



Planning and Development Services Reports

Committee Consideration – 13 March 2012

Council Resolution – 27 March 2012

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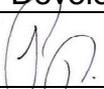
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PD05.12 No. 14a (Lot 701) Karella Street, Nedlands – Proposed Single Storey Single House
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Item withdrawn after Councillor Delivery.

PD06.12	No. 29 (Lot 138) Louise Street, Nedlands - Outbuilding to Single House
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Committee	13 March 2012
Council	27 March 2012

Applicant	Mr B M & Mrs D R Wood
Owner	Mr B M & Mrs D R Wood
Officer	Elle O'Connor – Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref	LO7/29 : DA11/434
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This application is referred to Council for determination as there is no officer delegation to approve an application once valid objections have been received.

Recommendation to Committee

Council approves an application for an outbuilding to a single house at No. 29 (Lot 138) Louise Street Nedlands, in accordance with the application and plans dated 10 October 2011, with the following conditions:

1. all storm water from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1 cubic meter for every 80 m² of paved or roofed surface on the property;
2. the walls and footings shall be constructed wholly inside the allotment;
3. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner

- to treat the building/roof to reduce the reflectivity to a level acceptable to Council; and
4. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

Advice Notes specific to this proposal:

1. All downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soakwell and each soakwell shall be located at least 1.8 m from any building and at least 1.8 m from the boundary of the block.
2. Any proposed structure or addition shall not encroach closer than 1.8 m on any soakwell.
3. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated.
4. The City does not recommend any air-conditioner, swimming pool or spa mechanical equipment is installed near a property boundary where it is likely noise from such mechanical equipment in these locations will intrude on neighbouring properties. Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to prevent noise affecting neighbouring properties.

Strategic Plan

KFA 3: Built Environment

- 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
- 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

Background

Property Address: No. 29 (Lot 138) Louise Street, Nedlands
Zoning MRS: Urban
Zoning TPS2: R10
Lot Area: 1047 m²

In July 2010, the applicant obtained approval for a proposed two storey dwelling and swimming pool.

In November 2011, amendments were made to the original approval, including raising the height of the south west corner boundary fence to 2.7 m.

The applicant is now proposing to install a pool shed in the rear south west corner of the property.

Proposal Detail

The proposed pool shed is 8.9 m² in area and 2.4 m in height from the natural ground level. The shed has a nil setback to both the south and west boundaries (refer to attachment 2– Site Plan).

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type: A letter was sent to adjoining owners allowing 14 days for comment to be received, in accordance with Policy 6.4 ‘Neighbour Consultation – Planning Application’.

Dates: 27 October 2011 – 10 November 2011

Comments received: (1) objection

Note: A full copy of all relevant consultation feedback received by the City has been given to the City’s Councillors prior to the meeting.

Summary of comments received	Officers technical comment
<p>Issue: Fire hazards</p> <p>“The failure to provide an adequate setback from the proposed structure violates the fundamental rules of fire hazard prevention. The debris from the trees leaves and vegetations will accumulate at the roof area and provide a fire hazard to my property.” <i>(sic)</i></p>	<p>Noted</p> <p>The City’s Building Department has advised there are no fire hazards and that the structure complies with all fire separation requirements.</p> <p>The shed’s roof slopes 50 mm to the north so as to assure debris does not accumulate and fall into the subject property.</p>

<p>Issue: Privacy and overlooking</p> <p>“It affects our privacy as there is an overlooking issue with the shed height and the proximity to the boundary where human or animals can just cross over from the structure to our site easily. It will also provide an easy access for Vermin to come over my property.” <i>(sic)</i></p>	<p>Not Upheld</p> <p>The shed is a non-habitable structure and is lower than the existing, approved fence line.</p>
<p>Issue: Sun, shadowing affect and ventilation.</p> <p>“The proposed construction of shed affects the overall sun, shadowing effect and ventilation to my property as my property is considered as single independent dwelling and not as terrace or duplex. It violates the fundamental rules of building code.” <i>(sic)</i></p>	<p>Not Upheld</p> <p>As the shed is lower than the existing fence line, it will not overshadow any portion of neighbouring lot and therefore complies with planning requirements.</p>
<p>Issue: Amenity</p> <p>“The proposed shed will only worsen the intimidating effect of the already huge block of building that the neighbour is constructing. It has a significant impact on the ambient and it blocks our view.” <i>(sic)</i></p>	<p>Not Upheld</p> <p>The proposed pool shed will not be visible from neighbouring lots, as it is lower than the existing fence line.</p>

Legislation

- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes of WA 2010 (RCodes)
- Council Policy 6.4 – Neighbour Consultation

Discussion

The application proposes the following variations to clause 6.3.1 and Table 1 of the RCodes;

1. The pool shed is setback nil in lieu of 1 m to both the southern and western boundaries.

<p>Requirement:</p>	<p>Clause 6.3.1 of the RCodes requires the abovementioned shed to be setback a minimum of 1 m from the southern and western boundaries.</p>
<p>Applicant's Proposal:</p>	<p>The proposed shed is located on the southern and western boundaries.</p>
<p>Performance Criteria:</p>	<p><i>P1 Buildings setback from boundaries other than street boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Provide adequate direct sun and ventilation to the building;</i> • <i>Ensure adequate direct sun and ventilation being available to adjoining properties;</i> • <i>Provide adequate direct sun to the building and appurtenant open spaces;</i> • <i>Assist with protection of access to direct sun for adjoining properties;</i> • <i>Assist in ameliorating the impacts of building bulk on adjoining properties; and</i> • <i>Assist in protecting privacy between adjoining properties.</i>
<p>Applicant's justification summary:</p> <p>Note: A full copy of the applicant justification received by the City has been given to the City's Councillors prior to the meeting.</p>	<p><i>"The shed is only a small area - being only 2.9 m width and the roof is sloped into our property. Rain and leaf debris will run-off into our property.</i></p> <p><i>The roof of the shed is set down from the top of the fence. This lip should prevent leaves from spilling onto his property and also make the shed non-visible from his property.</i></p> <p><i>If we were to set the shed away from the wall 1 m there would be a gap where leaves will collect. This would be both a potential rat nest and a fire hazard.</i></p> <p><i>As the structure is set down below the fence line, it will not block light or natural breeze. In addition to this, it will not be visible from our neighbour's property and it will have no impact on privacy."</i></p>

<p>Officer's technical comments:</p>	<p>Although the proposed shed does not comply with the 'Acceptable Development' criteria of the RCodes, the proposed development meets the Performance Criteria as it does not affect access to sun and ventilation to both properties and is not excessively bulky.</p> <ol style="list-style-type: none"> 1. As the proposed pool shed is below the existing fence line, it will not impact upon direct sun and ventilation to the adjoining property; 2. It is considered that the proposed shed will not create building bulk issues as it is only 8.9 m² and is not visible from the objector's property due to the fence height; and 3. Privacy between the lots will not be compromised by the reduced setback as it is a non-habitable structure, not a viewing platform, and screened by the existing dividing fence.
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Conclusion

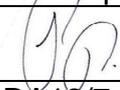
As the proposed pool shed meets the provisions of the relevant Performance Criteria, it is recommended that Council exercise its discretion in regard to the setback variations and approve this application.

Attachments

1. Locality Plan
2. Proposed Site Plan
3. Elevation Plan

PD07.12	No. 116 (Lot 368) Dalkeith Road, Nedlands – Retrospective Additions (Garage) to Single House
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Committee	13 March 2012
Council	27 March 2012

Applicant	Timothy Clarke
Owner	Timothy Clarke & Hui Ling Chai
Officer	Laura Sabitzer – Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	DA12/7 : DA1/116
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This application is referred to Council for determination as the proposal does not meet the provisions in the City of Nedlands Town Planning Scheme No. 2 (TPS2) and Council Policy 6.23 *Carports and Minor Structures Forward of the Primary Street Setback*.

Recommendation to Committee

Council:

1. **Refuses an application for retrospective additions (Garage) to single house at No. 116 (Lot 368) Dalkeith Road Nedlands, in accordance with the application and plans dated 9 January 2012 for the following reasons:**
 - a. **the application does not comply with Council's Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback';**
 - b. **the application does not meet 5.6.2(d) of the City of Nedlands Town Planning Scheme No.2 (TPS2); and**
 - c. **The proposal will not be orderly and proper planning.**
2. **Instructs the removal of the garage door within 42 days of the date of this decision.**

Strategic Plan

KFA 3: Built Environment

3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

KFA 5: Governance

5.6 Ensure compliance with statutory requirements and guidelines.

Background

Property Address: No. 116 (Lot 368) Dalkeith Road, Nedlands
(Refer to attachment 1)

Zoning MRS: Urban

Zoning TPS2: Residential, R10 coding

Lot Area: 989 m²

A carport was approved at the abovementioned property in 2001 (refer to attachment 2). The carport was originally assessed under the City's *Carport and Minor Structures Forward of the Primary Street Setback* policy. Planning approval under delegation was issued in December 2001 including the following condition:

(vii) The applicant/owner shall keep the front of the carport facing the street open;

Despite the above condition, the carport has since had a garage door installed without receiving planning approval. The addition of the garage door has converted the structure from a carport to a garage.

It came to the City's attention that the approved carports at No.114 and No. 116 Dalkeith Road Nedlands, have been converted into garages without receiving planning approval. The City sent a letter to both owners in July 2011 requiring the respective owners to either remove the unauthorised additions to the carports, or submit a retrospective application for planning approval.

The owners of No. 116 decided to remove the garage door but it was agreed that the garage door could be decommissioned until the next Council verge collection, when the garage door would be disposed.

The owners of No. 114 chose to submit a retrospective planning application, which was lodged on 19 August 2011 and was approved at a Council Meeting on 22 November 2011.

Key Relevant Previous Decisions:

COUNCIL RESOLUTION 22 November 2011

Council:

Approves an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011.

As a result of this decision for the retrospective planning application for No.114, the owners of No.116 have since decided to submit a retrospective planning application which was received in January 2012.

Although the retrospective planning application No. 114 was approved it does not set a precedent for similar applications. Each site has varying characteristics, each building is different and therefore each planning application is required to be assessed on its merits on a case by case basis.

Proposal Detail

This proposal is for retrospective additions to a previously approved carport. The retrospective addition is the installation of a solid garage door, which has converted the approved carport into a garage (refer to attachments 2 - 5):

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Notification Period: 16 January 2012 – 30 January 2012

The variations identified were advertised by letter to surrounding affected landowners for fourteen days.

Comments received: One (1) comment – Support / No objection

Legislation

- Residential Design Codes (RCodes).
- City of Nedlands Town Planning Scheme No.2 (TPS2) – Clause 5.6.2.
- Policy 6.23 *Carport and Minor Structures Forward of the Primary Street Setback* (Policy 6.23).
- Policy 6.4 'Neighbour Consultation – Planning Applications'.

The RCodes define a 'carport' as:

*“a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being **without a door unless that door is visually permeable** (emphasis added)”* and

a 'garage' as:

“any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling”.

Policy 6.23 defines a carport as *“a roof structure designed to accommodate a motor vehicle and **shall be open on all sides** (emphasis added) unless constructed adjoining a boundary fence or wall of a building”.*

The addition of solid garage door to a carport means that the structure can no longer satisfy the definition of a carport and now fits within the definition of a garage.

The application proposes the following variations to the provisions of TPS2 and Policy 6.23:

1. TPS2 – Clause 5.6.2(d) and Policy 6.23 require carports in the primary street setback to be *“...open on all sides...”* unless constructed adjoining a boundary fence / wall. The addition of the garage door does not allow for the carport to be open on all sides.
2. Policy 6.23 requires that the side of the carport facing the street to be left open. The addition of the garage door does not allow the side of the carport facing the street to be open.

Budget/financial implications

Nil

Risk Management

If this application is approved it would likely lead to other applications of a similar nature contrary to Policy 6.23. This may result in the need to amend this policy. It is considered that this would compromise the purpose of the policy, which is to ensure the open character and street amenity of the City.

Discussion

The variations to the TPS2 and Policy 6.23 are discussed as follows:

Issue: Addition of Garage Door

<p>Requirement:</p>	<p>TPS2 Clause 5.6.2(d) states that <i>“the carport shall be open on all sides unless constructed adjoining a boundary fence or wall of a building, in accordance with Council policy”</i>.</p> <p>Policy 6.23 defines a carport as <i>“a roof structure designed to accommodate a motor vehicle and shall be open on all sides unless constructed adjoining a boundary fence or wall of a building”</i>.</p> <p>Policy 6.23 states <i>“carports may be constructed forward of the required primary street setback, but the side facing the street must be left open”</i>.</p>
<p>Applicants Proposal: (Retrospective)</p>	<p>The side of the carport facing the street has had a solid garage door installed. (refer to attachments 3 - 5).</p>
<p>Assessment under TPS2</p>	<p>Clause 5.6.2 of TPS2 allows Council to have discretion and impose conditions on the approval of a carport to be constructed in the front setback area. However the conditions must meet the design requirements of Clause 5.6.2 (a)-(d).</p> <p>Therefore it is deemed that Council has no discretion to vary Clause 5.6.2(d) in TPS2.</p>
<p>Assessment under Policy 6.23</p>	<p>Policy 6.23 – where an application does not comply with the policy requirements, then the application is evaluated according to whether the variation will have impact on <i>“either the relevant adjoining property or the streetscape”</i>.</p>
<p>Applicant justification:</p>	<p><i>‘The primary justification for wanting a solid garage door fitted is to negate the increased and ever increasing number of vehicles using our driveway to conduct 3 point turns, in order to obtain one of several street parking bays situated directly outside our front verge. It delivers us some level of privacy from this, also in some cases safety for my family as several cars have misjudged their turns, breaking and dislodging the limestone capping of our side garden bed retaining walls.</i></p>

	<p><i>The door is cedar look in appearance and corresponds well with the decor and vintage of our Californian bungalow.</i></p> <p><i>Our direct neighboring property, which has recently been granted retrospective approval, has had a garage door in addition to having solid walls for many years prior to ours, of which we have no objection.</i></p> <p><i>Less of a concern, but still an impact to us is the level of debris and dust that affects our vehicles and garage floor space due to the amount of commercial and non-commercial traffic that use Dalkeith Road. There is no doubt that the garage door lessens its impact'.</i></p>
<p>Officer technical comment:</p>	<p>With reference to the applicants justification above, the officers comments are as follows:</p> <p><i>Privacy and safety reasons</i> Under Policy 6.23 for security reasons, the policy notes that Council will consider wrought iron or tube steel gates / fencing along the side facing the street. Other properties along Dalkeith Road have had visually permeable gates approved and installed to the sides of carports facing the street for safety / security reasons.</p> <p>In terms of privacy, the previously approved 1.8 m high front wall already allows for privacy to the property. The front setback area is not intended to be a private, screened area. The streetscape of Dalkeith Road is predominately of an open and spacious nature. The 9 m minimum front setback as required in TPS2 has specifically tried to prevent development (such as this garage) in the front setback area to in order to maintain the streetscape and character of the locality. It is not orderly and proper planning to further disrupt the streetscape by approving the installation of a solid garage door.</p> <p><i>Adjoining property at No. 114 Dalkeith Road</i> The adjoining property at No. 114 Dalkeith Road was granted retrospective planning approval at the Council meeting in November 2011. This approval was for garage additions to a carport comprising of a solid garage door and the northern & eastern sides of the carport being enclosed. This application for No. 116 is for the installation of a garage door only.</p>

	<p>Although the retrospective planning application at No.114 was approved, it does not set a precedent for this application. This planning application is required to be assessed on its merits.</p> <p>Dust and debris This is not a relevant planning consideration. In regards to assessment under Policy 6.23, the officers comments are as follows:</p> <p>Adjoining property It is considered that the installation of a solid garage door will not impact the adjoining properties.</p> <p>Streetscape The solid garage door is considered to impact the surrounding streetscape. The streetscape is of an open nature and properties have a 9 m front setback in accordance with TPS2. The streetscape of Dalkeith Road is predominately of an open and spacious nature.</p> <p>Policy 6.23 allows carports and other minor structures within the primary street setback, whilst ensuring the open character and street amenity of the City is not compromised. The carport with the addition of a solid garage door does not allow this open character and disrupts the existing street amenity.</p>
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Conclusion

Under the City of Nedlands TPS2 at Clause 5.6.2 (d), a carport located within the 9 m front setback area, “...shall be open on all sides unless constructed adjoining a boundary fence or wall of a building...”. In this instance the installation of a solid garage door does not allow the carport to be open on all sides. Therefore, it is deemed that the retrospective addition to convert the approved carport into a garage does not satisfy the above TPS2 provision.

In addition, the variations to the Council’s Policy 6.23 are considered to adversely impact the streetscape. It is not orderly and proper planning to disrupt the existing streetscape by approving the installation of a solid garage door.

For the reasons set out above, the application is recommended for refusal.

Attachments

1. Locality Plan
2. Approved Elevation Plan (c. 2001)
3. Elevation Plan
4. Site Plan
5. Photos

PD08.12	No. 33 (Lot 1) Park Road, Nedlands - Proposed Two Storey Dwelling
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Committee	13 March 2012
Council	27 March 2012

Applicant	Michael John Hain
Owner	As above
Officer	Elle O'Connor - Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref	PA1/33 : DA11/259
Previous Item No's	D67.11 - 13 December 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

The application is referred to Council as it does not comply with the standards of the City's Town Planning Scheme No. 2 (TPS2) and the Residential Design Codes 2010 (RCodes).

In instances where discretion to the acceptable development criteria is sought officers do not have delegation to refuse an application.

Recommendation to Committee

Council refuses an application for a two storey dwelling located at No. 33 (Lot 1) Park Road, Nedlands in accordance with the application dated 14 June 2011 and the amended plans dated 8 November 2011 for the following reasons:

1. the proposed open space does not comply with the acceptable development or performance criteria of Clause 6.4.1 of the Residential Design Codes and will detract from the open nature of the streetscape;
2. the overall bulk and scale of the proposed development in relation to the adjoining boundaries and surrounding area is considered to cause an adverse affect on the amenity of the adjoining owners;

3. **the overall appearance, particularly the bulk and scale of the proposed development when viewed together with the reduced setbacks and open space is not in keeping with the existing character of the locality; and**
4. **the proposal will not be orderly and proper planning.**

Strategic Plan

KFA 3: Built Environment

- 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
- 3.6 Promote programs and policies to facilitate environmentally responsible and sustainable buildings and building practices.
- 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

Background

No. 53 Clifton Street, Nedlands was subdivided into three (3) separate lots (approximately 320 m² each) in the late 1980's. The rear lot is No. 33 Park Road, located on the corner of Park Road and Fraseriana Lane in Nedlands. This application is for a two storey dwelling to be constructed at No.33 Park Road, Nedlands.

This matter was considered at the Committee Meeting on 29 November 2011 and the following committee recommendation was made:

Committee Recommendation / Recommendation to Committee

Council refuses an application for a two storey dwelling located at No.33 (Lot 1) Park Road, Nedlands in accordance with the application dated 14 June 2011 and the amended plans dated 8 November 2011 for the following reasons:

1. **The proposed open space does not comply with the acceptable development or performance criteria of Clause 6.4.1 of the Residential Design Codes and will detract from the open nature of the streetscape;**
2. **The overall bulk and scale of the proposed development in relation to the adjoining boundaries and surrounding area is considered to cause an adverse affect on the amenity of the adjoining owners;**
3. **The overall appearance, particularly the bulk and scale of the proposed development when viewed together with the reduced setbacks and open space is not in keeping with the existing character of the locality; and**
4. **The proposal will not be orderly and proper planning.**

The applicant advised that he was unable to attend the Council Meeting on 13 December 2011 and as he wished to speak, requested that the item be deferred to a later date. No changes have been made to the proposal or Administrations recommendation.

Proposal Detail

Property Address: No. 33 (Lot 1) Park Road, Nedlands
(Refer to Locality plan – attachment 1)
Zoning MRS: Urban
Zoning TPS2: R25
Lot Area: 320 m²

This application is for a two storey dwelling to be constructed at No. 33 Park Road, Nedlands.

Consultation

Required by legislation: Yes No

The proposed variations to the Residential Design Codes (RCodes) and City Policies were advertised to the adjoining properties for a period of 14 days.

Required by City of Nedlands policy: Yes No

Two Storey Advertising 29 June to 13 July 2011

Advertising Variations 11 October to 25 October 2011

Comments received: Nil (0) objections

Legislation

- City of Nedlands Town Planning Scheme No.2 (TPS2)
- Residential Design Codes (RCodes)

The application complies with the above legislation, with the exception of two (2) variations to the acceptable development criteria of the RCodes. The variations are listed below:

1. The proposed garage has a primary street setback of 1.5 m in lieu of 4.5 m from Park Road (Clause 6.2.3).
2. The proposed dwelling has a total site cover of 172 m² (53.7 %) allowing for 46.3 % open space. The RCodes require a minimum of 50 % open space (Clause 6.4.1).

Discussion

Issue: Front Setback of Garage

Requirement	The acceptable development criteria of Clause 6.2.3 (Setback of garages and carports) of the RCodes requires garages to be setback 4.5 m from the primary street boundary.
Applicants Proposal	The proposed garage is setback 1.5 m from the primary street boundary.
Performance Criteria	<p><i>Clause 6.2.3 Performance Criteria P3:</i></p> <p><i>The setting back of carports and garages so as not to detract from the streetscape or appearance of dwelling, or obstruct views of dwellings from the street and vice versa.</i></p>
<p>Applicant justification summary</p> <p>Note: A full copy of the applicant justification received by the City has been given to the City's Councillors prior to the meeting.</p>	<p><i>"A Variation is being sought for the reduced setback to the garage as per the Residential Design Codes. We believe the variation being sought meets the performance criteria stated in the Residential Design Codes based on the following reasons:</i></p> <p><i>The proposed development is being built in an already established residential area and there are several neighbouring properties on the same street that have built their garage on the Park Road boundary. Therefore there would be a consistent pattern of garages within the setback area on Park Road in Nedlands. Below are a few addresses noted of the properties in close proximity of the proposed development that seem to have their garage built close to the Park Road Boundary:</i></p> <ul style="list-style-type: none"> <i>• 48, 49 & 50 Leura Street</i> <i>• 58 Clifton Street</i> <i>• 48 & 49 Meriwa Street</i> <i>• 47, 56 & 58 Williams Road</i> <i>• 16 Portland Road</i> <p><i>These above mentioned properties form consistency in the streetscape meaning number 33 Park Road will not look out of place by being built within the setback area.</i></p>

	<p><i>The area, dimensions and the shape of the site make it difficult to comply with the general building setback requirements. The block is only 320 m² in total, not to mention the 3 m sewer easement at the rear of the block. To comply with the front and side setbacks as well as not encroaching on the sewer easement at the rear would mean the owners at 33 Park Road would only be allowed to build on 151 m² (47 %) and they would have hardly any open space to the rear as well. The dimensions and shape of this site also contribute some difficulty when trying to comply with the street setbacks. For instance having the garage on the right hand side of the property as well as the being 6m from the front boundary means the biggest garage possible for that property would be approximately 6.5 m long, leaving no room for any storage space which is important for the smaller sized sites.</i></p> <p><i>Although the garage would be in the front setback area, it would not obstruct the views of the street from the dwelling. There is the guest bedroom on the ground floor which has a great view for surveillance of the street as well as the first floor living room and master bedroom having plenty of windows overlooking the street as well.</i></p> <p><i>The garage will not detract the streetscape being built in the front setback area as the garage is only 6 m wide and the garage door being 4.8 m wide. The frontage of the property is 13.55 m which means that even the overall width of the garage does not intrude on the maximum 50 % of the frontage, and in fact is only 44 %, with the garage door only being 35 % of the total frontage.”</i></p>
<p>Officer technical comment</p>	<p>The proposed development is considered to comply with the performance criteria mentioned above as the reduced setback will not detract from the streetscape or the dwelling.</p> <p>The subject lot is the only property with a primary frontage to Park Road (refer to attachment 2 – Aerial Photograph).</p>

	<p>Due to this, all other surrounding dwellings along Park Road have a secondary street setback, not primary. Properties in the locality are zoned R25, the required secondary street setback for this zoning is 1.5 m. As all other dwellings along Park Road have a minimum setback of 1.5 m from the street, the 1.5 m setback of the garage to Park Road will not detract from the street or dwelling.</p> <p>Notwithstanding this, the reduced front setback contributes to the total site cover of the dwelling on the lot and therefore if the front setback was to comply it would increase the amount of open space on the site.</p>
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Issue: Open Space Variation

Requirement	Table 1 of the RCodes requires a minimum open space of 50 % for properties zoned R25.
Applicants Proposal	The application proposes 46.3 % open space, an additional 12 m ² of site cover.
Performance Criteria	<p>Performance Criteria: Clause 6.4.1;</p> <p>Objectives:</p> <p>6.4 <i>“To ensure that private and communal open space is set aside and landscaped to provide for attractive streetscapes, attractive settings to compliment the buildings, privacy, direct sun, and the recreational needs of the residents.”</i></p> <p><i>“Sufficient open space around buildings:</i></p> <ul style="list-style-type: none"> • <i>To complement the building;</i> • <i>To allow attractive streetscapes; and</i> • <i>To suit the future needs of residents, having regard to the type and density of the dwelling.”</i>

<p>Applicant justification summary</p> <p>Note: A full copy of the applicant justification received by the City has been given to the City's Councillors prior to the meeting.</p>	<p><i>The proposed development has increased the size of the building by 4 % (13.9 m²) meaning the open space provision to this building is now at 46 % in lieu of 50 % as required by the Residential Design Codes.</i></p> <p><i>The extra space has been put in to the garage as storage space which is highly regarded as being essential to smaller lots such as this one. Without this space, there is no room to have garden equipment such as lawn mowers and hedge trimmers which help maintain the amenity and attractiveness of the property. There is no room for a future garden shed to store these types of essentials, as the only place suitable for one would be at the rear of the property which would encroach on the sewer easement as well as the outdoor living area.</i></p> <p><i>A shed to the rear would also overshadow and disrupt ventilation to the family room windows as it would be on the northern boundary.</i></p>
<p>Officer technical comment</p>	<p>The proposed development does not comply with the acceptable development provisions for open space.</p> <p>The proposed development is not considered to comply with either the performance criteria or the objectives of the RCodes as follows:</p> <ul style="list-style-type: none"> • <i>To complement the building; and</i> • <i>To allow attractive streetscapes.</i> <p>It is considered that the areas of open space around the dwelling have not been designed to adequately complement the building or the streetscape. The east and west side walls are located on the boundary and the front setback is reduced, this will create an overdeveloped, bulky façade from the street as there is minimal space for landscaping. This lack of open space in the front and side setbacks, cumulatively, will not complement the building design or streetscape.</p> <p>The City is required to ensure a consistent approach that the minimum amount of open space should be provided on all residential developments to ensure protection of the existing residential amenity.</p>

	<p>If the City was to approve this application it may then be expected that Council would approve other similar proposals to vary the minimum open space requirements. This would lead to an overall decrease in open space of the area and may reduce the residential amenity of the area taking into account the density zoning of the locality (R25).</p> <ul style="list-style-type: none"> • <i>To suit the future needs of residents, having regard to the type and density of the dwelling.</i> <p>The dwelling has been designed to push all boundary walls to their extremities as both side walls are on the boundary and the front setback has been reduced. Building on the boundary and reducing the open space, limits the opportunity and potential for renovations or extensions in the future to cater for the residents changing lifestyle.</p> <p>Therefore it is considered that the proposed reduction in open space to 46.3 % (12 m² less than required under the RCodes) does not comply with the performance criteria of the RCodes.</p>
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The recommendation is to refuse the application due to the cumulative impacts of the proposed variations. The alternative option considered was a conditional approval subject to the 50 % open space being provided. This is not recommended as to achieve this. A significant redesign of the proposed dwelling is required due to the site constraints. The resulting house design has not been assessed for potential impacts on amenity and can therefore not be approved.

Conclusion

Clause 5.5.1 of TPS2 states that “...Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development...”

Although it is considered that the boundary wall setbacks technically comply with the acceptable development and performance criteria of the RCodes, the nil boundary setbacks in conjunction with the reduced open space of 46.3 % will adversely affect the amenity of the surrounding area.

In addition to the effect on the streetscape, it is also considered that the open space variation will restrict future uses of the site and the needs of residents.

The City is required to ensure a consistent administration of planning requirements to ensure overall protection of residential amenity. If the City was to approve this application it may then be expected that Council would approve other similar proposals to vary the minimum open space requirements. Reduction of open space on these sites will result in an incremental change to the character of the neighbourhood, adversely affecting the amenity of the area. Given the above, the application is therefore recommended for refusal.

Attachments

1. Locality Plan
2. Aerial Photograph
3. Site Survey Plan
4. Floor Plan
5. South and West Elevation Plan
6. North and East Elevation Plan

PD09.12	Proposed Draft Local Planning Policy - Hollywood Aged Care Retirement Village
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Committee	13 March 2012
Council	27 March 2012

Applicant	City of Nedlands
Owner	Regis Group
Officer	Jason Moore - Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	TPN/146
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

The purpose of this report is to obtain approval in principle for the proposed Draft Local Planning Policy of Hollywood Aged Care Retirement Village in order to allow public consultation.

Recommendation to Committee

Council:

1. **approves the proposed Draft Local Planning Policy - Hollywood Aged Care Retirement Village for public consultation purposes only; and**
2. **instructs Administration to advise the registered property owner in regard to this proposed local planning policy prior to the commencement of the public consultation process.**

Strategic Plan

- KFA 5: Governance
- 5.6 Ensure compliance with statutory requirements and guidelines.
- KFA 6:
- 6.2 Encourage community participation in thru City's decision making process

Background

Property Address: Lot 2273 (No. 118-120) Monash Avenue
Zoning MRS: Urban
Zoning TPS2: Special Use (Refer to attachment 2 for Special Use provisions)
Lot Area: 74147 m²

Extensive recent demolition, large areas of vacant land and no development proposals have prompted a need to clarify Council's position in regard to the use of the site.

Proposal Detail

The proposed draft Local Planning Policy applies to all land that is or was a part of Lot 2237 (No 118 - 120) Monash Avenue, Nedlands (the land parcel bounded by Monash Avenue, Smyth Road, Karella Street and Williams Road).

The purpose of this policy is to record the City's position in relation to this site.

The policy envisages that:

1. the site is used exclusively to provide accommodation, health and amenity facilities for aged persons;
2. future development that may occur on the site is guided; and
3. the City will consult with residents of the site in regards to any development application received for the site or any other matter relating to the land which requires a council decision or comment and that would ordinarily require public consultation.

Once adopted this Local Planning Policy will be used in conjunction with the Town Planning Scheme No. 2 (TPS2) and will strengthen the planning framework for this site.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type:

The proposed local planning policy is presented to Council at this stage in order to obtain consent to commence the public consultation.

The public consultation will occur in accordance with the process outline in clause 8.3.2 of TPS2 which requires that:

- a notice is published once a week for three (3) consecutive weeks in the local press;
- all submissions being evaluated once the advertising period has closed; and
- the proposed local planning policy being reviewed in the light of the submission.

Local planning policies are created under Part VIII of TPS2 and once adopted are enforceable in accordance with the scheme.

Legislation

- City of Nedlands Town Planning Scheme No. 2 (TPS2)

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Nil

Risk Management

Not progressing a Local Planning Policy in this regard is a lost opportunity to provide the best possible planning framework for this site.

Discussion

The demographic profile for the City of Nedlands shows that there is currently a higher proportion of older persons compared to the remainder of Perth. This trend is expected to increase in the future as there is a growing trend towards an aging population in Australia. Accordingly there is a demand within the boundaries of the City to cater for the needs of aged persons, including, accommodation, community facilities to promote social interaction such as a hall, library, chapel, limited retain facilities and facilities to accommodate health care providers for primary health care.

While TPS2 provides that this site is to be used to cater for the needs of aged persons, the age of the scheme is a concern, as this has on occasions been quoted as a reason not to be bound by the scheme.

This policy will assist to strengthen the existing planning provisions.

Conclusion

It is recommended that the proposed Draft Local Planning Policy be adopted for public consultation purposes to reinforce the existing planning provisions for this site and allow public consultation to be undertaken in accordance with the provisions of TPS2.

Prior to commencing public consultation it is recommended that Administration advises the registered property owner of the City's intention to progress a Local Planning policy in regard to this site.

Attachments

1. Proposed Local Planning Policy Hollywood Aged Care Retirement Village.
2. Town Planning Scheme provision - Special Use.

PD10.12	Proposed Draft Local Planning Policy - Old Swanbourne Hospital Design Guidelines for North and South subdivision wings.
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Committee	13 March 2012
Council	27 March 2012

Applicant	City of Nedlands
Owner	Swanbourne Estate Development Pty Ltd
Officer	Jason Moore – Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	WAPC/131108 : WAPC/131109
Previous Item No's	
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

The proposed Draft Local Planning Policy is required to ensure that the Design Guidelines for the north and south wings of the Old Swanbourne Hospital Site that were approved by the Western Australian Planning Commission as a condition of subdivision are incorporated into the suite of planning provisions of the land.

The purpose of this report is to obtain approval in principle for the proposed Draft Local Planning Policy in order to allow public consultation.

Recommendation to Committee

Council approves the proposed Draft Local Planning Policy Old Swanbourne Hospital Design Guidelines for North and South subdivision wings for public consultation purposes only.

Strategic Plan

- KFA 5: Governance
 - 5.6 Ensure compliance with statutory requirements and guidelines.
 - 5.9 Identify, manage and seek to minimise risk.

Background

Property Address: Lot 12040 Heritage Lane, Mt Claremont
Zoning MRS: Urban
Zoning TPS2: Development Zone
Lot Area: 2.4819 ha

On 26 August 2009 subdivision approval for the north and south wings of the Old Swanbourne Hospital site was granted by the Western Australian Planning Commission (WAPC), contrary to Council recommendation.

Due to the small size of the lots created the, Design Guidelines were created for the area as part of the subdivision process. The Design Guidelines were created by the applicant in conjunction with the City of Nedlands and the Heritage Council of Western Australia. The Design Guidelines were approved by the City 22 June 2010 and WAPC as a condition of subdivision.

Proposal Detail

The proposed Draft Local Planning Policy affects the north and south subdivision wings of the Old Swanbourne Hospital site.

The Design Guidelines that were approved as part of the subdivision approval (Refer to attachment 1).

The need for a Local Planning Policy has arisen because the Western Australian Planning Commission is intending to remove the Design Guidelines from the Outline Development Plan for the site.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type:

The proposed local planning policy is presented to Council at this stage in order to obtain consent to commence the public consultation.

The public consultation will occur in accordance with the process outline in clause 8.3.2 of the Town Planning Scheme No. 2 (TPS2) which requires that:

- A notice is published once a week for three (3) consecutive weeks in the local press;
- all submissions being evaluated once the advertising period has closed; and

- the proposed local planning policy being reviewed in the light of the submission.

Local planning policies are created under Part VIII of the Town Planning Scheme No. 2 (TPS2) and once adopted are enforceable in accordance with the scheme.

Legislation

- City of Nedlands Town Planning Scheme No.2

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Nil

Risk Management

Not progressing the Proposed Draft Local Planning Policy brings the risk of poor customer service by the City.

Discussion

As the existing design guidelines were approved by the WAPC as part of the Subdivision process, there is no scope to amend the content of the provisions, although Administration has amended its format to align with the standard Council Policy format.

It was initially intended to include the Design Guidelines as part of the Outline Development Plan (ODP) document for the site. However as other areas affected by the ODP have not yet progressed to the same level of detail as the north and south wings, its inclusion would make the ODP inconsistent.

An alternative method to ensure that prospective purchasers are aware of the lots' design guidelines is through a notification on the title. The developer however was not in favor of imposing such notifications, and is supported by the WAPC in this regard.

By adopting these guidelines as a Local Planning Policy, Council will ensure that they are incorporated into the planning framework for this site and will remain accessible to the public.

Conclusion

The proposed Local Planning Policy allows the Design Guidelines that were approved as part of the subdivision to be implemented without the need for inclusion in the area's Outline Development Plan or notifications to be placed on titles.

It is recommended that the proposed Draft Local Planning Policy be adopted for public consultation purposes to allow the Local Planning Policy to be progressed so that it becomes readily available for the public.

Attachments

1. Proposed Draft Local Planning Policy Old Swanbourne Hospital Design Guidelines Policy

PD11.12	Metropolitan Region Scheme Amendment 1226/57 - Freshwater Bay Parks and Recreation Reservation Boundary Rationalisation - response to public consultation.
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Committee	13 March 2012
Council	27 March 2012

Applicant	Western Australian Planning Commission
Owner	Various
Officer	Jason Moore – Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	TPN/067-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

Council has been given the opportunity to comment on proposed Metropolitan Region Scheme Amendment No. 1226/57, entitled Freshwater Bay Parks and Recreation Reservation Boundary Rationalisation.

The proposed Scheme Amendment aims to realign the existing Parks and Recreation boundary along the foreshore of Freshwater Bay to better reflect the geographical features of the area.

Recommendation to Committee

Council advises the Western Australian Planning Commission that there is no objection to proposed Metropolitan Region Scheme Amendment 1226/57 entitled Freshwater Bay Parks and Recreation Reservation Boundary Rationalisation.

Strategic Plan

- KFA 5: Governance
 - 5.6 Ensure compliance with statutory requirements and guidelines.
 - 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

Background

It has been an ongoing public policy objective of state and local governments to establish foreshore reservations along the banks of the Swan-Canning river system for landscape and river bank protection and to facilitate community access. Although it is acknowledged that absolute foreshore access is neither practicable nor desirable due to some areas cultural sensitivity or very steep embankments.

Over time the following legislation has contributed to this objective:

Year	Act	Effect
1912	<i>Melville Water and Freshwater Bay Road Act</i>	Creation of Foreshore Reserve for public access.
1928	<i>Town Planning and Development Act</i>	Established a foreshore reserve of 30 m.
1955	Stephenson Hepburn Plan	Introduced the Metropolitan region Scheme, established open space framework.

In 1999 the former Ministry of Planning commissioned a comprehensive study into the Parks and Recreation Reservation along the foreshore of Freshwater Bay, from Keane's Point to Sunset Hospital. The study considered a range of matters relevant to the purpose and function of the reservation, including foreshore protection, landscape and conservation values, and community access.

A key recommendation of the study is the adjustment of the reservation boundary that has resulted in this amendment. The effect of this amendment is that at Certain locations of land reserved 'urban' is to become Parks and Recreation and vice versa in other locations along the foreshore to provide better protection from wind and wave erosion.

Proposal Detail

This amendment covers areas from the Town of Claremont and the City of Nedlands.

The Metropolitan Scheme Amendment Report shows a locality map of the area affected by the realignment of the Parks and Recreation reserve boundary on page 8 in figure 2 and 3.

Only land within the City of Nedlands is discussed in this report.

This proposal makes minor adjustments which straightens the reservation boundary:

The following properties are affected:

Figure	Lot Number	Street	Current	Proposed	Area
2	276	Watkins Road	Urban	Parks and Recreation	180 m ²
3	1	Victoria Avenue	Urban	Parks and Recreation	70 m ²
	2	Victoria Avenue	Urban	Parks and Recreation	40 m ²
	3	Victoria Avenue	Urban	Parks and Recreation	20 m ²
	27	Victoria Avenue	Urban	Parks and Recreation	60 m ²
	109	Victoria Avenue	Urban	Parks and Recreation	70 m ²
	105	Victoria Avenue	Urban	Parks and Recreation	100 m ²
	107	Victoria Avenue	Urban	Parks and Recreation	80 m ²
	100	Victoria Avenue	Parks and Recreation	Urban	40 m ²

The effect of the amendment is that there is a total gain of approximately 580 m² of Parks and Recreation reserve.

Consultation

The Western Australian Planning Commission is required to consult widely by legislation and policy.

The City is not required to undertake any consultation other than its obligation under the *Planning and Development Act 2005* to display the documents at the Council's administration. Council has the ability to provide comments on the proposed amendment.

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type:

The advertising period is for 60 days from 31 January 2012 – 13 April 2012, closing date for comment is 13 April 2012.

Legislation

- *Planning and Development Act 2005*

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Commenting on this proposal has no budget implications for the City however the extra land reserved for parks and recreation will be a minor further financial commitment.

Risk Management

Not providing comment in this regard has no risk implication for the City.

Discussion

When the Metropolitan Region Scheme was introduced, the Parks and Recreation reserve boundaries were determined without taking topography into account.

Along Victoria Avenue the boundary between urban land and land reserved Parks and Recreation includes areas with significant level differences.

This scheme amendment aligns the Parks and Recreation reservation with the edge of escarpment providing a clearly defined boundary. This allows for better protection of the landscape values of the escarpment.

The amendment ultimately results in a net increase of 580 m² of Parks and Recreation land once the land is publically owned which usually occurs as part of the subdivision process.

The Parks and Recreation reserve still in private ownership, has the effect that lots within the amendment area have a residential zoning for most of the lot and a Parks and Recreation reservation for part of the lot.

Conclusion

The proposed Metropolitan Region Scheme Amendment has no immediate implications for the City of Nedlands and minimal implications in the long term when the additional land is vested in the city. The proposal is acceptable in its current form and can be supported.

Attachments

1. Metropolitan Region Scheme Amendment report.

PD12.12	Hampden Broadway North Hollywood Housing Diversity Study Area – Endorsement of Place Game: Place Performance Evaluation survey to assist with preparing Precinct Placemaking Strategies
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Committee	13 March 2012
Council	27 March 2012

Applicant	N/A
Owner	N/A
Officer	Michael Swanepoel – Acting Manager Strategic Planning
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	TPN/127
Previous Item No's	
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

The purpose of this report is for Council to endorse the Place Game: Place Performance Evaluation ('the Place Game') survey for Administration to use with the community in order to assist it with preparing Precinct Placemaking Strategies for the Hampden Broadway North Hollywood Housing Diversity Study Area.

Recommendation to Committee

Council authorises Administration to use the Place Game: Place Performance Evaluation as per attachment 3, to canvass community views in order to assist it with preparing Precinct Placemaking Strategies for the Hampden Broadway North Hollywood Housing Diversity Study Area.

Strategic Plan

- KFA 3: Built Environment
 - 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
 - 3.4 Plan and develop the sustainable provision of community infrastructure and facilities with a focus on flexible and multiple uses.

- KFA 6: Community Engagement
6.2 Encourage community participation in the City's decision making processes.

Background

1. Historical information

In 2008, Council adopted its Housing Diversity Strategy which identified potential areas for additional housing choice.

The Housing Diversity Strategy acknowledged that as the population continues to get older and family and household sizes reduce, the City needs to facilitate greater housing diversity for existing residents whose needs are not met by a traditional single house.

In 2010, Council adopted a project plan to initiate the Hampden Broadway Precincts Study, comprising of:

- Hampden precinct: bounded by Hampden Road, Williams Road, Monash Avenue and Gordon Street.
- Broadway precinct: bounded by Broadway, Stirling Highway, Bruce Street and The Esplanade.
- North Hollywood: bounded by Verdun Street, Aberdare Road, Gairdner Drive and the Old Hollywood High School site.

For more information refer to attachment 1.

2. Project Plan 2.0

In August 2011, Council adopted a revised project plan for the Hampden Broadway North Hollywood Precincts Study. The project plan was revised in order to address feedback from the community and to guide the next stages of the project.

A feature of the revised version included allowing for more bespoke outcomes tailored for each of the precincts in the form of individual Placemaking Strategy, Movement Strategy and Built Form Guidelines.

For more information about the objectives, outcomes and outputs refer to attachment 2.

3. Placemaking Strategy

Preparing a Placemaking Strategy for each of the three (3) precincts is an output identified in Project Plan 2.0. This directly responds to community feedback that focused on ensuring an integrated approach for improving the public and private realm.

Project for Public Spaces is a leading placemaking organisation based in the United States. It is dedicated to creating and sustaining public places that build communities. It defines placemaking as follows:

“Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Put simply, it involves looking at, listening to, and asking questions of the people who live, work and play in a particular space, to discover their needs and aspirations. This information is then used to create a common vision for that place. The vision can evolve quickly into an implementation strategy, beginning with small-scale, do-able improvements that can immediately bring benefits to public spaces and the people who use them”

Involving the community and other local users of an area early in the process is a fundamental part of placemaking. This approach sets the context for evaluating the place to understand what works, what needs improving and what isn't working.

Proposal Detail

Council is requested to authorise Administration to use the Project for Public Spaces devised Place Game survey. (Refer to attachment 3).

The survey incorporates quantitative and qualitative techniques such as observation, interview and analysis. The quantitative aspect allows participants to evaluate sites themselves by rating the place according to three (3) categories (comfort and image, access and linkages, and uses and activities) on a scale from 1 (being poor) to 3 (being good). The qualitative aspect enables participants to gain insights and develop different ideas by answering five (5) questions that motivates them to look at the place from a user-oriented point of view.

The community will be offered the opportunity to evaluate different places in each of the three precincts. The information gathered from these surveys will assist in the preparation of the individual Precinct Placemaking Strategy's.

Consultation

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Consultation type: Random surveys

Information about conducting (timing, location and any other details) the Place Game will be:

- Advertised in the Nedlands News section of the Post newspaper;
- Included on the City's website; and
- Disseminated through other City related social media.

Legislation

No legislation applies to the survey process.

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Other than staff hours and the offer of a coffee as an incentive to potential participants, there are no other costs to the City for using the Place Game.

Risk Management

If use of the Place Game is not authorised the draft Precinct Placemaking Strategies may be based on inaccurate information prior to conducting more formal consultation.

Discussion

The Place Game provides an opportunity to involve the community early in the process of preparing individual Precinct Placemaking Strategies. The information gleaned from conducting this survey will provide the following benefits:

- Provide valuable insight into how the area functions;
- Get an understanding of the critical issues and what is meaningful to people; and
- Establishes an important baseline for measuring future successes.

The survey will be conducted across all three precincts and will focus on evaluating the public realm. Initial areas of interest in each of the precincts are shown in the table below.

Precinct	Initial areas for using the Place Game
Hampden	<ul style="list-style-type: none"> • Hampden Road (including Dome car park) • Karella Street (near Hampden Road) • Park Road (near Hampden Road) • Leura Street park
North Hollywood	<ul style="list-style-type: none"> • Verdun Street • Croydon Street/Aberdare Road shops • Campsie Street park
Broadway	<ul style="list-style-type: none"> • Broadway • Cooper Street (near Broadway) • Clark Street (near Broadway)

Tapping into this information at the beginning of the process will help to prepare more rigorous Placemaking Strategies for each precinct. The information from the Place Game exercise will be used to:

- Inform the place vision for each precinct;
- Identify the small wins that can be carried out lightly, quickly and cheaply;
- Assist with creating places that have both a strong sense of community and a comfortable image, as well as a setting and activities and uses that collectively add up to something more than the sum of its often simple parts.

Project for Public Spaces have given their approval to the City to use the Place Game on the basis that it is not changed and that they given credit.

Conclusion

The Place Game will assist Administration to prepare thorough Precinct Placemaking Strategies. The community will be engaged early in the process, which will ensure their buy-in to the project as well as more rigorous strategies when it comes to formal consultation. The exercise has a proven track record and is recommended.

Attachments

1. Project area
2. Project Plan 2.0 – Project Objectives, Outcomes and Outputs
3. Project for Public Spaces Place Game 2005 version

PD13.12	Proposed Draft Heritage List 2012
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Committee	13 March 2012
Council	27 March 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Yolanda Millar - Planning Officer
Director	Gabriela Poezyn – Acting Director Planning & Development Services
Director Signature	
File ref.	HER/017
Previous Item No's	NA
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

In accordance with the project plan for the heritage study to create a new Heritage List, the Proposed Draft Heritage List (which includes existing Municipal Heritage Inventory (MHI) places and new heritage places) is presented to Council for endorsement for public advertising.

Recommendation to Committee

Council endorses the Proposed Draft Heritage List 2012 for public consultation in accordance with the Project Plan (August 2011).

Strategic Plan

- KFA 3: Built Environment
 - 3.1 Develop and implement a new planning scheme for the City.
- KFA 6: Community Engagement
 - 6.2 Encourage community participation in the City's decision making processes.

Background

In 1997 the City engaged O'Brien Planning Consultants to prepare a Municipal Heritage Inventory (MHI), which was adopted by the Council in 2001. Although work commenced to review the MHI in 2008, no formal update or review of the inventory has since been completed.

As part of the scheme review, the City is required to prepare a heritage list, which is required to have been adopted by the time proposed draft Town Planning Scheme No 3 (TPS3) is approved.

Apart from its name there is no difference between a "Heritage List" and a MHI, as both serve to protect heritage values of individual properties and provides for heritage precincts.

The Heritage Council of Western Australia (HCWA) has also adopted common standards for reviewing MHIs and to create Heritage Lists.

In August 2011, the City invited heritage conservation and planning consultants to tender to review the City's existing MHI pursuant to Section 45 of *The Heritage of Western Australia Act 1990* and to compile an updated Heritage List for incorporation into proposed draft TPS3.

The City engaged Palassis Architects who work in association with professional historian Dr Robyn Taylor to make recommendations for a new Heritage List that will comply with the proposed draft TPS3 requirements. This will be undertaken by reviewing the 1999 MHI and the 2008 Review List, assessing any other properties within the City that may have heritage value and identifying possible heritage precincts.

Stage 1 of the project has now been completed. (Refer the consultants "Stage 1 Report" dated February 2012, as per attachment 1).

This stage has yielded a Proposed Draft Heritage List 2012 (Refer to attachment 2).

Proposal Detail

The key outcomes identified by the City for the review were:

1. comprehensively identify the places of cultural heritage significance within the City consistent with relevant legislation and policy requirements, and in the context of agreed aesthetic, historic, scientific and social values;
2. assess and make recommendations to Council regarding the review and update of existing places on the existing MHI;
3. identify and make recommendations to Council regarding any property, precinct or feature (i.e. tree) with heritage value not previously included on the MHI; and
4. engage in appropriate public consultation in conjunction with the City with property owners affected by (2) and (3) above.

The review of the MHI includes the following 4 stages:

Stage	Task	Status
1	Research and assessment	Completed
	Review of existing MHI and Review Heritage List	Completed
	Preparation of 2012 draft Heritage List	Completed
2	Advice	To be commenced
	Provide Council on possible heritage strategies	To be commenced
	Preparation of second draft 2012 Heritage List	To be commenced
3	Report	To be commenced
	Advise heritage strategies	To be commenced
4	Completion	To be commenced
	Preparation of final Heritage List	To be commenced

Stage 1 included:

- a comprehensive review of the Council adopted MHI comprising of:
 - a Thematic History;
 - an Inventory comprising 138 places with associated place record forms;
 - a Review List of 38 places recommended for future review;
 - a List of Historic Sites (and Movable Cultural Heritage) (20 items); and
 - a List of potential Local Heritage Areas.
- a comprehensive review of the 2008 Review List;
- preparing a working index of places to be protected. This list comprises of:
 - places listed on the 1999 MHI that had since been demolished (7 places);
 - places requiring review (47 places); and
 - additional places referred for consideration (12 places);

The methodology undertaken by the consultants has been carried out in accordance with the Heritage Council of Western Australia's information leaflets 'Basic Principles for Local Government Inventories' and 'Criteria for the Assessment of Local Heritage Places and Areas'.

The consultants have provided the City with individual recommendations for all heritage places that have been identified and comprise of:

- additional individual heritage places that have been identified;
- precinct areas including contributory & non-contributory places that meet the threshold for inclusion onto the draft Heritage List.

The additional heritage places added to the Draft Heritage List 2012 have come from:

- the Heritage Council of Western Australia's database;
- the classification register of the National Trust (WA);
- Palassis Architects physical inspections;
- Dr Taylor's research;
- the City of Nedlands Library and Local History Collection staff; and
- contributions from members of the public.

The list comprises two sections as follows:

- Part 1 – properties recommended to be protected; and
- Part 2- properties that have been identified through the various methods listed above, but are not recommended to be included in the heritage list for a variety of reasons.

In part 1, places previously listed on the 1999 MHI are recommended to be retained with either:

- Existing Management Category Level being retained;
- Existing Management Category being downgraded;
- Existing Management Category being upgraded.

Possible heritage precincts have also been identified and are recommended for inclusion into the Heritage List although the extent of each is only approximate at this stage:

- Circe Circle Residential Precinct
- Clifton Street Residential Precinct
- Doonan Road Residential Precinct
- Hardy Road Residential Precinct
- Hillway Residential Precinct
- Hobbs Avenue Residential Precinct
- Meriwa Street Residential Precinct
- Monash Avenue Residential Precinct

- Mountjoy Road Residential Precinct
- Portland Street Residential Precinct
- Shann Street Residential Precinct
- Smyth Road Residential Precinct
- Tyrell Street Residential Precinct
- Waratah Ave Residential Precinct
- Williams Road Residential Precinct

The location of each property on the preliminary Heritage List has been mapped using Electoral Wards as a basis for dividing the City. (Refer to attachment 3)

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type: Newspaper adverts, open days and letters to affected property owners.

Dates: Not yet finalised

Legislation

- *Heritage of Western Australia Act 1990*
- *Planning and Development Act 2005*
- Town Planning Scheme No. 2 (TPS2)

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Risk Management

If the draft Municipal Heritage Inventory is not approved by Council at the March meeting, the timeline for the Heritage Study will be delayed and the project will risk not meeting milestones as included in the project plan.

Discussion

The consultants have undertaken a rigorous process to identify all possible heritage places and precincts within the City that meet the threshold for inclusion onto the Proposed Draft Heritage List 2012, which has resulted in the comprehensive preliminary list attached to this report. This list will form the basis for discussions in order to ultimately arrive at a Draft Heritage List 2012 for the City.

Additionally, although the extent of the various proposed heritage precincts have not been finalised, this information is considered to be invaluable as this enables the City to prepare detailed provisions for each area. This helps to protect their amenity as a whole and provide a stronger base to protect individual properties located within these precincts.

In the current list a total of 335 places are considered of which 234 places are recommended for inclusion on the Draft Heritage List 2012. This number includes the properties identified within the proposed precincts.

The next stage of the project is to advertise this list as a Draft Heritage List 2012 for public comment.

It is recommended that all the heritage places and precincts identified by the consultants and listed on the Draft Heritage List 2012 are advertised for public comment. This will assist in determining the extent of the heritage precincts. It is also expected that the number of properties listed on the Draft 2012 Heritage List will be reduced.

Upon completion of the advertising period submissions will be used to review the Draft Heritage List 2012 in order to create a final list. It is expected that there will be numerous workshops with elected members before the list is finalised.

Conclusion

The above proposed Draft Heritage List 2012 has been prepared by reviewing the 1999 MHI as well as reviewing heritage places identified by other heritage bodies, physical inspections and academic research. The resulting list is very comprehensive and it is recommended that the Draft Heritage List 2012 is endorsed for public advertising.

Attachments

1. Consultant's Stage 1 Report dated February 2012
2. Proposed Draft Heritage List 2012
3. Ward Maps showing location of properties on the proposed Draft Heritage List 2012