

Planning and Development Reports

Committee Consideration – 12 November 2013
Council Resolution – 26 November 2013

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PD49.13	No.103 (Lot 3) Smyth Road, Nedlands – Proposed Three (3) Storey Dwelling and Front Fence
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Committee	12 November 2013
Council	26 November 2013
Applicant	Accent on Homes Pty Ltd
Owner	Boomerang Tag Pty Ltd
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	DA13/318 : SM1/103
Previous Item	Nil

1.0 Executive Summary

This application is for a proposed three (3) storey dwelling and front fencing at No. 103 Smyth Road, Nedlands.

It has been referred to Council for determination as it does not comply with the standards of the City’s Town Planning Scheme No. 2 (Scheme) or the deemed-to-comply requirements of the Residential Design Codes.

The development application is recommended for refusal as it does not comply with the following Scheme requirements; primary street setback, building height and that the development application does not represent orderly and proper planning.

1.1 Recommendation to Committee

Council refuses an application for a proposed three (3) storey single house and front fence at No. 103 (Lot 3) Smyth Road, Nedlands in accordance with the application received 01 August 2013 and plans received 09 September 2013 the following reasons:

1. the front setback of the proposed building is setback less than the minimum primary street setback set out at clause 5.3.3(a) of the City of Nedlands Town Planning Scheme No. 2, and there is not discretion for this clause to be varied;
2. the proposed building height exceeds the height restrictions specified at clause 5.11 (i), (ii) and (iii) of the City of Nedlands Town Planning Scheme No. 2, and there is no discretion for this clause to be varied; and
3. the proposal is not orderly and proper planning.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area (KFA) of Natural and Built Environment through requiring 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). This contributes to well planned and managed development in the City.

2.0 Background

Property address	No. 103 (Lot 3) Smyth Road, Nedlands
Lot area	235 m ²
Zoning:	
Metropolitan Region Scheme	Urban
Town Planning Scheme No. 2	Residential R35

This application is for a three (3) storey dwelling and front fencing at No. 103 Smyth Road, Nedlands. The vehicle access to the site is from Smyth Road.

The lot is 235m² and contains a sewerage easement to the north and east side of the site. A locality plan can be viewed at Attachment 1 and shows the subject site and its surrounds as well as the location of the sewerage easements.

The lots adjoining the subject site are zoned 'Residential'. In May 2013, Council approved a 'Child Day Care Centre' use at lots 41 & 42 which are located immediately south of the subject site.

2.2 Legislation / Policy

- City of Nedlands Town Planning Scheme No.2 (Scheme)
- Residential Design Codes 2013 (R-Codes)
- Draft Special Control Area Provisions – Stirling Highway Redevelopment (Draft SCA) * these draft provisions were endorsed by Council in 2009 and are proposed for inclusion in Town Planning Scheme No.3.
- Council Policy – Neighbour Consultation (Neighbour Consultation policy)
- Council Policy – Fill and Fencing (Fill and Fencing policy)

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 application was advertised to surrounding landowners from 11 September 2013 – 25 September 2013. Consultation included the following:

- Letters sent to land owners surrounding the development site;
- Development notification signs on-site; and
- Plans and supporting information made available at the City's Administration Centre;

No submissions were received during the consultation period. However, one (1) submission was received after the consultation period had closed. The submission is discussed below (section 6.2 Consultation).

Note: A copy of the submissions received by the City has been given to the Mayor and Councillors prior to the meeting.

4.0 Budget / Financial Implications

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

5.0 Risk Management

Not Applicable.

6.0 Discussion

An application has been received for a proposed three (3) storey dwelling and front fencing at No. 103 Smyth Road, Nedlands. Refer to Attachments 2 – 4 to view the development plans.

6.1 Planning Assessment

The application has been assessed and it has been identified that variations to the Scheme are proposed and some of the deemed-to-comply requirements of the R-Codes are not met. These variations are discussed below and have been assessed against the relevant clauses of the Scheme or the design principles of the R-Codes to establish their appropriateness. It is noted that the applicant has provided justification for the proposed variations, which can be viewed at Attachment 6.

6.1.1 Primary Street Setback

The property is subject to a minimum 9m primary street setback. This is outlined at clause 5.3.3(a) of the Scheme which states:

'...a person shall not commence or carry out development of any land within a Residential zone by the erection of a building used for residential purposes at a distance of less than 9m from a street alignment unless otherwise provided for in the Scheme'.

The feature brick column at the front of the dwelling is setback 8.5m from the front of the lot. It is considered that the brick column forms part of the building and is subject to the primary street setback requirement.

It is acknowledged that a lot coded R35 would generally have a minimum 4m primary street setback if it was governed by the R-Codes, however, in this case the minimum primary street setback of 9m required by the Scheme overrules the R-Codes minimum primary street setback.

The minimum 9m primary street setback specified at clause 5.3.3(a) of the Scheme is mandatory and there is no discretion for this clause to be varied. Therefore, the proposed building setback is recommended for refusal.

6.1.2 Building Height

Clause 5.11 of the Scheme relates to building height. This clause requires assessment of the building height in relation to the number of storeys, the wall height, the overall height facing the primary street frontage and the highest point of the building.

The proposed residence is three (3) storeys in height. Clause 5.11(i) of the Scheme requires that,

'No site shall be developed or building constructed to contain more than two storeys directly above each other in the case of residential use or three storeys

in the case of other uses, excluding areas for plant and equipment, storage, toilets and the parking of wheeled vehicles’.

The proposed ground floor (third storey) contains a garage; portico, entry, toilet, laundry and utility/store (refer to Attachment 3). It is considered that the proposed portico, entry, laundry and utility/store do not meet clause 5.11(i). This is because the clause specifically indicates that only areas for plant and equipment, storage, toilets and the parking of wheeled vehicles are permitted in a third storey. The proposed portico, entry and laundry are not listed as permitted areas in a third storey. The City also considers that the area labelled as ‘utility/store’ cannot be classed as ‘storage’ as its design is not intended for this use. The reasons for this are that the ‘utility/store’ area can be accessed via the entry hallway as it opens up to a courtyard area and has a large window and glazed door. The proposed storeys are not in compliance with the Scheme.

The building height has been assessed against the height restrictions listed at clause 5.11(ii) – 5.11(iv) of the Scheme. This clause requires calculations of the wall heights, overall height of the elevation facing the street and the highest point of the building. The assessment of the building height is indicated in Table 1 below.

Table 1 : Building height assessment as per Scheme cl. 5.11

Elevation	Requirement	Proposed	Complies?
Side (south)	Wall height max. 8.5m from mean NGL	8.7m high	No
Side (north)	Wall height max. 8.5m from mean NGL	8.9m high	No
Rear (west)	Wall height max. 8.5m from mean NGL	8.9m high	No
Front (east)	Overall height facing primary street max. 8.5 from mean level of lot boundary at primary street frontage	8.75m high	No
Overall	Highest point of building max. 10m from mean NGL	9.8m	Yes

The building height does not comply with the building height restrictions listed at clause 5.11 of the Scheme. The proposed wall height of the rear and side elevations of the building exceeds 8.5m in height from mean natural ground level (NGL) as required in the Scheme. The overall height facing the primary street frontage also exceeds 8.5m in height, taken from the mean level of the lot boundary at the primary street frontage. The highest point of the building, does comply with the Scheme requirement as it is less than 10m in height from mean natural ground level, at 9.8m high.

The building height restrictions specified at clause 5.11 of the Scheme are mandatory and there is no discretion for this clause to be varied. Due to the items of non-compliance listed above, the building height is recommended for refusal.

6.1.3 Boundary (Parapet) Wall

A parapet wall is proposed on the southern boundary which is three (3) storeys in height. This wall has been assessed against the R-Codes deemed-to-comply requirements relating to lot boundary setbacks (clause 5.1.3 C3.2). The following deemed-to-comply requirements are not met:

- The proposed boundary wall height is 8.5m high. The deemed-to-comply provision requires that a boundary wall is to have a maximum height of 3.5m and an average height not exceeding 3m; and
- The proposed boundary wall is 9.3m in length and is extends for 82% of the southern boundary (behind the front setback line). The deemed to comply provision requires that the boundary wall is to extend no more than two-thirds (~67%) of the boundary (behind the front setback line).

As the deemed-to-comply requirements are not met, the proposed boundary wall is assessed against the design principle (cl. 5.1.3 P3.2).

<p>5.1.3 P3.2 Lot boundary setbacks</p>	<p>Design principle: <i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>Does not compromise the design principle contained in 5.1.3 P3.1; [relates to impact of building bulk, privacy and provision of adequate direct sun & ventilation of adjoining property]</i> • <i>Does not have any adverse impact on the amenity of the adjoining property;</i> • <i>Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted;</i> • <i>Positively contributes to the prevailing development context and streetscape.</i>
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The adjoining property has been approved for a ‘Child Day Care Centre’ use and therefore, the adjoining building is not residential development. In response to the design principle above, it is considered that the boundary wall will enhance privacy between the proposed building and the building approved at the adjoining property rather than adversely affecting the amenity of the adjoining property. The areas at the adjoining property located adjacent to the proposed boundary wall are the ground floor car park and upper floor unroofed outdoor play space (refer to Attachment 5 to view the approved plans for the adjoining property). As these areas are not classed as habitable rooms or outdoor living areas, the access to direct sunlight and ventilation for these areas is not restricted.

Although the adjoining lot has been approved for a Child Day Care Centre, it is a possibility that the proposed development may not be constructed. Therefore, the City has to consider the potential impact of the proposed boundary wall if a

residential development is constructed, as the zoning of the adjoining lot is currently 'Residential'. However, the Draft Special Control Area (SCA) provisions identifies that the future land uses of the both sites as 'Commercial / Mixed-Use'. The effect to the adjoining site needs to be considered in terms of both the existing and potential future uses of the site.

It is also acknowledged that the site is in proximity to Stirling Highway where there are examples of such boundary walls and the lot is identified in the Draft SCA for the Stirling Highway Redevelopment as having a future zoning of 'Commercial / Mixed-Use', where a boundary wall to the south would be permitted.

On balance, the City considers that the proposed boundary wall meets the design principle.

6.1.4 Outdoor Living Area

An outdoor living area (i.e. a courtyard) is proposed on the ground floor which can be accessed via the 'utility/store' area. The deemed-to-comply requirements of the R-Codes require a R35 density coded property to have an outdoor living area of at minimum 24m² of which two-thirds is uncovered and a minimum length and width dimension of 4m. Additionally, an outdoor living area is to be located behind the street setback area and is to be accessible from a habitable room. The outdoor living area generally meets the above requirements, with exception of:

- The outdoor living area is 19.2m² in lieu of minimum 24m²; and
- The outdoor living area is not accessible from a habitable room. A 'utility/store' area is not classed as a habitable room.

As the outdoor living area provided does not wholly met the deemed-to-comply requirements, it is then considered against the relevant design principle (cl. 5.3.1 P1.1).

5.3.1 P1.1 Outdoor living areas	Design principle: <i>Outdoor living areas which provide spaces:</i> <ul style="list-style-type: none"> • <i>Capable for use in conjunction with a habitable room of the dwelling;</i> • <i>Open to winter sun and ventilation; and</i> • <i>Optimise use of the northern aspect of the site.</i>
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The proposed outdoor living area is unroofed and is located on the northern side of the site. It is considered that the proposed outdoor living area is of a sufficient size to be functional and due to its location will have access to ventilation and direct sun (including winter sun).

However, the courtyard is not accessible from a habitable room. This is because the ground floor (i.e. the third storey) cannot contain areas which are habitable; this is discussed above at section 6.1.2 building height. If the outdoor living area is approved in this location, it is considered that the area labelled 'utility/store', with the

proposed large window and glazed door will not be used for storage purposes and instead be used as a habitable room.

In summary, the City deems that the proposed reduced size of the outdoor living area from deemed-to-comply requirement does allow for an outdoor living area which meets the design principle. However, if the outdoor living area is approved in the location the adjoining room 'utility/store' would be used as a habitable room. This would be contrary to the Scheme requirement at clause 5.11(i).

6.1.5 Overshadowing

Assessment against the deemed-to-comply provision relating to overshadowing has determined that the proposed building overshadows the adjoining lot to the south by 54% in lieu of maximum 35%. As the deemed-to-comply requirement is not satisfied, the building is assessed against the design principle (cl.5.4.2 P2.2):

<p>5.4.2 P2.2</p> <p>Solar access for adjoining sites</p>	<p>Design principle: <i>Protection of solar access for the neighbouring properties, without significant overshadowing on:</i></p> <ul style="list-style-type: none"> • <i>Outdoor living areas;</i> • <i>North facing major openings to habitable rooms;</i> • <i>North and west facing roof areas; and</i> • <i>Existing solar collectors.</i>
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The adjoining lots (Lot 41 & 42) located south of the subject site, have been approved for a 'Child Day Care Centre' use. A condition of this approval was that Lot 41 & 42 be amalgamated to a single lot. An application for amalgamation was lodged with the Western Australian Planning Commission (WAPC) on 26 August 2013; however, this application is yet to be determined. When the lot is amalgamated the site area will be 796m². Currently the site area of the lot immediately south of the subject site is 236m². This means that once the adjoining lot is amalgamated, the overshadowing proposed will comply with the deemed-to-comply provision with the overshadowed area being 16% of the adjoining lot area, which is below the maximum 35% overshadowing.

Nevertheless, it is considered that the design principle for this provision is met. The main reason for this is that the approved use on the adjoining lot is not residential development. Therefore, in response to the design principle there are no outdoor living areas, north facing major openings to habitable rooms or north and west facing roof areas at the adjoining property which would be affected. The areas at the adjoining property which are adjacent to the subject site are the ground floor car park and upper floor unroofed outdoor play space (refer to Attachment 5 to view the approved plans for the adjoining property). As a result, the proposed overshadowing is considered to be acceptable.

6.1.6 Preservation of Amenity

Scheme clause 5.5.1 (Preservation of Amenity) states:

'Without limiting the generality of Clause 6.5 the 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, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.'

Although the application is not in compliance with the Scheme's primary street setback and building height requirements, it is not considered that the external appearance of the residence is regarded to not adversely affect the amenity of the area.

The traffic and noise generated as a result of the proposal would be consistent with the expected traffic and noise levels in a 'Residential' zone.

The proposal is not considered to have an adverse affect on the amenity of the surrounding area or the locality.

6.1.7 Consideration of Applications

Scheme clause 6.4.1 (Consideration of Applications) states:

'In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.'

The land is zoned 'Residential', and the proposed single house dwelling use is a use consistent for which the land is zoned.

6.1.8 Orderly & Proper Planning

Scheme clause 6.5.1 (Determination by Council) states:

'The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.'

In response, the application proposes variations to the Scheme provisions, namely the primary street setback and building height. These provisions are considered to be mandatory, as there is no discretion for the provisions to be varied. Therefore, as the application does not meet the Scheme requirements it is considered that the application does not represent orderly and proper planning.

6.2 Consultation

One (1) submission was received after the consultation period closed. The submission received requested that an access leg be conditioned for the northern portion of the lot. The basis for this request was that Council in the 'Draft Special Control Area Provisions – Stirling Highway Redevelopment' has been identified a laneway to be located through the northern portion of the subject site which would

connect Smyth Road and Kinninmont Avenue and limit vehicle access for Stirling Highway. Also, there is an existing Water Corporation easement over the northern portion of the subject site.

In response, the subject land is private property and as a result the City does not have the jurisdiction to require the requested condition. It is also noted, that the Special Control Area Provisions for the Stirling Highway Redevelopment are in draft form and therefore the requirements cannot be enforced at this time.

Note: A copy of the submission received by the City has been given to the Mayor and Councillors prior to the meeting.

6.3 Conclusion

A three (3) storey dwelling and front fence at No. 103 Smyth Road, Nedlands. This development application has been assessed and it has been identified that variations to the Scheme provisions and the deemed-to-comply requirements of the R-Codes are proposed.

It is acknowledged that the subject site is constrained by the minimum 9m primary street setback which is prescribed by the Scheme at clause 5.3.3(a) and the sewerage easements on the north and east portions of the property. Nevertheless, the application is governed by the Scheme and the development is to be in accordance with the Scheme provisions.

The application proposes variations to the mandatory Scheme provisions relating to the primary street setback and building height. That being the case, and given the fact that the Scheme does not provide any discretion, it is considered that the proposal is not capable of approval. For this reason, the application is recommended for refusal.

7.0 Attachments

1. Locality plan
2. Site plan
3. Floor plans
4. Elevation plans
5. Approved plans (adjoining lots) – No. 73 Stirling Hwy & No. 105 Smyth Rd
6. Applicant's justification letters received 1 August 2013 & 9 September 2013

PD50.13	No.55 (Lot 122) Kirwan Street, Floreat – Proposed Ancillary Accommodation
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Committee	12 November 2013
Council	26 November 2013
Applicant	Brett Chadband
Owner	Brett Chadband & Rebecca Cameron
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	KI6/55
Previous Item	Nil

1.0 Executive Summary

This application is for a proposed ancillary accommodation unit located at the rear of No.55 Kirwan Street, Floreat. The unit is to be occupied by the owner's sister who has a physical disability.

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 received relate to the proposed rear setback (southern) of 1.8m and the resulting impact on amenity to adjoining owners.

1.1 Recommendation to Committee

Council approves an application for ancillary accommodation at unit at No. 55 (Lot 122) Kirwan Street, Floreat in accordance with the application and plans dated 22 August 2013 and the amended plans dated 8 October 2013 subject to the following conditions:

- 1. the ancillary accommodation building shall be occupied only by direct members of the same family as the occupiers of the main dwelling;**
- 2. prior to the issue of a Building Licence for the development, the owner shall execute and provide to the City a notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers that the use of the ancillary accommodation building is subject to the restriction set out in condition 1) above;**

3. all stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
4. 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;
5. 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; and
6. the development shall at all times comply with the approved plans.

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 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;
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. 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; and

4. The landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

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

2.0 Background

Property address	No. 55 Kirwan Street, Floreat
Lot area	926m ²
Zoning:	
Metropolitan Region Scheme	Urban
Town Planning Scheme No. 2	Residential (R12.5)

This application proposes to extend and convert an existing detached games room into a 60m² ancillary accommodation unit.

2.2 Legislation / Policy

- City of Nedlands Town Planning Scheme No.2 (Scheme)
- Residential Design Codes 2013 (R-Codes)
- Council Policy – Neighbour Consultation (Neighbour Consultation policy)

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 application was advertised to surrounding landowners from 6 September 2013 – 27 September 2013. Consultation included the following:

- Letters sent to land owners surrounding the development site;
- Plans and supporting information made available at the City's Administration Centre;
- A total of two (2) objections were received during the consultation period raising the following issues:

1. The existing games room already encroaches into the 'deemed to comply' 6m rear setback;
2. The proposed unit affect adjoining owner's privacy as it will be 1.8m from the rear boundary; and
3. The proposed unit will affect adjoining owner's amenity.

Note: A copy of the submission received by the City has been given to the Mayor and Councillors prior to the meeting.

4.0 Budget / Financial Implications

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

5.0 Risk management

Not applicable.

6.0 Discussion

This application proposes to extend and convert an existing detached games room into a 60m² ancillary accommodation unit.

6.1 Planning Assessment

The application has been assessed and complies with all requirements for ancillary accommodation under the City's TPS2, however, it has been identified that the deemed-to-comply requirements for the rear setback under the R-Codes has not been met.

This issue is discussed below and has been assessed against the relevant design principles of the R-Codes to establish appropriateness.

6.1.1 Ancillary Accommodation

The City's TPS2 clause 5.3.4 allows for the approval of ancillary accommodation subject to the following requirements:

'Notwithstanding the provisions of the Residential Planning Codes with regard to Ancillary Accommodation as set out in Clause 2.3.1 of the Codes, the Council subject to the procedures set out in Part 6 of the Scheme, may approve an Ancillary Accommodation unit in the Residential zone if the following requirements are satisfied:

- a) the lot on which it is proposed is not less than 730m² in area;*
- b) the total floor space of the Ancillary Accommodation does not exceed 60m² in area;*

- c) the Ancillary Accommodation contains no more than two habitable rooms;*
- and*
- d) will be occupied by a person related to the persons occupying the remainder of the dwelling.'*

The proposed development meets all the above requirements. Sub part (d) can be also reaffirmed by a section 70A notice on title and protected by a legal agreement with the City. Should the Council support the application is proposed it can apply a condition requiring the above.

6.1.2 Rear setback

The proposed ancillary accommodation unit does not meet the deemed-to-comply setback requirements of R-Codes clause 5.1.3 (lot boundary setback) as it is setback 1.8m in lieu of 6m. 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:

P3.1 Buildings set back from lot boundaries so as to:

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

The proposed single storey extension to the rear of the existing 4.3m high games room is stepped down to 3.2m in height. This articulation and reduction in wall height towards the rear boundary, reduces the building bulk facing the adjoining neighbour.

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

The proposed setback of the unit is considered to allow for sufficient ventilation to the adjoining lot and open spaces. The shadow cast by the unit at midday 21 June in accordance with the R-Codes will not be greater than 3% of the adjoining property due to the single storey nature of the structure.

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

The extension does not propose any windows or openings facing the rear boundary directly limiting the impact of the proposed structure upon the neighbour to the rear with regard to privacy. The alfresco area is not considered to have any greater impact upon the privacy of other adjoining residences than an outbuilding in this location.

6.1.3 Preservation of Amenity

Scheme clause 5.5.1 (Preservation of Amenity) states:

'Without limiting the generality of Clause 6.5 the 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, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.'

It is not considered that the external appearance of the proposed ancillary accommodation will adversely affect the amenity of the area. On the contrary, the reduced extension, upgrade and rendering of the unit will be less unsightly than the existing games room.

6.3 Conclusion

Although the proposed ancillary accommodation unit does not meet the deemed-to-comply setback requirements of R-Codes clause 5.1.3 (lot boundary setback), it is considered to meet all design principles.

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

7.0 Attachments

1. Locality plan
2. Site plan
3. Floor plan
4. Elevations

PD51.13	No. 102 (Lot 237) Stirling Highway, Nedlands – Proposed Change of Use (from Residential) to Office
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Committee	12 November 2013
Council	26 November 2013
Applicant	Sol Marrington
Owner	Surround Investments Pty Ltd
Officer	Thomas Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	ST6/102
Previous Item	M13/26157 : DA 13/244 : ST6/102-02

1.0 Executive Summary

This application is for the proposed change of use of the second storey of the existing building at 102 Stirling Highway, Nedlands from 'Residential' to an 'Office'.

It has been referred to Council for determination, as officers have no delegation to determine an application once objections have been received.

It is considered that insufficient car parking has been provided in order to support both the ground floor carpet showroom as well as the proposed office use to the upper floor. As a result, the application is recommended for refusal.

An alternate recommendation for approval is provided in accordance with the 'City of Nedlands Local Planning Policy 6.2: Cash in Lieu of Car Parking' as there is scope to increase the amount of available Council car parking within close proximity to the site. The proposed use of 'Office' is considered to be appropriate in this area, and if additional car parking facilities are provided to mitigate the car parking shortfall on site, the application is considered to be able to be recommended for approval.

1.1 Recommendation to Committee

Council refuses an application for proposed change of use (from 'Residential') to 'Office' at 102 (Lot 237) Stirling Highway, Nedlands in accordance with the application received 26 June 2013 and the plans received 26 June 2013, 22 August & 13 September 2013 for the following reasons:

- 1. an insufficient number of car bays are provided for the proposed Office use;**
- 2. the proposed use does not satisfy the conditions and standards of clause 5.5.1 and clause 6.4.2 of the City of Nedlands Town Planning Scheme No.2, due to insufficient car parking; and**
- 3. the proposal is not orderly and proper planning.**

Alternatively, should Council consider approving the application and seek a Cash in Lieu of Car Parking payment, the following is recommended:

Council approves an application for proposed change of use (from 'Storage') to 'Office' at 102 (Lot 237) Stirling Highway, Nedlands in accordance with the application received 26 June 2013 and the plans received 22 August & 13 September 2013 subject to the following conditions:

- 1. the development shall at all times comply with the approved plans;**
- 2. a cash in lieu payment shall be made to the Council in accordance with Local Planning Policy 6.2 for the 4 carbay shortfall;**
- 3. carparking shall be to AS/NZS 2890.1 – 2004 and AS/NZS 2890.6 – 2009;**
- 4. no stormwater drainage is to be discharged onto the Stirling Highway road reserve;**
- 5. 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;**
- 6. 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**

7. 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. the current proposed MRS amendment 12/1041 Rationalisation of the Stirling Highway reservation proposes to reduce the existing reservation affecting this lot to 5.4m from the front boundary (as indicated on the WAPC sketch plan 1.7145 (114.b)); and
2. all internal water closets 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.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the relevant provisions of the Town Planning Scheme No. 2 in contributing to well planned and managed development in the City.

2.0 Background

Property address	102 Stirling Highway Nedlands
Lot area	1138.178m ²
Zoning:	Retail Shopping
Metropolitan Region Scheme	Primary Regional Roads/Urban
Town Planning Scheme No. 2	Retail Shopping

2.1 Key Relevant Previous Council Decisions

Nil

2.2 Legislation / Policy

- City of Nedlands Town Planning Scheme No.2 (Scheme)
- Council Policy – Neighbour Consultation (Neighbour Consultation policy)
- Local Planning Policy 6.2 Cash in Lieu of Car Parking (Cash in Lieu of Car Parking policy)
- Local Planning Policy 6.11 Road Widening - Stirling Highway (Stirling Hwy policy)

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

As a portion of the site is within the 'Primary Regional Road' reserve, the application was also referred to Main Roads for comment. The subject site is also listed on the City of Nedlands Municipal Heritage Inventory, and the application was referred to a heritage consultant for their comment on the proposal.

3.2 How and when was the community consulted?

The application was advertised by letter to adjacent landowners surrounding the development site. The comment period was from 20 August 2013 - 3 September 2013.

The City received one (1) objection to the proposal. This objection related to the car parking shortfall resulting in 'spill over' into the car parking for adjoining properties and negatively impacting the amount of car parking available to adjoining tenants.

4.0 Budget / Financial Implications

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

5.0 Risk management

Not applicable.

6.0 Discussion

6.1 Introduction

The proposal involves the conversion of the upper floor of 102 Stirling Highway Nedlands, from an existing use of 'Storage' to an 'Office Use'. The site is zoned in TPS2 as 'Retail Shopping', in which a 'Professional Office' is a 'P' (Permitted) use. The proposal involves no alterations to the form of the building other than maintenance work to the facade.

The existing showroom comprises 397.28m² and the proposed office comprises 250.2m².

The site is adjacent to Stirling Highway to the North, commercial properties to the East and West, and residential properties to the South (see Attachment 1: Locality plan).

6.2 Existing Approved Parking

The original approval on site consisted of a ground floor showroom, a deli and three (3) flats on the upper floor. The car parking requirement for these uses was as follows:

1982 Approval	No. Of Bays
Showroom (231 m ²)	5
Deli (40m ²)	4
3 Flats (319.94m ²)	2 each (total of 6)
Total Required	11
Total Available	26

6.3 Proposed Car Parking

In accordance with Schedule 3 of TPS2, a total of 9 bays are required for the lower floor showroom use (397.28m² at a rate of 2.2 bays per 100m²). The proposed office to the upper floor will require an additional 12 bays in accordance with the parking requirements of Schedule 3 of TPS2 (250.2m² at a rate of 4.75 bays per 100m²). This results in a total requirement of 21 bays, with 15 bays being provided under the proposed car parking layout.

The TPS2 parking requirements for the proposed uses will result in a car parking shortfall as per the table below:

2013 Proposal	No. Of Bays
Showroom (397.28 m ²)	12
Office (250.2m ²)	9
Total Required	21
Total Available	15*

*Note: The number of bays previously available (26) has been reduced due to approved additions being constructed to the rear of the building in 1997 (DA97/430). In addition, some of these original bays were provided in tandem, which no longer complies with the Australian and New Zealand Standards requirements for car parking.

This results in a 30% shortfall in the number of bays required under Schedule III of TPS2.

This area has been identified as having known car parking shortfalls by the City's Technical Services Division and due to these existing issues, the application is recommended for refusal. The reasons for the alternative option to approve the application in accordance with the 'Local Planning Policy 6.2: Cash in Lieu of Car Parking' allows for the provision of additional car parking is outlined below.

6.4 Cash in Lieu

Local Planning Policy 6.2 gives Council discretion to allow an: '*applicant to make a cash payment in lieu of on-site parking*'. In accordance with this policy, it is:

“normal only to take cash in lieu of payment where Council has developed or has plans to develop a Council car parking reserve in close proximity to the development site”.

The City’s Technical Services Division has identified the on-street parking on the right hand side of Mountjoy Road as having scope to increase the amount of available parking in this location in order to mitigate the impact of the proposed car parking shortfall upon the adjoining landowners and tenants.

The City of Nedlands recently required that Cash in Lieu of Car Parking be paid in order to address the car parking shortfall at the Steve’s Hotel redevelopment. The City utilised the funds raised in order to provide angled car parking bays on the nearby foreshore.

6.5 Consideration of Applications

TPS2 clause 6.4.1 (Consideration of applications) states:

‘In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.’

The land is zoned ‘Retail Shopping’, and the ‘Office: Professional’ use is a use consistent for which the land is zoned and is considered to be an appropriate use for this location, disregarding the shortfall in car parking on site.

If additional car parking were to be provided nearby in accordance with the Cash in Lieu of Car Parking Local Planning Policy, it is considered that this change of use could be supported due to sufficient car parking being provided in the locality.

6.6 External Referrals

The subject site is listed on the City of Nedlands Municipal Heritage Inventory as Category ‘B’. This indicates that the building is *‘worthy of a high level of protection; to be retained and conserved.* Accordingly the application was referred to a Heritage Consultant for their comment. The conclusion was as follows:

‘In terms of the streetscape value of the building, the work is considered to be maintenance. Accordingly, there is no perceived diminution of the heritage values and there is no objection to the works to the street frontage proposed and as discussed on site’.

The subject site is also adjacent to Stirling Highway, a Category 3 road. Accordingly, the application was referred to Main Roads WA for their comment. The response received stated that *“Main Roads has no objections to the proposal”.*

6.7 Consideration of Applications

TPS2 clause 6.4.1 (Consideration of applications) states:

(a) *'In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use; and*

(b) *The plot ratio, site coverage, setbacks, height, landscaping and parking provisions are in keeping with the general character of the locality.*

It is considered that the proposed change to 'Office' use will have an adverse effect upon the immediate locality due to the shortfall in car parking provided on site. The recommendation for refusal or approval with conditions in accordance with the City's Cash in Lieu of Car Parking Policy reflects the potential adverse impact the development is considered to have upon the locality.

6.8 Orderly & Proper Planning

TPS2 clause 6.5.1 (Determination by Council) states:

'The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.'

As discussed above, it is considered that there are insufficient bays provided to meet the predicted parking demands from the proposed Office. It has been identified that there is limited availability of car parking in nearby area.

In the last year, Council has approved developments at 83 and 110 Stirling Highway which resulted in an overall car parking shortfall of 24-38 car parking bays in the surrounding locality. It is not orderly and proper planning to approve a further reduction of car bays in an area which already experiences parking issues. Accordingly, the proposal is recommended for refusal.

6.9 Applicant Response

The Applicant's response to the proposed car parking shortfall and the objection to this shortfall has been summarised below (see Attachment 3 for the full justification):

1. The applicant is allocating six (6) car bays as part of any lease agreement with potential tenants;
2. The office layout has been restructured to reflect a small to medium professional office;
3. The office is likely to trade Monday to Friday during standard office hours;
4. The ground floor carpet gallery currently has three (3) members of staff, with eight (8) parking bays available in the current configuration;
5. The customer parking requirements for the carpet gallery are low and at present 4-5 bays are generally available under the current configuration;
6. The proposed car parking layout will increase the available parking on site to 15 bays and one disabled bay;

7. The applicant is amicable towards allowing adjoining properties to use the new parking allocation on Sundays and after hours to assist in alleviating their parking stress during busy periods; and
8. Due to other developments recently approved on Stirling Highway with a greater car parking shortfall, the applicant questions whether a precedent has been set.

6.10 Conclusion

A Professional Office on a site zoned as 'Retail Shopping' in the Town Planning Scheme is listed as a 'P' permitted use under the scheme.

The proposed 'Office' use for the upper floor of the building is considered to be more intensive than the current approved use of 'Residential'. The proposed use results in a greater car parking requirement than can be provided for onsite. It is accepted that the existing Persian Carpet Gallery on the ground floor is not an intensive use in terms of its car parking requirements, however a more intensive use could be tenanted in the lower floor under the use of 'Showroom' without further planning approval being required.

If the car parking shortfall were to be addressed through the provision of additional City parking facilities in the locality in accordance with the 'Cash in Lieu of Car Parking Local Planning Policy', the proposed change of use to 'Office' is considered to be appropriate for the locality.

It is considered that the proposed shortfall in car parking would have an adverse effect upon the surrounding locality in terms of car parking availability and so the application is recommended either for refusal, or approval with conditions in accordance with the 'Cash in Lieu of Car Parking Local Planning Policy'.

7.0 Attachments

1. Locality plan
2. Proposal plans
3. Main Roads Comment
4. Heritage Assessment

PD52.13	Proposed Incentives Program for Heritage List
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Committee	12 November 2013
Council	26 November 2013
Applicant	City of Nedlands
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	HER/017-02
Previous Item	Nil

1.0 Executive Summary

A proposed incentive program has been created to support the City’s Heritage List in order to promote inclusion of properties on the Heritage List.

Council is requested to consider the proposed incentive program and adopt the program for implementation from 1 July 2014 subject to 2014/15 budget considerations.

1.1 Recommendation to Committee

Council:

- 1. adopts the proposed incentive program to support the City’s Heritage List in order to promote inclusion of properties on the heritage list for implementation from 1 July 2014 subject to 2014/15 budget considerations; and**
- 2. instructs Administration to consult with the owners of properties likely to be offered development incentives in order to determine the most appropriate incentive in each instance.**

1.2 Strategic Community Plan

KFA: Natural and Built Environment
 KFA: Governance and Civic Leadership

Natural and Built Environment as heritage protection is an important component of protecting our quality living environment. Governance and Civic Leadership as the incentive program is an important tool to promote strategic planning for the locality.

2.0 Background

Context

The City's Strategic Community Plan identifies that one (1) of the City's priorities is to meet the challenge of:

'protecting the special character of Nedlands and its distinctive place in the urban fabric of the Western Suburbs and metropolitan Perth'.

As this special character is largely the result of the city's historic background Council's overall strategic priorities include *'protecting our quality living environment'* and *'retaining remnant bushland and cultural heritage'* as heritage protection is one of the City's Key Focus Areas.

The system for heritage protection in Western Australia is subject to the provisions of the *Heritage of Western Australia Act 1990* and planning legislation.

The heritage legislation provides for a tiered system of protection.

At the highest level is the State Heritage Register. Properties listed on this register enjoy maximum protection, including prohibition to demolish.

Subsequent tiers are at Local Government level using a system of management categories which ranks heritage value on a continuum and recommends appropriate action at each level.

Current Provision for Heritage Protection in the City

The City has a current Heritage Municipal Inventory (MHI) which was adopted in 1999. This inventory is currently being reviewed in line with the legislative requirement for a review of the list every five (5) years.

The City's current list provides for management categories A-D, while the reviewed list comprises management categories A-C. Please refer to Attachment 1 for details of the management categories. Essentially the amount of effort to be expended to save a heritage property is expected to decrease from management Category A. Properties listed on the State Heritage Register are also included on the local inventory at a management Category A.

The City currently does not have a Heritage Incentive Scheme (HIS), although owners of heritage properties can access the existing State Heritage Incentive Scheme which provides finance for heritage works at 4%.

Details of Proposed Incentive Scheme

The proposed scheme (refer to Attachment 2) recommends a variety of incentives types ranging from:

1. Competitions to be held at regular intervals which help to raise the level of awareness of heritage protection;
2. Site specific development bonuses, which are intended to be available for properties located in the Stirling Highway and Hamden/Broadway redevelopment areas only. It is estimated that approximately forty (40) properties will qualify for this incentive;
3. Professional services support, where the City makes funds available when a property owner wishes to develop some or all of the property. This assistance falls into two (2) categories, namely:
 - a. To enable the property owner to access a suitably qualified heritage consultant at the City's expense (maximum cap of 4 hours) to obtain solutions that will accommodate the proposed development as well as heritage protection; and
 - b. To undertake the Heritage Impact Assessment (HIA);
4. Direct financial assistance in the form of:
 - a. Rebates/concessions in relation to:
 - i. A rate rebate to the maximum of 50% of the annual rates for residential properties and 25% for commercial properties; and
 - ii. Waiving of Development Application fees to a maximum of \$1000; and
 - b. Heritage grants, where expenditure on actual costs for repair and maintenance are matched dollar for dollar to a maximum of cap of \$5000.

The incentive regime is based on the following principles:

1. Properties with the highest heritage value are eligible for the greatest number of incentives;
2. Providing rates relief for properties in management Category A is to encourage property owners of lower ranking properties to aspire to achieve the highest management category;
3. The monetary values allocated for each incentive within scheme can be adjusted as required; and
4. The rates incentive is the only incentive directly influenced by the number of properties on the Heritage List. All the other incentives with financial implications for the City depend on uptake and it is therefore possible to estimate their likely cost and limit availability where necessary.

2.1 Key Relevant Previous Council Decisions

Council has never before considered an Incentive Scheme to promote heritage conservation. However, Council considered a proposed revised MHI for the jurisdiction in February 2013. As a result of the Council resolution, owners of

properties proposed to be included in the list for the first time, or proposed to be upgraded, have been consulted with.

2.2 Legislation / Policy

Although there is a requirement for a City to have and maintain a MHI under the *Heritage of Western Australia Act 1990* and the *Planning and Development Act 2005*, there is no requirement by legislation to develop and implement an Incentive Scheme to promote heritage protection.

3.0 Consultation Process

3.1 What consultation process was undertaken?

The proposed Incentive Scheme does not require public consultation as it is an operational in nature. It will, however, become part of the public consultation process for the Heritage List.

3.2 How and when was the community consulted?

Not applicable

4.0 Budget / Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

The proposed Incentive Scheme has financial implications for the City with the most significant cost derived from the incentive relating to rates.

In relation to rebates and concessions, it represents lost revenue. Funds will need to be set aside in the budget to provide for the actual costs for grants; for example, payments for professional services, competition rewards, etc.

The impact of the scheme will vary according to different Heritage Lists. While the components that represent an actual cost for the City are likely to be fairly consistent and predictable, because it is possible to cap access to these incentives, the concessionary incentives, especially the rates relief, is very much influenced by the nature of the Heritage List.

To provide a snapshot of the financial implications of the proposed scheme, financial values have been estimated for each incentive in order to be able to provide a basis for assessment. However, these amounts can be manipulated as needed (Refer to Attachment 3).

The estimated costs for the proposed Incentive Program are:

1. For the City's current Heritage List (1999): \$41388; and
2. Proposed heritage list: \$59939

The difference in the value between the two (2) Heritage Lists is due to a greater number of management Category A properties being listed on the revised list. The rationale for providing rates relief for Management Category A properties is to encourage property owners of lower ranking heritage properties to aspire to move into this category.

5.0 Risk management

The proposed Incentive Scheme is an essential part of a robust heritage protection scheme. Its absence reduces the effectiveness of heritage protection and risks not meeting the City's priority to:

'protect the special character of Nedlands and its distinctive place in the urban fabric of the Western Suburbs and metropolitan Perth'.

6.0 Discussion

Being listed only on the MHI has no statutory implications for an owner because it does not prohibit development. A listed property, as with any other place, can be altered, redeveloped or demolished. Retaining heritage values is dependent on the co-operation of the property owner.

In order to reward property owners for their willingness to be listed on the MHI, there is a growing trend among local authorities to take a proactive approach to promote heritage protection through an Incentive Scheme.

The Incentive Scheme proposed for the City provides both financial and non financial components. In this format, the Scheme is able to respond to varying needs and this flexibility provides the maximum possible amount of encouragement for property owners.

For comments in relation to the financial implications please refer to comments at Section 4.0 'Budget/Financial Implications' above.

The non- financial incentives are in the form of offering development bonuses. The objective of these bonuses is to minimise the gap that will result between the potential built form of a vacant site and the maximum development potential of the site if the heritage value is retained.

Given the uniqueness of each property, tailor made solutions will be necessary in each instance. Flexibility is therefore the key to the success of this incentive.

The solutions for each property will be in response to the existing spatial characteristics of each property and discussions with property owners. This will

provide bespoke provisions that define the scope within which development bonuses can be considered in each case. Attachment 4 provides a framework of existing spatial characteristics of eligible sites and the basis for consultation with affected property owners.

6.3 Conclusion

As the proposed Scheme is comprehensive it is expected that it will benefit heritage protection in the City.

It is therefore recommended that the Scheme is supported in principle, subject to consideration within the wider context of the budget for the City in 2014/2015.

This approach will enable the City to progress the proposed Heritage List towards finalisation which in turn will inform the final implication on the budget of a Heritage Incentive Scheme for the financial year of 2014/2015.

7.0 Attachments

1. Description of Management Categories.
2. Schedule of Incentives
3. Comparative Cost of Heritage Incentives between current and proposed Heritage List
4. Scope for generating Development Bonuses

PD53.13	No. 101 (Lot 564) Monash Avenue, Nedlands - Final Adoption of Proposed Masterplan for Hollywood Private Hospital
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Committee	12 November 2013
Council	26 November 2013
Applicant	Peter Driscoll, Landvision on behalf of Hollywood Hospital
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	MO1/101-09
Previous Item	June 2013 - PD23.13 August 2013 – PD 34.13

1.0 Executive Summary

At its meeting of 27 August 2013, Council approved the new master plan to guide the development of the site at No 101 Monash Avenue, Nedlands (Locality plan: Attachment 1) in principle to allow for public consultation.

The purpose of the masterplan is to guide the development of the site for the Nedlands for the next 20 years. It provides additional development within revised setback, height, and landscaping provisions. Refer to Attachment 2.

Public consultation concluded on 4 October 2013. Three (3) submissions were received.

The purpose of this report is to obtain adoption for the proposed masterplan subject to conditions.

1.1 Recommendation to Committee

Council approves the proposed Hollywood Private Hospital Masterplan dated July 2013 for Lot 564 (No. 101) Monash Avenue subject to the following conditions:

1. the masterplan be amended to include that a construction method will be used for the proposed multi storey car park that will not generate the noise associated with vehicles driving over metal plates;
2. the proposed landscaping plan be modified to include that shade trees are provided at a rate of one (1) tree for every four (4) car bays in the car parking areas located alongside Monash Avenue; and
3. the masterplan be supported by a lighting plan for the buildings and site that demonstrates that there will be no spill of light beyond the boundaries of the site.

1.2 Strategic Community Plan

The proposal contributes to achieving the City's following Key Focus Areas:

KFA: Natural and Built Environment

KFA: Governance and Civic Leadership

2.0 Background

Property address	Formerly: Pt Loc 1715 and Pt Loc 8697 Monash Avenue, Nedlands (Attachment 1:Locality Plan) Now: Lot 564 (No. 101) Monash Avenue, Nedlands
Lot area	116,613.70 m ²
Zoning : Metropolitan Region Scheme	Urban
Zoning: Town Planning Scheme No. 2	Special Use – Schedule V

The original buildings on the site were constructed during World War II by the Commonwealth Government as a 500 bed hospital for service personnel. The facility subsequently was used to provide acute care for veterans and war widows, until it was acquired by the current owners, Ramsay Health Care, in 1994.

The hospital is currently licensed for 659 beds, and provides care for private patients, entitled war veterans and war widows.

Development at the site initially occurred on an 'as need' basis.

In 2005, Council approved a masterplan which is still in force, but no longer adequately meets the requirements of the hospital.

In 2009, there was an attempt to revise the 2005 masterplan but the proposal was not progressed.

An amendment of Town Planning Scheme No. 2 (TPS2) was commenced in December 2012 and was presented to Council for final approval in June 2013. The purpose of the scheme amendment is to embed the need for a masterplan for this site into the scheme so that tailor made development provisions can guide the development on the site. The proposed masterplan is the second stage in the process to create a comprehensive development regime for the site.

2.1 Key Relevant Previous Council Decisions

- June 2013 - Item: PD23.13 Council's decision to approve Scheme Amendment 198; and
- August 2013 - Item PD34.13 Council approved the proposed masterplan in principle for public consultation.

2.2 Details of Proposed Masterplan

The proposed masterplan is designed to guide the redevelopment of the site for the next 20 years.

The masterplan document comprises of text and maps.

Central to the masterplan are the maps at:

1. Figure 6 entitled 'Hollywood Private Hospital, Monash Avenue, Nedlands – Masterplan', which is supported by Figures 8 and 9 entitled 'Hollywood Private Hospital, Monash, Nedlands - Masterplan – Street Elevations' and 'Hollywood Private Hospital, Monash Avenue, Nedlands – Masterplan – Massing Model' respectively which show the impact of the changes proposed by the draft masterplan to the revised building height limitations;
2. Figure 7 entitled 'Hollywood Private Hospital, Monash Avenue, Nedlands – Vehicle and Pedestrian Access and Circulation and Parking Distribution" which show access details; and
3. Landscaping report attached as Appendix 2 to the Masterplan.

The masterplan has the following features:

2.2.1 Additional Floor Area

Under the draft masterplan it is proposed that approximately 9400m² of additional floor area for the hospital and ultimately 1800 car bays will be built in accordance with a time line. The maximum development of the site is proposed to be at a plot

ratio of 1.0, which is higher than required to accommodate the 9400m² in order to provide flexibility.

While the uses on the site are limited to hospital type uses, the exact use of the additional area is not yet known. The ultimate car bay numbers align with the car parking cap imposed on the site by the Western Australian Planning Commission (WAPC).

2.2.2 Revised Building Height Limits

The draft masterplan proposes to establish alternative building heights to the standard heights currently permitted for the site. Through the use of three (3) height zones, the plan proposes that:

- Four (4) storeys (maximum 17m) are permitted in the area facing Monash Avenue (Zone 1);
- Two (2) storeys (maximum 10m) are permitted in the area facing Verdun Street (Zone 3); and
- A maximum height limit of six (6) storeys (maximum 26m) applies to the remainder of the site (Zone 2).

The justification for modified building heights is the size of the lot, and the significant fall across the site from the western to the eastern boundary. This ameliorates the impact of high buildings in the centre of the site, while the proposed heights along the edges of the site are designed to integrate with neighbouring areas.

2.2.3 Setbacks from Boundaries

Under the draft Masterplan setbacks of 10m are proposed from all boundaries except the eastern boundary which abuts the QEII site, where the setback is to be at Council's discretion. The proposed setbacks are almost double the amount that would be required for this site if the scheme provisions were to apply.

2.2.4 Services Infrastructure

The masterplan flags that all future development will meet the design requirements of the Department of Water's Better Water Management (October 2008).

Storm water quality and quantity will be managed through the provision of onsite storm water retention systems given that the soil has good drainage properties. The existing storm water drainage is via soak wells with a storage capacity for a 1:10 year storm, and overland flow paths for greater storm events. Any new development will have a minimum on site storage capacity to accommodate 1:20 year storm events with overland flow for a greater storm event potentially to a different form of on-site storage.

2.2.5 Access and Parking

Although the site is well serviced by public transport, the system does not provide for a 24 hour service. Until a high frequency service is available, and despite the hospital currently actively promoting alternative transport options for staff, access to the hospital will continue to rely primarily on the use of the private motor vehicle.

Having taken the proposed redevelopment of the QEII site into consideration, traffic studies indicate that the road network has adequate capacity to accommodate the development proposed on this site as part of the masterplan.

With the ongoing dependence on private vehicles on-site parking is a relevant consideration. With the addition of one (1) extra floor on the current multi storey car park, there will be 1500 parking bays available on site for the next five (5) years. A further 300 bays are proposed to be built in due course in a future two (2) deck car park located along Verdun Street.

The masterplan envisages that parking provision will become more tailored to specific parking needs e.g. visitors, doctors etc.

The masterplan continues the hospital's current efforts to promote staff use of alternative transport, such as cycling, car pooling and public transport use. Accordingly, the Masterplan provides that additional end of trip facilities are provided within the first five (5) year period. These include 100 secure undercover bicycle parking spaces and 50 additional u-rails, increase in the number of lockers from 500 to 600, additional 5-10 showers and possible laundry facility for cycling gear required by staff. Any new facilities will be provided as part of developments being constructed after 2018.

2.2.6 Vehicle and Pedestrian Circulation

The site has an existing vehicle and pedestrian circulation system which the masterplan proposes to expand on and improve.

The current vehicle access points which are the five (5) points to the site from Monash Avenue, or the two (2) from Verdun Street, will continue to be used for specific type of traffic only. In the case of the western most access point in Verdun Street, it will only be available on weekdays. The network of internal roads is a ring road that allows access to each existing and proposed new facility.

The masterplan proposes to expand the existing pedestrian network to all new facilities proposed as part of the masterplan. The existing pedestrian network is a north-south corridor and links all major functions of the site. The current system is largely intuitive and self explanatory but is complemented by highly visible colour coded signage, a practice which is expected to be continued as part of the masterplan.

2.2.7 Landscaping

As part of the masterplan, approximately 25% of the site will be landscaped. Landscaping will comprise of garden areas, pathways, shade trees and tree planter boxes, landscaping features, signage, lighting and retention of mature trees wherever possible.

2.3 Legislation / Policy

The proposed masterplan will become a part of the City of Nedlands Town Planning Scheme No. 2 (TPS2).

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

The proposed masterplan was open for public comment for a three (3) week period.

Three (3) submissions were received.

Two (2) of the submissions were from residents in the area and are both objections to the proposed masterplan for the following reasons:

Comments from Submitters	Officer Comment
<p>Not in favour of this proposal due to the location of the proposed multi-storey car park facing Verdun Street which is expected to generate the same level of unacceptable noise metal plates which clang every time a vehicle goes over them.</p> <p>A previous proposed Masterplan dated 5 December 2012 Revision C is much more acceptable, but there is a general concern with noise from plant rooms and fans.</p>	<p>The applicant advised that discussions with the engineering company revealed that it is possible to use Flexible Mechanical Expansion Joint Covers instead of metal plates and that these would be used in the construction of the multi-level carpark which would address the noise concerns raised.</p>
<p>A maximum height of 3 storeys should be permitted in Zone 1 because the new Hollywood Medical Centre is overbearing & other buildings would be the same</p>	<p>The concern is not considered to be valid for the following reason: The masterplan proposes that one additional building will be constructed in Zone 1 and will be located to the east of the main hospital building (see blue footprint of building at Figure 6 in the masterplan). This proposed building will replace an existing</p>

<p>Trees should be planted in the centre of Monash Avenue in order to create a buffer between the residential houses & hospital and slow traffic (Goldsworthy Rd, Claremont is a good example)</p> <p>Lighting should be used wisely given that the Hollywood Medical Centre is very bright & shines into the windows of houses.</p>	<p>building and will be setback approximately 36 m from Monash Avenue. Located further away from the street boundary than the current setback of approximately 7m there will be a difference in levels between the ground floor of this building and the Monash Avenue, with Monash Avenue being 3-4m higher. This level difference will result in this new building having a similar impact on Monash Avenue than the existing main hospital building, which is higher than the Hollywood Medical centre and has not been flagged as a concern in this submission.</p> <p>Beautification of Monash Avenue is beyond the scope of this masterplan. However the masterplan proposes landscaping in the setback area between the street boundary and the existing and one proposed building, and it is recommended that this landscape plan be amended to provide for shade trees in the parking areas alongside Monash Avenue</p> <p>To safeguard this concern it is recommended that the Masterplan be supported by a lighting plan that demonstrates that the lighting for the buildings and site do not spill beyond the boundaries of the site.</p>
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One (1) submission was received from the Education Department, given that the site adjoins the Hollywood Primary School site.

<p>Hollywood Primary School seeks confirmation that traffic flow during construction is not restricted causing congestion issues during the school's peak periods</p> <p>Due to the limited parking in the area for nearby medical facilities, visitors to the school often experience issues negotiating the traffic along Monash Avenue</p>	<p>Traffic movement during construction becomes an issue at development stage not at the masterplan stage. As a matter of course traffic management plans are required at the development approval stage and it is therefore not a consideration at this point.</p> <p>The parking caps that have been imposed on Hollywood Hospital and the QE II facilities are linked to the capacity of Monash Avenue. The Masterplan proposes that the demand for parking</p>
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<p>The proposed development has four/six storey buildings identified, with this height will have a significant effect on adjoining primary school in relation to overshadowing on school grounds Department would require an agreement between the parties on its location prior to construction</p>	<p>resulting from the proposed development will be able to be accommodated on site.</p> <p>The school is located to the west of the hospital site, and consequently overshadowing of the school grounds will be minimal especially given that the Masterplan proposes a 10m setback between any proposed development at the Hospital site and the school.</p>
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3.2 How and when was the community consulted?

The proposal was advertised by, signs on site on Monash Avenue and Verdun Street, notices in 'The Post' newspaper for three (3) concurrent weeks and by way of letters to adjoining property owners.

Advertising commenced on 13 September and concluded on 4 October.

4.0 Budget/Financial Implications

Within current approved budget: Yes No
 Requires further budget consideration: Yes No

Scheme Amendments have no financial implications for the City as all costs incurred in relation to the amendment will be recovered by the applicant.

5.0 Risk Management

Lack of support of this proposal will potentially result in a development proposal that responds with less sensitivity to the surrounding land uses, or not meet the needs of the hospital.

6.0 Discussion

6.1 Proposed Masterplan

The proposed master plan provides a comprehensive tailor-made approach to cater for the needs of the hospital that appropriately responds to adjacent land uses.

Although the development proposal as a whole is considered to be acceptable, the following proposed variations from the standard provisions merit comment.

6.1.1 Impact of Building Height Variation

With the area along Verdun Street (Zone 3) earmarked to comply with the standard building height of 10m (8.5 to wall height and 10m to roof height), the only impact from the proposed height variations is in relation to Zones 1 and 2.

From Figure 8 of the masterplan, which shows the comparison between the current and proposed development, it is evident that the additional height requested in Zone 1 will only be visible from Monash Avenue (see southern site elevation). In addition, the impact of this height increase on the overall built form of the streetscape along Monash Avenue is minimal.

The additional building height in Zone 2 will be visible from all boundaries, but as the six (6) storey buildings are located in excess of 100m from Monash and Verdun Street, their impact on the respective streetscapes is expected to be negligible. The increased building height will also not have any negative impact along the site's eastern boundary, as the buildings will have the significantly taller QEII Central plant as a backdrop. The only potential impact of the increased building height is along the western boundary of the site, but this impact has been mitigated through a 10m building setback that is proposed to be landscaped.

Given the above the height variations proposed by the masterplan for Zones 1 and 2 are considered to be acceptable.

6.1.2 Additional Development

The current development on the site is 91000m². The proposed additional floor space of 9400m² represents just over 10% of the existing development. This is less than the requested plot ratio of 1.0 which would allow additional development of approximately 28% of the existing development.

Given the size of the lot, the additional increased development of the site as proposed under the masterplan, is not considered to have a negative impact on the locality.

6.1.3 Access

The site is easily accessible, although, there is scope to improve the role of modes of transport other than the private motor vehicle. While any expansion of the public transport will benefit the development, the developments proposed under the masterplan will not have a negative impact on the efficiencies of the existing system, since the development does not exceed the demand for car parking set by the car parking cap set for the site.

6.1.4 Car parking

The current development generates a demand for 539 on-site car parking bays.

With the proposed development of 9400 m² this demand is expected to increase at a maximum by a further approximately 450 car bays. Should the development occur at a plot ratio of 1.0 the maximum number of additional bays required would be 1235.

As the proposed use of the additional floor area is not yet available, the car parking calculations are based on the assumption that the entire additional floor area will

accommodate consulting rooms, which is one of the likely uses to be accommodated on this lot and is the use with the highest car parking requirement under the scheme.

Under the masterplan, maximum parking demand is estimated to be between 1000 – 1774 bays, while ultimately 1800 bays are proposed. Given that the parking supply for the site will be in excess of its parking demand, the proposed development is not expected to have any negative impact on parking in the area in this category.

6.2 Comments on Consultation

In response to the concerns raised in the submissions it is recommended that

1. The masterplan be amended to include that an alternative construction method will be used for the proposed multi storey car park that will not generate the noise associated with vehicles driving over metal plates;
2. The proposed landscaping plan be modified to include that shade trees are provided at a rate of one (1) tree for every four (4) bays in the car parking areas located alongside Monash Avenue; and
3. The masterplan be supported by a lighting plan for the buildings and site that demonstrates that there will be no spill of light beyond the boundaries of the site.

6.3 Conclusion

The proposed masterplan is considered to have carefully balanced the future need of the hospital while responding sensitively to surrounding land uses.

With the exception of increased height limitation for portions of the site and the plot ratio, the development parameters proposed for the site under the proposed masterplan are more restrictive than would ordinarily be permitted under the TPS2, and accordingly will make a positive contribution to amenity of the area.

Taking the concerns that are raised from the public consultation into account it is recommended that the draft masterplan is approved subject to conditions that address the concern of noise from the multi level parking building along Verdun Street, the need for additional screening between the hospital and residential properties along Monash Avenue and to limit the impact of lighting that spills beyond the boundaries of the site onto the residential properties.

7.0 Attachments

1. Locality Plan
2. Draft Masterplan document for Hollywood Private Hospital

PD54.13	Draft City of Nedlands Bike Plan
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Committee	12 November 2013
Council	26 November 2013
Applicant	City of Nedlands
Officer	Christie Downie – Sustainability Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	TPN/133-03
Previous Item	Nil

1.0 Executive Summary

The purpose of this report is for Council to endorse the draft City of Nedlands Bike Plan for consultation. The document will contribute to the strategic framework required to strengthen the transport networks of the City.

This plan provides the vision from which operational plans and budgets will be informed.

1.1 Recommendation to Committee

Council endorse the draft City of Nedlands Bike Plan for the purposes of consultation.

1.2 Strategic Community Plan

KFA: Transport

Cycling is one (1) of the key components to ensuring the City is easily accessible by all modes of transport.

2.0 Background

Council adopted the Western Suburbs Bike Plan (a joint project with the Towns of Claremont and Cottesloe) in 1999. This document identified a set of 19 recommendations which have now largely been completed (or are ongoing).

Eventually this plan will replace the 1999 plan; however the superseded document will remain a useful source of reference.

Cycle planning in the City in recent years has also been informed by the Shared Path Strategy 2002 – 2010 (City of Nedlands), Travel Plan (City of Nedlands), Bike Ahead Strategy (State Government) and the draft Western Australian Bicycle Network Plan (State Government).

2.1 Key Relevant Previous Council Decisions

In May 2011 as a result of a Notice of Motion, Council requested the preparation of a bicycle plan that addresses commuter cyclist safety and infrastructure needs.

2.2 Legislation / Policy

There is no legislative requirement for a local government to have a Bike Plan. The development of a plan will assist in the delivery of the City's strategic planning

3.0 Consultation Process

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

Consultation will only commence once Council has adopted the draft plan for consultation purposes.

Consultation will involve:

- Advertisement (print and online) and a minimum two month comment period; and
- Direct engagement with significant stakeholders (UWA, QEII, Department of Transport, Bicycle User Groups and bicycle advocacy agencies).

It should be noted that while all contributions to the plan will be carefully considered, it is unlikely that the needs of every person cycling can be met in this version of the Bike Plan due to constraints in resources (financial, physical space, time and so on).

4.0 Budget / Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

Further work on the development and finalisation of the plan will be completed within approved budgets. Funding of specific actions arising from the completed plan will be subject to normal budgetary process.

5.0 Risk management

There is a risk that without a bike plan, the City will be unable to deliver on one (1) of the key components of the Strategic Community Plan. There is a risk that infrastructure and programs will be delivered on an ad-hoc, uncoordinated basis which will also disadvantage the City in the pursuit of external funding.

The ultimate impact of a risk of this nature is that the City's cycling facilities may deteriorate to a standard where cycling is no longer a viable transport choice.

6.0 Discussion

Planning for improved cycle networks is vital if the City wishes to increase rates of sustainable transport. Increasing rates of cycling has the potential to reduce road congestion, improve road safety, improve the health of the community and improve the general amenity of neighbourhoods. There is also significant potential for change given the increasing pressure on our existing transport systems and the accessible, low-cost nature of riding a bike.

The draft Bike Plan is the starting point to ensure the delivery of a priority in the Strategic Community Plan. The plan provides an overarching vision to guide the work required to be undertaken to strengthen the City's cycling network.

The Bike Plan describes some background on current best practice for cycle planning, provides a snap shot of the current cycle network in the City of Nedlands and also presents a vision for an ultimate cycling network. This ultimate cycle network will be the main focus for future works. If Council agree to this long-term vision, the City can begin to schedule the investigation and design work required to complete sections of the network.

The plan also includes consideration of end of trip facilities, which refers to bicycle parking and other infrastructure that caters for cyclists at their destination (such as lockers, changing facilities and showers).

Finally, the plan discusses various non-infrastructure ideas for encouraging and supporting cycling in the City, and for improving on the available data relating to cycling.

When the Bike Plan is ultimately adopted by the Council, the recommendations will form part of the City's capital works programs and operational budgets. The key recommendation for delivery of on road and off road infrastructure is reproduced below:

Use the long term cycle network maps to assist in the preparation of Forward Works Programs and yearly budgets. Priority is to be given to:

- Maintenance of the existing network,
- Facilities on high volume/high speed roads, and
- Connections between on road and off road facilities.

Further, the Bike Plan will strengthen the City's case when opportunities arise to apply for grants from external funding bodies.

6.3 Conclusion

The draft Bike Plan will be a significant step towards ensuring the City is easy to get around by bike. With an ultimate vision captured in a strategic document, the City can plan to implement works in a responsible and efficient manner.

For these reasons it is recommended the draft Bike Plan is approved in principle to allow public consultation.

7.0 Attachments

1. Draft City of Nedlands Bike Plan

PD55.13	Stereosonic Concert 2013 – Saturday 30 November & Sunday 1 December 2013 – Claremont Showgrounds, Claremont
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Committee	12 November 2013
Council	26 November 2013
Applicant	Town of Claremont
Officer	Andrew Melville – Manager Health & Compliance
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	ENV/017-05: M13/25110
Previous Item	Nil

1.0 Executive Summary

This report is before Council because the Town of Claremont has forwarded to the City, noise conditions it is looking to impose on an upcoming two (2) Day ‘Stereosonic’ concert at the Claremont Showground on Saturday 30 November and Sunday 1 December 2013. This will be the first two (2) day Stereosonic event held at the Claremont Showground.

The concert is subject to a regulation 18 approval process under the Environmental Protection (Noise) Regulations 1997, because per regulation 18(3):

- a) *‘It is likely to make noise which contravenes normal allowable neighbourhood sound levels; and*
- b) *it would lose its character or usefulness if it were required to comply with allowable neighbourhood sound levels’.*

The Town of Claremont can approve the concert subject to conditions.

Council’s role is to decide whether it agrees with the Town of Claremont’s proposed conditions applicable to the approval and pursuant to Regulation 18 (12) which states:

(12) An approval must not be granted unless the local government of each district in which the noise emissions received from the event are likely to fail to comply with the standard prescribed under Regulation 7 (allowable neighbourhood sound levels) agrees to the proposed conditions applicable to the approval.

Council is not the determining authority for approval of the event and only conditions pertaining to noise from the event are applicable.

1.1 Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Town of Claremont's proposed conditions, (outlined in Attachment 1) for the 'Stereosonic' concert to be held at the Claremont Showground on Saturday 30 November and Sunday 1 December 2013, subject to:

- 1. the Town of Claremont's 'Advice to Residents' leaflet being distributed to the residential notification area within the City of Nedlands identified in Attachment 2; and**
- 2. the Town of Claremont notifying the City of Nedlands Environmental Health Services Section of any noise complaints received from residents in the City of Nedlands, within 5 days after the event.**

1.2 Strategic Community Plan

In agreeing with the conditions imposed by the Town of Claremont for the two (2) day Stereosonic concert to be held at the Claremont Showground on Saturday 30 November 2013 and Sunday 1 December 2013, the City's strategic plan is supported in the following areas:

KFA : Governance and Civic Leadership

In agreeing to the conditions imposed by the Town of Claremont for the two (2) day Stereosonic concert, the City is fulfilling a statutory requirement under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*. The Town of Claremont cannot proceed with approving the event unless the City agrees to the conditions imposed.

2.0 Background

Claremont Showground venue is traditionally associated with the annual Royal Show. However in more recent years, it has been utilised for a variety of music events and festivals such as 'Big Day Out', 'Soundwave' and 'Stereosonic'. For these large events, the Town seeks agreement from the City regarding proposed noise conditions. This enables the Town to fulfil the regulatory requirement prior to granting approval for such events. The City has previously agreed to conditions imposed by the Town of Claremont for previous Stereosonic concerts. The City's records do not indicate any noise complaints for previous Stereosonic concerts.

2.1 Key Relevant Previous Council Decisions

Nil

2.2 Legislation / Policy

Regulation 18 (12) of the Environmental Protection (Noise) Regulations 1997 states:

'an approval must not be granted unless the local government of each district in which the noise emissions received from the event are likely to fail to comply with the standard prescribed under Regulation 7 agrees to the proposed conditions applicable to the approval.'

Councils role is agree or not to agree to the proposed conditions.

3.0 Consultation Process

Nil.

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

4.0 Budget / Financial Implications

Nil.

5.0 Risk management

Council needs to decide whether it agrees to the noise conditions to be imposed by the Town of Claremont for Stereosonic. This agreement is sought by the Town of Claremont per a requirement of the *Environmental Protection (Noise) Regulations 1997*. The City's administration considers that the conditions to be imposed are adequate in minimising the possibility of the City receiving noise complaints from its residents. It must be noted that the purpose of a regulation 18 approval is to allow noise above allowable neighborhood sound levels stipulated in the noise regulations.

Risk of complaints is mitigated by the requirement to provide notice to residents in accordance with the advertisements and leaflet deliveries. Complaints are handled by a dedicated complaints line and reported back to the City the following week. The difference with this event however, is that the event is scheduled to run for two (2) consecutive days instead of the single day events that had been held on previously.

6.0 Discussion

Stereosonic 2013 is a two (2) day event scheduled for Saturday 30 November 2013 and Sunday 1 December 2013. On Saturday 30 November 2013 the event will run from 12.30pm until 10.00pm, On Sunday 1 December 2013 the event will run from 12.00pm until 9.30pm.

Sound system tests for the two (2) day event will not exceed:

- one (1) hour between 12.00pm and 6.00pm 29 November 2013;
- one (1) hour between 9.30am and 12.00pm 30 November 2013; and
- one (1) hour between 9.30am and 12.00pm on December 1 2013.

Sound checks prior to 9.30am on all days are not permitted.

Perth is the first host City for this national touring concert which will also be hosted in Sydney over two (2) days. This music event is similar to others hosted at the Claremont Showground, where due to the likelihood of noise levels being exceeded, requires an exemption from the relevant provisions of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) prior to the event going ahead. Under the relevant provisions in the Regulations, Regulation 18 (12) states:

‘an approval must not be granted unless the local government of each district in which the noise emissions received from the event are likely to fail to comply with the standard prescribed under Regulation 7 agrees to the proposed conditions applicable to the approval.’

The purpose of a Regulation 18 approval is to cater for an event, which would otherwise lose its character or usefulness if it were required to comply with prescribed noise levels. Regulation 7 stipulates prescribed noise levels normally applied to assess the impact of noise within neighbourhoods.

There is likelihood that noise levels will exceed the allowable sound levels of the Regulations, in some parts of Nedlands and Mount Claremont. The Town has imposed conditions on the event to facilitate noise control (Refer to Attachment 1, Schedule – Conditions of Approval). Notably in these conditions, the Town of Claremont is again this year applying an additional ‘C’ weighted noise limits to help further control any noise impact. The residential notification area in the City of Nedlands is as per Attachment 2.

As required by Regulation 18, in order for the approval of the event to be granted, the Town of Claremont has sought comment from surrounding Local Government Authorities (the City of Nedlands being one) to agree to the conditions it has imposed. Noise from the event will be of a dance music genre incorporating amplifiers and public address systems. Residents who may be affected by noise from the event will be notified via an information leaflet at least seven (7) days prior to the event. Details of the event and a complaint response service will also be publicised no later than Friday 22 November 2013 in the local newspapers.

The Stereosonic concert 2013 is scheduled to be held at the Claremont Showground over two (2) days on Saturday 30 November 2013 and Sunday 1 December 2013. It is a national touring music event which hosts a number of dance music artists.

Council is asked to consider the Town of Claremont’s conditions applicable to the approval and decide whether it agrees to them. Refer to Attachment 1 for the conditions applicable to approval.

The *Environmental Protection (Noise) Regulations 1997* recognise the likelihood that noise levels from a concert such as Stereosonic will be above the normal allowable neighbourhood sound levels. The regulations allow for this, provided the regulatory process is followed. In the case of Stereosonic, the Town of Claremont has sought agreement from the City of Nedlands over the conditions it will impose for the concert. These conditions have been supplied to the City and when implemented, it is anticipated that the impact on City of Nedlands residents will be tolerable.

Council's role is to decide whether it agrees to the conditions. There seems to be little justification for Council not to agree with the conditions the Town of Claremont will impose.

6.1 Conclusion

The *Environmental Protection (Noise) Regulations 1997* recognise the likelihood that noise levels from a concert such as Stereosonic will be above the normal allowable neighbourhood sound levels. The regulations allow for this, provided the regulatory process is followed. In the case of Stereosonic, the Town of Claremont has sought agreement from the City over the conditions it will impose for the concert. These conditions have been supplied to the City and when implemented, it is anticipated that the impact on City's residents will be tolerable.

Council's role is to decide whether it agrees to the conditions. There seems to be little justification for Council not to agree with the conditions the Town of Claremont will impose.

7.0 Attachments

1. Schedule - Conditions of Approval
2. Residential Notification Area – Regulation 18 Event

PD56.13	Introduced Rainbow Lorikeet and Corella Response Strategy
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Committee	12 November 2013
Council	26 November 2013
Applicant	City of Nedlands
Officer	Andrew Melville – Manager Health & Compliance
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	
Previous Item	Nil

1.0 Executive Summary

The purpose of this report is to request that Council support the control of the introduced Lorikeet and Corella species, and make a commitment to fund \$5,000 each year for five (5) years which will be managed through an Introduced Corella and Rainbow Lorikeet Response Group trust account which will be maintained by the Department of Parks and Wildlife.

1.1 Recommendation to Committee

Council agree to support the Introduced Rainbow Lorikeet and Corella Response Strategy and contributing \$5,000 for the 2013/14 – 2017/08 financial years inclusive to assist with its implementation.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

This initiative will support the control of introduced pest species that includes the Corella and Rainbow Lorikeet. Rainbow Lorikeets and White Corellas have become ubiquitous in the Perth, and are becoming more common in areas fringing the Perth metropolitan area and in other regional centres in the south west of Western Australia.

2.0 Background

Corellas and Lorikeets birds do not occur naturally in the Perth Metropolitan and surrounding regional areas, but have established wild populations following aviary escapes. They now pose a nuisance and threat to communities, human health, infrastructure, the environment and primary production. Many complaints are

received each year by the State government and some Local governments from the community about these birds.

The Department of Parks and Wildlife has received special grants over the last five (5) years to undertake control of the rainbow lorikeet population in the metropolitan area, and to develop effective control methods for white corellas for use in future programs. This work has been effective in reducing numbers, but now has effectively ceased as no further grants have been obtained by the Department to undertake this work, and bird numbers are increasing again in the absence of ongoing control.

The Department of Agriculture and Food have also been undertaking introduced bird control in areas outside the Perth metropolitan area where primary production is at risk.

2.1 Key Relevant Previous Council Decisions

Nil

2.2 Legislation / Policy

Nil

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

4.0 Budget / Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

This initiative can be funded within the City's current operational budget, split evenly between the Natural Areas program and Parks program.

It is important to note however, that this will be an ongoing cost to the City up to and including the 2017/18 financial year, where previously this was a matter funded by state government agencies, albeit through the receipt of a grant.

5.0 Risk management

There are risks that the feral birds will cause a nuisance to the residents and business of the City as their population increases. These birds are known to cause significant damage to native bird populations, through competition for nesting sites and damage to turf areas used for sport and recreation activities, creating divots and an uneven playing surface thereby increasing the risk of injury.

6.0 Discussion

A coordinated and integrated control program is required to manage these feral birds in urban areas and the metropolitan fringe. The Department of Parks and Wildlife has advised the City that it is intended that the Department of Agriculture and Food will be maintaining their role in managing Lorikeet and Corella species outside of the metropolitan area, and the Department of Parks and Wildlife will continue to support a control program in the built environment if funding can be sourced.

The Department has advised that the control of feral birds on land that is not managed by them is not a core responsibility of the Department of Parks and Wildlife or any other government agency.

The Department of Parks and Wildlife have advised that their support will take the form of office accommodation, administrative support, provision of a vehicle, and travel costs, provision of equipment and other operating expenses. A trained control officer is currently available to undertake this task, but the Department has advised that they do not have the capacity to fund the salary of the person but can offset the salary costs through a shared funding arrangement.

Consequently, the Department of Parks and Wildlife, the Department of Food and Agriculture, and the WA Local Government Association have collaborated to prepare an 'Introduced Rainbow Lorikeet and Corella Response Strategy' in recognition of the different management responsibilities and requirements of the state and local government sectors, and the relative resources that can be brought together to address this need. The strategy is appended.

6.3 Conclusion

A coordinated and integrated control program is required to manage corellas and lorikeets within urban areas. The Department of Parks and Wildlife have advised that the control of feral birds on land that is not managed by them is not a core responsibility of theirs or any other government agency, and that they do not have the capacity to fund the salary of a person, but can offset the salary costs through a shared funding arrangement.

An 'Introduced Rainbow Lorikeet and Corella Response Strategy' has been produced in recognition of the different management responsibilities and requirements of the state and local government sectors, and the relative resources that can be brought together to address the need for feral bird control.

7.0 Attachments

1. Introduced Rainbow Lorikeet and Corella Response Strategy