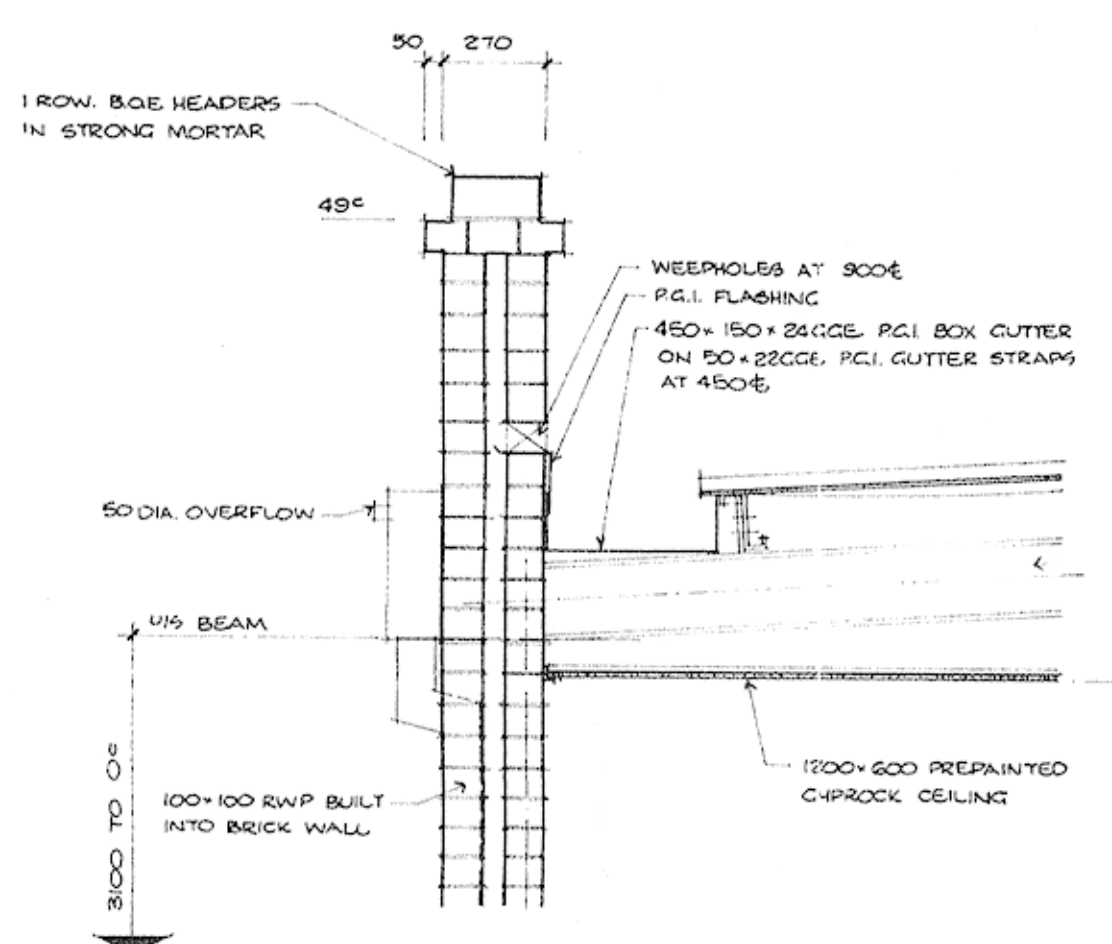
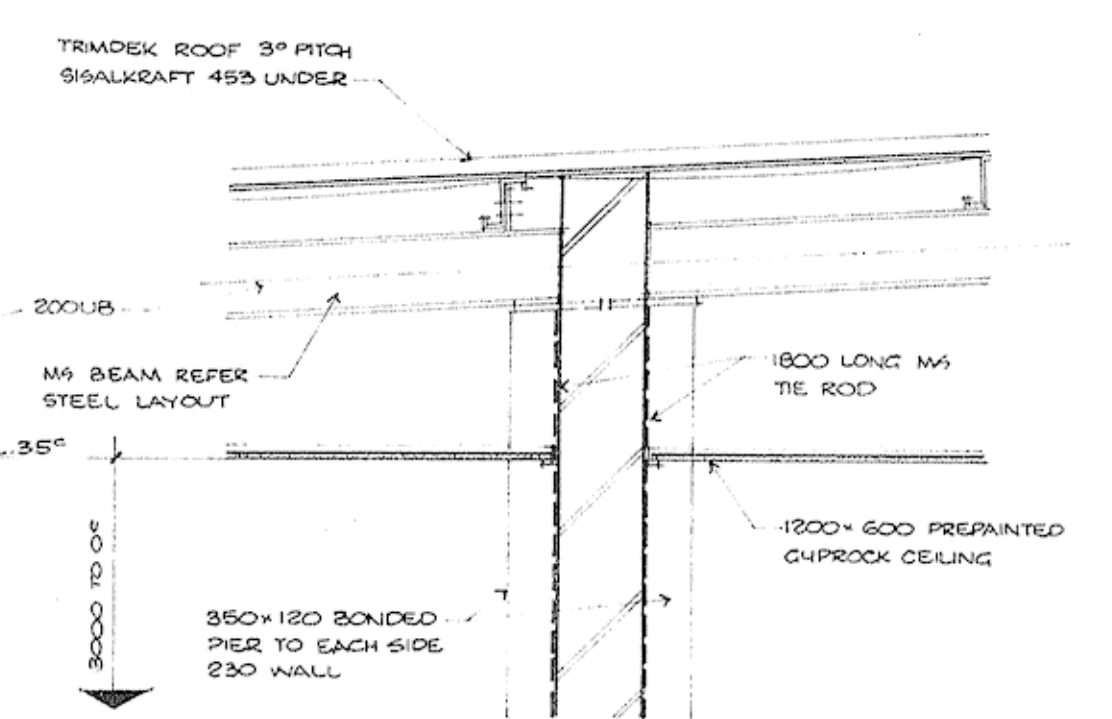


PD50.15 - 51 Aberdare Road, Nedlands  
Attachment 1 - Site Plan

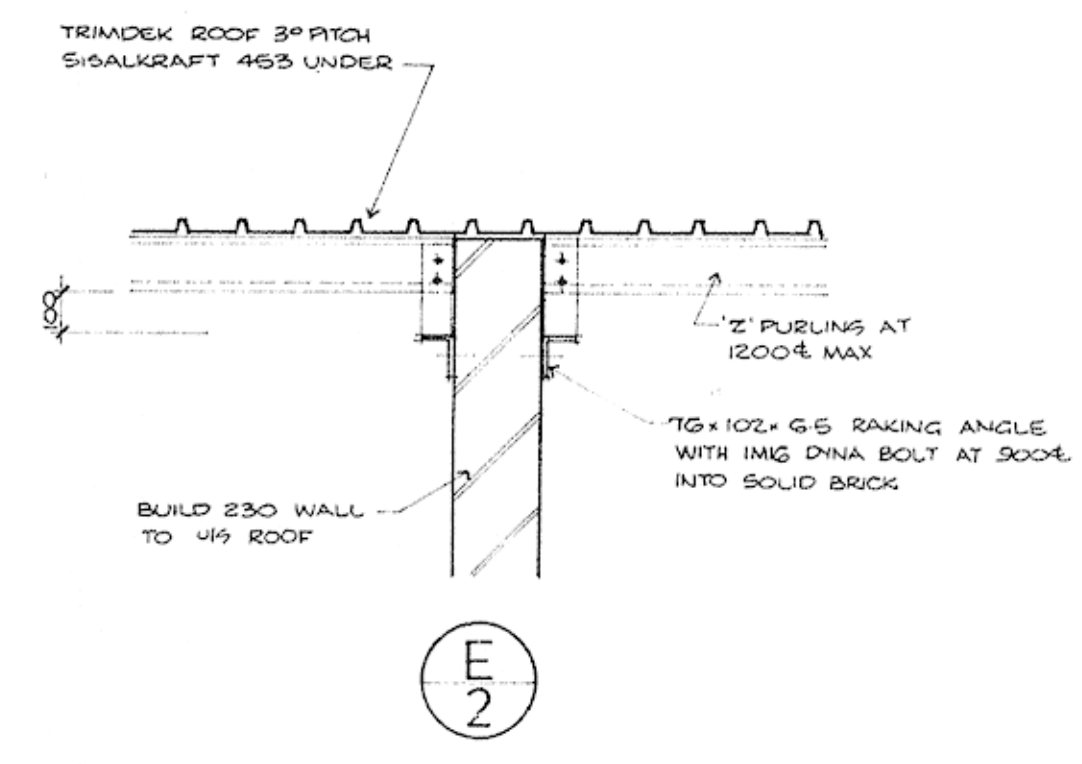
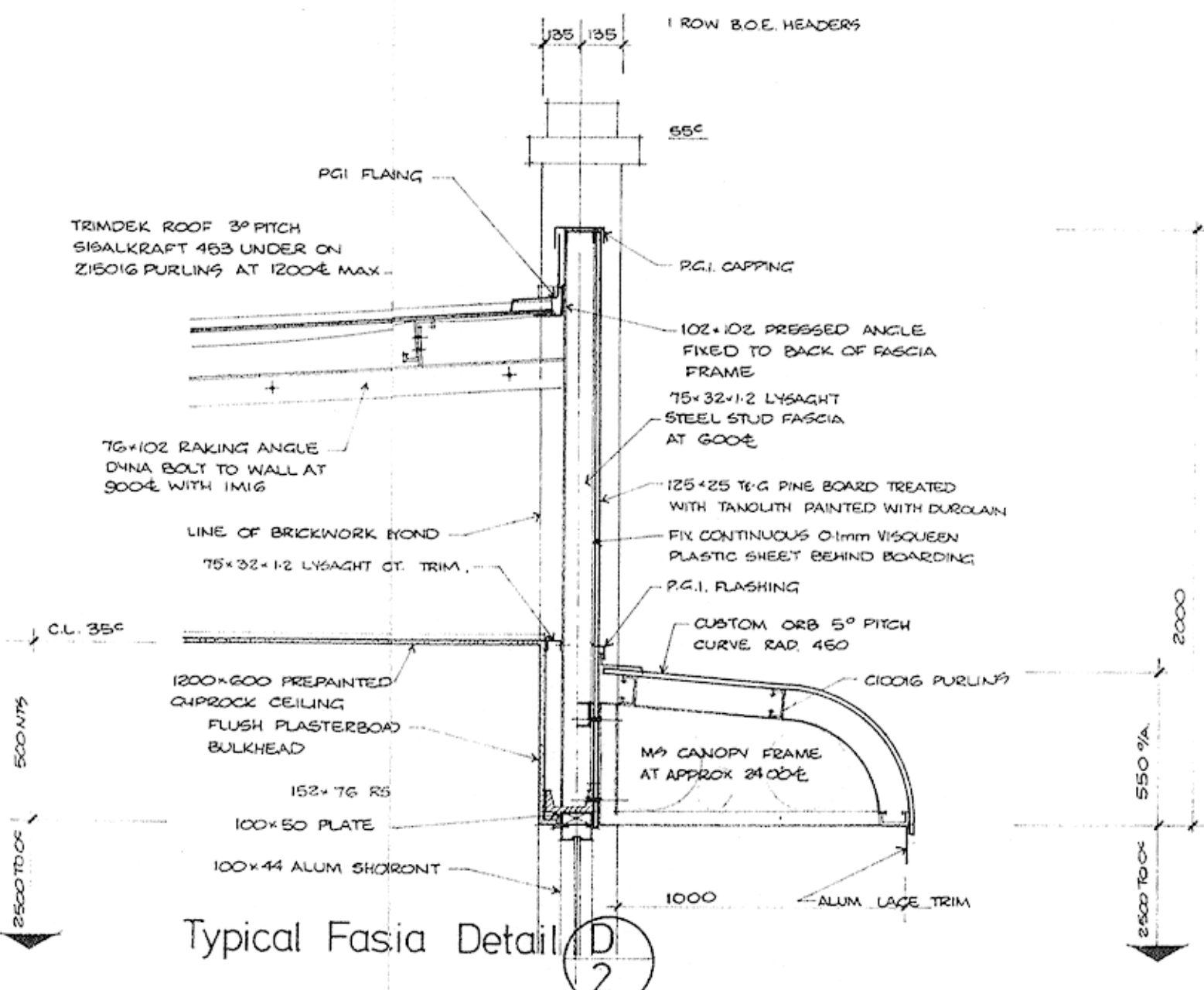
CITY OF NEDLANDS  
5 AUG 2015  
RECEIVED



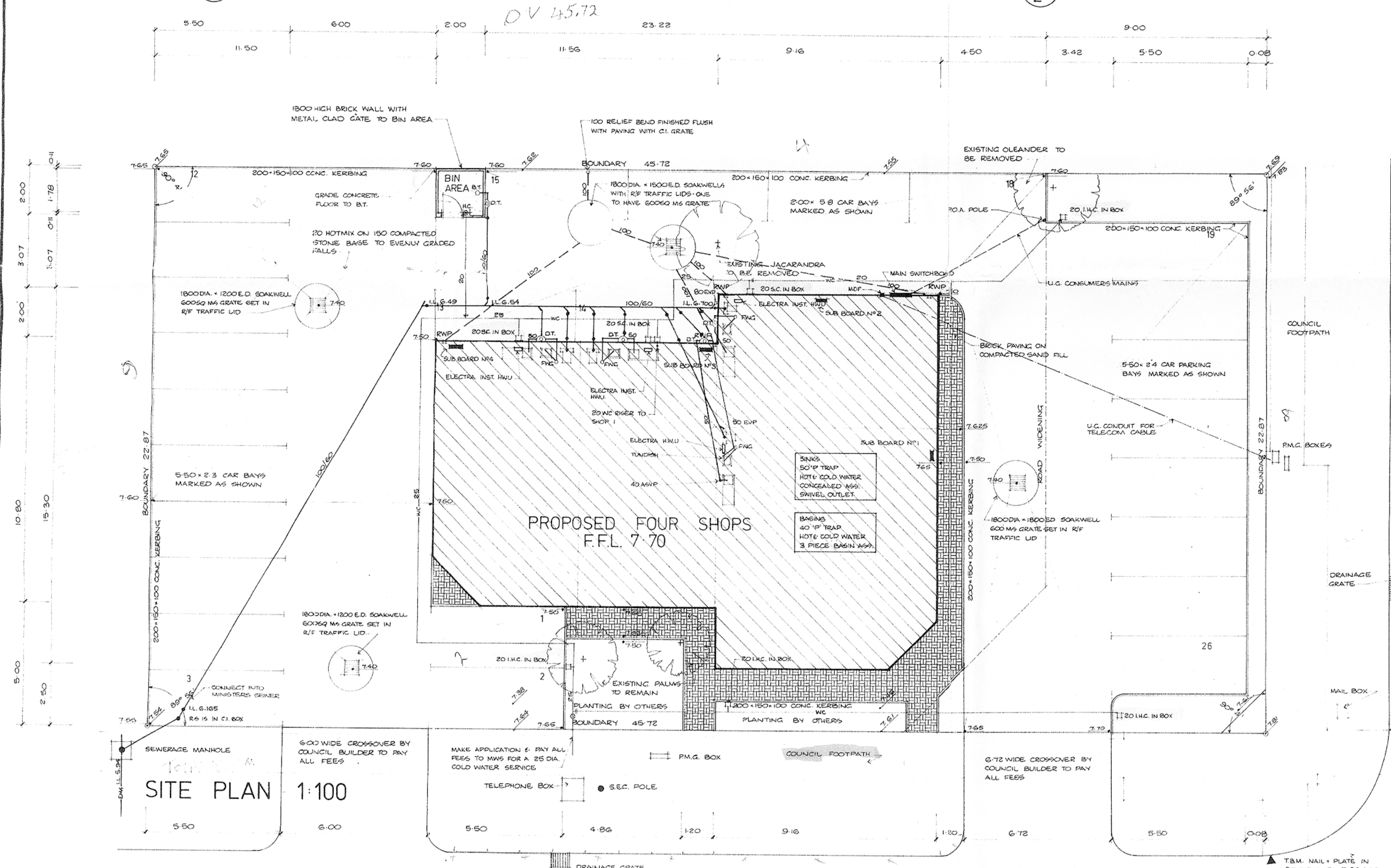
Typical Box Gutter Detail (B) 1:20



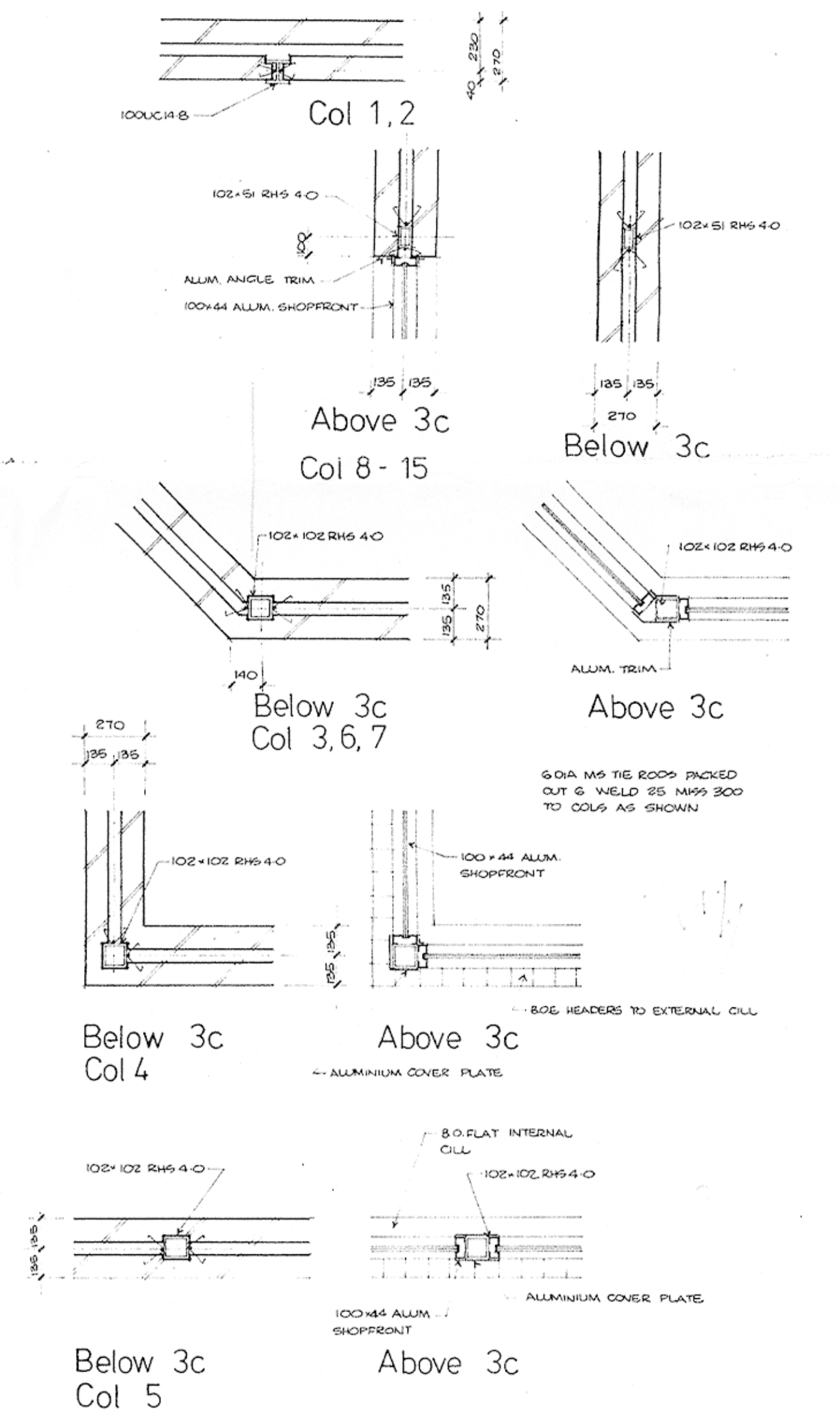
Typical Fasia Detail (C) 1:20



(E) 2



SITE PLAN 1:100



REV	DATE	REMARKS	REV	DATE	REMARKS
A	2/12	GENERAL REVISION AFTER CHECKING	F		
B			G		
C			H		
D			I		
E			J		

PROPOSED SHOP DEVELOPMENT ON LOT 71 Cnr ABERDARE ROAD & CROYDEN ROAD NEDLANDS

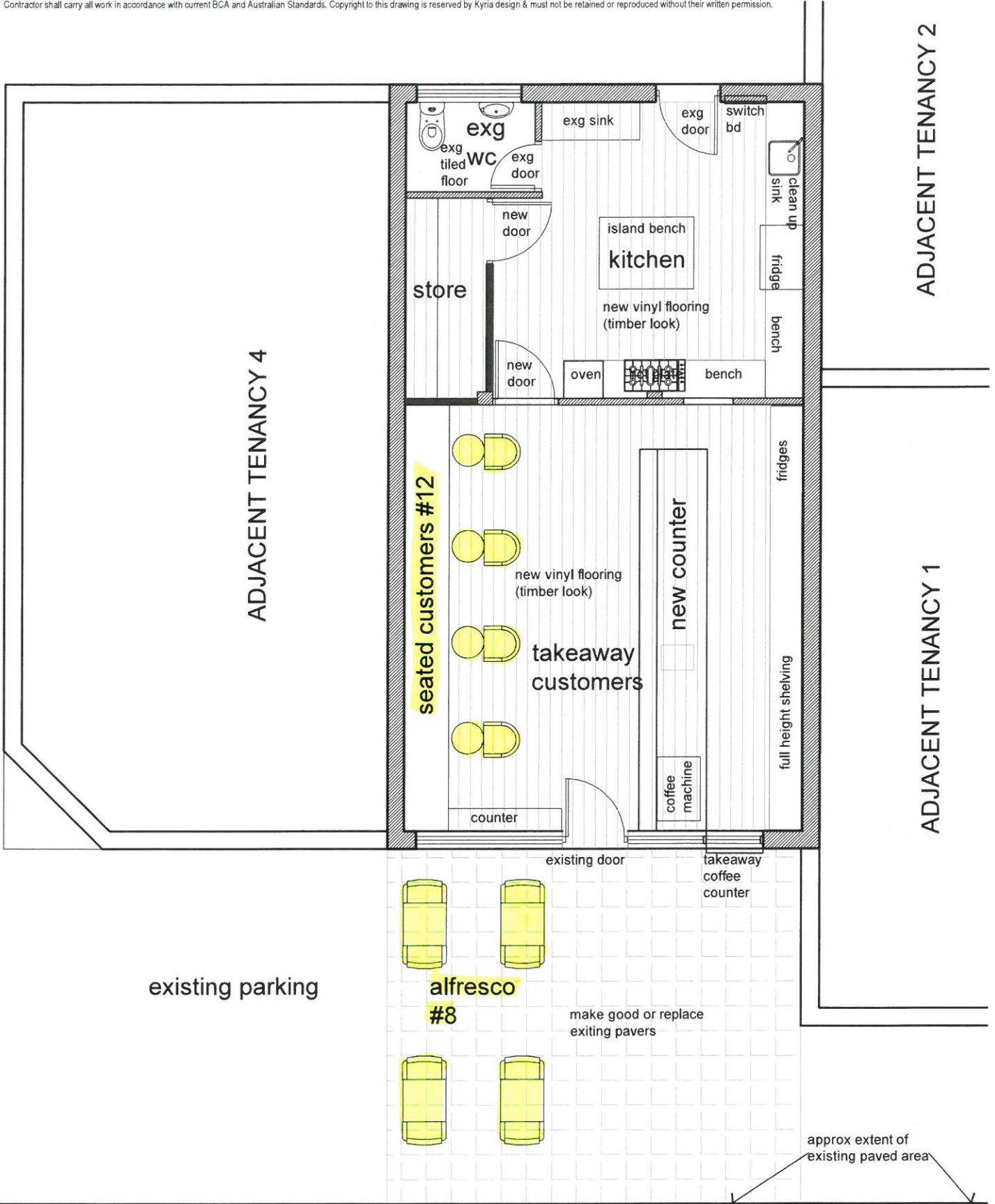
MEYER SHIRCORE AND ASSOC.  
DESIGN CONSULTANTS  
1st Floor 614 Newcastle Street,  
Leederville Ph. 328 4900

DATE: MARCH 1981  
SCALE: AS SHOWN  
DRAWN: J.M. PURDIE  
CHECKED: [Signature]

PROJ. No: 3385  
DWG. No: 1/3 REV. No: A.



Before any new construction, alteration or shop fabrication is commenced the contractor must check all drawings & dimensions against the intent of the drawing & is to notify the superintendent of any discrepancies or omissions which will prevent or inhibit the satisfactory performance of the work. Details indicated on this document apply solely to this project. Such details must not be used out of this context or for other building work without prior discussion with & approval from the person responsible for the original design. Contractor shall carry all work in accordance with current BCA and Australian Standards. Copyright to this drawing is reserved by Kyria design & must not be retained or reproduced without their written permission.



existing parking



floor plan  
scale 1:50

EXISTING FOOTPATH

**KYRIA** design  
304 Newcastle St Perth WA 6000  
www.kyriadesign.com.au  
kyria@inet.net.au  
T 08 9227 50 58  
M 0429 948 693

**PROJECT** new cafe fitout cnr Aberdare Rd & Croydon St Nedlands for Rania Challis  
**DRAWING** floor plan 26/08/15





25<sup>th</sup> September 2015

City of Nedlands  
Attn: Kate Bainbridge  
PO Box 9  
Nedlands WA 9609

Dear Kate,

**RE: Outcome of Consultation 51 Aberdare Road, Nedlands**

Thankyou for your email dated 24 September 2015.

We address each of the Objection comments in same order below:-

**Concern with Car Parking** – there are 22 onsite parking bays for the four small tenancies onsite plus additional street parking. Given the current Tenant mix – Deli, Hairdresser and Material Shop plus Vacancy, there is ALWAYS excess parking and from my own regular observations, parking is not and will not be an issue.

**Concerns with Traffic** – the concern voiced in unsubstantiated – given the size of the shop there will be no more traffic that would be incurred with a regular retail shop as the number of customers in the proposed shop is physically limited by the shop size.

**Concerns with Noise** – the proposal is for an alcohol free coffee shop – not a noisy tavern. The shop trading hours have been disclosed to Council and as such there would be no more noise that would be incurred by a “normal” shop. I note the neighbouring residential tenancy REGULARLY has LOUD band practice in my visits to the site after school hours – if that does not cause a problem to other neighbouring tenancies then surely the coffee shop would not be a problem.

**Rubbish** - there are onsite rubbish bins and rubbish would not be a concern.

**Perceived Decrease in Security and Privacy with Increased Visibility of Residential Properties** – there is no foundation for that assertion – there would be no more risk than if a non-coffee shop was put into the premises.

**Perceived Decrease in Property Value** – there is an unsubstantiated claim – surely it would ENHANCE the value of the property given that there would be an increase in convenience and amenity for residents.

**Not considered a Suitable Land Use for the Area** – we cannot see any reasons for this objection – what is it suitable for?



9/8 booth place  
balcatta wa 6021

members of REIWA  
licensed real estate agents

p (08) 9240 6400  
f (08) 9240 6411  
e info@davenportre.com  
w www.davenportre.com

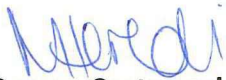


**Already Services in the Area** – there is a huge and growing demand for coffee shops in ALL areas as coffee is currently the “social” activity most people engage in.

**Lack of Toilet Facilities and Acrod** – the unit has its own self-contained unisex toilet. It was not considered a requirement, but if it is a requirement, then please make approval conditional upon the toilet requirements.

Look forward to hearing from you.

Kind regards



pp.

**George Costopoulos**

**Licensee / Principal**

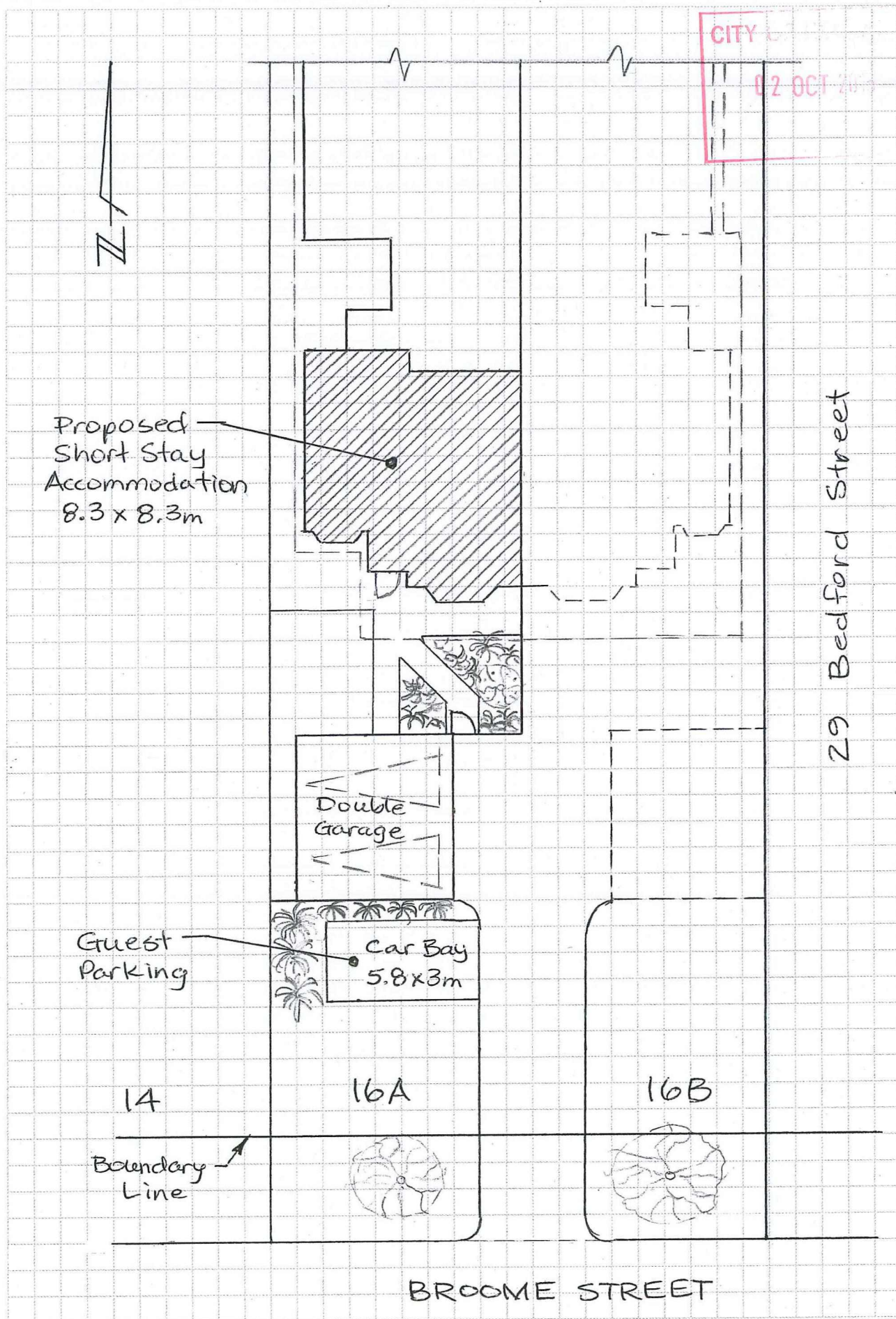
**Professional Davenport Commercial**



Project Short Stay Accommodation Scale 1:200

File/Ref No. 16A Broome St Nedlands Page 1 of 2

By D. Bell Date 1/10/2015

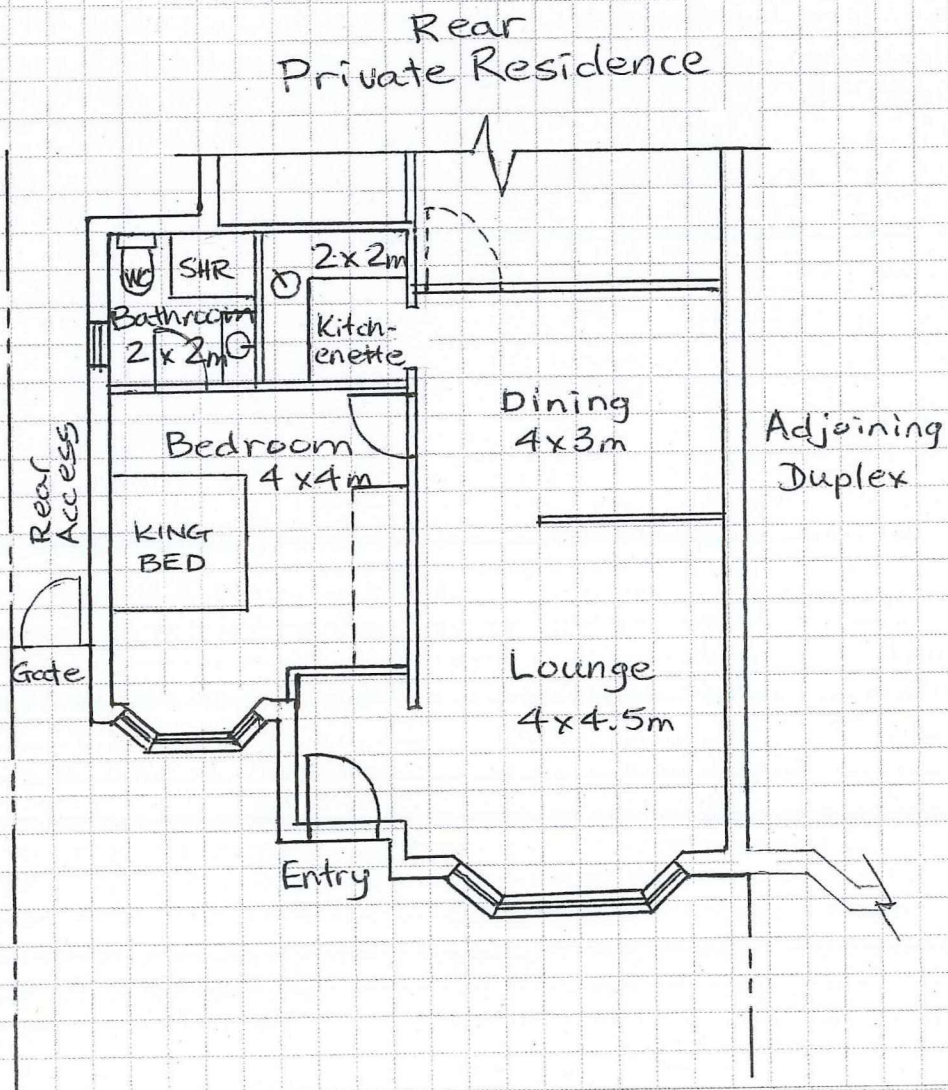




Plan showing only Short Stay  
Accommodation Floor Plan

CITY OF NEDLANDS

02 OCT 2015





1 October 2015

Dorothy Bell  
16A Broome St  
Nedlands WA 6009



City of Nedlands Planning Department  
71 Stirling Hwy  
Nedlands WA 6009

**RE: Application for Approval of Short Stay Accommodation  
at 16A Broome Street Nedlands WA 6009**

Dear Sir/Madam,

I am the owner/occupier of the above noted residence, and would like to apply for approval to run a Short Stay accommodation facility at the premises. There is a real need in Nedlands to provide accommodation for parents of students attending UWA and colleges in the area. Many of these students are from country areas, interstate or overseas. The only available accommodation is the Captain Stirling Hotel, which only supplies limited and noisy accommodation. Visiting parents need appropriate quiet, residential accommodation. Also, country patients and family of Sir Charles Gardner and Hollywood Hospitals need accommodation in close proximity. There are also a lot of country and interstate visitors attending funerals at Karrakatta Cemetery wanting more appropriate accommodation.

The property has three bedrooms, two bathrooms, two car garage and off-street parking for three additional vehicles. I am proposing to supply short stay accommodation for a maximum to two adults only. Their premises will comprise one bedroom at 16 m<sup>2</sup>, a separate shower/WC/hand basin in the bathroom at 3.8 m<sup>2</sup>, lounge/dining area at 30 m<sup>2</sup>, and a kitchenette at 3.8 m<sup>2</sup>, as shown on the floor plan attached. As I wish to provide basic kitchen facilities, I will not be providing breakfast, as they will have facilities to provide for themselves (fridge, sink, toaster, microwave). This satisfies the Health Act (1911) requirement of 14 m<sup>3</sup>/person. As I will only be accommodating two people, I am not required to apply for Lodging House Registration. I will also provide off-street parking for one vehicle, as shown on the Site Plan attached.

As I will be residing in the home, I will be monitoring noise and disturbance levels, and will deal with anti-social behavior and conflict promptly. There will be a stipulation of arrivals and departures only between the hours of 6am and 11pm. The "House Rules", a copy of which is attached, will be displayed in a prominent position. As required by Jim at Nedlands Building Services, there is a hard wired smoke alarm fitted in front of the bedroom, RCD's fitted in the electrical panel, fire blanket and a Class A fire extinguisher (not required but recommended) mounted in the kitchenette.

I trust that I have covered all relevant requirements for the lodgment of the application for a short stay accommodation, but if there is any further information required, please do not hesitate to contact me.

Best regards  
Dorothy Bell  
Ph. 0413 553 994

## House Rules



1. Maximum of two guests per booking. Not suitable for children. No pets.
2. Only registered guests allowed in the property. Therefore, not parties allowed.
3. Off-street parking for one car is allowed on the grass or mulched area on the left-hand side of the property only.
4. No smoking allowed.
5. Quiet hours are from 10:00pm to 7:00 am, so please consider our neighbours and keep the noise to a minimum during these hours.
6. Please ensure the unit is secure before leaving.
7. We encourage guests to recycle items into the appropriate bins located outside:
  - Yellow top bin – metal, tin cans, aluminium, glass, plastic, cardboard, paper
  - Green top bin – tree prunings, etc, compostable waste
  - Small dark green bin – all other waste, kitchen and bathroom waste
8. We also encourage water conservation. Water restrictions apply in the Perth region, so limiting your showers to 3-5 minutes would be greatly appreciated.
9. Internet access is meant for general email and web browsing, not downloading copyright material, Youtube downloads/uploads. Any use above 1.5GB per day will incur an extra fee of \$10 or \$20 depending on amount of use.



10 November 2015

City of Nedlands Planning Department  
71 Stirling Hwy  
Nedlands WA 6009

**RE: 16A Broome St Nedlands Application for Short Stay  
Accommodation Reference DA2015/358 – BR7/16A**

Dear Kate,

Thank you for your letter with the results of the public consultation process. As requested, I will address each of the concerns from the submissions below.

- Definition of Short Stay Accommodation from the City of Nedlands: A dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis.
- Yes the property is gazetted as an over 55's property. With one of the permanent resident over 55, however this does not limit its use to other ventures, providing a proper application has been approved by the City of Nedlands
- Demonstration of full facilities for ablution and kitchenette. A plan showing the location of bathroom and kitchenette have already been submitted in the initial application.
- The people that have already stayed at the property are relations and friends that I have accommodated on a non-commercial basis. I have not directly spoken to any neighbours, so am unsure as to how they assumed there was any commercial transaction involved. Any property owner is entitled to have guests stay in his or her own home.
- The application may be considered for approval by the Council as noted under clause 3.6 Uses Not Listed of TPS2.
- A duplex with 3 bedrooms, 2 living rooms, 2 kitchens and 2 bathrooms, is no less a dwelling as defined in TPS2, as a house, unit or apartment. Definition of Dwelling as per TPS2: A building or portion of a building containing as least one living room and includes rooms ... adapted or designed to be used for the purpose of human habitation on a permanent basis by a single person, a family, or no more than 6 persons who do not comprise a single family
- Potential guests will be required, as noted in the house rules, to park on the property, and not on the street. As the property has a larger frontage setback than most other properties in the street, there is actually sufficient room to park 6 cars on the property – much more than most other properties in the street. See the photo over the page, showing a car space available between the van and yellow car, a paved area for a fourth car, as well as the 2 car garage equaling 6 car spaces.



- There is often congestion in the street from cars. I agree that sometimes there are a number of bottlenecks in the street, making it difficult to navigate. But as the City of Nedlands has no street parking controls in the street, and it is a thoroughfare to Carrington Street, there are always unknown cars in the street. The photos below show some of the congestion this week, none of these cars are ours. I have also had a car across the street for more than a week, making it difficult for myself, and my neighbour to exit our driveway, as shown below.





- Prospective guests will be screened prior to accepting all bookings by myself. The website that will be used requires people to be members by supplying identification, and having it verified, before anyone can become a member. This provides a higher degree of security than the Captain Stirling pub down the road. I will not accept bookings from anyone that I wouldn't feel comfortable with having in my own home.
- The people that will be accommodated will be family members themselves, visiting their children at university or college. Or previous members of the neighbourhood that have moved away, and need to return for family obligations. This is the dynamic of the neighbourhood, and believe that there is a definite need for accommodation such as this in Nedlands.

The Captain Stirling Hotel is not appropriate accommodation for the majority of potential guests who would like a quiet suburban home, similar to their own. When my mother comes to visit, this would be exactly the type of accommodation I would put here in, certainly not the pub! Parents visiting their children at university, or attending one of the nearby hospitals, or family and friends regrettably attending a funeral at Karrakatta, need quiet, suburban accommodation.

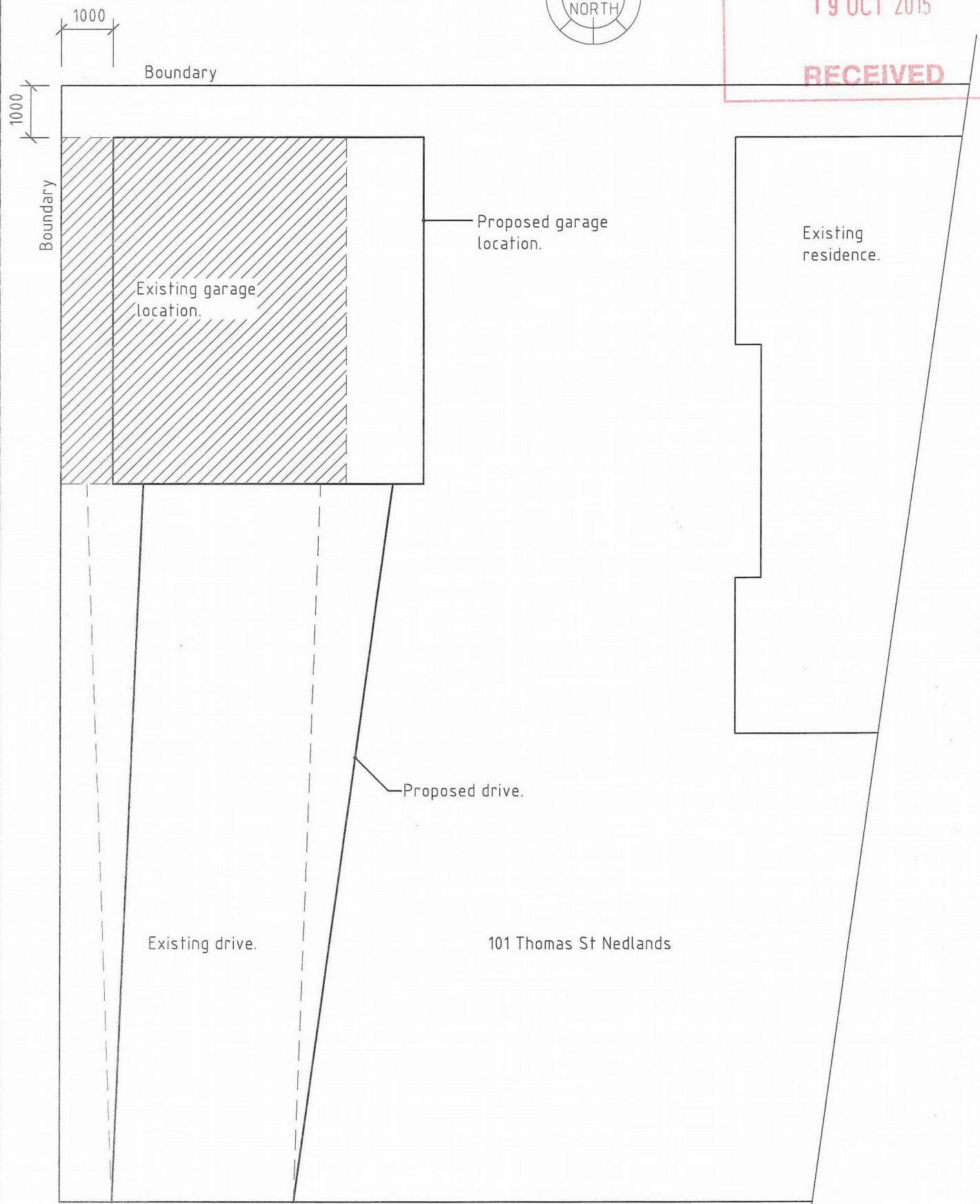
A few points of note from the City of Nedlands own website states that:

- “Nedlands council recognizes the importance of tourism development and seeks to encourage the provision of a wide range of short stay accommodation. Bed and breakfast's and short-stay accommodation provides visitors with home-style accommodation in a residential setting.”
- Council supports this accommodation: “close to public transport, commercial centres and attractions.” This property is one block from Stirling Hwy bus routes, walking distance to train, shopping centre, and movie theatre, and near attractions already mentioned (UWA, hospitals, cemetery)
- “The primary requirement for this type of accommodation is that it be low impact, in keeping with the residential environment, and should not be detrimental to the amenity of adjoining properties or surrounding area.” This property meets all of those criteria.

Kate, I would be most grateful if you could attempt to get this application onto the agenda for the December 2015 meetings. As you were away, and the reply from late submissions from neighbours was not received until today, 10 November, I was not able to submit last week. If you have any further questions, please do not hesitate to contact me.

Best regards  
Dorothy Bell

CITY OF NEDLANDS  
19 OCT 2015  
RECEIVED



SITE PLAN

MELVISTA DRIVE.

**Santelli**  
BUILDING CO PTY LTD. REG NO. 8098

PROPOSED GARAGE AT:  
101 THOMAS STREET NEDLANDS

99 THOMAS ST. NEDLANDS 6009  
PH. 0400 292 918

LUKE SANTELLI  
B.E. MIEAust

SITE PLAN

signed

Scale 1 : 100  
Date: 18/10/15

Dwg. No.3a (101TN)



PD 52.15 Attachment 2 - Proposed floor plan and elevations

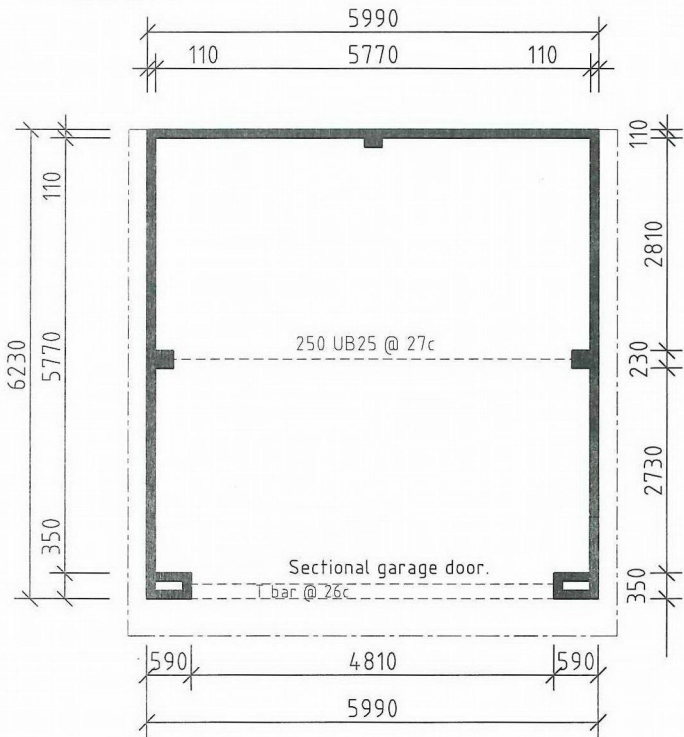
CITY OF NEDLANDS



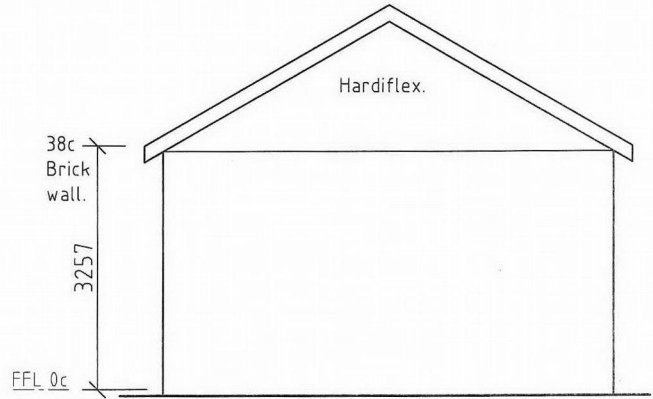
N.B.

1. 2/6mm galv rod. for 3 courses over T bar.
2. Std modular brick to be painted to match existing residence.
3. Tiled roof to match existing residence.
4. 250UB25 minimum 190 end bearing.

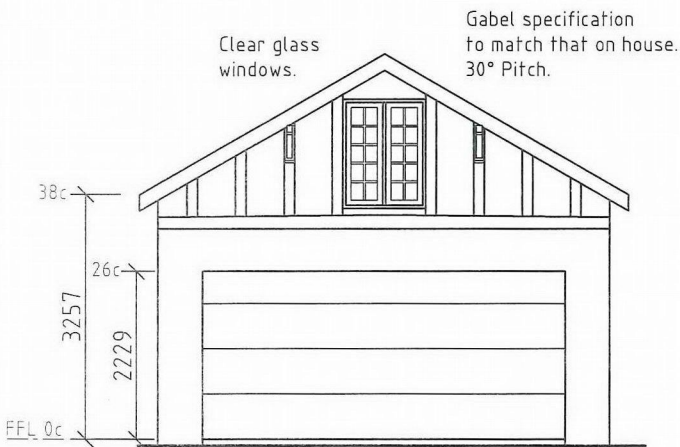
RECEIVED



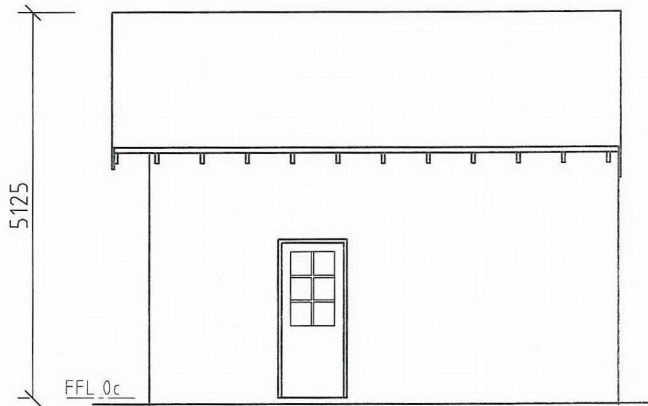
PLAN VIEW



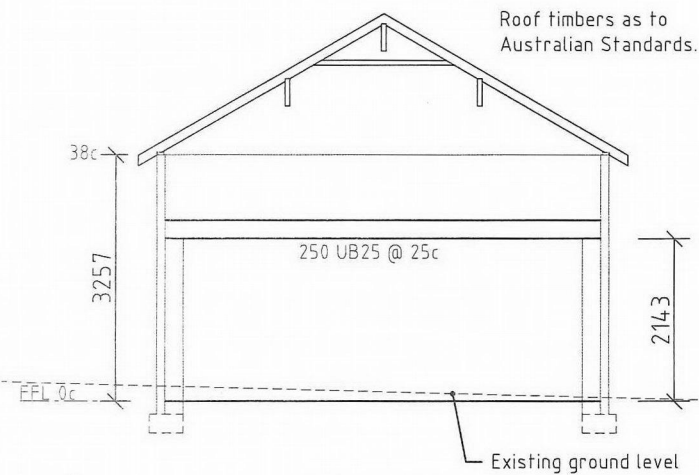
NORTH VIEW



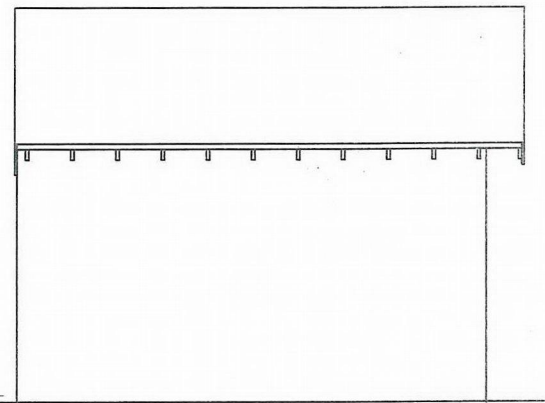
SOUTH VIEW



EAST VIEW



SECTION VIEW



WEST VIEW

**Santelli**

BUILDING CO PTY LTD. REG NO. 8098

PROPOSED GARAGE AT:  
101 THOMAS STREET NEDLANDS

99 THOMAS ST. NEDLANDS 6009  
PH. 0400 292 918

LUKE SANTELLI  
B.E. MIEAust

PLAN, ELEVATIONS  
& SECTION.

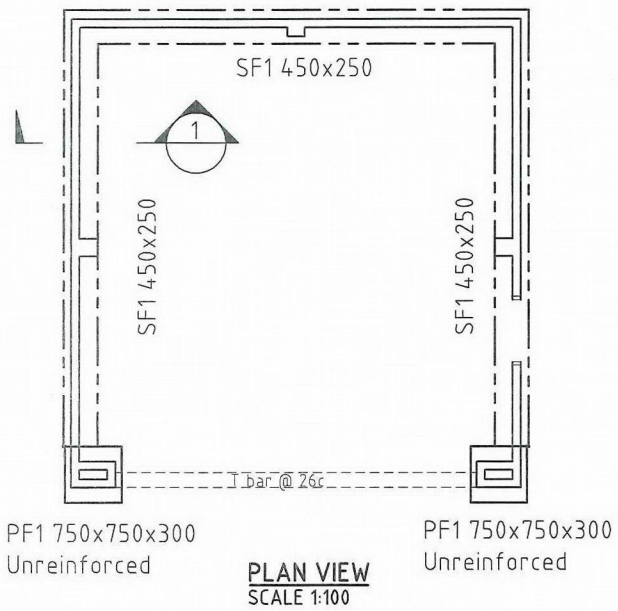
signed

Scale 1 : 100  
Date: 18/10/15

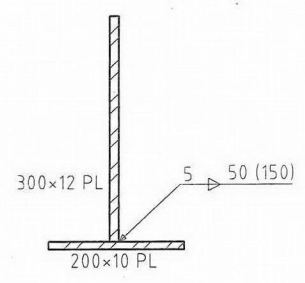
Dwg. No.1a (101TN)



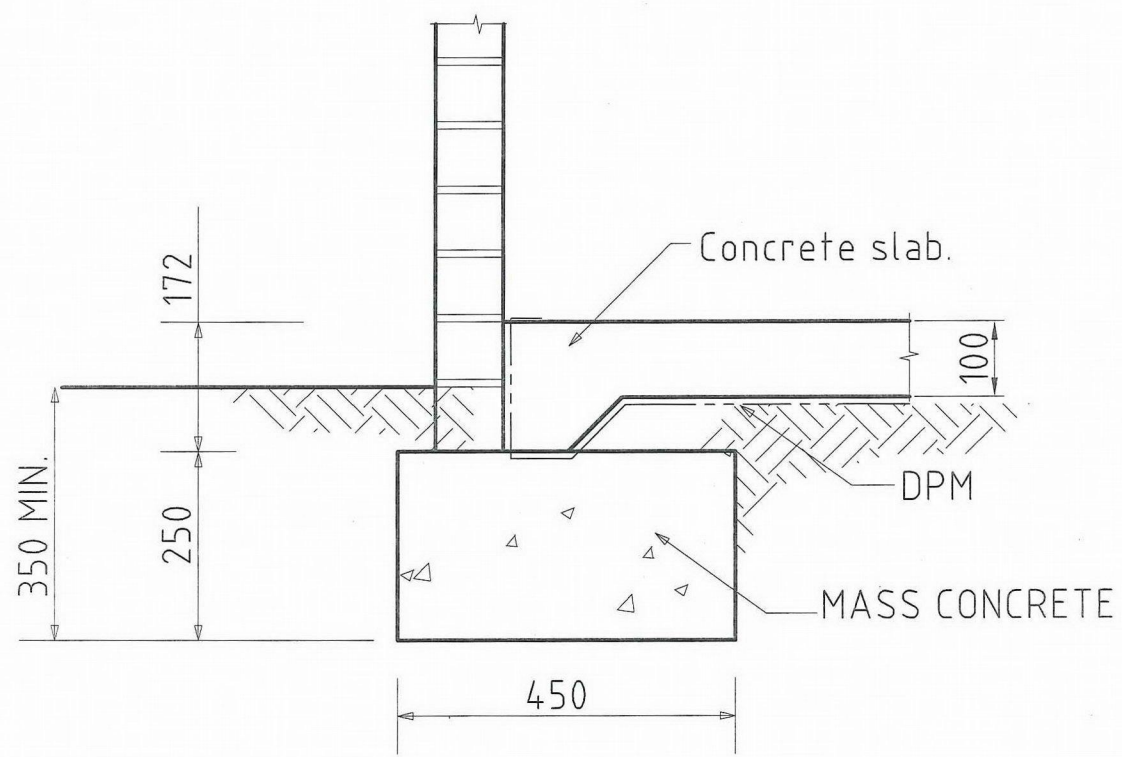
**CITY OF NEDLANDS**  
19 OCT 2015  
**RECEIVED**



250 END BEARING  
2 W6 GALV HD WIRES IN FIRST  
2 BED JOINTS OF EACH LEAF  
500 LAPS 20 SIDE COVER



**T bar - DETAIL**  
SCALE 1:10



**SECTION 1**  
**SF1**  
SCALE 1:10

**Santelli**  
BUILDING CO PTY LTD. REG NO. 8098

PROPOSED GARAGE AT:  
101 THOMAS STREET NEDLANDS

99 THOMAS ST. NEDLANDS 6009  
PH. 0400 292 918

LUKE SANTELLI  
B.E. MIEAust

ENGINEERS DETAILS

Date: 18/10/15

signed

Dwg. No.2a (101TN)





PD52.15 Attachment 4 - Site photograph of 101 Thomas Road as viewed from the secondary street (Melvista Avenue)





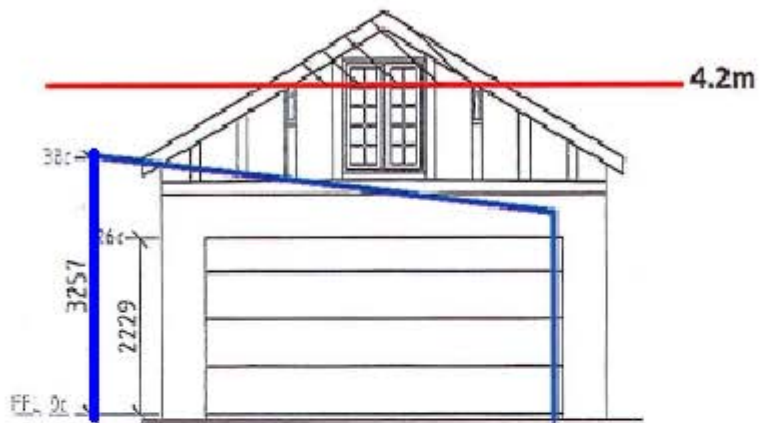
PD52.15 Attachment 5 - Site photograph of 101 Thomas Road as viewed 106 Webster Street



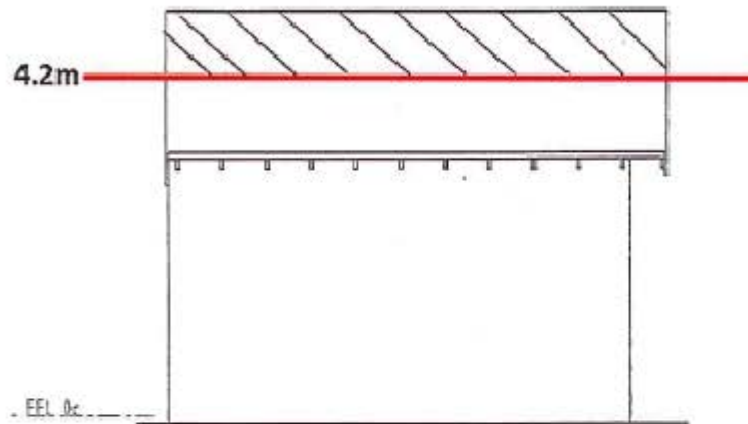


PD52.15 Attachment 6 - Photograph of existing garage parapet wall along the dividing boundary








**Street View**



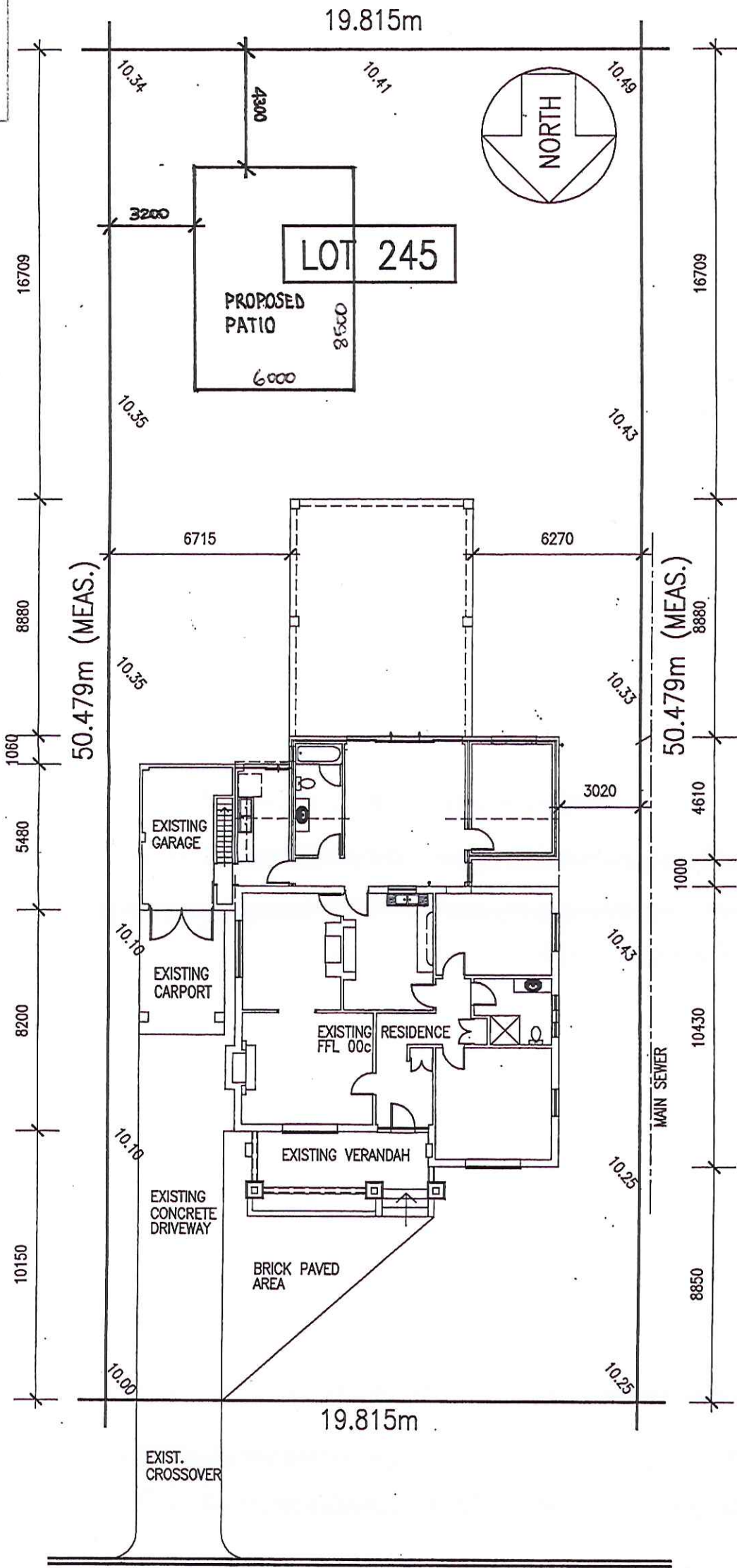
**Adjoining Neighbours View**

-  Outline of existing garage
-  (deemed-to-comply) 4.2m maximum ridge height
-  Area of variation

PD52.15 Attachment 7 - Composite elevations showing the proposed area of variation



CITY OF NEDLANDS  
22 OCT 2015  
RECEIVED



CARRINGTON STREET

ANGELO KOVIDIS &  
ANNA BACIK.  
12 CARRINGTON ST  
NEDLANDS WA 6009.

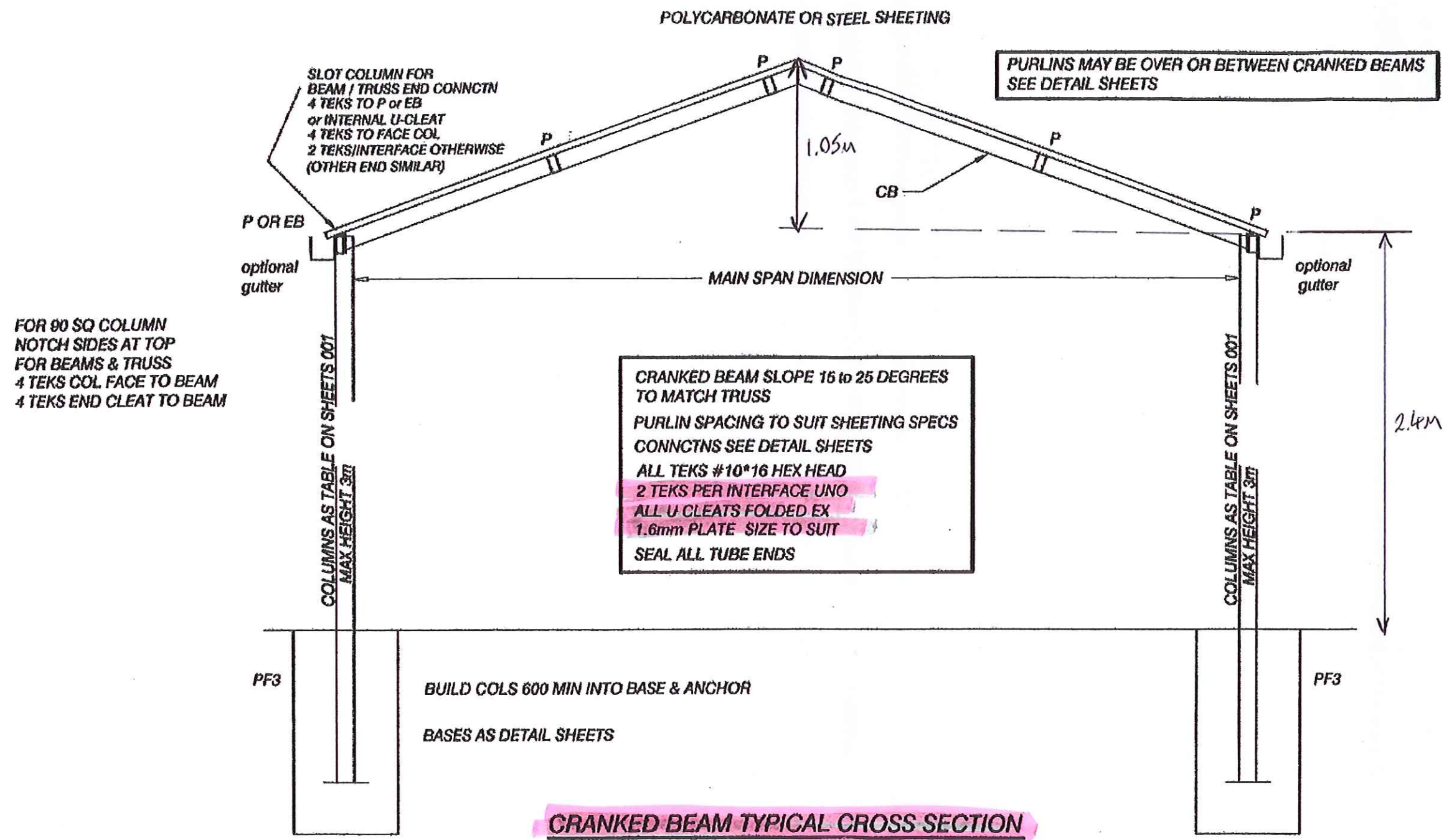
SITE PLAN  
SCALE : 1:200

CITY OF NEDLANDS  
28 OCT 2015  
RECEIVED

CITY OF NEDLANDS  
22 OCT 2015  
RECEIVED

CITY OF NEDLANDS  
28 OCT 2015  
RECEIVED

PD53.15 Attachment 2 - Elevations



(CONNECTION DETAILS SIMILAR TO TRUSS DETAIL SHEETS)  
**GABLE CRANKED BEAM DETAILS**  
**FREESTANDING PATIO**  
(NOT TO BE ENCLOSED)

THIS DRAWING IS INVALID FOR A BUILDING PERMIT APPLICATION UNLESS ACCOMPANIED BY A CURRENT CERTIFICATION LETTER SIGNED IN RED INK BY THE ENGINEER.

Peter C Williamson BE(Const) MBA(UWA) GDipComp Professional Structural Engineer K.A. Williamson Structural Engineers PO Box 1100, Roleystone WA 6111 Phone: 0409 290 481 Email: kawilliamson@inet.net.au	Client <b>THE PATIO FACTORY</b> Unit 6, 113-119 Kurnall Road, Welshpool W.A 6108 mob : 0433 179551 Ph : 9258 5443	Project	Drawing © copyright K.A. Williamson 2015	
		GENERAL GABLE PATIO DESIGN - REGION A1>A4	scale - N.T.S	25/06/2015 4:01 PM
		150101 the patio factory a gable 002 002a 002b 002c 002d 003 004.dwg	PCW/DC STRUCTURAL	ref 150101 GA sheet 002D Issue 1

12 CARRINGTON ST  
NEDLANDS

ANGELO AKOVIOLS



**PD53.15 Attachment 3 -  
31 Kinninmont Avenue at rear**

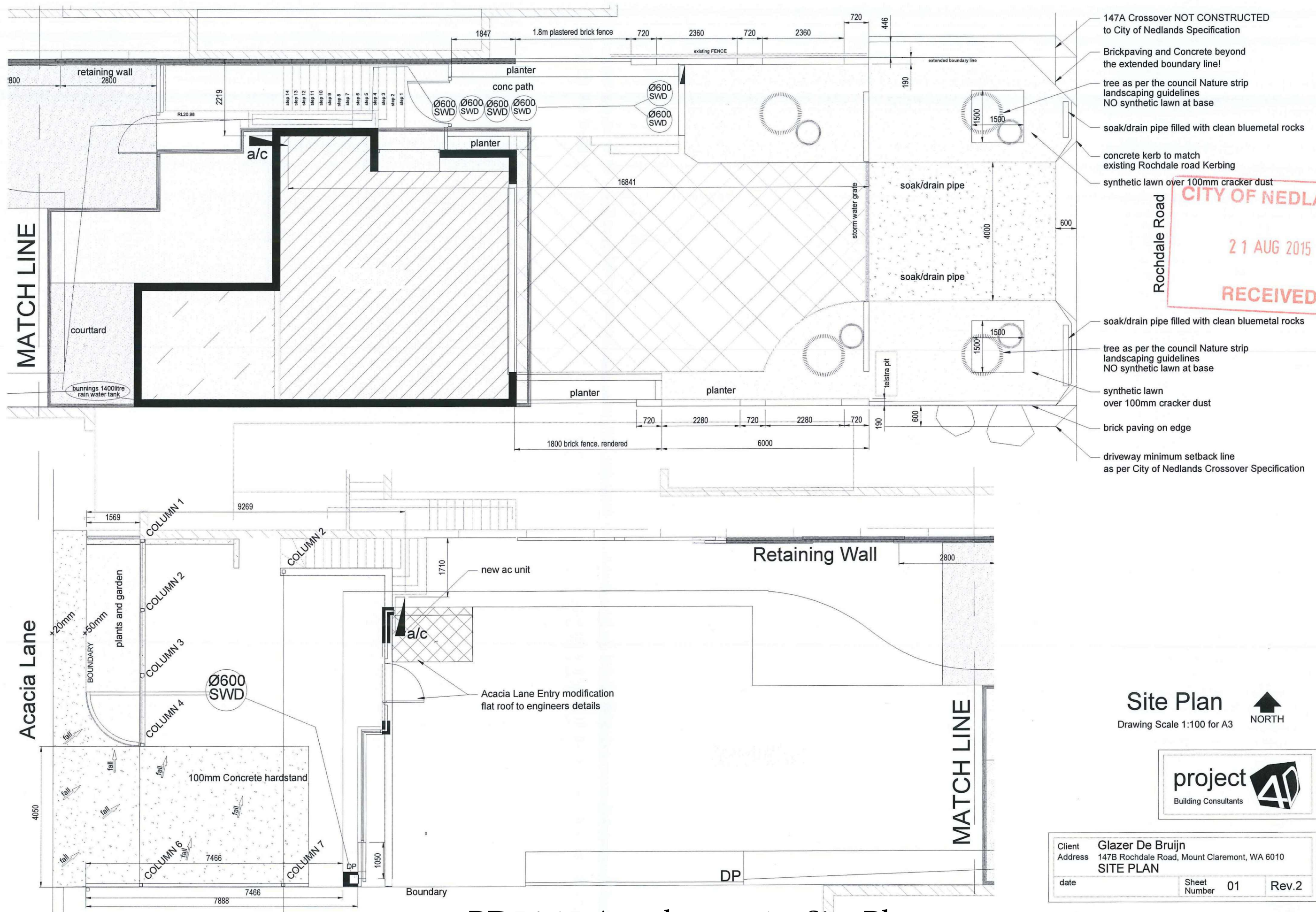




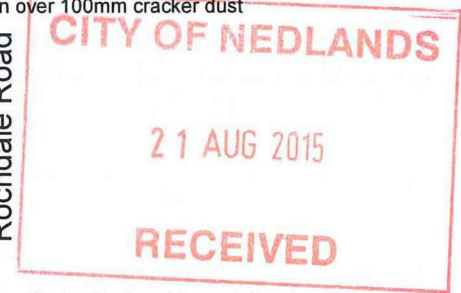
**PD53.15 Attachment 4**  
**29 Kinninmont Avenue to the east**







- 147A Crossover NOT CONSTRUCTED to City of Nedlands Specification
- Brickpaving and Concrete beyond the extended boundary line!
- tree as per the council Nature strip landscaping guidelines  
NO synthetic lawn at base
- soak/drain pipe filled with clean bluemetal rocks
- concrete kerb to match existing Rochdale road Kerbing
- synthetic lawn over 100mm cracker dust
- soak/drain pipe filled with clean bluemetal rocks
- tree as per the council Nature strip landscaping guidelines  
NO synthetic lawn at base
- synthetic lawn over 100mm cracker dust
- brick paving on edge
- driveway minimum setback line as per City of Nedlands Crossover Specification



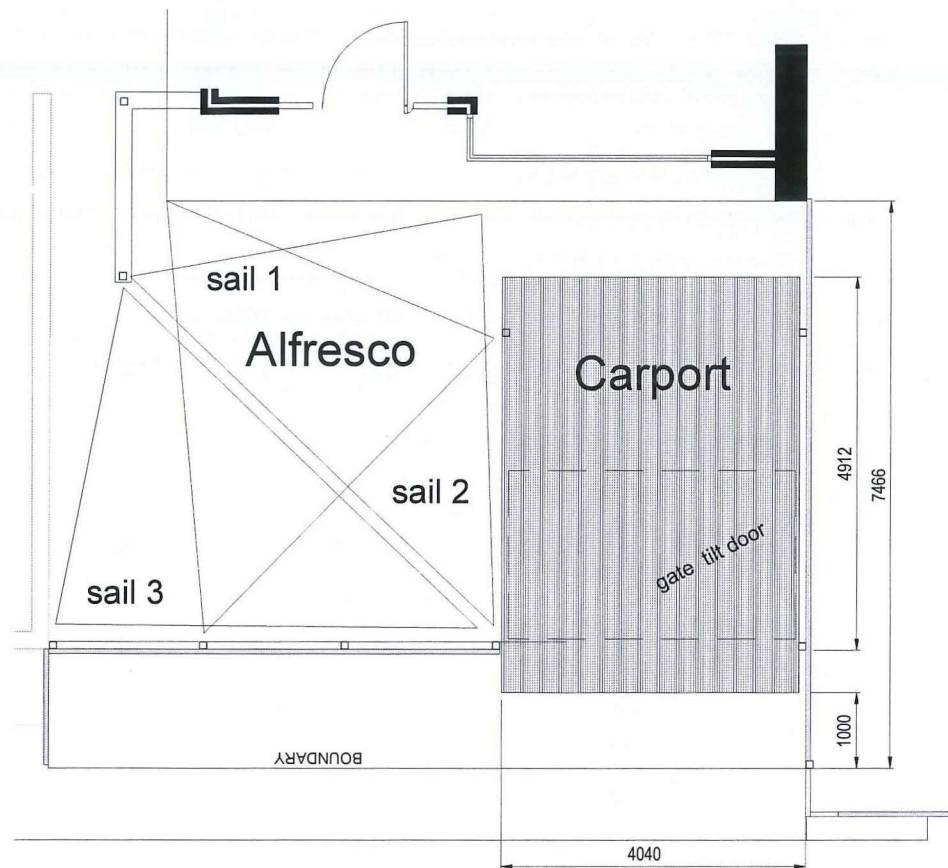
**Site Plan** NORTH  
Drawing Scale 1:100 for A3



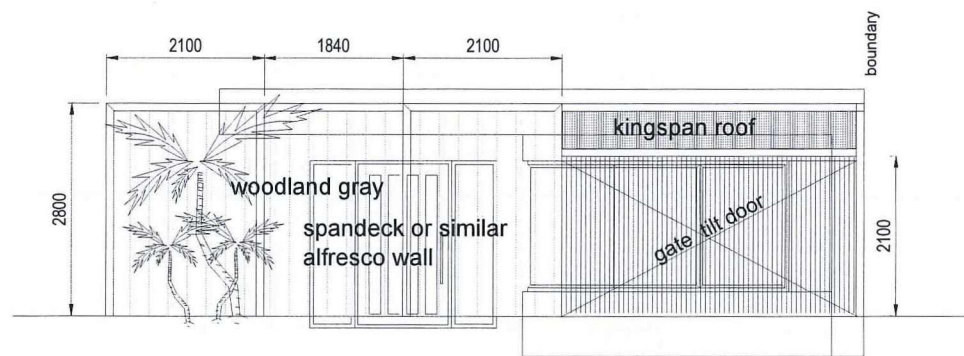
Client	Glazer De Bruijn		
Address	147B Rochdale Road, Mount Claremont, WA 6010		
	<b>SITE PLAN</b>		
date	Sheet Number	01	Rev.2

**PD54.15 Attachment 1 - Site Plan**

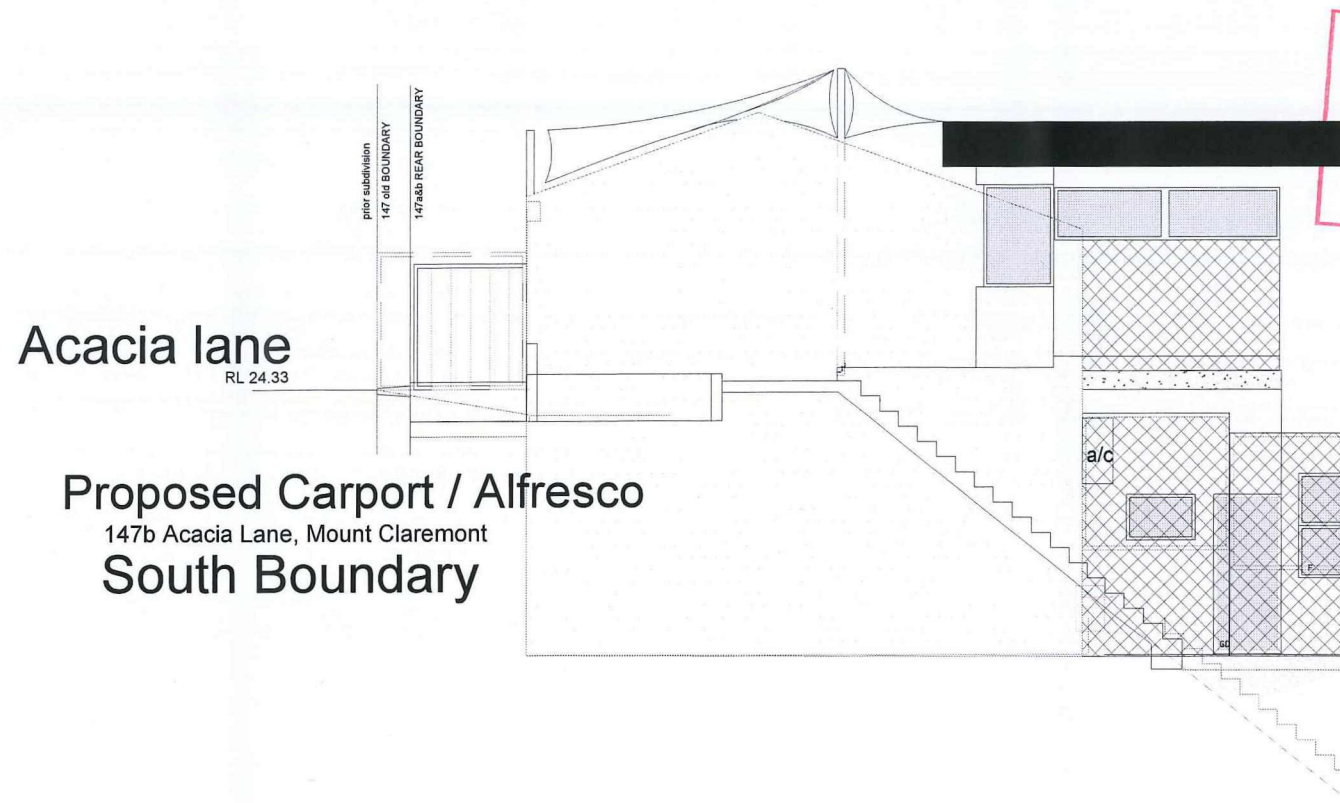




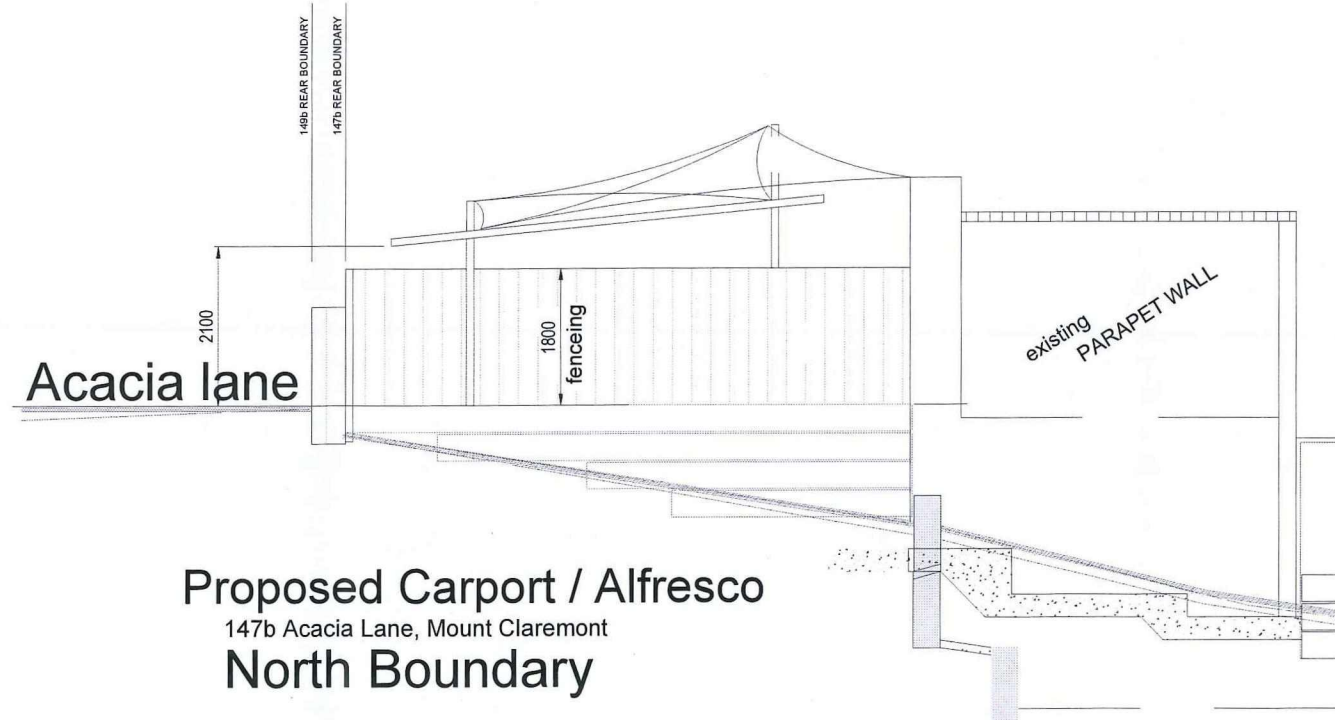
**Proposed Carport / Alfresco**  
147b Acacia Lane, Mount Claremont  
**Roof Plan**



**Proposed Carport / Alfresco**  
147b Acacia Lane, Mount Claremont  
**West Elevation**



**Proposed Carport / Alfresco**  
147b Acacia Lane, Mount Claremont  
**South Boundary**



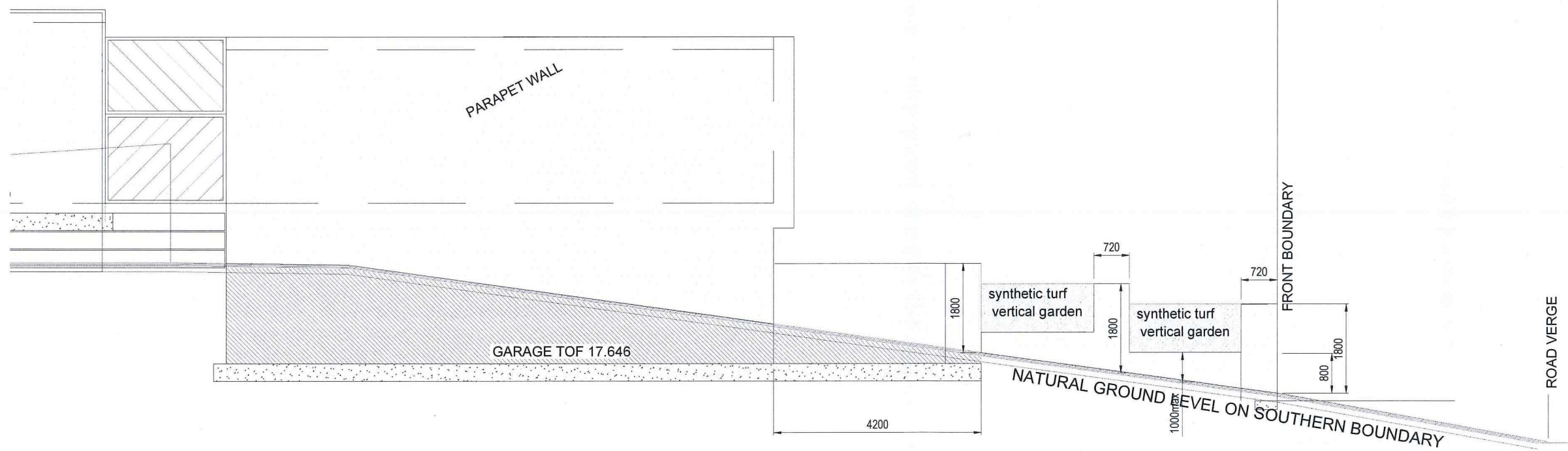
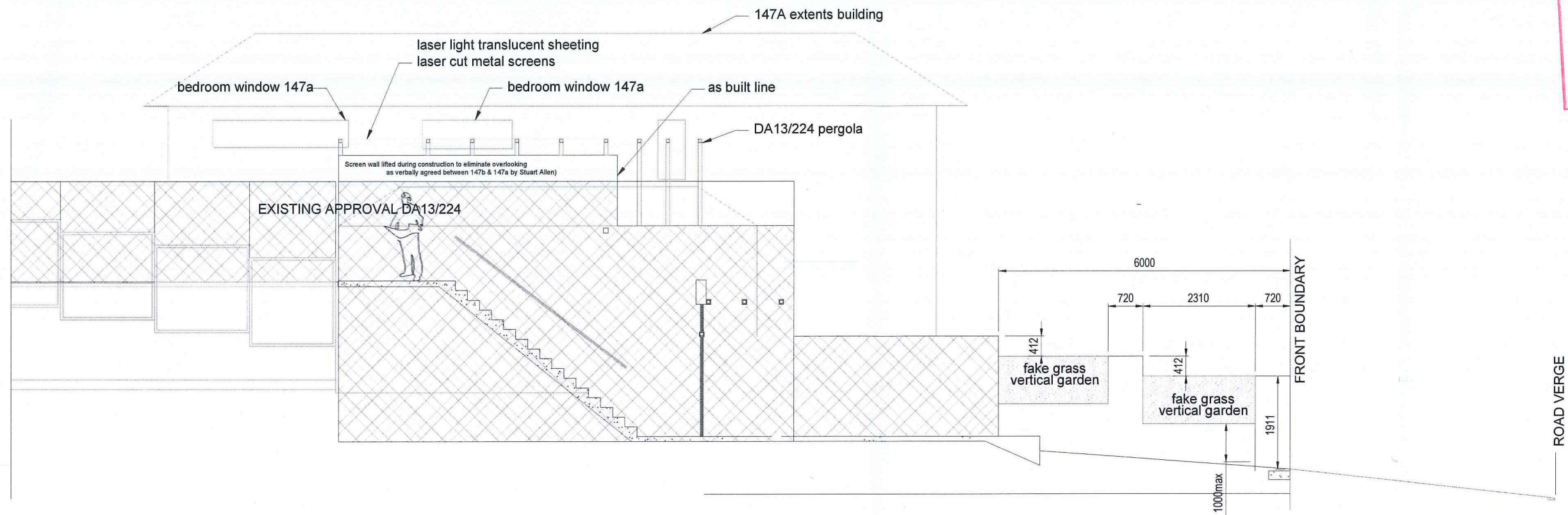
**Proposed Carport / Alfresco**  
147b Acacia Lane, Mount Claremont  
**North Boundary**

Drawing Scale 1:100 for A3

	Client	Glazer De Bruijn
	Address	147B Rochdale Road, Mount Claremont, WA 6010
<b>CARPORT / ALFRESCO</b>		
date	Sheet Number	02
		Rev.2



CITY OF NEDLANDS  
18 AUG 2015

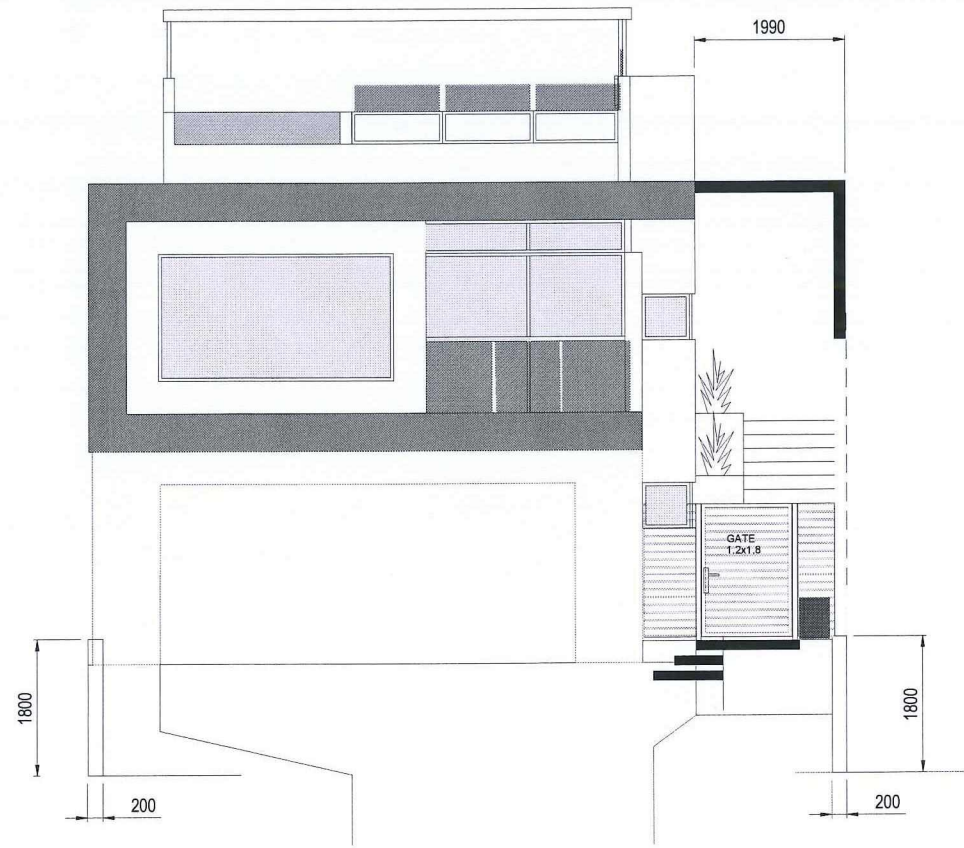


Drawing Scale 1:100 for A3

PD54.15 Attachment 3 - Fence levations

	Client	Glazer De Bruijn
	Address	147B Rochdale Road, Mount Claremont, WA 6010
SITE PLAN		
date	Sheet Number	03 Rev.2

CITY OF NEDLANDS  
18 AUG 2015



House ELEVATION - EAST



House ELEVATION - EAST

Drawing Scale 1:100 for A3



Client	Glazer De Bruijn		
Address	147B Rochdale Road, Mount Claremont, WA 6010		
	SITE PLAN		
date	Sheet Number	04	Rev.2





PD54.15 Attachment 5 - 147b and 149 Rochdale Road street elevation showing the existing fence and solid infill panels





PD54.15 Attachment 6 - Existing fencing and solid infill panels facing 149 Rochdale Road





**project 4D**

DESIGNERS \* BUILDERS \* PROJECT MANAGERS  
 CUSTOM DESIGN RESIDENTIAL \* STUDIOS \* GRANNY FLATS \* EXTENSIONS  
 CONVENTIONAL CONSTRUCTION \* RAPID ENERGY EFFICIENT CONSTRUCTION  
 COST PLUS & FIXED PRICE BUILDING CONTRACTS  
 \* PH 0402565203 \*

DESIGNER & BUILDER: NORBS GLAZER \* BRB No 51661 \* 0402565203  
 Owner Builder: N Glazer OB/256302 & City of Nedlands BA 13/566

09/11/2015

PD54.15 Attachment 7 - Existing fencing facing 147A Rochdale Road





PD54.15 Attachment 8 - Existing driveway at 149 Rochdale Road





09/11/2015

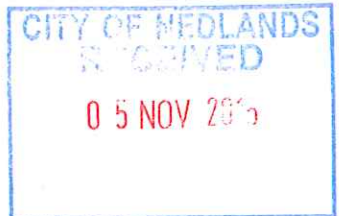
PD54.15 Attachment 9 - Rochdale Road looking south





PD54.15 Attachment 10 - Rochdale Road looking north





Hi Julian,

We confirm that we act for Marscha De Bruijn & Norbert Glazer in this matter.

We refer to the City's correspondence to the Applicant dated 15 October advising that the Application was provided to adjacent landowners for comments and that there was a written objection in relation to the proposed Carport and the Proposed Side Boundary Fence (within the Street Setback area).

We provide our comments in support of the currently submitted plans, based on the **Design Principles** of the R-Codes.

(In this circumstance, we would also like to retract Marscha's previous email to you on 26 October 2015 regarding these matters, as this is now addressed by us).

**Proposed Carport:**

The Residential Design Codes of WA (R-Codes) apply to the construction of a carport. The R-Codes deemed-to-comply requirement for a carport includes a minimum setback from the columns or posts to the side boundary of one (1) metre for carports up to nine metres in length. The Applicant has proposed a nil setback to the carport and therefore we look to the Design Principles for guidance.

The Design Principles of **Part 5.1.3 P3.1** indicates that buildings (which a carport, by definition, is) should be set back from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

In response to those three (3) points then:

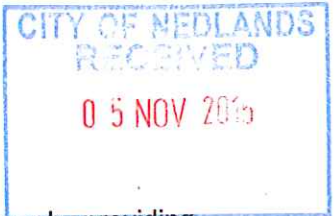
- The carport structure is proposed to be constructed of stainless steel posts and flat roof framework which assists in reducing any kind of building bulk on adjoining properties (as evident in the side elevation provided to the City). The height of the structure is 2.10m to 2.60m. It is evident that most of the structure will be screened from view via a standard 1.80m boundary fence. A 1.00m side setback will not reduce the visibility of the slim structure to any significant degree;
- The proposed structure does not restrict sun and ventilation to the building and open spaces on the site or adjoining properties. In fact, it enables the alfresco area of the subject site to be utilised to its maximum extent. The proposed structure does not cause any undue overshadowing, since there is no solid wall on the boundary and includes only a flat roof;
- The proposed structure does not cause any overlooking issues or resultant loss of privacy on adjoining properties.

Therefore, it is our view that the proposed carport (located on the side boundary) **complies** with the Design Principles of Part 5.1.3 P3.1.

The Design Principles of **Part 5.1.3 P3.2** indicates Buildings built up to the boundaries where this:

- *Makes more effective use of space for enhanced privacy for the occupants or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.1 (outlined above);*
- *Does not have any adverse impact on the amenity of the adjoining property;*





The proposed treatment of the infill panels will assist in enhancing the streetscape by providing high quality built form and materials. This improves the look and general amenity of the streetscape.

(It also occurs that there are many other examples where a full height (1.80m) fence comes all the way to the front boundary on properties on Rochdale Road. In fact, an example exists directly opposite the subject site).

In all of the circumstances, we consider that the proposed infill to the existing (approved) side boundary wall does not reduce visibility and does not reduce surveillance of either property, to its detriment. Rather, the proposed infill to the existing side boundary wall will improve the streetscape.

We look forward to your review of our submissions on both the carport and the side boundary wall matters.

If you have any queries, please do not hesitate to contact us on 9388 7111.

Kind Regards,

**Nik Hidding** | Planning Consultant

Peter Webb & Associates

Ph: 9388 7111 Mob: 0424 651 513

[nik@webbplan.com.au](mailto:nik@webbplan.com.au)





**City of Nedlands**  
**Scheme Amendment No. 207**

December 2015



## SCHEME AMENDMENT REPORT

Local Authority: City of Nedlands

Description of Local Planning Scheme: Town Planning Scheme No. 2

Type of Scheme: Local Planning Scheme

Amendment No.: 207

Amendment: To modify Clause 2.5 (c) of Appendix VI to state “*All setbacks are minimums unless stipulated on a Precinct Plan*”.



## EXECUTIVE SUMMARY

This scheme amendment proposes the:

1. The modification of Clause 2.5 (c) of Appendix VI from

*“All setbacks are minimums unless stipulated on a Precinct Plans and are not discretionary in order to ensure high quality amenity”*

to instead state

*“All setbacks are minimums unless stipulated on a Precinct Plan”.*

The purpose of the amendment is to remove the conflict of Clause 2.5 (c) with Clause 1.5 which states *“Council may vary clauses in these guidelines, with the exception of building height, landscaping, rear laneway requirements and public access gained from rear laneways, but limited to car parking, setbacks and land use and side (north/south) laneways”*. This amendment will remove the administrative error and ensure Clause 1.5 has full effect without contradiction.



## 1. BACKGROUND

---

### 1.1 Council Resolution

At the Ordinary Council Meeting held 15 December 2015 it was resolved that:

**Council resolves that the City of Nedlands pursuant to Section 72 of the *Planning and Development Act 2005*, amend Local Planning Scheme No. 2 by modifying Clause 2.5 (c) of Appendix VI to state the following:**

**“All setbacks are minimums unless stipulated on a Precinct Plan.”**

The amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

1. The amendment is considered to rectify an administrative error to remove the conflict between Clauses 1.5 and 2.5 (c) of Appendix VI by modifying Clause 2.5 (c) to ensure Clause 1.5 is given full effect.

CARRIED x/x

(For/Against: Crs.)

### 1.2 Proposal Description

This proposal involves a request to ‘prepare’ an amendment to the City of Nedlands Town Planning Scheme No. 2 (TPS2) as follows:

The modification of Clause 2.5 (c) of Appendix VI from:

*“All setbacks are minimums unless stipulated on a Precinct Plans and are not discretionary in order to ensure high quality amenity”*

to instead state:

*“All setbacks are minimums unless stipulated on a Precinct Plan”.*

The amendment will remove the conflict of Clause 2.5 (c) with Clause 1.5 which states *“Council may vary clauses in these guidelines, with the exception of building height, landscaping, rear laneway requirements and public access gained from rear laneways, but limited to car parking, setbacks and land use and side (north/south) laneways”.*

This amendment will remove the administrative error and ensure Clause 1.5 has full effect without contradiction.



## 2. JUSTIFICATION FOR SCHEME AMENDMENT

---

### 2.1 Planning Context

#### 2.1.1 City of Nedlands Town Planning Scheme No. 2

Appendix VI for the Dalkeith Redevelopment Special Control Area contains guidelines to control development within the special control area. Clause 1.5 is as follows:

#### 1.5 Discretion

*Council may vary clauses in these guidelines, with the exception of building height, landscaping, rear laneway requirements and public access gained from rear laneways, but limited to car parking, setbacks and land use and side (north/south) laneways.*

Clause 2.5 (c) is as follows:

#### 2.5 Setbacks

*(c) All setbacks are minimums unless stipulated on a Precinct Plan and are not discretionary in order to ensure high quality amenity.*

As part of the WAPC's modifications to Amendment No. 192 to the City's Town Planning Scheme No. 2, Clause 1.5 was modified to permit discretion to vary the provisions for the Dalkeith Redevelopment Special Control Area. However, modification to Clause 2.5 (c) was overlooked for modification and hence Clause 2.5 (c) does not permit Council discretion to vary the setbacks required.

This amendment will correct an administrative error and ensure Clause 1.5 has full effect and Council can provide consistency and clarity in decision making.



### **3. SCHEME AMENDMENT CONSULTATION PROCESS**

---

#### **3.1 Consultation Outcome**

Consultation is not required under the Planning and Development (Local Planning Schemes) Regulations 2015 for Basic Amendments and as such, the proposed Scheme Amendment has not been advertised to the community.



#### **4. CONCLUSION**

---

This report recommends the Minister for Planning approves and the Western Australian Planning Commission endorses the basic Scheme Amendment no. 207 to Town Planning Scheme No. 2 (TPS2).

The proposed modification will rectify the conflict between Clause 1.5 and Clause 2.5 (c) to ensure that Clause 1.5 has full effect to permit the Council to have discretion to vary the setback requirements located within the Appendix VI provisions of TPS2.



PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDMENT)

CITY OF NEDLANDS

TOWN PLANNING SCHEME NO. 2 – AMENDMENT NO. 203

The Council of the City of Nedlands, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends the above Local Planning Scheme by:

Modifying Clause 2.5 (c) of Appendix VI to state “*All setbacks are minimums unless stipulated on a Precinct Plan*”.



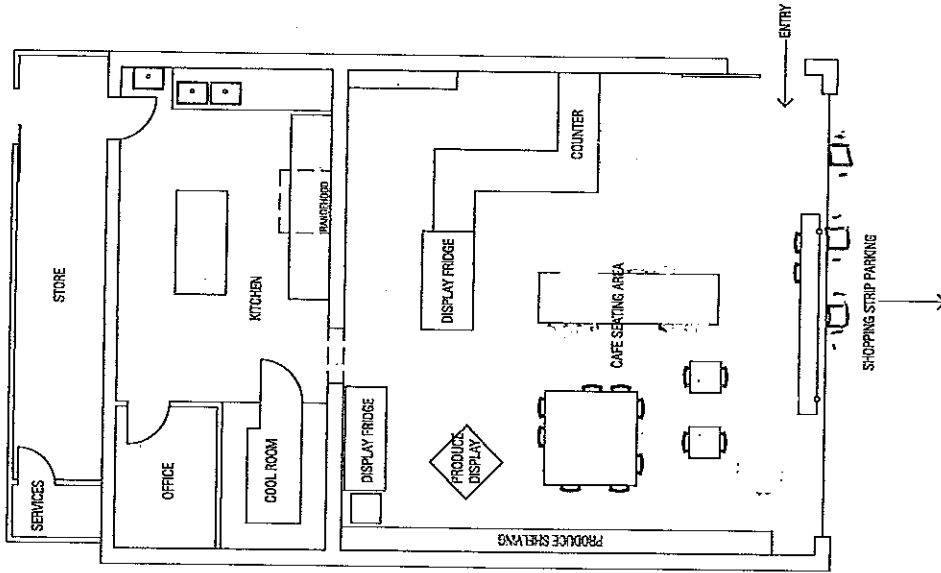








**NOTES**  
CHECK ALL DIMENSIONS ON SITE  
DO NOT SCALE OFF DRAWING  
FURNITURE LOCATIONS INDICATIVE ONLY



09 OCT 2015

REV	DESCRIPTION	DATE
A	FOR INFORMATION	27.15

**ROBESON ARCHITECTS**

NOTES: All dimensions are to millimeter unless noted otherwise. Do not scale off drawings. Verify all dimensions on site prior to commencement of any work. Copyright of this drawing remains the property of Robeson Architects and shall not be used without written authorization.

**HUDSON AND HUGHIE**  
**CAFE AND CATERING**  
SHOP 3 / 29 ASQUITH STREET  
MOUNT CLAREMONT

**FLOOR PLAN**  
STATUS  
**FOR INFORMATION**  
PROJECT NUMBER SCALE @ A3 DRAWING NUMBER REVISION  
1:100 A01 A