings, as defined by the R-Codes, are to be designed and located to meet the needs of the residents for which they serve, with particular attention to the location of dwellings primarily for aged or dependent persons.

Further to the provisions of Part 7 of the R-Codes, Council encourages special purpose dwelling developments (which may be developed in the format of an Aged Persons Village or Aged Persons Home) to be integrated into the general urban form and settlement pattern of its surrounding context.

Council encourages this integration at all stages of planning for development, whether through the preparation of Outline Development Plans (or equivalent) or Precinct Plans, should specific sites warrant selection as part of an appropriate mix of dwelling stock, such as grouped/multiple dwellings, single-bedroom dwellings, aged or dependent persons' dwellings, mixed use development, inner-city housing, survey-strata and freehold developments.

- Housing opportunities and an appropriate mix of dwelling stock should be incorporated within and/or adjacent to Local and Neighbourhood Centres.
- Where some types of dwelling development, such as aged or dependent persons' dwellings, are highly dependent on supporting infrastructure and facilities, these types of development are encouraged to be integrated into existing residential areas.
- In considering special purpose dwelling developments Council and the landowner / developer are to have regard to the degree of accessibility and proximity to existing and proposed:
  - Commercial, retail and activity centres;
  - Transportation reserves;
  - Public open space and foreshore reserves;
  - Medical centres, health studios and community purpose facilities;
  - Dual-use path network;
  - Bus stops and bus routes; and
  - Entertainment facilities.
- The 'gated community' concept where a development is surrounded by a fence and physically separated from the surrounding neighbourhood is strongly discouraged by Council.



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### 2.1G Design for Accessibility and Inclusiveness

A development should allow for all users to enter through the principal entrance, and provide adequate universal access. Development should be sympathetic to the needs of individual users, in terms of social cohesion.

- Address the needs of all users including those with disabilities, through the design of the building and its interaction between public and private spaces.
- Ensure that new development encourages pedestrian safety and accessibility:
  - the design of exterior spaces, including car parks, is to reflect a priority for pedestrian passage, with pedestrian finishes to be continuous across crossovers;
  - pedestrian entrances to buildings are to be clearly defined from car parking areas and/or street level; and



- pedestrian entrances are to be provided with shelter from the weather.
- Contribute towards a high-quality, pedestrian-oriented street environment that is visually interesting, comprehensive, varied and well connected.



- Direct public transport, walking and cycling into the heart of an area, and as close as possible to meeting areas and public spaces. For individual developments, destination facilities for cyclists and pedestrians are to be incorporated, including securable bicycle racks, lockers/changing rooms, suitable awnings and seating areas:
  - If a development does not provide such facilities, justification should be provided to demonstrate the development will contribute towards the provision or maintenance of existing facilities to suit increased demand and use, or is appropriately supported by existing facilities.

### 2.1H Design for Safety and Security

The design of a proposal must address community safety and crime prevention through environmental design principles. Applications for Planning Approval should address the content of the WAPC's *Designing Out Crime Planning Guidelines* (June 2006).

Where appropriate, builders and developers are to address Council's *Security Specification* (July 2007) for providing minimum security standards in their developments.

- Foster natural surveillance by providing buildings with 'active' ground floors oriented to streets, squares and parks.
- Bring together the main lines of movement to concentrate activity, and mix uses to increase the intensity and duration of activity.
- Provide clear open lines of sight, clearly identify entry and exit points, and provide alternative means of exit.
- Provide good lighting and visibility to create an environment that helps people find their way easily. Lighting should be provided in accordance with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*.

### 2.1I Design for minimising car intrusion

The car is a major contributor to the blight of urban and suburban areas, and their treatment in terms of parking is to be considered such that the dominance on land-use and streetscape is minimised.

- Crossovers may be minimised through connecting customer car parking areas through easements in gross for reciprocal movement of vehicles and pedestrians:
  - Easements in gross are generally acceptable where car parking areas are situated adjacent to the street alignment, to enable parking layouts to be shared across property boundaries through reciprocal parking and access arrangements.
  - Parking areas that are situated at the rear of lots may be consolidated between landholdings into a shared parking facility mid-block. Easements in gross would be necessary for these parking areas.
- Loading Bays are to be effectively screened (visually and acoustically where necessary) from any adjoining street, and have regard to the development of adjoining land.
- Car parking numbers may be reduced:
  - Where end of trip facilities or destination facilities for pedestrians, cyclists and/or users of public transport are provided as part of a development, Council may consider an appropriate reduction in the number of car parking bays that are required; and
  - Where parking areas are available for shared use or reciprocal use between land-uses and landholdings, justification must demonstrate an acceptable reduction in the total number of car parking bays that are required.
- Where car parking areas are provided:
  - Open-air car parking areas are to provide adequate shade and amenity through the provision of trees, with a ratio to be determined on a case-by-case basis;
  - Car parking areas are to be laid out, finished and landscaped in a manner that minimises its visual impact on the locality, whilst providing for safe vehicle and pedestrian circulation;
  - Safe pedestrian routes are to be defined in car parks (refer **section 2.1G**); and
  - On-street parking may be provided for short-term day-time use or after-hours use, where considered suitable and acceptable by Council.

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### 2.1J Design for suitable use of Landscaping

Landscaping, both hard surfaces and vegetation, is to be integrated into the overall design of a development, to assist in complimenting a building or site appearance.

- On-site landscaping discounts of 50% may be considered in conjunction with upgrades of adjacent street verges, to Council's specifications and on a case-by-case basis.
- The use of water sensitive landscaping areas should be maximised for stormwater harvesting and other suitable purposes in accordance with State Planning Policy 2.9 *Water Resources*, the *Better Urban Water Management* guidance document and Local Planning Policy No 15 *Water Sensitive Urban Design*.
- Vegetated landscaping will be calculated towards a site's 10% on-site requirements:
  - In some circumstances, accessible 'green roof' or well-maintained 'green wall' components can be calculated towards the on-site requirements;



- Vegetated landscaping strips are to be minimum 2 metres between the street alignment and car parking areas, or 5-6 metres between buildings and car parking areas, in order to be calculated for 10% landscaping on-site;
- Vegetated landscaping in areas of no public/user benefit or insufficient dimensions will not be included; and
- Widths of vegetated landscaping strips may be increased or reduced on a case-by-case basis, depending on the species type of vegetation/trees proposed to be planted; and
- Landscaping should be low-maintenance in nature, with particular emphasis on the use of Western Australian native flora.

### 2.1K Design for Sustainability

All new developments should provide for and facilitate a more sustainable (urban and environmental) outcome. There is a need to provide improved social sustainability (social capital and community development) and better equity and choice. There needs to be a greater emphasis on site-responsive design through enhancing local identity.

A development is to be designed to incorporate sustainable initiatives wherever possible.

- Consider the whole life of any planned development and design appropriately for location, functions, local climate and terrain.
- Use resources efficiently, minimise waste and use environmentally benign materials in construction, operation and maintenance to promote the health of construction workers and occupants.
- Use renewable energy where possible and aim for energy efficiency in appliances and services.
- Use water sensitive appliances and services where possible.



- Adopt solar passive design principles to encourage natural heating and cooling of a building.



- Adopt water sensitive urban design principles by means as rainwater/stormwater harvested, conserved and used on-site, and using as many permeable surfaces as possible. Green walls and green roofs are encouraged.
- Design and construct buildings that are flexible enough to accommodate changes of use over time.
- Developments are to be designed to facilitate and encourage alternative forms of transport (walking, cycling and public transport access) and not just car access.
- Detailed design of buildings within activity centres shall create a strong and unique sense of place and local identity, and this should derive, wherever practical, from the local natural and cultural context.

Appendix 1 identifies design issues to be considered by designers and developers when designing new developments or redevelopments.

### **Australian Building Greenhouse Rating Scheme**

The Sustainable Energy Development Office (SEDO) administers the Australian Building Greenhouse Rating scheme, also known as NABERS, which uses a one to five star rating to benchmark an existing building's greenhouse impact with one star being the most greenhouse intensive and five stars the least.

Proposed buildings are assessed through the Building Code of Australia for their rating and can also utilise the NABERS performance-based rating system.

Council will favourably consider developments that meet or exceed current industry best-practice, subject to compliance with Scheme 3 and applicable policies.

### **2.1L Design for Noise Attenuation**

The following provisions relating to noise attenuation apply to any zoned or reserved land within Scheme 3.

#### ***Scheme Amendments and Outline Development Plans***

When considering Outline Development Plans or Scheme Amendments, Council requires noise attenuation measures to be addressed in documentation provided for assessment purposes. The applicant is to refer to *Liveable Neighbourhoods* and any relevant best-practice examples where possible.

- Noise-sensitive premises should ideally be separated from major sources of noise wherever possible.
- Noise-sensitive premises should employ noise attenuation measures outlined in this policy.
- Commercial, industrial or mixed use developments can be used as a buffer between sources of noise and noise-sensitive premises, subject to favourable consideration by Council and appropriate noise attenuation measures being integrated into built form.

#### ***Subdivision Applications***

Where a subdivision application is referred to Council, a preliminary assessment should be undertaken to determine what actions are needed to be undertaken to ensure consistency with the objectives of this policy. The subdivision application is to be assessed against the relevant provisions of this policy and should have regard to *Liveable Neighbourhoods*, particularly E3-R31, E3-R33 and E3-R34.

- Referral responses to the Western Australian Planning Commission should include assessment comments pertaining to the proposed subdivision layout and the noise attenuation measures that have been undertaken.
  - Council may require the submission of an Acoustic Consultant's report if deemed necessary to address potential noise.
  - Council may require amendments to the subdivision layouts to increase separation distances between sources of noise (i.e. industrial, utility or commercial premises, transportation reserves) and noise-sensitive premises, where recommended by the Acoustic Consultant's Report.
- If necessary, a Notification can be placed on the Certificates of Title advising of the proximity of the lot(s) to a noise source, or

proximity to noise-sensitive premises and the design of the development will need to address noise matters to the satisfaction of the City of Mandurah.

- Alternatively, Detailed Area Plans (DAPs) can be prepared to *inter alia* address noise attenuation requirements.

### **Mixed Use Developments**

In order to provide for the compatibility and amenity of land-uses within mixed use developments, an Acoustic Consultant's report will be required to be prepared by a qualified acoustical (noise) consultant to confirm that the building (in terms of design, layout and/or construction) will comply with the Satisfactory Recommended Design Sound Level for the relevant type of occupancy or activity as specified in *AS/NZS 2107:2000* and the requirements of the *Environmental Protection (Noise) Regulations 1997* (refer Appendices 2 and 3). Where there are proposals which are likely to receive low frequency noise within the residential component, or incorporate live or amplified music, the acoustic assessment and recommended attenuation measures must address the impact of low frequency noise.

### **Premises that Emit Noise**

Noise attenuation measures may be addressed in an Acoustic Report and implemented into the construction of premises that emit noise, and should include the following:

- Reference to the noise assigned levels of the *Environmental Protection (Noise) Regulations 1997* and adjustments to be made;
- Noise emissions to be detailed in how they may be limited through acoustic treatments to windows, entry/exit points to buildings, walls and roofs, and cover strategies relating to noise monitoring, and to control break-out noise (i.e. from alfresco areas, nightclubs, etc.); and
- Any noise attenuation measures to mechanical plant equipment, (i.e. locations and use of barriers/enclosures).

Where there are proposals which incorporate live or amplified music, the acoustic assessment and recommended attenuation measures must address the impact of low frequency noise.

### **Noise-Sensitive Premises that Receive Noise**

The noise attenuation provisions of this policy should apply to new noise-sensitive premises within 450 metres of 'Industrial and Utility Premises', 'Commercial Premises' and the following transportation reserves:

- Highway One (commonly referred to as Old Coast Road, Mandurah Bypass Road and Mandurah Road) – full length through the City of Mandurah's municipality;
- Northern Mandurah Bypass Roads (commonly referred to as 'Mandurah Entrance Road' and 'Road B');
- Gordon Road – east of the Gordon Road railway bridge through to Lakes Road East and the City of Mandurah's eastern municipality boundary at Serpentine River; and
- Pinjarra Road – east of the Highway One intersection to the City of Mandurah's eastern municipality boundary at Serpentine River.

An Acoustic Consultant's Report may be required and this requirement will be determined on a case-by-case basis.

Council acknowledges that there are a number of existing noise-sensitive premises that are in proximity to commercial, industrial or utility premises, transportation reserves or associated service roads. This policy will apply when major redevelopment is proposed to existing noise-sensitive premises.

Generally, Council will not accept the use of masonry walls along a transportation reserve as a noise attenuation measure, due to visual amenity issues and security concerns. *Liveable Neighbourhoods* E2-R4, E3-R31 and E3-R33, and crime prevention through environmental design principles will need to be considered when determining the forms of acoustic treatment to noise-sensitive premises.

### **Acoustic Consultant's Report Requirements**

There are circumstances where the Acoustic Consultant's report may be required to accompany a planning application (e.g. taverns, nightclubs etc.) or residential development proposed in known high noise areas.

Generally the Acoustic Consultant's report will be required to be submitted to Council for assessment with a planning application and approval given as part of a determination of the development, or as a condition of approval to be addressed prior to the issuance of a building licence.

The need for an Acoustic Consultant's report may be waived by the Manager Planning and Projects in consultation with Environmental Health Services and having regard to the proposed land-uses and the design of the development.

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The content for an Acoustic Consultant's report shall include, but not be limited to:

- In relation to proposed developments which may emit noise:
  - the identification of all noise sources to be addressed, and determination of noise source levels and character;
  - the noise impacts on surrounding land-uses (existing and potential) which the proposed development would have; and
  - the noise attenuation measures to be implemented to address the noise impacts of the proposed development.
- In relation to proposed developments which may receive noise (e.g. be subject to noise):
  - existing ambient noise levels which may impact on the amenity of the development; and
  - the noise attenuation measures to be implemented to address the noise impacts of the development.
- The impact of proposed land-uses and other associated noise sources, including the location of mechanical plant or equipment (e.g. air conditioner units); and
- Such other matters concerning the noise impacts of the proposed development as may be determined by the City which may include:
  - likely future increases in noise levels; and
  - low frequency noise from entertainment premises.

Upon the completion of the development, written confirmation will be required confirming that construction has been completed in accordance with the approved plan and the accompanying Acoustic Consultant's Report and that any mechanical equipment such as air conditioners have been installed so that noise regulations are not exceeded. This documentation will also be required for installations that occur after the building is complete and is readily available from manufacturers, retailers and installers.

A verification report may also be required to ensure the noise attenuation measures are satisfactory.

### 2.2 ASSESSMENT CRITERIA

The following Assessment Criteria may be used by Council when considering development applications against the policy provisions:

- Suitable and appropriate location, orientation and design of buildings and associated space between buildings and public domain, and improvements which are required in this regard.
- Lots and buildings are orientated where possible to provide for solar access.
- Street-front development:
  - promotes an active and permeable frontage to buildings;
  - creates a human scale and provides visual interest and/or commercial activity at the street level;
  - includes openings (i.e. windows to street and public spaces) at and above ground level that facilitate passive surveillance and pedestrian safety; and
  - awnings and/or colonnades are provided for sheltered pedestrian movement.
- Where appropriate, off-street parking is located behind the building line or sleeved with development such that it cannot be clearly viewed from the street.
- Street corners are articulated to improve legibility.
- Where appropriate, development is designed for a possible mixture of residential and offices and the ability to be adaptable over time.
- Potentially conflicting land-use interfaces are addressed through an urban design solution, i.e. use of laneways, orientation of buildings/dwellings, noise attenuation measures, etc.

Applicants are to prepare development applications with regard to the provisions of this policy and its appendices.

Applications submitted to Council are to outline how a proposal seeks to address the objectives and provisions of this Policy, having regard to the assessment criteria.



### 3. ADMINISTRATION

#### 3.1 IMPLEMENTATION

This policy has effect on publication of a notice under clause 9.6.3.3 (a) of Scheme 3.

Modifications to its content may be undertaken in accordance with the provisions of clause 9.6 of Scheme 3 and at Council's discretion.

#### 3.2 CONSULTATION PROCEDURE

Consultation procedures within the *Planning and Development Act 2005*, its subsidiary legislation, or Scheme 3 cannot be circumvented by this policy.

#### 3.3 DELEGATION

The Council delegates authority to Director Sustainable Development and Manager Planning and Projects pursuant to clause 9.2 of Scheme 3 and sections 5.42 and 5.44 of the *Local Government Act 1995*: refer to DA – SD 1.1.

#### 3.4 REFERENCES

*State Planning Strategy*

*State Sustainability Strategy*

*Liveable Neighbourhoods* (October 2007)

State Planning Policy No. 2.9 – *Water Resources*

State Planning Policy No. 3.1 – *Residential Design Codes* (April 2008)

State Planning Policy No. 3.5 – *Historic Heritage Conservation* (May 2007)

draft State Planning Policy – *Activity Centres for Perth and Peel* (June 2009)

*Designing Out Crime Planning Guidelines* (June 2006), available from the **WAPC** website: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

*Better Urban Water Management* (October 2008), available from the **WAPC** website: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

*Burra Charter* (1999) available from the **ICOMOS** website: [www.icomos.org](http://www.icomos.org)

Information regarding NABERS and Australian Building Greenhouse Ratings scheme is available at the Sustainable Energy Development Office (**SEDO**) website: [www.sedo.energy.wa.gov.au](http://www.sedo.energy.wa.gov.au)

*Environmental Protection (Noise) Regulations 1997*

*Guidance for the Assessment of Environmental Factors No. 8 – Environmental Noise (draft May 2007)*

Australian/New Zealand Standard 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*

Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*

City of Mandurah Town Planning Scheme No. 3 and Local Planning Policy Manual

City of Mandurah *Security Specification* (July 2007)

City of Mandurah Population & Household Forecasts 2009

Council Policy SD-12 *Designing Out Crime*

Delegation of Authority DA – SD 1.1 *Planning Applications*



# TOWN PLANNING SCHEME NO 3

## LOCAL PLANNING POLICY

LPP3 URBAN DESIGN POLICY

FINAL

### APPENDIX 1 DESIGN ELEMENT DETAILS TO BE CONSIDERED IN DEVELOPMENTS OR REDEVELOPMENTS

Design Element	Description of Details
Context or Future Desired Character	Does the design address the key natural and built features of the site in terms of – colour and type of materials used, the urban fabric and the important vegetation.
Scale	Does the design relate well in terms of – bulk, height, relationship with the street and surrounding buildings.
Built Form	Does the building relate well in terms of – building alignment, proportions, building type and the manipulation of building elements.
Density	Is the density appropriate for the location in terms of – reinforcing public transport, creating the desired level of social activity, does the site make efficient use of infrastructure.
Landscape	Is the landscape design appropriate in terms of – strengthening the relationship between the built form and the landscape, reflecting the cultural and natural importance of the site.
Amenity	Does the design provide for – amenity through the physical, visual, spatial and aesthetic quality of a development.
Safety and Security	Does the design relate well internally and externally in terms of – surveillance, legibility, adaptability and accessibility, including for the disabled.
Aesthetics	Is the visual quality appropriate in terms of – the composition of building elements, i.e. the texture and colour.
Quality of the Public Domain	Does the design contribute to the public domain in terms of – creating spaces and routes that are attractive, safe, uncluttered, active and easily identifiable.
Ease of Movement	Does the design relate well in terms of – pedestrian movement, creating connections between buildings, creating permeability in buildings at the local level, and promoting accessibility to all, including the disabled.
Legibility	Is the site legible by being easily understood by its users.
Adaptability	Does the design respond to – changing technology, social, economic and market forces.
Diversity	Does the design provide for – a mixture of uses, vital and viable places.
Durability	Are the materials used appropriate in terms of – contributing to the life of a development, and a low level of maintenance.

# TOWN PLANNING SCHEME NO 3

## LOCAL PLANNING POLICY

LPP3 URBAN DESIGN POLICY

FINAL

### APPENDIX 2 TABLE 1 OF ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997

Type of Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A 10</sub>	L <sub>A 1</sub>	L <sub>A max</sub>
Noise sensitive premises at locations <u>within</u> 15 metres of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises at locations <u>further than</u> 15 metres from a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises	All hours	65	80	90

Reference: *Environmental Protection (Noise) Regulations 1997*

#### Interpretations:

'Influencing Factor'	in relation to noise received at noise sensitive premises, means the influencing factor determined under Schedule 3 of the <i>Environmental Protection (Noise) Regulations 1997</i> . The influencing factor is calculated for each noise-sensitive premises receiving noise. It takes into account the amount of industrial and commercial land and the presence of major roads within a 450m radius around the noise receiver. The permitted noise level is also influenced by the type of noise and whether it has characteristics that are annoying or intrusive. For example, whether the type of noise is tonal, impulsive or modulating, as outlined within the <i>Environmental Protection (Noise) Regulations 1997</i> .
'L <sub>A max</sub> assigned level'	means an assigned level which, measured as a L <sub>A Slow</sub> value, is not to be exceeded at any time.
'L <sub>A 1</sub> assigned level'	means an assigned level which, measured as a L <sub>A Slow</sub> value, is not to be exceeded for more than 1% of the representative assessment period.
'L <sub>A 10</sub> assigned level'	means an assigned level which, measured as a L <sub>A Slow</sub> value, is not to be exceeded by more than 10% of the representative assessment period.
'L <sub>A Slow</sub> '	means the reading in decibels (dB) obtained using the 'A' frequency-weighting characteristic and the 'S' time-weighting characteristic as specified in AS 1259.1-1990 with sound level measuring equipment that complies with the requirements of Schedule 4 of the <i>Environmental Protection (Noise) Regulations 1997</i> .

### APPENDIX 3 SCHEDULE 1 OF ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997

#### Classification of premises Part A – Industrial and utility premises

1. Premises used for the purpose of providing water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services.
2. Premises used by aircraft or ships or as a freight yard.
3. Premises used for the carrying out of any process for and incidental to –
  - (a) production, processing or manufacture;
  - (b) dismantling or breaking up equipment;
  - (c) repairing, laundering and servicing of equipment and buildings, but not including on-site work on buildings;
  - (d) packaging;
  - (e) outdoor storage not in association with any other activity on the site, but not including a vehicle sales yard.
4. A mine within the meaning of the *Mines Safety and Inspection Act 1994*.
5. Without limiting item 4, any premises used for sand, gravel, clay, limestone, or rock excavation.
6. Waste disposal sites and premises used for carrying out any process for and incidental to the treatment of waste.
7. Grounds, administrative premises, and premises or parts of premises used for the personal comfort, convenience or enjoyment of leisure of employees, or persons otherwise engaged in the conduct of an industry or utility, where those premises are attached to or form part of premises referred to in this Part.
8. Caretaker's and like residences attached to or forming part of premises referred to in this Part.

#### Part B – Commercial premises

1. Offices – premises used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature.
2. General retail shops, small retail shops and special retail shops within the meaning of the *Retail Trading Hours Act 1987*, showrooms, warehouses and wholesale sales places and display areas.
3. Premises in or from which meals or food are sold to the public.
4. Filling stations within the meaning of the *Retail Trading Hours Act 1987* but not including premises where motor body works are carried out.
5. Indoor premises used for public amusement – theatres, cinemas, dance halls, skating rinks, gymnasiums or otherwise for games or for the recreation or entertainment requirements of the public; public swimming pools.
6. Premises used principally to provide entertainment or amusement by the use of mechanical amusement structures within the meaning of the *Occupational Safety and Health Regulations 1996*.
7. Taverns, hotels, club premises and reception lodges which do not provide accommodation for the public.
8. Health centres – premises used for medical, maternal or x-ray centres, district clinics, physiotherapy, pathology, radiology, paramedical and other ancillary services and which do not provide in-patient services.
9. Hospitals having accommodation for 150 or more in-patients.
10. Premises used principally for meetings of community, professional, business, social or cultural groups.
11. Premises used for the carrying out of any process of and incidental to testing or analysis of articles, goods or materials.
12. Veterinary clinics and premises, other than rural premises, used for the care, boarding or breeding of animals.
13. Grounds, administrative premises, and premises or parts of premises used for the personal comfort, convenience or enjoyment of leisure of employees, or persons otherwise engaged in the conduct of commerce, where those premises are attached to or form part of premises referred to in this Part.
14. Caretaker's and like residential premises attached to or forming part of premises referred to in this Part.

### Part C – Noise-sensitive premises

1. Premises occupied solely or mainly for residential or accommodation purposes.
2. Rural premises.
3. Premises used for the purpose of –
  - (a) a caravan park or camping ground;
  - (b) a hospital having accommodation for less than 150 in-patients;
  - (c) a sanatorium, home or institution for care of persons, a rehabilitation centre, home or institution for persons requiring medical or rehabilitative treatment;
  - (d) education – school, college, university, technical institute, academy or other educational centre, lecture hall or other premises used for the purpose of instruction;
  - (e) public worship;
  - (f) a tavern, hotel, club premises, reception lodge or other premises which provides accommodation for the public;
  - (g) aged care;
  - (h) child care;
  - (i) a prison or detention centre.
4. Any other premises not referred to in Part A or Part B of this Schedule.