


Planning and Development Reports

Committee Consideration – 8 October 2013
Council Resolution – 22 October 2013

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PD44.13	No. 20 (Lot 6) Swansea Street, Swanbourne – Two (2) Storey Single House
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Committee	08 October 2013
Council	22 October 2013
Applicant	Peter Corner & Brigitte Corner
Owner	Peter Corner & Brigitte Corner
Officer	Thomas Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	M13/26407 SW2/20
Previous Item	Nil

1.0 Executive Summary

This application is for a proposed two (2) storey single house to be located at No. 20 (Lot 6) Swansea Street, Swanbourne.

It has been referred to Council for determination as officers do not have delegation to determine an application under instrument of delegation 6A, where valid objections have been received.

The objections primarily relate to the proposed primary street (northern) setback of 6m and the proposed rear (southern) setback of 4.09m to the proposed alfresco area.

The primary street setback satisfies the statutory requirements relating to primary street setback and as a result the application is recommended for approval.

The aspects of the development which do not meet the deemed-to-comply provisions of the Residential Design Codes (R-Codes), are considered to either meet the relevant design principles or are able to comply with the relevant deemed-to-comply requirements with the recommended conditions.

For these reasons, the application is recommended for approval.

1.1 Recommendation to Committee

Council approves an application for a two (2) storey single house at No. 20 (Lot 6) Swansea Street, Swanbourne in accordance with the application and the plans received 6 August 2013, subject to the following conditions:

- 1. the development shall at all times comply with the approved plans;**
- 2. the western side of the porch and the western side windows of the rear living room (as marked in red on the approved plans) shall be screened or obscured to a height of 1.6m from finished floor level;**
- 3. all visual privacy screens and / or obscure glass panels to major openings and/or active habitable spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, unless otherwise approved by the City;**
- 4. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;**
- 5. the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;**
- 6. any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;**
- 7. all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;**
- 8. a further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans;**
- 9. dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the City of Nedlands Fencing Local Law 2007 are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line;**

10. all footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title;
11. 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 / roof 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
12. 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 approval:

1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
2. all swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well;
3. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
4. 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. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting 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 suppress noise;

5. the landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997;
6. prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace and any Department of Commerce Worksafe requirements.

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business; and

7. all swimming pools, whether retained, partially constructed, or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

This application addresses the Key Focus Area (KFA) of Natural and Built Environment through adherence to the relevant provisions of the Town Planning Scheme No.2 (TPS2) and design principles of the Residential Design Codes of Western Australia (R-Codes), contributing to well planned and managed development in the City.

2.0 Background

Property address	20 Swansea Street Swanbourne
Lot area	531m ²
Zoning:	Residential
Metropolitan Region Scheme	Urban
Town Planning Scheme No. 2	R15

2.1 Key Relevant Previous Council Decisions

Nil

2.2 Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (Scheme)
- Residential Design Codes of WA 2013 (R-Codes)
- Council Policy 6.4 – Neighbour Consultation (Neighbour Consultation policy)
- Local Planning Policy (LPP) 6.18 Reduction of Front Setbacks

3.0 Consultation Process

3.1 What consultation process was undertaken?

Due to the aspects of the proposal which did not meet the deemed-to-comply requirements of the R-Codes, advertising was undertaken by the City from 28 August to 11 September 2013. Two (2) storey notification was also undertaken during this period. The City received two (2) objections and one (1) comment on the proposal.

Required by legislation:

Yes No

Required by City of Nedlands policy:

Yes No

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.

The objections and comments relating to the proposal have been summarised below:

- The proposed primary street setback of 6m is inconsistent with the streetscape of Swansea Street and would significantly affect morning light as well as the amenity of the streetscape;
- The western orientation of the front door will diminish privacy;
- The size of the proposed structure in the rear setback area is excessive and will affect adjoining owners entertaining areas and will impose upon the comfort and privacy of adjoining residences;
- The proposed rear setback does not show consideration for the dreams and desires of established neighbours for the homes they have built;
- The two (2) storey height of the building affect backyard amenity;
- The western facing windows in the back living area will negatively affect the privacy of adjoining residences;
- The proposed pool equipment location will create noise which will negatively affect adjoining neighbours; and
- The upper windows of the ground floor will be seen from properties to the rear of the subject site and it is requested that a lattice or another lightweight screen be attached to the rear fence, increasing privacy for both residences.

4.0 Budget / Financial Implications

Not Applicable

5.0 Risk management

Not Applicable

6.0 Discussion

6.1 Introduction

The proposal involves a two (2) storey single house located 6m from the primary street (northern) boundary of No. 20 (Lot 6) Swansea Street, Swanbourne (see Attachment 2 for the proposal plans). The City received objections to the proposed front setback relating to the impact of the proposed setback upon the amenity of the streetscape.

An alfresco area is proposed to be located to the rear (south) of the proposed dwelling, with a proposed setback to this structure of 4.09m from the rear boundary. The alfresco area has a total area of 23m² with approximately 12m² of the structure being located in the 6m rear setback area. The remainder of the dwelling is proposed to be set back 8m from the rear boundary.

The setback of the proposed alfresco area does not meet the deemed-to-comply requirements of the R-Codes, which require a rear setback of 6m for an R15 site. The City received objections to this aspect of the proposal pursuant to the advertising conducted.

The proposed two (2) storey single house has an overall height of 7.15m from natural ground level; with the second storey portion of the dwelling set back 14.2m from the rear (southern) boundary. The proposed alfresco area has a wall height of 2.57m, and overall height of 3.1m from natural ground level.

6.2 Administration Assessment

Primary Street Setback

The City received several comments relating to the impact of the proposed primary street setback upon the amenity of the streetscape of Swansea Street.

Clause 5.3.3:

TPS2 clause 5.3.3(a) generally requires a 9m setback of buildings from the street alignment. However, clause 5.3.3(b) permits erection or extension of a dwelling to be closer than 9m if the majority of structures in the street are existing forward of the 9.0m setback line. An analysis of this street has established that a majority of the properties do have structures forward of the 9.0m line (more than 50%).

A study of the buildings in the street shows that more than 50% of the buildings do have a setback less than 9m from the street alignment. This calculation takes into account the setback of all buildings on the southern side of Swansea Street between Jameson and Greenville Street.

Local Planning Policy (LPP) 6.18:

The TPS2 does not provide any further guidance on the permitted setback where more than 50% of the buildings are existing forward of the street setback. For this reason, the Local Planning Policy (LPP) 6.18 was adopted in 1998 to establish circumstances and provide guidance where Council may exercise discretion. This Policy permits Council to approve a reduction in front setback:

‘in accordance with the provisions of the Residential Design Codes - Acceptable Development Criteria (now the Deemed-to-Comply provisions)’.

Under this policy, there is a note which states that verandahs, carports and detached garages should not be taken into consideration in the assessment of setbacks within the street for the purposes of varying the requirements of TPS2 clause 5.3.3.

Legal advice obtained by the City indicates that the note in the LPP is not able to prevail over the scheme and therefore the calculation must be completed in accordance with the definitions of the scheme and the verandahs, carports and detached garages shall not be excluded (the LPP is required to be amended).

However, it is noted that even if the verandahs, carports and detached garages were excluded, five (5) of the eight (8) properties on the southern side of Swansea Street have a setback of less than 9m – refer table below:

Address	Approved Setback	TPS method Closer than 9m?	LPP method Closer than 9m?
No. 16	7.4m (dwelling)	Yes	Yes
No. 18	7.8m (dwelling)	Yes	Yes
No. 20 (the subject site)	8.2m (dwelling)	Yes	Yes
No. 22	8.5m (verandah and balcony above)	Yes	Yes
No. 24	7m (attached garage)	Yes	Yes
No. 26	3.4m (carport)	Yes	No
No. 28	3.7m (carport)	Yes	No
No. 30	9.144m (dwelling)	No	No
Total		7/8 (87%)	5/8 (62%)

Therefore, a front setback of 6m (as per the deemed-to-comply provisions of the R-Codes) would be permitted even if the LPP calculation method was used.

Clause 5.5 Preservation of Amenity:

Notwithstanding the ability for the Council to approve the development under the above provisions, clause 5.5 provides for Council to refuse an application where:

‘if in its opinion the development would adversely affect the amenity of the surrounding area have regard to the likely effect on the locality in terms of the external appearance of the development...’.

As outlined in the table, many of the setbacks on the southern side of Swansea Street, (between Jameson and Greenville streets) are forward of the 9m. Some with just the carport or garage, but also some with the main dwelling. On the northern side of the road this is also the case, and in particular two (2) large enclosed garages are clearly setback forward of the setback opposite the subject site.

A further study of the locality indicates that taking into account the whole of Swansea Street, 90% of the lots have setbacks forward of 9m.

The zoning for Swansea Street and the surrounding streets is R15. At approximately 530m², the blocks are indicative of this zoning and significantly smaller in size than the 1000m² blocks in other parts of the City.

Although, it is accepted that in general the majority of setbacks on the southern side of Swansea Street between Jameson and Greenville streets are greater than 6m, (or are carports) it is considered on balance that the development will not adversely affect the surrounding locality given the existing setbacks of many of the buildings and dwellings in Swansea Street overall.

The proposed dwelling is designed with a balcony on the second floor facing the street, resulting in the main part of the dwelling on the second floor being located between 7.5m and 8.4m. This will also decrease the impact of the dwelling in the streetscape.

Western orientation of front door

The proposed porch will be screened in order to mitigate the impact of the orientation of the entryway upon adjoining properties with regard to their visual privacy. The recommended conditions reflect this requirement.

Rear Setback

The proposed alfresco area does not meet the deemed-to-comply requirements of R-Codes clause 5.1.3 (lot boundary setback). Objections to this aspect of the design were received. The R-Codes allow for reduced setbacks, providing that the development meets the following Design Principles:

- *'Reduce the impact of building bulk on adjoining properties'*

The proposed structure is single storey and open in nature and is not considered to have a greater effect upon adjoining properties than an enclosed outbuilding such as that already located on site in terms of building bulk.

- *'Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.'*

The proposed setbacks and open walls of the alfresco area are considered to allow for sufficient ventilation to adjoining dwellings and open spaces as well as on the subject site. The shadow cast by the alfresco at midday on 21 June in

accordance with the R-Codes will not be greater than that cast by a 1.8m high dividing fence, due to the single storey height of the structure.

In addition, the proposed alfresco will have a lesser impact upon the provision of adequate sunlight and ventilation than the existing outbuilding (to be demolished as part of the development) within the rear setback area of 20 Swansea Street, Swanbourne (see Attachment 4 photographs).

- *'Minimise the extent of overlooking and resultant loss of privacy on adjoining properties'*

The alfresco area has been enclosed on the eastern side, directly limiting the impact of the proposed structure upon the neighbour to the east with regard to privacy. The alfresco area is not considered to have any greater impact upon the privacy of other adjoining residences than an uncovered outdoor area in this location.

Western side living room setback

The setback of the rear living room to the western side boundary did not meet the deemed-to-comply provisions of the R-Codes, however, the applicant has confirmed that these windows will be obscured or screened in accordance with the R-Codes screening requirements. The recommended conditions of approval for the application reflect this requirement.

Privacy

The City received comments relating to rear living room windows on the western side of the dwelling relating to the impact of these windows upon the privacy of adjoining residences. Although these windows do comply with the deemed-to-comply provisions of the R-Codes, the applicant has agreed to these windows being screened to a height of 1.6m in order to maintain privacy for both properties. This is reflected in the recommended conditions.

Proposed Two Storey Building

The City received an objection to the two (2) storey height of the building as it was considered by the respondent to affect their backyard amenity. It is considered that two (2) storey dwellings are expected to be constructed in this locality and align with the current character of the area. The second storey section of the proposed dwelling is set back 14m from the rear boundary of the site and is not considered to compromise the amenity of adjoining backyards.

Pool Equipment

The applicant has confirmed that the pool equipment will be housed in a suitable cover which will be required to comply with the noise requirements of the Environmental Health Regulations.

Window Visibility & Screening Request

The proposed windows in question are highlight windows which are greater than 1.6m from floor level and they have been set back in accordance with the deemed-to-comply requirements of clause 5.4.7 of the R-Codes, and there is no statutory requirement to provide additional screening.

6.3 Applicant Justification Summary

Primary Street Setback

- The proposed setback is in accordance with TPS2, R-Codes and Council Policies.

Western orientation of the front door

- The plans will be amended to show a screening panel to create privacy and protect the entryway from any weather.
- A raised garden bed will also be utilised behind the screen for further privacy.

Size of structure in rear setback

- The affect on 18 Swansea Street would be minimised due to the use of a 1.8m brick screen wall with louvered blades that could be closed or opened as required on the left hand side of the alfresco area.

Building height & sunlight loss

- Both buildings on either side of 20 Swansea Street are of a two (2) storey construction. The maximum roof height of the proposed dwelling is to be approximately 1.5m lower than the adjoining dwelling at 22 Swansea Street.

The western facing windows in the back living area diminish privacy.

- The windows onto this room will be obscured or screened in accordance with the R-Code screening requirements.

Pool pump noise

- The pool pump will be housed in a suitable cover to limit the noise generated.

Rear window visibility

- The applicant believes this is the same with all upper floor windows on adjoining properties, including to the rear. If the submitter would like to erect a screen, the applicant would be happy to discuss.

6.4 Conclusion

It is considered that the proposed development satisfies the requirements of the TPS2, R-Codes and Council Policies. The front setback of the dwelling, although 6m from the front setback, will on balance, be acceptable in terms of the existing amenity of the locality.

The setback of the proposed alfresco area aligns with the design principles of the R-Codes as the open nature of the structure reduces the impact of building bulk on adjoining properties and will not unduly impose upon the access to direct sun and ventilation for the adjoining properties and appurtenant open spaces. The enclosed wall to the eastern wall of the alfresco area directly protects the visual privacy of the adjoining property, and the proposed structure is not considered to have an additional adverse effect upon the privacy of adjoining properties than an uncovered alfresco, which could be located closer to the boundary.


All other setbacks and privacy provisions will be met with recommended conditions.

For these reasons, it is recommended the application be approved subject to the above conditions.

7.0 Attachments

1. Locality Plan
2. Proposed Plans
3. Owner Submissions, Justification & Photographs
4. Site Photographs

PD45.13	No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital) – Proposed Partial Change of Use (from Hospital) to Office Professional
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Committee	08 October 2013
Council	22 October 2013
Applicant	Australian Children's Trust
Owner	Department of Finance, Building Management & Works
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	BI1/94 : DA13/299 : M13/26317
Previous Item	Nil.

1.0 Executive Summary

This item relates to an application from the 'Walk Free' organisation to convert part of a building to offices, within the Sunset Hospital site. The remainder of this building is currently approved and operated as an office by the Australian Children's Trust (the Trust), which is linked to 'Walk Free' organisation. The site has state and local heritage-listings; however, this application will preserve and enhance the heritage values.

This application is referred to Council for a recommendation to the Western Australian Planning Commission (WAPC), as the Council is not the decision-maker, as per the Metropolitan Region Scheme (MRS). This recommendation is not being made under delegation from Council, as objections have been received, which mainly relate to the forthcoming Master Plan for the site.

The application is recommended for approval with conditions.

1.1 Recommendation to Committee

Council recommends the WAPC approves an application for a ‘Partial Change of Use’ (from ‘Hospital’) to ‘Office-Professional’ at No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital), in accordance with the application and plans received on 19 July 2013 subject to the following conditions:

- 1. this approval only pertains to part of ‘Building Q’, as shown on the approved plans;**
- 2. the car parking bays shall be marked onsite as indicated on the approved site plan, in order to comply with Australian Standards. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times;**
- 3. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the WAPC; and**
- 4. the development shall at all times comply with the approved plans.**

Advice Notes specific to this proposal:

- 1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;**
- 2. adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia; and**
- 3. a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m² and direct ventilation to open air.**

1.2 Strategic Plan

KFA: Natural and Built Environment

2.0 Background

Property address (the Site)		No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital)
Lot area		8.1321ha (81,321m ²)
Zoning / Reserve	MRS	Public Purpose – Hospital
	TPS2	N.A: no local zoning, reserve or density code

The site has frontages to Birdwood Parade to the north and Iris Avenue to the west, whilst located adjacent to parks to the south and east, as seen in the location plan below.

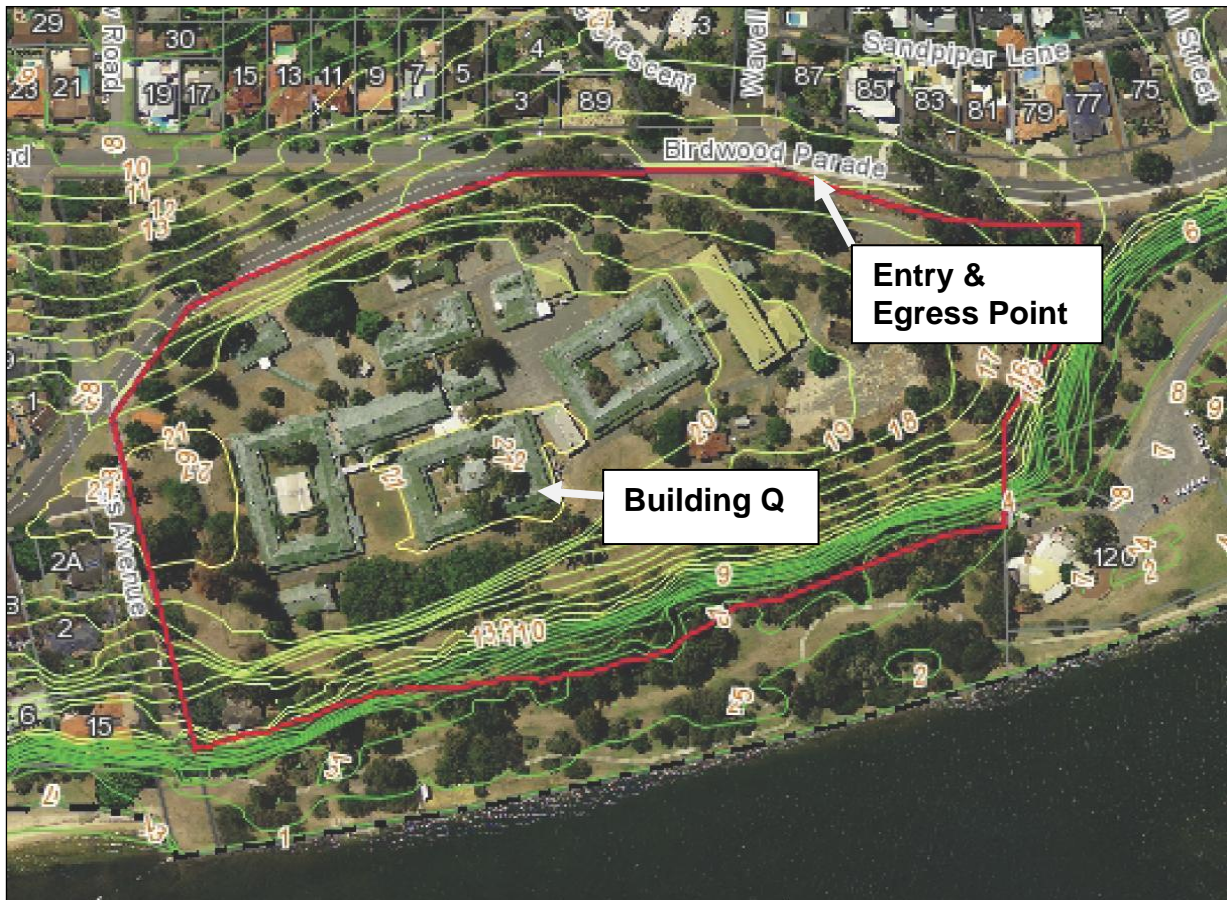


Figure 1 - Location Plan

The applicant (the Trust), already occupies offices in part of the building in question known as 'Building Q' (the Building), in stages one (1) and two (2). This application is for stage three (3), which is to renovate and occupy offices in the remainder of the Building, as outlined below. Stage three (3) is for the 'Walk Free' organisation, which is linked to the Trust.

Stages & Floorspace of Offices in Building Q			
When	Stage	Floorspace	Status
mid-2010	1 & 2	445m ² & 295m ²	approved until 2012
mid-2012			expiry extended to 2016
late-2013	3	499m ²	proposed until 2016
Total		1,238m²	

The site was previously a hospital; however, most of the buildings are currently vacant, except the abovementioned offices. Site photographs depict the condition of the buildings, and the relationship of the site with the surrounding built and natural environments (Attachment 2).

2.2 Legislation / Policy

- *Planning & Development Act 2005* (the Planning Act)
- Metropolitan Region Scheme (MRS)
- Town Planning Scheme No. 2 (TPS2)

The site is not zoned or reserved under TPS2, the Scheme, Residential Design Codes (R-Codes) and local policies have no jurisdiction. The site is however reserved under the MRS (via the Planning Act), so the MRS is the source of planning jurisdiction.

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation (Scheme / R-Codes): Yes No

Required by City of Nedlands policy (Neighbour Consultation): Yes No

The MRS sets out how applications are to be processed, and does not require neighbour consultation (as opposed to referrals to authorities). Emphasis Added:

‘30. (1) The Commission or a local authority exercising the powers of the Commission so delegated to it under the Planning and Development Act 2005 may consult with any authority that in the circumstances it thinks appropriate; and having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality may, in respect of any application for approval to commence development, refuse its approval or may grant its approval subject to such conditions if any as it may deem fit.’

Notwithstanding this, neighbour consultation was conducted by the City as a matter of courtesy, whereby no relevant objections were received (see Consultation Section).

3.2 How and when was the community consulted?

Community consultation period:	27 August – 10 September 2013	
support / no objections - 1	no objections - nil	objections - 8

Minister for Finance

The Minister has provided written support as the landowner, which is the Department of Finance, Building Maintenance & Works (BMW).

Swan River Trust (SRT)

The SRT prefers to send their comments directly to the decision-maker, the WAPC.

Environmental Health

The City's Environmental Health section recommends standard advice notes.

As a consequence of the above, approval advice notes are recommended for outstanding issues, where applicable (see Recommendation to Committee section).

4.0 Budget / Financial Implications

The application is for works to be constructed on a private lot, and therefore, has no budget or financial implications for the City.

5.0 Risk Management

Not Applicable.

6.0 Discussion

6.1 Planning Assessment

The proposal involves a change of use for part of a hospital building to an office on the site, as depicted in the submitted plans (Attachment 1). In addition, the Applicant's letter describes the proposal in more detail (Attachment 3).

Land Use

The Trust is a not-for-profit charity for the betterment of the public, and is therefore considered appropriate for a public reserve. In addition, the Trust is bound by a limited lease period, controlled by BMW.

Car-Parking

The proposal identifies 174 car parking bays on the site; however, many are behind locked gates or in disrepair (Attachment 2). Notwithstanding this, 101 bays have been identified onsite that are accessible, functional (subject to line-markings being applied) and within proximity of the building.

If the City’s TPS2 applied, car parking at a rate of 4.75 bays per 100m² (gross) i.e. 59 bays would be required. As the useable car-parking on the site is far in excess of this, the application would comply.

Furthermore, two (2) bus stops are located at the main entrance point.

As a consequence of the above, it is considered that the proposed development is appropriate, subject to recommended conditions.

Heritage

The site is on the City’s Municipal Heritage Inventory (MHI) as an ‘A’ class (worthy of the highest level of protection). In response, this application does not propose to degrade the heritage values of the site, and based upon the work done as part of stages one (1) and two (2), the applicant will preserve and enhance them (Attachment 2).

The site is also on the State Heritage List, and the Heritage Council of WA which have previously supported offices on the site. It is expected the WAPC will consult with the Heritage Council prior to determining the application.

6.2 Consultation

Summary of comments received	Officer’s technical comment
Issue: General Support	Noted
<p>Issue: Potential Conflict with the Transformation Strategy & Master Plan</p> <p>As BMW’s Master Plan for the Site is forthcoming, this application is premature, and should be considered after the Master Plan has been commented on.</p> <p>The proposal does not provide other uses pursuant to the heritage and public nature of the land.</p>	<p>Not Upheld</p> <p>The Strategy and Master Plan have not been completed, and any potential conflict is speculative, which cannot be considered as part of this application. Furthermore, the City is not in a position to question the timing of this application, or reject lodgement.</p> <p>The Master Plan will address this issue.</p>

<p>The site is similar to world-class museums in Hobart and Copenhagen, being on the water.</p> <p>Selling part of the site for restoration funds is short-sighted.</p> <p>The site should have land uses such as heritage conservation, community uses, coffee shop, and access to the public.</p>	<p>As above.</p> <p>As above.</p> <p>The proposal is for heritage conservation; and other uses will form part of the forthcoming Master Plan.</p>
<p>Issue: Public vs. Private Land Use</p> <p>Support for the Trust, however it is not a public use, which is what the building should be used for.</p> <p>Currently, the site is fenced-off, so even the grounds are not available to the public.</p>	<p>Not Upheld</p> <p>The Trust is a not-for-profit charity for the betterment of the public.</p> <p>The fencing is a matter for the landowner, which is an issue independent of the user of the proposed office.</p> <p>For example, the fencing is for security reasons, noting that the Old Swanbourne Hospital has repeatedly been vandalised and security fencing was necessary. It is believed that once the Master Plan and subsequent works has been completed, and new users occupy the Site, the security issue will be ameliorated, and the fencing could be removed.</p>
<p>Issue: Support for Land Use</p> <p>In 1831, instructions were given to the Surveyor General that the land be used for recreation. In 1890, Lord Forrest selected the site to be a reserve for recreation. In 2000, the Site was dedicated to community uses.</p> <p>Therefore, the Site should not be used for Office-Professional; but the Trust is an acceptable use and has the qualified support of the submitter.</p> <p>There is no other location in Dalkeith where Office-Professional is allowed. The Trust currently occupies part of the building, which complements the uses</p>	<p>Upheld</p> <p>The Trust is currently operating from part of the Building under previous approvals for Office-Professional. The Trust is now applying to change the remainder of the Building for the same use. Therefore, the proposal is acceptable to the submitter.</p> <p>As above.</p>

dedicated to the site.	
Issue: Car Parking	Not Upheld
An increased need for car-parking.	The application includes ample car-parking.
Issue: Traffic Increase	Not Upheld
As there was a recent accident on Jutland Parade, the increase in traffic will cause frustration to cyclists.	As the proposal is for an additional 30 employees, the capacity of the road network has been designed in excess of the local traffic and the proposed development.
Tour companies and the general public use the road network, and they don't want another common development.	As above.
Issue: Views & Property Values	Not Upheld
The proposal will interrupt views and have a negative impact upon property values.	The proposal is to renovate and occupy existing buildings.
Issue: High-Rise Buildings	Not Upheld
Object to high-rise on a heritage property.	None proposed.
Issue: Light Pollution	
Floodlights should not affect neighbours.	
Issue: Signage	Not Upheld
Why is this application at odds with signage on the site?	The City is not responsible for the information on the sign.
Issue: Consultation was Inaccurate	Not Upheld
The consultation did not mention that the Site is heritage listed, and was only sent to a small group of neighbours. As such, it should be advertised to all the residents of Dalkeith and WA.	The MRS does not require consultation, however the City completed consultation of affected landowners, in the vicinity of the only entry and egress point.
There is no explanation as to why the change of use is being sought.	The applicant's cover letter advises that the proposal is for the Walk Free organisation, which is linked to the Trust (Attachment 3).
The consultation did not specify that only that building is changing use,	The plans clearly show only one

<p>therefore this application could be to change the whole site to offices. The consultation should have outlined the legal mechanisms available to the Council to limit the use to one building.</p> <p>The consultation advises that not commenting will be regarded as no objection, which is outrageous given the uncertainty.</p>	<p>building subject to change, and a condition is recommended to specify this. Furthermore, the consultation invites residents to view the plans at the office and discuss the matter, which the submitter did.</p> <p>As above.</p>
<p>Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.</p>	

Details of how consultation was conducted can be found in the Consultation Process section.

6.3 Conclusion

This application relates to part of a heritage-listed building to be used by a charity for offices. Previous approvals have been granted for the same use in the same building. Concerns have been raised by the community regarding the site, however, they relate to the future Master Plan, which has not been completed, and is the responsibility of the State Government.

The proposed use of the building is appropriate, and the application is recommended to the WAPC for approval, subject to conditions.

7.0 Attachments

1. Plans (Site & Floors Plans)
2. Photographs of the Site & Surrounds
3. Applicant's Submission

PD46.13	Metro West JDAP Application – No. 2 (Lot 60) Milyarm Rise, Swanbourne – Proposed Multiple Dwellings (205 Residential Units)
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Committee	08 October 2013
Council	22 October 2013
Applicant	Blackburn Property Group
Owner	Alfred Developments Pty Ltd
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	DA13/295 : MI4/2
Previous Item	Nil

Purpose

This application is referred to Council for a recommendation to the Development Assessment Panel (DAP), as the Council is not the decision-maker as per the DAP Regulations.


Recommendation to Committee:

- 1. Committee Council recommends the DAP refuses an application for Multiple Dwellings (204 Residential Units) at No.2 (Lot 60) Milyarm Rise, Swanbourne in accordance with the application (dated 18 July 2013) and amended plans (dated 27 September 2013), as per the recommendation in the DAP Responsible Authority Report (dated 03 October 2013).**

Attachments

1. DAP Responsible Authority Report

PD47.13	Local Hubs Framework
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Committee	08 October 2013
Council	22 October 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Jason Moore – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	TPN/159
Previous Item	Nil

1.0 Executive Summary

The purpose of this report is for Council to adopt the draft Local Hubs Framework.

The strengthening of the local hubs throughout the City was identified in the Strategic Community Plan. This Framework provides the foundation from which each local hub strategy can be produced.

1.1 Recommendation to Committee

Council endorses the Draft Local Hubs Framework.

1.2 Strategic Community Plan

- KFA: Natural and Built Environment
- KFA: Transport
- KFA: Community Development
- KFA: Governance and Civic Leadership

The Local Hubs Framework relates to all Key Focus Areas as it focuses on improving hubs holistically.

2.0 Background

Location

The Framework relates to all hubs identified in the Strategic Community Plan. There is provision for additional hubs to be added via a Council resolution.

Strategy Context

The City’s Strategic Community Plan includes ‘strengthening local hubs/centres’ as one of nine (9) strategic priorities for Council. By completing a hubs strategy to guide the development of hubs and ensuring asset management in the local hubs contributes to their objectives, the City will aim to realise the Council’s vision for:

‘... lively local hubs consisting of parks, community and sporting facilities and shops where a mix of activities will bring people together, strengthening local relationships.’

2.1 Key Relevant Previous Council Decisions

Council adopted the Strategic Community Plan at its Ordinary Council Meeting on 11 December 2012.

2.2 Legislation / Policy

The Framework aligns with State Planning Policy 4.2 (Activity Centres) which is used as a basis for categorising the existing and potential hubs within the City.

3.0 Consultation Process

3.1 What consultation process was undertaken?

No consultation has been undertaken nor is any proposed for this Framework. The frameworks only purpose is to be an overarching guide for the subsequent strategies for individual hubs. The Framework details the consultation process for the individual hubs.

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

3.2 How and when was the community consulted?

The Framework was written in consultation with a representative from each directorate. External stakeholder engagement will be necessary for each individual hub strategy.

4.0 Budget / Financial Implications

Within current approved budget:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Requires further budget consideration:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Funding is allocated for the planning of each hub under the Strategic Community Plan.

5.0 Risk management

If the City does not adopt a Framework to improve its hubs, it risks not meeting the outcomes of the Strategic Community Plan.

6.0 Discussion

6.1 Introduction

The draft Local Hubs Framework is the starting point to ensure the delivery of a priority of the Strategic Community Plan. The Framework provides an overarching approach to the work required to be undertaken to strengthen the City’s local hubs.

The Framework details how each hub strategy will be produced and the consultation process that is involved.

The objectives of the Framework are:

1. To create a framework/process for local hubs to be upgraded/improved.
2. To guide decision making regarding placemaking.
3. To assist in decision making regarding infrastructure.
4. To establish the guiding values of hubs within the City.
5. To define the meaning of hubs.
6. To outline a typology of hubs within the City.

How the Framework Operates

A key assumption of the Framework is that the hubs throughout the City provide a different range and level of service(s). The planning for each hub should therefore be managed accordingly.

In this regard the Framework has created categories of hubs based on following criteria.

Criteria	Classification options
Size	Local Centre or Neighbourhood Centre
Use	Commercial, Recreational or Other

These categories in turn determine the approach to planning for the hub in the following way:

1. Classification of each hub allows a model to be adopted dependant on the size. Neighbourhood Centres (the larger hub) for example, will make use of a steering committee consisting of Councillors and residents to guide the decision making process. Conversely planning for local centres will rely on stakeholder consultation. For details of these planning models please refer to the draft Framework; and

2. The classification based on use allows a set of principles to be allocated to each hub. These principles are derived from the Framework which contains a set of guiding principles that apply to all hub types and a set of typology related principles that reflect specific uses of each hub. For details of hub principles please refer to the draft Framework.

Prioritising Hubs

The Framework also specifies the order in which work will be done for each hub in relation to another. This is based on the priorities outlined in the Community Strategic Plan and whether any planning for the hub is already occurring.

Where projects have already been initiated and have commenced they will draw from the Local Hubs Framework principles, but not the processes recommended in the Framework.

Priority of hubs is explained in more detail in the draft Framework.

Monitor and Review

The Framework also includes a monitor and review process to ensure that it remains current and continues to meet the future needs of the City.

6.2 Conclusion

The proposed Framework is dedicated to providing an overarching approach to the work required to be undertaken to strengthen the City's local hubs. In this way the Local Hubs Framework will aim to create the circumstances where local residents can continue enjoying and valuing the local hubs in their neighbourhood.

It is recommended that the draft Framework is adopted by Council.

7.0 Attachments

1. Local Hubs Framework

PD48.13	Updated Schedule of Fees and Charges <i>Cat Act 2011 and Dog Act 1976</i>
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Committee	08 October 2013
Council	22 October 2013
Applicant	City of Nedlands
Officer	Mellanie Culhane – Senior Ranger
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	M13/20859
Previous Item	Nil

1.0 Executive Summary

The Department of Local Government has advised of the registration fees prescribed under the Cat Amendment Regulations (No.2) 2013 and also the Dog Amendment Regulations 2013.

As the advice was not received in time to include in the Schedule of Fees and Charges that was adopted with the 2013/14 Annual Budget, the registration fees for Cats and Dogs are now presented to Council for adoption.

1.1 Recommendation to Committee

Council adopts the amended schedule of fees and charges for Cat and Dog registrations as per the Cat Amendment Regulations (No.2) 2013 and Dog Amendment Regulations 2013.

1.2 Strategic Community Plan

KFA: Governance and Civic Leadership

Council's approval will ensure the City meets requirements for legislative compliance.

2.0 Background

In accordance with Section 6.16 of the *Local Government Act 1995*, fees and charges are to be imposed when adopting the annual budget but many be imposed during the financial year or amended from time to time during a financial year. An absolute majority is required.

The Department of Local Government has advised of changes to the registration fees for Cats and Dogs. However, the advice was not received in time to be included in the Schedule of Fees and Charges that was adopted with the 2013/14 Annual Budget. These changes are now presented to Council for adoption.

2.1 Key Relevant Previous Council Decisions

Council adopted the fees and charges for 2013/14 as part of the 2013/14 Annual Budget at its meeting of 20 June 2013.

2.2 Legislation / Policy

- Cat Amendment Regulations (No.2) 2013
- Dog Amendment Regulations 2013
- Section 6.16 (3) of the *Local Government Act 1995*:

'Fees and charges are to be imposed when adopting the annual budget but may be -

- a. imposed during a financial year; and*
- b. amended from time to time during a financial year'.*

- 6.19 of the *Local Government Act 1995*:

'If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of -

- a. its intention to do so; and*
- b. the date from which it is proposed the fees or charges will be imposed'.*

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

3.2 How and when was the community consulted?

The State Government provided opportunity for feedback from members of the public and other agencies throughout its legislation review process.

4.0 Budget / Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

The increase in fees will be reflected in increased income from Cat and Dog registrations.

5.0 Risk management

The amended fees require Council approval. There are no other risks associated with this proposal.

6.0 Discussion

Following the adoption of these fees and charges a notice will be advertised in the local paper giving notice to the public that the updated fees and charges will be imposed on the first day of November 2013.

6.1 Conclusion

Council is asked to adopt the amended fees for cat and dog registrations in accordance with Section 6.16 of the *Local Government Act 1995* to keep in line with *Cat Act 2011* and *Dog Act 1976*.

7.0 Attachments

1. Updated Schedule of Fees