



City of Nedlands

# Planning and Development Reports

**Committee Consideration – 8 May 2018**

**Council Resolution – 22 May 2018**

## Table of Contents

Item No.		Page No.
PD17.18	(Lot 10) No. 63 Esplanade, Nedlands – Additions to Single House .....	2
PD18.18	(Lot 721) No. 22 Hillway, Nedlands – Retrospective Additions (Patio) to Single House .....	10
PD19.18	(Lot 46) No. 154 Adelma Road, Dalkeith – Two Storey Single House with Under-croft .....	17
PD20.18	Draft Development on Local Reserves Local Planning Policy .....	28
PD21.18	Draft Short-term Accommodation Local Planning Policy .....	30
PD22.18	Heritage Incentives Policies .....	34
PD23.18	Municipal Inventory .....	37

**Council: 22 May 2018**

<b>PD17.18</b>	<b>(Lot 10) No. 63 Esplanade, Nedlands – Additions to Single House</b>
----------------	--

<b>Committee</b>	8 May 2018
<b>Council</b>	22 May 2018
<b>Applicant</b>	CBA Designs
<b>Landowner</b>	Mrs P M & Mr T M Chang
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA17/289
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received
<b>Attachments</b>	1. Applicant justification 2. Site Photographs

## 1.0 Executive Summary

A development application has been received for additions to the existing single house. The additions include a garage, carport, patio, covered walkway and gatehouse.

The development does not comply with the lot boundary setback deemed-to-comply provisions of the Residential Design Codes (R-Codes), and the property is located within the controlled development area. Therefore, the proposal was advertised to neighbouring landowners for comment. Five submissions were received: three objections, one which provided comment and one non-objection.

To address concerns of neighbouring landowners and to bring the development into compliance with the lot boundary setback design principles of the R-Codes, it is recommended to apply conditions of approval to reduce the garage height and increase the setbacks to the lot boundary.

With these changes, the garage along with the other additions are considered to comply with the design principles of the R-Codes. Due to the design of the boundary wall development being mostly open in nature and setbacks provided for the garage to reduce the impact of building bulk and therefore is recommended for approval subject to conditions. Amended plans showing the changes will be required to be provided with the building permit application.

## 2.0 Recommendation to Committee

**Council approves the development application dated 11 October 2017 with amended plans received 27 February 2018 for additions to the existing single house at (Lot 10) No. 63 Esplanade, Nedlands, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**

2. This development approval only pertains to the proposed garage, walkway, patio, carport and gatehouse additions to the existing single house.
3. Amended plans shall be submitted with the Building Permit application, to the satisfaction of the City, incorporating the following modifications to the garage as shown in red on the approved plans:
  - a) setback increased to 1m to the northern lot boundary;
  - b) setback increased to 1m to the eastern lot boundary; and
  - c) wall height decreased to 2.7m or less above natural ground level.
4. The gatehouse shall be kept free of obstructions to ensure pedestrian access is maintained for the residents of no. 62A The Avenue, Nedlands at all times.
5. The gatehouse shall not be used for storage or the parking of vehicles at any time.
6. All footings and structures to the garage, carport and gatehouse shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
7. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

**Advice Notes specific to this proposal:**

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a 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. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

**3.0 Site Details**

<b>Lot area</b>	1100m <sup>2</sup>
<b>Metropolitan Region Scheme Zoning</b>	Urban
<b>Town Planning Scheme No. 2 Zoning</b>	Residential – R10
<b>Detailed Area Plan/Outline Development Plan</b>	No
<b>Controlled Development Area</b>	Yes
<b>State Heritage Listed</b>	No
<b>Listed in Municipal Heritage Inventory</b>	No

The property has vehicle access from The Avenue and only pedestrian access to the Esplanade. The pedestrian access leg down to the Esplanade is substantially lower than the outdoor living area of the property to the south of the dwelling with staircases

provided down from the outdoor living area to the Esplanade. The property has development over two levels with the dwelling being one storey with an under-croft as viewed from The Avenue entry, and two storeys as viewed from the Esplanade pedestrian entry.

The property's title shows that the occupants of no. 62A The Avenue, Nedlands have right-of-carriageway over a portion of the subject property to obtain access down to the Esplanade on foot only. The subject property also has a restrictive covenant limiting building height of development on the subject property. None of the proposed developments will breach the conditions/terms of these encumbrances on the title.

An aerial image showing the location of the property follows.



#### 4.0 Specific Application Details

The applicant seeks approval to construct the following additions to the existing single house:

- A garage in the north-eastern corner of the subject property;
- A carport adjacent to the south-western side lot boundary between The Avenue and the dwelling;
- A patio in front of the existing garages (and conversion of the garages into habitable space for the dwelling);
- A covered walkway and steps connecting the proposed patio and garage; and
- A gatehouse between the outdoor living area of the property and the Esplanade frontage.

The applicant has provided a justification in support of the proposed development which has been provided as an attachment to this report (see attachment 1).

## 5.0 Consultation

The development application was advertised to affected landowners for comment for the following variations:

- Carport lot boundary setback – the carport is proposed to have a nil setback in lieu of 1m to the south-western side lot boundary;
- Garage lot boundary setbacks – The garage is proposed to have a 0.5m setback to the north-eastern side and north-western rear lot boundaries in lieu of being setback 1.5m from the north-eastern side lot boundary and 6m from the north-western rear lot boundary; and
- Gatehouse lot boundary setbacks – The gatehouse is proposed to have a nil setback to the south western side lot boundary in lieu of the required 1m lot boundary setback.

During the consultation period three objections, one comment and one non-objection were received. The objections in relation to the variations are summarised as follows:

- *“The height of the proposed garage as viewed from our property will be imposing and out of character for the locality;*
- *The garage will be highly visible as viewed from the main outdoor living area of our property and therefore with the height of the garage being over 3m and setback only 0.5m from the lot boundary our view and enjoyment of our outdoor living area will be negatively impacted;*
- *The de-greening of this part of the property to facilitate the proposed garage will have detrimental impact on the aspect and privacy of our property and the amenity of the area;*
- *The close proximity of the garage may undermine the structural integrity of the dividing fence and create stormwater run-off onto our property;*
- *The development will have a negative effect on the river views from our main living areas of our house and property with our property overlooking garage and carport roof in lieu of the current greenery;*
- *The gatehouse is proposed to be over land which our property has legal right of access to. The gatehouse will impede access as the gatehouse is likely to be used as a storage shed and will appear visually unappealing;*
- *The gatehouse may be used as a carport and will therefore obstruct pedestrian access for neighbouring properties with pedestrian access over this area and disturb us through additional noise adjacent to habitable rooms of our dwelling;*
- *The gatehouse is not proposed to have a door and is likely to have detrimental impact on the amenity of the streetscape with a lack of detail regarding the gatehouse appearance on the plans; and*
- *The gatehouse should be setback further from the lot boundary.”*

Other objections were received in relation to the proposed patio and solar panels. Although these additions require development approval under the Controlled Development Area provisions of the City’s TPS2, the additions are fully compliant with the deemed to comply provisions of the R-Codes.

One of the submissions also raised concerns that the development will negatively impact on property values. This is not a matter regard is to be given to when determining the application under the regulations.

One of the submissions (comment only) raised concerns in relation to the location of the gatehouse being incorrect. These concerns were addressed through the submission of amended plans showing the correct location of the proposed gatehouse. No further comment was made by this submitter upon re-advertising of the revised plans.

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

## **6.0 Assessment of Statutory Provisions**

### **6.1 Planning and Development (Local Planning Schemes) Regulations 2015**

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

### **6.2 Town Planning Scheme No. 2**

#### **6.2.1 Amenity**

Under clause 5.5.1 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.”*

The subject property has six adjoining neighbouring landowners all at differing levels due to the topography of the land and previous alteration to the natural ground level over the years.

There are two double garages proposed to be converted to habitable space with the provision of a single carport and triple garage to replace these spaces. There are two neighbouring landowners adjacent to the proposed garage location in the north-eastern corner of the property. The northern neighbour has their dwelling located in full approx. 2m higher than the proposed garage on the subject property, with the northern neighbour's main outdoor living area adjacent to the proposed garage location and balcony located on the upper floor of the northern neighbour's dwelling overlooking the proposed garage location. The eastern neighbour is approximately 3m lower than the proposed garage location and has their garage adjacent to the proposed garage.

The garage is similar to an outbuilding in terms of purpose and permitted location, however, as the covered walkway attaches the garage to the dwelling, the proposed garage does not comply with the definition of an outbuilding within the R-Codes.

The neighbouring landowners have expressed their concerns over the reduced setback of 0.5m proposed to both adjacent lot boundaries and the reduced ability to screen the development as viewed from their properties. With a larger setback and reduced height, the structure will be less visible from the outdoor living areas of neighbouring properties, provide area for servicing of the garage and prevent any stormwater overflow onto neighbouring properties. Therefore, the administration

recommendation is to increase the required setbacks to the lot boundaries to 1m and decrease the building height to 2.7m above natural ground level to ensure that the structure is less visible from neighbouring properties and more closely aligned with permitted outbuilding development (in terms of height and required setbacks).

The gatehouse is proposed to be located within the access leg to the Esplanade and will function as a formal pedestrian entry for the property. The gatehouse is not proposed to be used for vehicle parking or storage and therefore will not impede upon pedestrian access for the property nor impinge on the neighbour's (62A The Avenue) right of pedestrian access.

The gatehouse is proposed to be adjacent to an existing garage boundary wall of greater dimension on 61B Esplanade and a tennis court on 65 Esplanade. The gatehouse location is therefore considered to be appropriately located and will not impinge on the amenity of the neighbour's properties.

It should be noted that there is no crossover approved to the Esplanade and conditions of approval limiting the use of the structure are recommended to address neighbouring landowner concerns.

Comments were received in relation to the appearance of the gatehouse. It should be noted that there are no design guidelines for the property which require certain materials and colours to be used. The structure is of brick construction from the front and rear of the structure with Colorbond roof. The City cannot require a different material of construction under the provisions of the TPS2 nor the R-Codes.

The proposed carport is adjacent to a battle-axe leg which permits a reduced setback under the provisions of the R-Codes. The proposed carport will not impact upon habitable rooms of the dwelling or outdoor living areas of the adjacent southern neighbouring property. The neighbouring landowner to the south provided comment of no objection to the proposed carport.

### 6.3 Residential Design Codes (State Planning Policy 3.1)

#### 6.3.1 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
Buildings setback in accordance with Table 2A & 2B of the R-Codes.	The garage is proposed to be setback 0.5m in lieu of 6m from the north-western rear lot boundary.	No
Buildings setback 6m from rear lot boundary in R10 density code.	The garage is proposed to be setback 0.5m in lieu of 1.5m from the north-eastern side lot boundary.	No
Buildings on boundary in the R10 density code are adjacent to existing boundary walls of similar or greater dimensions.	The carport is proposed to have a nil setback in lieu of 1m to the south-western side lot boundary.	No
	The north-eastern gatehouse boundary wall is adjacent to a boundary wall of greater dimension on the adjoining property.	Yes
	The gatehouse is proposed to have a nil setback in lieu of 1m to the south-western side lot boundary.	No

## Design Principles

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:

*“P3.1 – Buildings 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.*

*P3.2 – Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.”*

## Administration Comments

### Garage:

The proposed garage can be reduced by 1.65m in width and 1.1m in length and still comply with the internal dimension requirements for three cars under AS2890.1: 2004. Therefore, the 0.5m reduction in width and length can be accommodated and still provide space for three vehicles internally.

The height of the garage is considered to be excessive when comparing the permitted height of an outbuilding which is 2.4m as measured above natural ground level (NGL). The reduction in the height down to 2.7m or less above NGL along with the recommended increase to the lot boundary setbacks, will reduce the appearance of building bulk as viewed from the impacted neighbouring properties.

With a 1m side and rear setback and maximum 2.7m wall height, the impact of building bulk as viewed from the neighbouring properties will be substantially reduced whilst still accommodating the landowner's desire to provide three covered car parking bays in this location.

### Gatehouse:

The gatehouse is proposed to be adjacent to an existing boundary wall to the north of greater dimension and is adjacent to a tennis court to the south. The gatehouse is proposed to be an open style structure and will not exceed 3m in height above the finished ground level. The adjacent tennis court fencing is 4m in height and the area adjacent (tennis court) is used infrequently ensuring that the structure will not have a negative impact on the amenity of the adjoining properties in terms of building bulk, scale and the neighbour's properties' access to sunlight and ventilation.

### Carport:

The carport is proposed to be adjacent to a driveway on the south-western neighbour's property, ensuring that that carport will not impact on the neighbour's outdoor living areas and habitable rooms of the dwelling. The structure is open in nature, ensuring that the impact of building bulk is minimised and will not compromise the prevailing development context of the locality.

## 7.0 Budget / Financial Implications

N/A



## **8.0 Risk management**

N/A

## **9.0 Conclusion**

If the modifications were made, it is considered that the proposed development is unlikely to adversely impact the amenity of adjoining properties due to the mostly open nature of the boundary wall development and appropriate setbacks for the garage based on compliant outbuilding setback requirements.

Accordingly, the application is recommended for approval subject to conditions.

**Garage:**

We presently have 4-car garage and it is proposed to be replaced by a 3-car garage and a carport. If setback 1.5 m is required from the boundary, it will only allow a 2-car garage to be built which does not replace the 4-car garage. We need to replace the 4-car garage as a 2-car garage will not suffice for our parking requirements given 4 adults live at the property only. Most houses do not have enough garages and they park their cars in the street or all over their land.

We do not have off road parking which is only available to houses fronting the Avenue (which is the entrance to our house). All visitors have to park inside our block. Therefore, with a 2-car garage, my other cars will be parked on the block leaving no space for visitors. With less parking from the Avenue entrance, our visitors will have to park on the Esplanade and they need to climb a set of steps up nearly 3 storeys high to visit us.

Due to nature of the cars we own, the insurance of these cars requires the cars to be garaged.

The garage is at a fixed height which will ensure the neighbouring landowners to the north will still have river views. 64 The Avenue's views to the river. The northern neighbouring landowners can grow screening vegetation on their property to screen the proposed garage.

There will be less noise from our cars as the cars will not have to struggle to drive up the steep slope up from the garage to the Avenue exit/entry of the property.

The proposed garage is not proposed to be located up to the eastern side lot boundary and therefore will not impact upon the retaining and fencing along this eastern side lot boundary. The wall built by us as a retaining wall when we built our house is adequately strong to retain all the soil. The proposed Garage is located next to the existing parapet wall of the Garage on the adjoining eastern property.

The Garage does not have any effect on sunlight, overshadowing and ventilation entering into adjoining properties. There are also no issues from any overlooking as the garage is a non-habitable structure.

**Gate house:**

When we have bigger parties, our visitors will have more parking available to them on the Esplanade. With less parking from the Avenue which is our entrance, our visitors will have to park on the Esplanade and they need to climb a set of steps up nearly 3 storeys which eliminates our friends who are not fit to climb up stairs from visiting us.

Children's pool parties to our house, they can then come in from the Esplanade without disturbing the adults.

There is a gate currently within the access leg to the Esplanade with the adjoining owners of no. 62A The Avenue in possession of keys to this gate presently there. They

will still have the keys and there will be no changes to the right of pedestrian access of the adjoining owners.

No. 61B Esplanade built their house to the boundary and the gatehouse is proposed to be constructed adjacent to this wall to comply with the deemed-to-comply provisions of the R-Codes.

The proposed Gate house has no impact on the adjoining properties being adjacent to an existing boundary wall of greater length and height at no. 61B Esplanade and is adjacent to a tennis court fencing which is 4m high at no. 65 Esplanade.

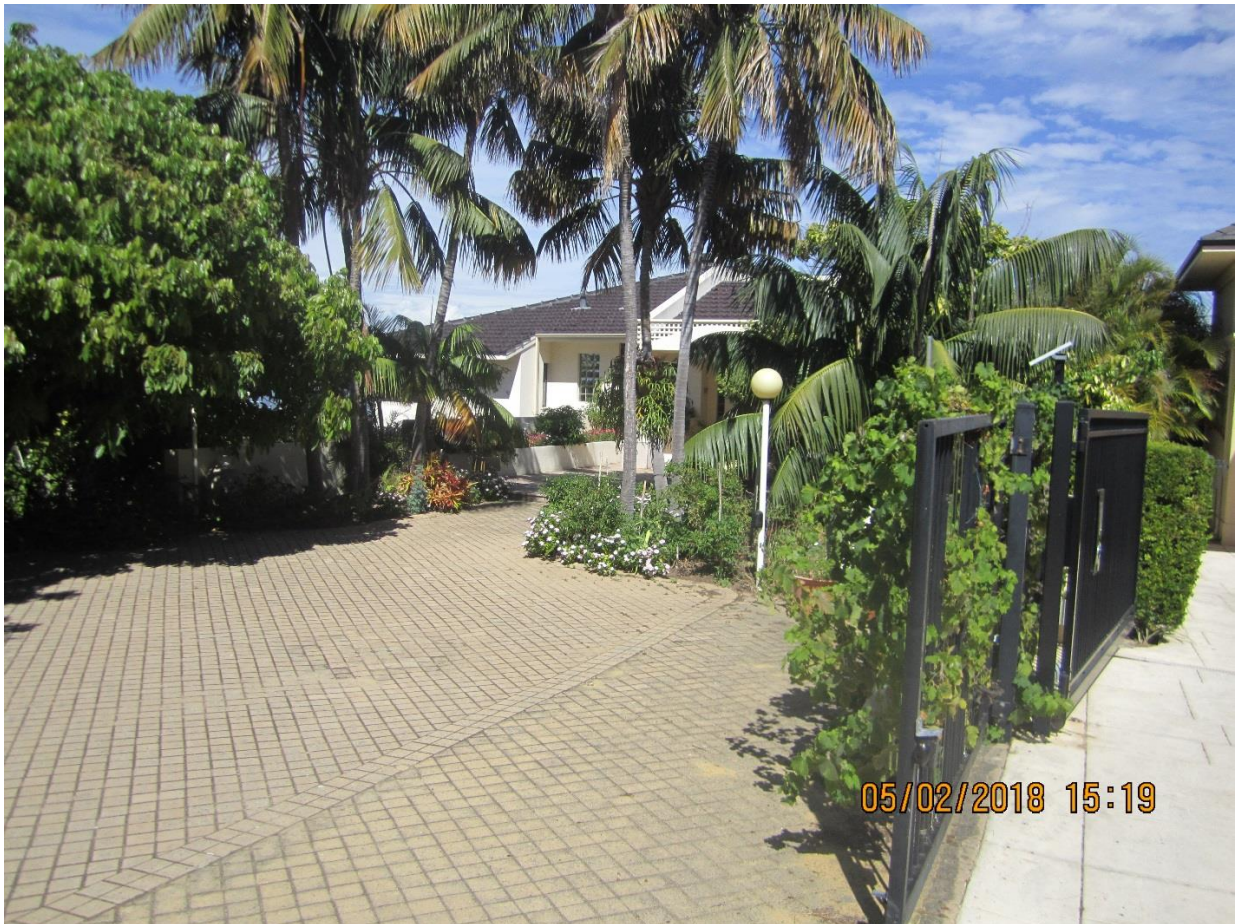


Photo 1 – Approach to dwelling from The Avenue accessway

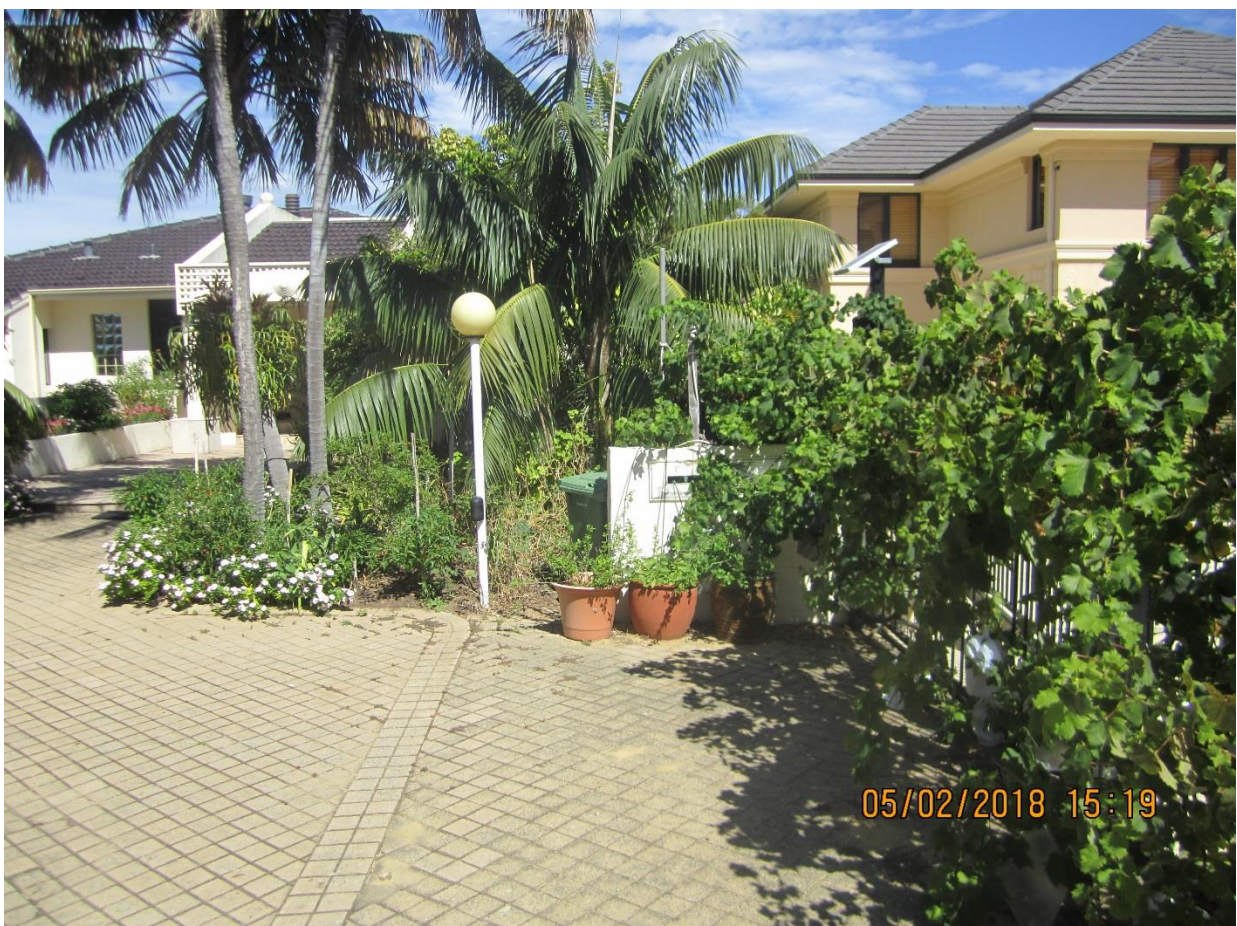


Photo 2 – Location of proposed carport



Photo 3 – Location of proposed garage



Photo 4 – driveway down to existing garages



Photo 5 – driveway down to existing garages proposed to be converted to staircase



Photo 6 – view up from driveway to proposed garage location



Photo 7 – Existing garages proposed to be converted



Photo 8 – view from rear balcony to river



Photo 8 – Pedestrian accessway to Esplanade



Photo 9 – Stairs down to pedestrian accessway (no change proposed)





Photo 10 – view of pedestrian accessway from Esplanade



Photo 11 – view of pedestrian accessway behind gate

<b>PD18.18</b>	<b>(Lot 721) No. 22 Hillway, Nedlands – Retrospective Additions (Patio) to Single House</b>
----------------	---

<b>Committee</b>	8 May 2018
<b>Council</b>	22 May 2018
<b>Applicant</b>	A J & D L Edmondstone
<b>Landowner</b>	A J & D L Edmondstone
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Reference</b>	DA18/19
<b>Previous Item</b>	N/A
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	1. Site Photo 2. Applicant’s justification

## 1.0 Executive Summary

Retrospective development approval is being sought for a patio addition to the existing dwelling, located on the north-eastern side of the existing dwelling.

The patio does not comply with the deemed-to-comply provisions of the Residential Design Codes (R-Codes) for lot boundary setbacks or open space with a 0.334m setback in lieu of 1m provided to the north-eastern side lot boundary and 57.65% open space in lieu of 60% open space.

The application was advertised to neighbouring landowners for comment with four submissions received – one non-objection, one which provided comment and two objections.

It is recommended that the application be approved subject to modifications being made to the patio to have the eave setback 0.5m from the lot boundary and be open on two sides to comply with the open space requirements of the R-Codes and fire separation requirements of the Building Codes Australia.

These modifications will remove the open space variation and increase the open nature of the structure as viewed from neighbouring properties, ensuring compliance with the design principles for lot boundary setbacks. Amended plans showing these modifications will be required to be shown on the building permit application.

## 2.0 Recommendation to Committee

**Council approves the development application dated 07 February 2018 with amended plans received 20 April 2018 for retrospective additions (patio) to the existing single house at (Lot 721) No. 22 Hillway, Nedlands, subject to the following conditions and advice:**

- 1. Amended plans are submitted with the building permit showing the patio being open on two or more sides and the eave being setback 0.5m from the north-eastern side lot boundary as shown in red on the approved plan.**

2. Remedial works required to bring all unauthorised works into conformity with this planning approval, shall be completed within 30 days from the date of this approval.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. This development approval only pertains to the patio addition to the existing single dwelling.
5. All footings and structures to the patio are required to be constructed wholly inside the site boundaries of the property's Certificate of Title.
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

**Advice Notes specific to this proposal:**

1. The applicant shall make application to the City's Building Services for a Building Permit, to acknowledge any unauthorised works.
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. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
3. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.
4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

**3.0 Site Details**

<b>Lot area</b>	1011.7m <sup>2</sup>
<b>Metropolitan Region Scheme Zoning</b>	Urban
<b>Town Planning Scheme No. 2 Zoning</b>	Residential – R10
<b>Detailed Area Plan/Outline Development Plan</b>	No
<b>Controlled Development Area</b>	Yes
<b>State Heritage Listed</b>	No
<b>Listed in Municipal Heritage Inventory</b>	No

The subject property and those nearby contain single dwellings and associated outbuildings and incidental structures. Its topography slopes down approximately 4m from the primary street to the rear lot boundary.

An aerial image showing the location of the property follows.



#### **4.0 Background**

The City became aware that a patio addition was under construction at the subject property in December 2017 adjacent to the north-eastern side lot boundary. The City requested the patio was either removed or retrospective application lodged. The applicant elected the later which is the subject of this report.

#### **5.0 Specific Application Details**

The applicant seeks retrospective approval for a patio addition to the existing single house to remain. The following variations to the deemed-to-comply provisions of the R-Codes are proposed:

- Lot boundary setbacks – the patio has a setback of 0.334m in lieu of 1m from the north-eastern side lot boundary.
- Open space – the patio reduces the open space for the property down to 57.65% in lieu of 60%.

In support of the retrospective development application the applicant has provided a justification which has been provided as an attachment to this report.

## 6.0 Consultation

The development application was advertised to affected landowners for comment as the property is within the controlled development area and also has variations to the deemed-to-comply provisions of the R-Codes (listed above). Four submissions were received – one non-objection, one comment and two objections. The following is a summary of the concerns raised:

- *“The City should uphold the open space requirements as it is an important part of the neighbourhood’s character;*
- *The patio addition In the context of all the building area on the subject property represents an over-development.*
- *The retrospective nature of the application is concerning. The patio should be modified to comply; and*
- *In the Nedlands area we have the benefit of space between dwellings which is a quality of the neighbourhood. A reduction in the open space is not in the interest of the greater community.”*

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

## 7.0 Assessment of Statutory Provisions

### 7.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

### 7.2 Town Planning Scheme No. 2

#### 7.2.1 Amenity

Under clause 5.5.1 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.”*

In accordance with provisions (m) and (n) of the Regulations clause 67, due regard is to be given to the likely effect of the proposed development’s height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

The patio is setback 0.334m in lieu of 1m from the northern eastern side lot boundary and is proposed to be enclosed with a fire rated wall up to the eave of the patio. The applicant has advised that they wish to enclose the patio to reduce noise from the landowner’s air conditioner units in the undercover area. There are other methods which can be used to reduce the impact of noise from air conditioning units such as relocating the units and/or installing screening adjacent to the units to ameliorate noise. Formal testing has not occurred to determine if the existing air conditioner unit location breaches the noise levels permitted under the relevant noise regulations.

Solid dividing fencing of between approximately 1.8m in height above natural ground level exists along the lot boundaries which partially screens the patio.

The structure is 24.07m<sup>2</sup> in area, 2.65m in height above natural ground level and proposed to be enclosed on three sides. This results in an open space variation which is discussed in greater detail in the following sections of this report. The locality is characterised by low density development on large lots (over 1000m<sup>2</sup>) with majority of properties having space around the dwellings and compliant open space. The open space variation is not consistent with the local development context.

Given the above, administration recommends the patio be modified to ensure that the development complies with the open space and design principles of the R-Codes for lot boundary setbacks.

## 7.2 Residential Design Codes (State Planning Policy 3.1)

### 7.2.1 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
Buildings setback from lot boundaries in accordance with Table 2A.	0.334m setback proposed in lieu of 1m to the north-eastern side lot boundary	No
<p><b>Design Principles</b></p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P3.1 – Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul> <p><i>P3.2 – Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> <li>• <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i></li> <li>• <i>does not compromise the design principle contained in P3.1;</i></li> <li>• <i>does not have any adverse impact on the amenity of the adjoining property;</i></li> <li>• <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i></li> <li>• <i>positively contributes to the prevailing development context and streetscape.”</i> </li></ul>		
<p><b>Administration Comments</b></p> <p>Administration’s recommendation to Committee is to modify the patio to have a 0.5m setback to the eave. This will ensure that the structure is open in nature to reduce the impact of building bulk and allow more ventilation around the dwelling and the north-eastern neighbour’s dwelling. The dwelling already has significant boundary wall development and therefore a further boundary wall will be considered an overdevelopment of the site and out of context with the prevailing development of the locality.</p>		

## 7.2.2 Open space

Deemed-to-Comply Requirement	Proposed	Complies?
60% open space required in R10 density code	57.65% open space.	No
<p><b>Design Principles</b></p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P4 Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> <li>• <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i></li> <li>• <i>provide access to natural sunlight for the dwelling;</i></li> <li>• <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i></li> <li>• <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i></li> <li>• <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i></li> <li>• <i>provide space for external fixtures and essential facilities.”</i></li> </ul> <p><b>Administration Comments</b></p> <p>Administration’s recommendation to Committee is to modify the patio to have a 0.5m setback to the eave for the patio to be open on two sides. Patios less than 50m<sup>2</sup> in area, open on two sides and not elevated above natural ground level more than 0.5m are able to be included in open space. This small change to the design will ensure that the open space provided is compliant for the property.</p> <p>The structure being enclosed on three sides will result in additional site cover of 23.77m<sup>2</sup> for the property which can be considered an over-development of the subject property – especially considering a roof terrace has been included in the open space provided for the property as per the open space definition within the R-Codes.</p> <p>The modification of the structure will still allow opportunities for residents to use outdoor space around the dwelling at multiple levels whilst mitigating the impact of building bulk as viewed from neighbouring properties.</p>		

## 8.0 Budget / Financial Implications

N/A

## 9.0 Risk management

N/A

## 10.0 Conclusion

The open space variation and reduced north-eastern side lot boundary setback is inconsistent with the development context of the locality which is characterised by developments with space around the dwellings and compliant open space due to the size of the lots.

Small modifications to the development will ensure the development will comply with the open space deemed to comply requirement of 60% and comply with the design principles of the lot boundary setback requirements of the R-Codes with increased ventilation and reduction in the appearance of building bulk as viewed from neighbouring properties.

Accordingly, it is recommended that the application be approved by Council subject to modifications to have the patio being open on two sides and the eave setback increased to 0.5m.





Kate Bainbridge  
City of Nedlands  
Stirling Highway  
Nedlands WA 6009

Dear Councillors,

RE: 22 Hillway, Nedlands  
Proposed Patio

Further to our planning / building application for the above,

**Background:**

1. During the consultation and build stages of our previously approved works, Mr Brett Woods (Owner of 20 Hillway) approached us and requested if we would provide some form of ground level visual / sound screen to their bedrooms that run alongside the south-west boundary as shown in appendix 1.
2. On the very same boundary, we had an existing lattice roof gazebo and as such I suggested we could potentially replace the lattice roof with something light and impermeable (eg polycarbonate) and add a side screen such to limit noise and visibility into their bedrooms.
3. During the renovation stage of our property we have had 3-4 interactions with Mr Woods and on each occasion he reminded us of that such conversations.
4. We were not aware, until advised by council in February 2018, that the existing Gazebo had been constructed without council's prior consent (it was build before we acquired the property).

**Proposed Patio:**

This proposal seeks to honour my commitment to Mr Woods and provide both a visual and noise screen by (a) replacing the timber lattice roofing with a mix of colourbond and polycarbonate roofing, (b) adding a screen to the side which abuts the fence to ensure visual privacy between the properties and (c) extend the existing gazebo to ensure full privacy to the bedrooms and No 20.

We note that the existing structure has been used where able (eg the lot set back of 0.334m is due to utilizing the existing Gazebo structure and set back).

We also note that the owners of No.20 Hillway have provided written support to this proposal (refer appendix 2).

**Comments from other relevant neighbours**

We have been advised of the following comments:

(a) *"The city should uphold the open space requirements of the R codes"*

We note that throughout all of the renovations completed the open space percentage has increased (vs the acquired property). Removal of portico and the

addition of open space observation deck have more than offset the new (smaller) carport and the slight modifications to the previously existing balcony and terrace (ie 100M<sup>2</sup> of open space added less 74M<sup>2</sup> removed via new carport, patio (this proposal) and enclosing of terrace – net 26M<sup>2</sup> of additional open space or 2.6%).

Our lot was, like many of the neighboring properties (eg 25 Hillway), have previously approved structures that are below the current 60% open space recommendation contained in the R codes. We note that the proposed City of Nedlands planning scheme No 3 recommends 22 hillway zoning change from R10 to R40; which (I assume) would reduce the open space requirement from 60% to 45%.

*(b) "The guidelines are not following including not meeting the required setback with the neighbour at 20 Hillway and reducing the total open space. This represents an overbuilding and an over development atmosphere that has accompanied the building works at 22 Hillway".*

We note that proposed patio is due to a request from the neighbour at 20 Hillway to provide both noise and visual screening to their abutting bedrooms and that Mr & Mrs Woods have supported the proposal via their formal response to the City of Nedlands.

We also note that all of the works completed at 22 Hillway since our ownership, and inclusive of the proposed patio, have resulted in an increase the open space percentage of this property.

*(c) "The owners have build without requesting prior approval which contravene the planning regulations"*

We assumed (wrongly) that the prior Gazebo was a council approved structure and that the mere replacement of timber lattice roofing with polycarbonate did not require planning approval. We note that upon being made aware that the existing Gazebo was not an approved structure we have submitted for all of the required planning and building approvals.

*(d) "In Nedlands we have the benefit of space between dwellings so that we do not live cheek to cheek. That quality makes the neighbourhood."*

There are numerous examples of adjoining properties having structures well within the recommended 1m setback requirements. Without listing them all, the carport of No 27 Hillway and the rear part of the house / rear carport at No 25 Hillway is an example within the immediate locale.

We reiterate that the only affected neighbour is No 20 Hillway, who has advised in writing their support for this proposal.

## Summary

It is our desire to provide both visual and noise screening to our neighboring property and in a way that is aesthetically pleasing for both (it is not visible from the street).

The two primary questions being raised are

- (a) Set back from 20 Hillway – we note that the only impacted neighbour (Brett & Tracey Woods) have supported our proposal, and
- (b) Open space of 57.65% - we note that this is 2.6% higher as a result of our building works., and is likely well above the required open space minimums should the proposed rezoning of our property occur.

Although not ideal, we are prepared to offer a compromise, and should council request, that the proposed patio fascia set back be increased to 0.5m, as well as not enclosed to ensure a minimum of 2 open sides on the proposed patio. As such, the proposed patio would be classified as open space (per the definition under the R codes) and therefore the site open space would be above 60% and compliant.

We hope that the above comments do aid the council in deciding the merits of this proposal. At all times we have attempted to do what is right by Mr & Mrs Woods and do currently limit noise as much as possible in that part of our property to allow the current tenants and their baby to sleep soundly. We are attempting to improve the livability of both properties.

Should you require any further information please do not hesitate to contact us.

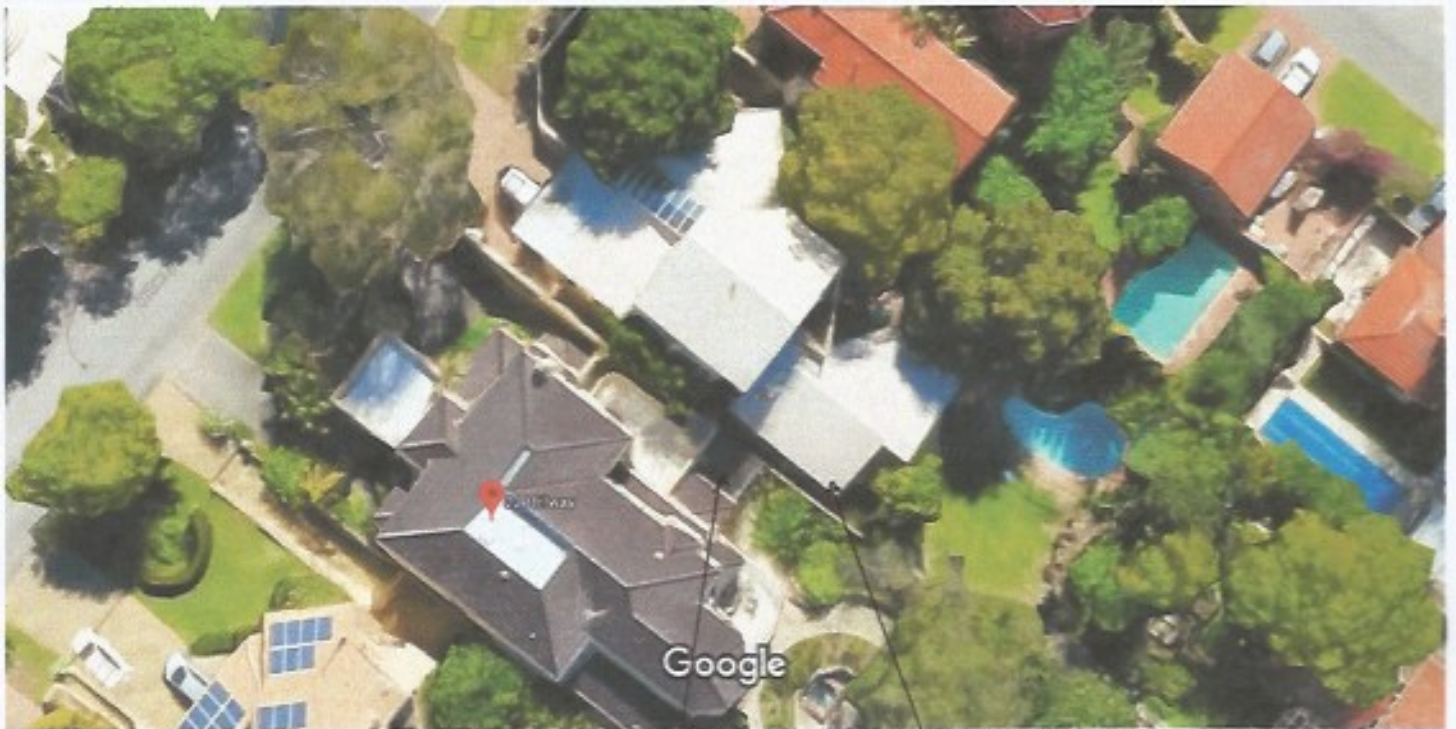
Kind Regards



Tony & Donna Edmondstone

22 Hillway

# Appendix 1



Imagery ©2018 Google, Map data ©2018 Google 5 m

Existing  
Gazebo

Bedrooms  
20 Hillway



<b>PD19.18</b>	<b>(Lot 46) No. 154 Adelma Road, Dalkeith – Two Storey Single House with Under-croft</b>
----------------	--

<b>Committee</b>	08 May 2018
<b>Council</b>	22 May 2018
<b>Applicant</b>	Seacrest Homes
<b>Landowner</b>	58 Ocean Drive Pty Ltd T/A Seacrest Homes
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA17/127
<b>Previous Item</b>	PD53.17 (withdrawn) – 5 December 2017 PD11.18 – 27 March 2018
<b>Delegation</b>	In accordance with Clause 6.7.1a) and d) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	1. Site Photographs 2. Applicant Justification

## 1.0 Executive Summary

Development approval is being sought to construct a two-storey single house with an under-croft at the subject property.

The development proposes variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) relating to lot boundary setbacks, open space, site works and visual privacy. The application was previously referred to Council in March 2018 and deferred due to amended plans being submitted just prior to the ordinary Council meeting.

The changes from the previous plans incorporate increased setbacks to the upper floor, removal of the cantilevered balcony screen, increased open space and provision of a landscaping plan incorporating screening vegetation.

The application was re-advertised to the four previous submitters with two of the submitters rescinding their objections and the other two submitters electing not to change their objection submissions. The additional site cover can be attributed to additional covered unenclosed area (i.e. patios, porches and verandahs), and the building design reduce the impact of building bulk through articulations in the ground and upper floors setbacks provided. The development is considered to comply with the relevant design principles, and it is therefore recommended that Council approves the application.

## 2.0 Recommendation to Committee

**Council approves the development application dated 01 June 2017 with amended plans received 09 April 2018 to construct a two-storey single house with an under-croft at (Lot 46) No. 154 Adelma Road, Dalkeith, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**

2. This development approval only pertains to the two-storey single house with an undercroft, associated landscaping, fill & retaining and fencing.
3. The dwelling shall not be used as a display home without further planning approval from the City being obtained.
4. The upper floor of the dwelling shall not be used for short-term accommodation or ancillary accommodation without further planning approval from the City being obtained.
5. The screening vegetation proposed along the northern side lot boundary shall be planted prior to occupancy of the dwelling and maintained by the landowner thereafter to the City's satisfaction.
6. The use of the basement level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling, the owner shall execute and provide to the City a notification pursuant to s. 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 basement level is subject to the restriction set-out above.
7. The north and south facing obscured windows to habitable rooms are fixed obscured up to 1.6m above the finished floor level.
8. The front fencing in-fill panels shall be visually permeable in accordance with the Residential Design Codes.
9. All footings and structures to retaining walls and fences, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
10. All dividing fencing, visual privacy screens and obscure glass panels to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2015*. The dividing fencing, visual privacy screens and obscure glass panels shall be installed prior to the development's practicable completion and remain in place permanently, unless otherwise approved by the City.
11. The pool pump area shall not have water permeable roofing without obtaining further planning approval.
12. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

**Advice Notes:**

1. Should the cost of development exceed the amount stated in the development application, the development application fee required to be paid will increase. This remainder of the required development application fee shall be paid prior to the processing of the building permit.

2. All crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
3. The redundant crossover shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.
4. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
5. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
6. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
7. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
8. 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. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
9. 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.
10. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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



Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

11. The applicant is advised to consult the City’s Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fair-air noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties.

Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

12. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

### 3.0 Site Details

<b>Lot area</b>	1011.7m <sup>2</sup>
<b>Metropolitan Region Scheme Zoning</b>	Urban
<b>Town Planning Scheme No. 2 Zoning</b>	Residential – R10
<b>Detailed Area Plan/Outline Development Plan</b>	No
<b>Controlled Development Area</b>	No
<b>State Heritage Listed</b>	No
<b>Listed in Municipal Heritage Inventory</b>	No

The existing single storey house has been demolished and the site cleared of all vegetation to facilitate the proposed development. The subject property’s topography slopes down 2.5m from the street to the north-eastern rear corner of the lot.

An aerial image showing the location of the property follows.



#### 4.0 Specific Application Details

The applicant seeks approval to construct a two-storey single house with an undercroft inclusive of primary street fencing, fill and fencing, decking, a below ground swimming pool, garden beds and landscaping.

The development proposes variations to the City’s Town Planning Scheme No. 2, Fill and Fencing Local Planning Policy and the deemed-to-comply provisions of the R-Codes as listed below:

- Lot boundary setbacks:
  - The upper floor wall length from the computer nook to lift is setback 1.53m in lieu of 1.9m to the southern side lot boundary;
  - The upper floor wall length from the ensuite 2 to balcony is setback 1.6m in lieu of 2.2m to the northern side lot boundary; and
  - The bulk of the upper floor is setback 3.39m in lieu of 3.8m to the northern side lot boundary.
- Open space – 59% open space is proposed in lieu of 60%.
- Fill and retaining – up to 0.7m of fill and retaining is proposed to the northern side lot boundary in lieu of the fill being a maximum of 0.5m in height or the retaining wall being setback 1m.
- Visual privacy – the unscreened portion of the front balcony has a visual privacy setback of 2.6m in lieu of 7.5m to the northern side lot boundary.

By way of justification in support of the development application the applicant has provided a design principle justification which is provided at attachment 2 to this report.

## 5.0 Consultation

The application was initially advertised by the City in late 2017. During this consultation period, four (4) objections were received. As a result, the applicants elected to amend the plans to address the submissions received and remove or reduce the proposed variations. The amended plans were subsequently re-advertised by the City in February 2018 with revised comments received.

The application was referred to Council in March and deferred as the applicant elected to submit further amended plans. The City re-advertised these amended plans to the submitters and two of the four submitters rescinded their objections. The outstanding objections are as follows:

- *“Because of the proposed reduction in open space, the development is:
  - Not appropriately scaled and sympathetic to the streetscape and the surrounding buildings;
  - Will not provide a balanced setting and relationship to the proposed building given its height and bulk;
  - Will not enable adequate recreational opportunities on site;
  - Will not allow for sufficient greenery to off-set the scale of the building to make it sympathetic to the neighbourhood.”*
- *“The bulk of the proposed house is out of keeping with the current streetscape and open, community minded atmosphere that this area currently has;*
- *The proximity to our property impact on our privacy – physical and potentially noise related.*
- *The reduced setbacks and site works will significantly impact on our backyard privacy, noise levels and visual aesthetic. The reduced setbacks are adjacent to bedrooms, entertaining areas and outdoor areas of the property.*
- *The open space variation will result in a much larger house with reduced greenery compared to surrounding house. This will have a negative impact on the streetscape and act as a heatsink.”*

No objections have been received in relation to the visual privacy and site works variations. The above comments are addressed in the discussion sections later in this report.

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

## 6.0 Assessment of Statutory Provisions

### 6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) stipulates those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

## 6.2 Town Planning Scheme No. 2

### 6.2.1 Amenity

Under clause 5.5.1 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.”*

In accordance with provisions (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 clause 67, due regard is to be given to the likely effect of the proposal on the local amenity.

The plans have been amended a number of times to reduce the number and impact of the variations to address concerns received during consultation. The amount of open space has been increased, a number of lot boundary setback variations removed or reduced, and the dividing fencing and visual privacy made compliant. The building height, overshadowing and visual privacy are all compliant with the TPS2 and deemed-to-comply provisions of the R-Codes.

Although the proposed dwelling is relatively large, it is not out of context in the locality with other new builds being of comparable size and bulk. Therefore, it is considered that the proposed dwelling will be in keeping with the expected development context of the locality with space around the dwelling still available for outdoor active pursuits and the height and bulk of the dwelling being consistent with other new dwellings within the locality.

## 6.3 Residential Design Codes (State Planning Policy 3.1)

### 6.3.1 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
Buildings are setback in accordance with Table 2A and 2B of the R-Codes.	North – The upper floor wall length from the ensuite 2 to balcony screen is setback 1.6m in lieu of 2.2m to the northern side lot boundary	No
	North – The bulk of the upper floor is setback 3.39m in lieu of 3.8m to the northern side lot boundary.	
	South – The upper floor wall length from the computer nook to lift is setback 1.53m in lieu of 1.9m to the southern side lot boundary	

#### Design Principles

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:

*“P3.1 – Buildings 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.”*

**Administration Comments – Northern side Lot boundary setbacks**

Both the front portion of wall (ensuite 2 to balcony) and the bulk of the wall length (where the large indentation is located) are proposed to be closer to the northern side lot boundary than the setbacks specified in Table 2A of the R-codes. The upper floor is located closer to the northern side of the lot to reduce the amount of overshadowing to the southern neighbouring lot, resulting in setback variations to the northern side lot boundary.

The indentation has been increased from the previous plans, substantially reducing the size of the upper floor bedrooms, to reduce the impact of building bulk on the northern neighbouring landowner.

The northern upper floor does not contain many major openings ensuring privacy is maintained between the subject property and northern neighbouring property. The neighbouring residence to the north is single storey and will still have access to northern sunlight into the main outdoor living areas and habitable areas of the dwelling (which are located away from the subject property on the northern side of the property). The impact of building bulk from the proposed dwelling will not be visible from the main outdoor living areas or the majority of the major openings of the northern neighbour’s property and dwelling.

**Administration Comments – Southern side Lot boundary setback**

The variation to the southern neighbouring property is 0.37m with the majority of the wall length setback 1.9m, with only a small protrusion from the lift to computer nook reducing the provided setback down to a minimum of 1.53m. This variation of 0.37m will not be largely visible in relation to a compliant setback of 1.9m. The amount of overshadowing is compliant at 20% of the southern neighbour’s property, with the outdoor living area and upper floor of the dwelling free from overshadowing and the lightwell in the middle of the dwelling able to receive at least 3 hours of winter sun between 10am and 3pm.

The majority of the dwelling is setback further from the southern lot boundary to reduce the impact of building bulk and overshadowing – ensuring the amenity of the neighbouring dwelling and property is maintained.

**6.3.2 Open space**

Deemed-to-Comply Requirement	Proposed	Complies?
40% site cover and 60% open space	41% site cover and 59% open space.	No

**Design Principles**

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:

*“P4 Development incorporates suitable open space for its context to:*

- reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- provide access to natural sunlight for the dwelling;*
- reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- provide space for external fixtures and essential facilities.”*

**Administration Comments**

The additional site cover has been substantially reduced from the proposal which was advertised to neighbouring landowners. The additional site cover now equates to approximately 10.1m<sup>2</sup> additional site cover, which can be accounted for in additional covered areas (patios, verandahs and porches) which do not contribute to building bulk due to their open nature.

The open space on the property provides for a number of areas for outdoor active pursuits with a combination of planters, decking, hardscaping and swimming pool whilst also allowing space around and within the dwelling for essential services. The dwelling has a compliant rear setback and landscaped front yard which is consistent with the open space provided for other dwellings within the locality, ensuring that the development is consistent with the desired streetscape character and building bulk expected for the locality. The additional site cover will not be evident from neighbouring properties in comparison to the site cover of a compliant dwelling due to the open nature of the additional site cover proposed and compliant ground floor setbacks proposed.

To further address the concerns received regarding open space, the applicants have provided a landscaping plan to show the areas of screening trees, planting and green-space on the property.

**6.3.3 Site works and Setback of Retaining Walls**

Deemed-to-Comply Requirement	Proposed	Complies?
Fill and retaining is no more than 0.5m within 1m of the lot boundary or setback in accordance with Table 2A and 2B of the R-Codes.	Fill and retaining up to 0.7m is proposed to be located up to the northern side lot boundary in lieu of 0.5m.	No

**Design Principles**

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:

*“P7.1 – Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*

*P7.2 – Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.*

*P8 – Retaining walls that results in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard for clause 5.3.7 (site works) and 5.4.1 (visual privacy).”*

**Administration Comments**

The additional fill and retaining is limited to towards the rear of the dwelling and is only adjacent to the northern side lot boundary at essentially the lowest part of the lot. The finished floor level of the dwelling is lower than the level at the front lot boundary and relative to the mid-point of the lot ensuring that the development maintains the appearance of natural ground level from the street and minimises the impact of modifications to the natural ground level on the neighbouring properties.

The dividing fencing is proposed to be 1.8m in height above natural ground level at the lot boundary and therefore the appearance of the additional fill will be concealed by the fence. The area facilitated by the additional fill and retaining is a small uncovered decking area which is likely to be used infrequently as it is away from the main outdoor living area of the dwelling.

### 6.3.4 Visual Privacy

Deemed-to-Comply Requirement	Proposed	Complies?
Raised outdoor living areas and balconies setback 7.5m or screened to a height of 1.6m above floor level.	The visual privacy setback is proposed to be 2.6m in lieu of 7.5m to the northern side lot boundary.	No
<p><b>Design Principles</b></p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P1.1 – Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>building layout and location;</i></li> <li>• <i>design of major openings;</i></li> <li>• <i>landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>location of screening devices.</i></li> </ul> <p><i>P1.2 – Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> <li>• <i>offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i></li> <li>• <i>building to the boundary where appropriate;</i></li> <li>• <i>setting back the first floor from the side boundary;</i></li> <li>• <i>providing higher or opaque and fixed windows; and/or</i></li> <li>• <i>screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters.”</i> </li></ul>		
<p><b>Administration Comments</b></p> <p>The balcony is screened to the northern elevation but not the street elevation. The area being overlooked is in-direct in nature with no major openings of the dwelling or the outdoor living area of the property being impacted by the proposed overlooking. A cantilevered screen which previously prevented overlooking has been removed from the plans to reduce the impact of building bulk with screening vegetation proposed to partially obscure overlooking opportunities.</p> <p>The balcony is unscreened facing the street to provide passive surveillance opportunities for the dwelling and therefore the provision of additional screening along the street elevation to comply with the deemed to comply requirement will result in a poor passive surveillance outcome and an area which is uninviting and not as usable as an open style balcony.</p>		

## 7.0 Budget / Financial Implications

N/A

## 8.0 Risk Management

N/A

## **9.0 Conclusion**

The proposal is largely consistent with the surrounding dwellings in terms of bulk and scale. Further to this, the development maintains a balance of cut and fill across the site and additional site cover proposed being minimal and in the form of additional open-sided covered area, ensuring that the development will not adversely affect the amenity of the surrounding residents nor the streetscape amenity. Accordingly, it is recommended that the application be approved by Council.







14/11/2017

In light of the changes made from the initial design and the design that was advertised to neighbouring landowners, it is contended that the overall impact of the development and the extent of variations to the 'deemed to comply requirements' have been reduced and therefore reducing any impact on the adjoining properties.

The amended plans provide the following:

1. Additional articulation of the walls along the northern and southern façade that will reduce the overall impact on the adjoining properties in terms of bulk and scale. The Councillors must be made aware of the changes, of the constraints of the lot (i.e. large front/rear setback requirements & fall in levels). In addition, the Councillors must be made aware that the proposal complies with overshadowing provisions of the R-Codes and satisfies the 'design principle criteria' of Element 5.1.3 of the R-Codes.
2. Additional landscaping has been provided to address the concerns made by the Councillors regarding the area of hardstand. A detailed landscaping plan will be prepared and lodged with the City once an approval has been granted.
3. The open space provisions has been marginally increased due to the changes to the dwelling.
4. The extent of overshadowing (whilst previously compliant) has been reduced over the adjoining southern property.

Notwithstanding this, the application does seek the City's consideration under the 'design principles criteria' of the R-Codes for some design elements.

In determining the suitability of the proposed open space variation in the context of the relevant 'design principles criteria' contained at Element 5.1.4 of the R-Codes, the following justifications are provided for the City's consideration:

- The proposed variation to the open space requirements for the new dwelling (i.e. 1% or 10.1m<sup>2</sup>) is considered minor and will not have a detrimental impact on the local streetscape or any adjoining properties in terms of its bulk and scale.
- The proposed dwelling has been designed to effectively use all space for the benefit of the future occupants of the dwelling.
- The proposed outdoor living area provided for the new dwelling is sufficient in area and is accessed by the internal living area (i.e. living room). Furthermore, the outdoor living area has been located to capture the winter sun (i.e. orientated north and is sufficient for the needs of its future occupants).
- The proposed new dwelling on the subject property meets the 'deemed to comply requirements' for Solar access for adjoining sites of the R-Codes and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.
- The proposed variation to the open space requirements for the new dwelling will not have a detrimental impact on the local streetscape or any adjoining properties in terms of its bulk and scale as the dwelling is consistent in terms of bulk and scale with other similar residential developments approved by the City in the immediate locality.

- The open space provided for the new dwelling is considered functional, adaptable and will provide an attractive outdoor living area for its future occupants.
- The subject property is located approximately 270m from David Cruikshank Reserve (public open space), which is capable of supplementing the day-to-day recreational needs of the future occupants of the proposed new dwelling.
- Abutting the subject property is a substantial verge area with a width of approximately 6.5 metres along the land's Adelma Road frontage. It is significant to note that the verge area contributes a further 130m<sup>2</sup> of open space to the proposed dwelling.
- The front setback and verge area for the new dwelling will be adequately landscaped to ensure that it continues to make a positive contribution to the local streetscape.

In determining the suitability of the abovementioned variations in the context of the relevant 'design principles criteria' contained in Element 5.3.7 of the R-Codes, the following justifications are provided for the City's consideration:

- The proposed variation to the permitted retaining wall/fill heights of a maximum 200mm additional retaining wall height is considered minor and will not have an adverse impact on the adjoining properties in terms of bulk and scale.
- The subject property is characterised by a 2.5 metre fall from its front boundary (i.e. Adelma Road frontage) to the rear of the property. Given this variation in the natural ground level down the entire site, the proposed new dwelling has been designed to fall from Adelma Road with the retaining wall along the northern boundary sloping down the site to minimize the extent of fill and retaining along the property boundaries.
- That portion of the new retaining wall and fill to be built up to the northern side boundary in excess of 500mm below NGL is unlikely to have any detrimental impacts on the local streetscape in terms of their design, bulk and scale and are consistent with retaining walls associated with other similar residential developments approved by the City in the immediate locality.
- A solid dividing fence 1.8m in height will be constructed in front of the new retaining wall along the side boundaries to screen the retaining wall from the neighbour's property.
- The location of the retaining wall and fill for the new dwelling assists with providing an effective use of all available space and the creation of adequate internal and external living areas.
- That portion of the new dwelling proposing retaining wall and fill to be built up to the northern side boundary abuts the side setback and extensive rear yard area of the existing single detached dwelling on adjoining the northern neighbouring property, which comprises of an outbuilding and vegetation along the common boundary. As such, it is contended that the proposed retaining/fill to be built up to the northern side boundary will not have a detrimental impact on any outdoor living areas or any major openings to habitable rooms for the existing dwelling on adjoining northern property.

Having regard for the above it is contended that the open space and site works provided for the proposed new dwelling satisfies the 'design principles criteria' of the R-Codes and may therefore be approved by the City.

<b>PD20.18</b>	<b>Draft Development on Local Reserves Local Planning Policy</b>
----------------	--

<b>Committee</b>	08 May 2018
<b>Council</b>	22 May 2018
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Previous Item</b>	Nil
<b>Attachments</b>	1. Draft Local Reserves Local Planning Policy

## 1.0 Executive Summary

Council consideration is sought in relation to the preparation of a draft Local Planning Policy for Development on Local Reserves (the policy) for public advertising.

The policy has been prepared in response to an absence of specific requirements addressing proposed sponsorship signage (including size, number and location) and proposed buildings on local reserves (not road reserves).

It is recommended that Council resolves to prepare the draft policy and it be advertised for public comment for a period of 21 days.

## 2.0 Recommendation to Committee

**Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prepares draft Development on Local Reserves Local Planning Policy, and it be advertised for a period of 21 days.**

## 3.0 Discussion

In accordance with Town Planning Scheme No. 2, all proposed development on local reserves requires development approval, however no specific provisions exist relating to proposed sponsorship signage and buildings on such reserves.

The policy also contains the following requirements regarding sponsorship signage for Council to consider:

- A maximum of 3 sponsorship signs (whether fixed or moveable) per club;
- Sponsorship signs are to have a maximum area of 5m<sup>2</sup> each and up to 2.7m in height from natural ground level; and
- Sponsorship signs are to face internally and are not to be visually prominent from the street.

It is considered the above provisions will avoid proliferation of signage on local reserves and minimise potential visual amenity impacts on surrounding areas, consistent with the policy objectives.

The policy contains height and setback and height requirements for buildings (including additions) so as not to detract from surrounding areas.

## **4.0 Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new local planning policy to be advertised for public comment for a period of not less than 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State Planning Policy, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any State Planning Policy.

Following consultation, the local government is to review the policy in light of any submissions made and resolve to either:

1. proceed with the policy
2. proceed with modification; or
3. not proceed with the policy.

## **5.0 Risk management**

N/A

## **6.0 Budget/Financial Implications**

N/A

## **7.0 Conclusion**

It is recommended that the policy be progressed to ensure that provisions are in place that will facilitate high quality development on local reserves which will not adversely affect the amenity of surrounding areas.

Council is asked to resolve to prepare this draft policy for the purpose of public advertising.

## Development on Local Reserves - Local Planning Policy (TPS 2)

<b>KFA</b>	Natural and Built Environment
<b>Status</b>	Council
<b>Responsible Division</b>	Planning & Development
<b>Purpose</b>	To outline the requirements and process for development approval on local reserves.

---

### 1.0 INTRODUCTION

- 1.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
- 1.2 This policy applies to applications for development approval on Local Reserves under Town Planning Scheme No.2. The Policy does not apply to development within road reserves.

### 2.0 OBJECTIVES

- 2.1 To ensure that development on local reserves does not adversely affect the amenity of the surrounding area.
- 2.2 To ensure that development on local reserves is in keeping with the scale and bulk of surrounding properties.
- 2.3 To avoid visually intrusive, and the proliferation of, signage.

### 3.0 DEFINITIONS

For the purpose of this policy, the following definition applies;

**“Sponsorship Signage”** means - signage which is for a financial or other benefit to a sporting or community club but is not directly related to the functions or activities of the club.

## **4.0 POLICY PROVISIONS**

### **4.1 Signage**

4.1.1 Signage (except Sponsorship Signage) is to be in accordance with the requirements of Council's Advertisement Signs on Zoned and Reserved Land (Except Road Reserves) Local Planning Policy.

### **4.2 Sponsorship Signage**

4.2.1 Sponsorship signage shall be located wholly within the lot boundaries and adequately maintained to the satisfaction of the City.

4.2.2 Signage shall face internally to the reserve and be setback sufficiently from lot boundaries so as not to be visually prominent from the street.

4.2.3 Individual sponsorship signs shall be a maximum of 5m<sup>2</sup> in area and up to 2.7m in height from natural ground level.

4.2.4 The maximum number of sponsorship signs (fixed or moveable) shall be no greater than three signs per club. An application for a greater number of signs may be considered based on the location of signs not being visible from the street.

4.2.5 The approval of a sponsorship sign includes the content of the sign. Further approval is required for a change to the sign content.

4.2.7 Sponsorship signage which is illuminated or flashing is not permitted.

### **4.3 Buildings**

4.3.1 Buildings are to be located to not detract from the amenity of the surrounding area.

4.3.2 Building Height shall be in accordance with the requirements of Town Planning Scheme No.2.

4.3.3 Buildings shall be setback from lot boundaries in accordance with the requirements of the nearest residential zone.

## **5.0 APPROVALS**

### **5.1 Development approval**

5.1.1 All development on reserves which requires a development application is to be made using the City's Development Application Form 1 and be accompanied by two copies of the proposed plans.



5.1.2 A proposal that is not in accordance with one or more clauses of this Local Planning Policy may be advertised in accordance with the provisions of cl. 64 of the Regulations.

## 5.2 Building Permit

5.2.1 Applicants are advised to contact the City's Building Services Department to determine whether a Building Permit is required for the proposed development. If required, a valid building permit is required prior to any on-site works taking place.

---

### **Related documentation**

Nil

### **Related Local Law / Legislation**

*Planning and Development (Local Planning Schemes) Regulations 2015*

City of Nedlands Town Planning Scheme No. 2

State Planning Policy 3.1 – Residential Design Codes

Advertisement Signs on Zoned and Reserved Land (Except Road Reserves) Local Planning Policy.

### **Related delegation**

Nil

### **Review History**

<b>PD21.18</b>	<b>Draft Short-term Accommodation Local Planning Policy</b>
----------------	---

<b>Committee</b>	08 May 2018
<b>Council</b>	22 May 2018
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Previous Item</b>	Nil
<b>Attachments</b>	1. Draft Short-term Accommodation Local Planning Policy

## 1.0 Executive Summary

Council consideration is sought in relation to the preparation of a draft Local Planning Policy for Short-term Accommodation (the policy) for public advertising.

The policy has been prepared in response to the increasing number of short-term accommodation development applications received by the City, and absence of specific policy requirements.

There are currently no short-term accommodation land use definitions within Town Planning Scheme No.2 (TPS 2). The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) however, provide separate land use definitions for short-term accommodation uses, being 'Holiday house', 'Holiday Accommodation', and 'Bed and Breakfast'. The policy applies these definitions for the assessment of short-term accommodation uses which are not listed in the Scheme, however are proposed under Draft Local Planning Scheme No.3.

The policy contains provisions to encourage owners to reside on-site or otherwise outlines criteria to ensure a well-managed operation, to minimise the impact on the potential amenity of surrounding residential areas.

It is recommended that Council resolves to prepare the draft policy and advertises for public comment for a period of 21 days.

## 2.0 Recommendation to Committee

**Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prepares draft Short-term Accommodation Local Planning Policy and advertises for a period of 21 days.**

## 3.0 Discussion

The policy aims to establish a framework for the assessment of short-term accommodation use applications through provisions which encourage good quality, well managed accommodation for use by visitors whilst minimising the impact on the amenity of surrounding residential areas.

The policy includes the following provisions, amongst others:

### 3.1 Definitions

Definitions for a Bed and Breakfast, Holiday Accommodation and a Holiday House as follows:

**Short Term Accommodation - Bed and breakfast** means a dwelling —

- (a) *used by a resident of the dwelling to provide temporary accommodation either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period short-term accommodation; and*
- (b) *used on a commercial basis for not more than 4 adult persons or one family, for whom breakfast is provided by the resident of the dwelling; and*
- (c) *containing not more than 2 guest bedrooms.*

**Short Term Accommodation - Holiday accommodation** means –

*2 or more dwellings on one lot, used to provide temporary accommodation for persons other than the owner of the lot. Either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period.”*

**Short Term Accommodation - Holiday house** means –

*a single dwelling on one lot used to provide temporary accommodation either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period. Does not include a bed and breakfast.”*

### 3.2 Permissibility

The policy states that proposals for Holiday Accommodation and Holiday Houses, where the owner resides on-site, are generally supported in all zones.

The policy further states that applications where the owner does not reside on-site may be considered where:

- the occupancy is limited to 4 persons; and
- the property is within 250m of a high frequency bus stop or 800m of high frequency train station, or 400m of a hospital or university; and
- bookings are for a minimum of 2 consecutive nights.

The above provisions minimise potential amenity impacts of noise, traffic and parking on surrounding areas and ensure the scale of the short-term accommodation uses are compatible with the location.

### 3.3 Car Parking

Car parking requirements for one bay per 2 adult guests, in addition to those required under the Residential Design Codes (R-codes) for the dwelling. It is considered the provision will provide for sufficient on-site parking for guests and residents to avoid impacts on surrounding properties from parking in the street.

### **3.4 Management Plan**

A detailed management plan is required to be submitted as part of any development application for a short-term accommodation use. The management plan is to contain details of how the accommodation will operate and include a code of conduct, details of how complaints will be managed by the landowner, and guest procedures.

### **3.5 Consultation**

As short-term accommodation land uses are not listed within the use class table, under TPS 2 all proposals must be advertised for a minimum of 21 days for comment.

### **3.6 Annual development approval renewal**

The draft policy proposes a 12-month probationary period which may apply to new applications for short-term accommodation to enable the City to gauge the impact of the development on the amenity of the surrounding area.

It is considered a probationary period will provide the owner/operator and surrounding residents an adjustment period, to establish any undue impacts and further management practises which need to be implemented.

At the end of the 12-month probationary period an application can be made for a renewal of approval at which time the City will give due consideration to the impact of the short-term accommodation and any complaint received.

## **4.0 Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new local planning policy to be advertised for public comment for a period of not less than 21 days as follows:

- a notice published in the local newspaper; and
- a notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State Planning Policy, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any State Planning Policy.

Following consultation, the local government is to review the policy in light of any submissions made and resolve to either:

1. proceed with the policy
2. proceed with modification; or
3. not proceed with the policy.

## **5.0 Risk management**

N/A

## **6.0 Budget/Financial Implications**

N/A

## **7.0 Conclusion**

It is recommended that the policy be progressed to ensure that provisions are in place that will facilitate well managed short-term accommodation opportunities.

Council is asked to resolve to prepare this draft policy for the purpose of public advertising.

## Short-Term Accommodation - Local Planning Policy (TPS 2)

<b>KFA</b>	Natural and Built Environment
<b>Status</b>	Council
<b>Responsible Division</b>	Planning & Development
<b>Purpose</b>	To outline the requirements and process for lodgement and assessment of development applications for short-term accommodation land uses.

---

### 1.0 INTRODUCTION

- 1.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and applies to all land within the Town Planning Scheme 2 area.
- 1.2 This policy applies to 'Use Not Listed' applications for 'Bed and Breakfast', 'Holiday Accommodation' and 'Holiday House' as defined in this policy.

### 2.0 OBJECTIVES

- 2.1 To ensure the scale and siting of short-term accommodation uses are compatible with the surrounding area.
- 2.2 To maintain a high standard of amenity for the surrounding neighbourhood through required management controls.
- 2.3 To ensure properties used for a short-term accommodation use do not have an undue impact on the residential amenity of the area by way of noise, traffic, or parking.

### 3.0 POLICY PROVISIONS

- 3.1 For the purpose of assessment and determination, 'Bed and Breakfast', 'Holiday Accommodation' and 'Holiday House' are considered as a 'Use Not Listed' in the Zoning Table of Town Planning Scheme No. 2 (TPS 2) and further defined for the purpose of this policy as follows:

***"Short Term Accommodation - Bed and breakfast"*** means a dwelling —  
(a) *used by a resident of the dwelling to provide temporary accommodation either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period short-term accommodation; and*

- (b) *used on a commercial basis for not more than 4 adult persons or one family, for whom breakfast is provided by the resident of the dwelling; and*
- (c) *containing not more than 2 guest bedrooms.*

**“Dwelling”** – *As per State Planning Policy 3.1 – Residential Design Codes*

**“Short Term Accommodation - Holiday accommodation”** means –  
*2 or more dwellings on one lot, used to provide temporary accommodation for persons other than the owner of the lot. Either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period.”*

**“Short Term Accommodation - Holiday house”** means –  
*a single dwelling on one lot used to provide temporary accommodation either continuously or from time to time, with no guest(s) accommodated for periods totalling more than 3 months in any 12-month period. Does not include a bed and breakfast.”*

3.2 Development requirements for a Bed & Breakfast:

- a) The owner/resident of the accommodation must reside on-site at all times while the Bed & Breakfast accommodation is in operation.
- b) Meals may only be provided for Bed & Breakfast accommodation guests.

3.3 Development requirements for a Holiday House:

- a) Applications for a Holiday House, where the owner/resident resides on-site, are generally supported in all zones.
- b) Applications for a Holiday House where the owner/resident does not reside on-site are generally not supported in the Residential zone. Where the owner/resident does not reside on site, applications may be considered where:
  - i. the occupancy is limited to 4 persons or less; and
  - ii. The property is located within 250m of a high frequency bus stop or 800m of high frequency train station or 400m of a Hospital or University; and
  - iii. Bookings must be for a minimum stay of 2 consecutive nights.

3.4 Development requirements for Holiday Accommodation:

- a) Applications for Holiday Accommodation, where the owner/resident resides on-site, are generally supported in all zones.

- b) Applications for Holiday Accommodation where the owner/resident does not reside on-site are generally not supported in the Residential zone. Where the owner/resident does not reside on site, applications may be considered where:
  - i. the occupancy is limited to 4 persons or less; and
  - ii. The property is located within 250m of a high frequency bus stop or 800m of high frequency train station or 400m of a Hospital or University; and
  - iii. Bookings must be for a minimum stay of 2 consecutive nights.

### 3.5 Car Parking

- a) A minimum of 1 car parking bay is to be provided on the site for every 2 adults who are to reside at a Bed and Breakfast, Holiday Accommodation or a Holiday House
- b) In addition, Car parking bays are to be provided on the site for those who reside at the property on a permanent basis in accordance with the Residential Design Codes, in addition to those bays required under clause 3.5 a) of this Policy.
- c) On site car parking is to be designed and vehicular access provided in accordance with the R-Codes.

## 4.0 DEVELOPMENT APPLICATION REQUIREMENTS

4.1 In addition to the City's standard development application requirements, the following is required to be provided as part of the development application:

- a) Two copies of a site plan and floor plan drawn to a 1:100 or 1:200 scale which show the areas/building on the property proposed to be used as Bed and Breakfast, Holiday Accommodation or a Holiday House.
- b) A detailed, scaled site plan demonstrating the proposed parking arrangements.
- c) Two copies of a detailed management plan (refer to section 4.2 of this Policy).
- d) A detailed traffic impact assessment prepared by a Traffic Consultant if a shortfall in the required amount of car parking bays, as stipulated under clause 3.3 and 3.4 of this Policy, is proposed. This may also be required if another use exists at the same property (i.e. a home business, ancillary accommodation etc.).

4.2 The Management Plan is to include the following, **as a minimum**:

- a) The maximum number of guests which will stay, in addition to (if applicable) those which reside at the property on a permanent basis.



- b) A code of conduct detailing the expected behaviour and obligations of guests. The code of conduct shall be displayed in a prominent position within the premises.
- c) Details of how complaints regarding anti-social behaviour, car parking and noise, amongst other matters, will be managed by the landowner(s).
- d) The contact details of the landowner(s) if a neighbour wants to lodge a complaint.
- d) Details regarding guest check-in and check-out procedures (i.e. days and times).
- e) Details of how car parking for those staying at the property and (if applicable) those residing at the property on a permanent basis, will be managed by the landowner(s). The measures proposed are to ensure vehicles will have easy access to on site car parking spaces at all times.
- f) Details of how the guests will be informed of the requirements for parking.
- g) Details regarding how guests are expected to maintain the property.
- h) Details whether pets and guests associated with those staying at the property will be permitted, and if so, how this will be managed.

4.3 Council will have regard to the details provided in the Management Plan in determining an application.

4.4 Council may add, modify or remove any details in the Management Plan as part of its determination.

4.5 Applications for short-term accommodation will not be supported in Strata Title situations except where the consent of the Strata Company/Council of Owners has been given in accordance with the provisions of the Strata Titles Act 1985 and associated By-Laws. The Strata Company/Council of Owners are to complete and sign the landowner section of the City's Development Application Form prior to lodgement.

## **5.0 NEIGHBOUR CONSULTATION**

5.1 Development applications for Bed and Breakfast, Holiday Accommodation or a Holiday House are required to be advertised by the City to affected landowners for a minimum of 21 days prior to being determined.

## **6.0 APPROVAL PERIOD**

6.1 The City may grant temporary development approval for short term accommodation uses for an initial 12-month period.

6.2 Following this initial 12-month period, a subsequent development approval will be required to be submitted for the renewal of the approval for the short-term accommodation. As part of considering a renewal, the City will give regard to any substantiated complaints against the operation of the short-term accommodation in accordance with the conditions of its development approval. Should a subsequent approval be granted, this may be for a time limited period at the discretion of the City.

## **7.0 HEALTH & BUILDING APPROVAL**

- 7.1 The applicant is advised to consult with the City's Building Services & Environmental Health departments to determine if a Building Permit or Food Business application is required for a Bed and Breakfast, Holiday Accommodation or a Holiday House use.
- 

### **Related documentation**

Nil

### **Related Local Law / Legislation**

*Planning and Development (Local Planning Schemes) Regulations 2015*

City of Nedlands Town Planning Scheme No. 2

State Planning Policy 3.1 – Residential Design Codes

### **Related delegation**

Nil

### **Review History**

<b>PD22.18 Heritage Incentives Policies</b>	
<b>Committee</b>	08 May 2018
<b>Council</b>	22 May 2018
<b>Applicant</b>	City of Nedlands
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Refund of Planning Fees for Places of Heritage Significance Policy</li> <li>2. Heritage Advice for Owners of Places of Heritage Significance Policy</li> </ol>

## **1.0 Executive Summary**

This report presents two policies for Council adoption. The intent of the policies is to provide a framework for an incentives program to encourage landowners to retain buildings of heritage significance.

## **2.0 Recommendation to Committee**

**Council;**

- 1. adopts the Refund of Planning Fees for Places of Heritage Significance Policy; and**
- 2. adopts the Heritage Advice for Owners of Places of Heritage Significance Policy.**

## **3.0 Background**

In December 2017, Council resolved to adopt the proposed Heritage List which updated properties protected by the Town Planning Scheme No. 2 (a total of 21 properties) but did not proceed with the proposed Municipal Inventory nor the proposed heritage incentives.

Council is required by the Heritage of Western Australia Act to have a Municipal Inventory and update this Inventory every four years. For the City of Nedlands, any proposed Municipal Inventory would be an update of the current 1999 Municipal Heritage Inventory. Buildings on the Municipal Inventory have no statutory controls attached. It is a simple register or record of the built heritage of the City at this time.

The December report to Council briefly discussed heritage incentives however there was no resolution to either proceed with the proposed incentives or not. This report presents two draft policies (Attachments 1 and 2) that if adopted, would facilitate the commencement of a heritage incentives program.

Following the resolution of the proposed heritage incentives program, it will be possible to further consider updating the current 1999 Municipal Heritage Inventory.

## **4.0 Discussion**

### **4.1 Details of Proposed Incentives Program**

The proposed incentives program consists of two 'opt-in' opportunities for owners of properties with heritage significance;

- Refund of planning fees, and
- Access to subsidised heritage advice.

The program would be available where the subject building is on the City's Heritage List or Municipal Heritage Inventory (as updated).

The intent of the incentives program is to reduce the barriers that discourage the retention of places with heritage significance. The policies that provide the framework for the heritage incentives framework are discussed separately below.

### **4.2 Refund of Planning Fees for Places of Heritage Significance Policy**

The draft policy is attached (Attachment 1).

The proposal would allow the City to refund a portion of planning fees for eligible developments, generally development that is deemed to restore, conserve or re-use the heritage attributes of the place. This would require an applicant to submit a request for a refund of fees after a Development Approval has been granted. Planning Officers would determine if the development is eligible based on the information contained in the relevant Place Record. Place Records exist for all properties on the Heritage List and Municipal Inventory.

A proposal with a cost of development of \$1 million would reach the maximum refund available (\$1500). This program would be simple to administer and would require minimal resourcing. The policy sets out clear statements to enable consistent decision making and to ensure eligibility requirements are easy to understand.

### **4.3 Heritage Advice for Owners of Places of Heritage Significance Policy**

The draft Policy is attached (Attachment 2).

This proposal would allow the City to facilitate and fund consultations with a heritage and conservation expert with property owners, for the purpose of discussing potential development applications or re-use strategies for maintaining the heritage significance of buildings.

This would require the City to engage (using an RFQ process) suitably qualified heritage professional/s that would be available to provide appropriate heritage advice for a fixed term. It is proposed that up to two heritage professionals or firms be engaged to cover the range of development proposals that might be expected. At least one professional must be experienced in the conservation/adaptation of heritage significance of single residences for continued residential purposes. The City would require the engaged professionals be familiar with the planning framework specific to the City of Nedlands.

Interested property owners would request access to a heritage advice session through the City. Planning Officers would determine if the owner or occupier is eligible for a heritage advice session and liaise with the heritage professional to establish the appointment. It is estimated that the maximum five-hour cap would equate to approximately \$1500. The policy sets out clear statements to enable consistent decision making and to ensure eligibility requirements are easy to understand.

## **5.0 Consultation**

The policies were reviewed at a Councillor Briefing on 20 March 2018, prior to presentation to Council.

As these are Council Policies, there is no statutory requirement for them to be advertised.

The incentives program will be promoted within the community if endorsed and funded.

## **6.0 Budget/Financial Implications**

The adoption of policy does not in itself have any financial implications. However, an annual budget allocation is required in order to run the incentives program.

An allocation of \$20,000 (\$10,000 for each initiative) is proposed to be included in the 2018/19 Budget.

## **7.0 Conclusion**

It is recommended that the two Council Policies are adopted to provide a framework for an incentives program to encourage landowners to retain buildings of heritage significance.



## Refund of Planning Fees for Places of Heritage Significance

<b>KFA</b>	<b>Natural and Built Environment</b>
<b>Status</b>	Council
<b>Responsible Division</b>	Planning and Development
<b>Objective</b>	To provide guidance as to the refund of relevant planning fees for developments that propose to conserve or improve the heritage aspects of a place.

---

### Context

1. The City of Nedlands has a Heritage List and Municipal Heritage Inventory.
2. Buildings contained on the Heritage List are required to obtain development approval for all development and demolition.
3. Buildings contained on the Municipal Heritage Inventory are not subject to planning requirements over and above any other buildings, however it is the intention to reduce the barriers that discourage retention of these buildings.
4. Council has resolved to allow the City to refund planning fees in certain circumstances, as outlined in this policy.

### Statement

1. A request for refund of planning fees will only be considered where the subject building to be retained is on the City's Heritage List or Municipal Heritage Inventory.
2. A request for refund of planning must relate to a development that, in the opinion of the City, fulfils one (or more) of the following statements:
  - the sole purpose of the proposed development is to restore or conserve the heritage attributes of a significant building and/or site; or
  - where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
  - development application involving a change of use of a heritage-listed place that does not involve any significant physical construction; or
  - development application involving alterations and additions which has no adverse effect on the heritage significance associated with the heritage listed place; or
  - development application involving partial demolition which has no adverse effect on the heritage significance associated with the heritage listed place.



3. The maximum refund will be 50% of the Development Application fees paid OR \$1 500 (whichever is lesser).
4. This policy does not apply to retrospective applications.
5. The refund of planning fees only applies to the standard development (planning) application fees and does not include the following fees:
  - Building permit and processing fees, BCITF/Building Services Levies.
  - Planning Service Fees.
  - WAPC subdivision, amalgamation and clearance fees.
  - Rezoning/scheme amendment fees.
  - Health and Compliance fees.
  - Other fees charged by the City.
6. Applicants will be required to pay all fees at the time of application. The City will refund the appropriate planning fees after development approval is issued and where the provisions of this policy are satisfied.
7. The budget allocation to allow for the refund of planning fees will be included in the annual budget for Council's consideration. Refunding of fees is subject to the approval of the budget allocation by Council and the available budget remaining at the time of the request.
8. The refund of fees will be at the sole discretion of the City of Nedlands.

---

### **Related documentation**

City of Nedlands Municipal Heritage Inventory  
City of Nedlands Heritage List

### **Related local law and legislation**

Local Government Act 1995  
Planning and Development Regulations 2009  
Planning and Development (Local Planning Schemes) Regulations 2015  
Town Planning Scheme No. 2

### **Related delegation**

*Insert related delegation*

---

### **Review History**

*Insert date approved by Council*

## Heritage Advice for Owners of Places of Heritage Significance

<b>KFA</b>	<b>Natural and Built Environment</b>
<b>Status</b>	Council
<b>Responsible Division</b>	Planning and Development
<b>Objective</b>	To provide guidance as to the provision of heritage advice sessions for owners or occupiers of places with heritage significance.

---

### Context

1. The City of Nedlands has a Heritage List and Municipal Heritage Inventory.
2. Buildings contained on the Heritage List are required to obtain development approval for all development and demolition.
3. Buildings contained on the Municipal Heritage Inventory are not subject to planning requirements over and above any other buildings, however it is the intention to reduce the barriers that discourage retention of these buildings.
4. Council has resolved to allow the City to facilitate the provision of heritage advice sessions to property owners or occupiers, with the cost borne by the City, in certain circumstances, as outlined in this policy.

### Statement

1. A request for a heritage advice session will only be considered where the subject building to be discussed is on the City's Heritage List or Municipal Heritage Inventory.
2. A request for a heritage advice session must relate to developments or proposals that, in the opinion of the City, will enhance or maintain the heritage aspects of a certain building and/or site.
3. Heritage advice sessions will be conducted with heritage professional/s engaged by the City of Nedlands.
4. The City will bear the cost of a maximum of five hours of the nominated heritage professional's time. This is inclusive of but not limited to; time meeting with an owner/occupier, site visits, research and drafting of correspondence.
5. The budget allocation to allow for the heritage advice sessions will be included in the annual budget for Council's consideration. The City's ability to grant access to





this service is subject to the approval of the budget allocation by Council and the available budget remaining at the time of the request.

6. The granting of heritage advice sessions will be at the sole discretion of the City of Nedlands.

---

### **Related documentation**

City of Nedlands Municipal Heritage Inventory  
City of Nedlands Heritage List

### **Related local law and legislation**

Planning and Development (Local Planning Schemes) Regulations 2015

### **Related delegation**

*Insert related delegation*

---

### **Review History**

*Insert date approved by Council*

<b>PD23.18      Municipal Inventory</b>	
<b>Committee</b>	8 May 2018
<b>Council</b>	22 May 2018
<b>Applicant</b>	City of Nedlands
<b>Landowner</b>	Various
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Attachments</b>	1. Proposed Municipal Inventory

## 1.0 Executive Summary

The purpose of this report is to present a Municipal Inventory for the City of Nedlands.

A Municipal Inventory is a list of places that the community see as important and/or representative of their heritage. These places may have aesthetic, historic, social or scientific value. A Municipal Inventory does not have to prohibit, restrict, or otherwise alter the development potential of the place, but the requirement for a local government to have a Municipal Inventory comes from the *Heritage of Western Australia Act 1990*.

The proposed Municipal Inventory (attachment 1) is a simple register of places that have heritage significance, based on a review of the existing 1999 Municipal Heritage Inventory and the comments received by property owners to date. The proposed Municipal Inventory is for information purposes and to provide a record of the built heritage of the City of Nedlands at this time. It will not prohibit, restrict, or otherwise alter the development potential of the place.

The proposed Municipal Inventory presented for adoption does not include any property where the property owner objected to the entry in 2013 and/or 2015 consultation periods, whether the place is on the current 1999 Municipal Heritage Inventory or not.

Following adoption of the proposed Municipal Inventory, a final consultation period will commence. Any further objections to inclusion on the Municipal Inventory received at this time will result in the property being removed.

## 2.0 Recommendation to Committee

**Council:**

- 1. Adopts the proposed Municipal Inventory (Attachment 1) subject to;**
  - a) Consultation with property owners, and**
  - b) Subsequent removal of properties where an owner objects to the listing, or in the case of strata titled properties, all owners object to the listing.**

### 3.0 Background

The City of Nedlands engaged Palassis Architects in 2011 for the purpose of reviewing the existing Municipal Heritage Inventory (1999 Municipal Heritage Inventory).

A basic timeline of events relating to the review of the Municipal Inventory since that time follows:

March 2012	Palassis Municipal Inventory first considered by Council, matter referred back to Administration for further consideration.
February 2013	Palassis Municipal Inventory considered by Council.
April 2013	Consultation process occurs.
October 2013	Workshopping of possible incentive program.
November 2013	Council considered a proposed incentives program, matter referred back to Administration.
February 2014	Workshopping of possible incentive program.
June 2014	No incentive program included in 2014-15 budget.
December 2014	NOM to request Administration re-present a Municipal Inventory.
May 2015	Revised Heritage List and Municipal Inventory considered by Council.

Council, at its 19 December 2018 meeting resolved as follows in relation to the Heritage List:

*“Council adopts the proposed Heritage List*

The most recent Council resolution (May 2015) relating to the Municipal Inventory reads as follows:

*Council:*

1. *Endorses the proposed Heritage List as the accepted list of places to be given statutory protection except that private properties listed where the owners have objected or do object to the listing are to be excluded from the list (unless such properties are on the State Register or already on the list prior to this review); and*
2. *Endorses the proposed Municipal Inventory for the purposes of consultation with all owners except that private properties listed where the owners have objected or do object to the listing in the course of consultation are to be excluded from the list (unless such properties are on the Municipal Inventory or already on the list prior to this review).”*

Following this resolution (July 2015) consultation occurred with all property owners except those owned by state/federal government and those already included on the State Heritage Register. Following this consultation process, all resources were diverted to the drafting of the Local Planning Strategy and Local Planning Scheme No. 3.

This report is intended to address the most recent resolution and consultation results for the Municipal Inventory, and finalise the review process that commenced in 2011.

## **4.0 Consultation Process**

### **a) Previous Consultation**

In April 2013 a substantial consultation process was undertaken. Approximately 75 places were included in this process, being places that were new to the Municipal Inventory or were proposed to have the management category changed (at this point in time, the Municipal Inventory did have recommended management categories). Approximately 40 written responses were received during the consultation.

In July 2015 another consultation process was undertaken. Approximately 110 places were included in this process, being all places except those on the State Heritage Register or State/Federal Government places. Approximately 57 written responses were received during the consultation.

### **b) Proposed Consultation**

Legislation requires that public consultation is carried out when compiling a Municipal Inventory and/or Heritage List.

Consultation will be carried out by direct mail to owners of all places on the proposed Municipal Inventory (including those who have previously commented), along with notice on the City's community engagement website. Consultation will be scheduled to begin after Council has completed its consideration of submissions on LPS3 and run for four weeks.

Where an objection is received the property will be removed from the Municipal Inventory unless;

- The property is already on the State Heritage Register, or
- The property is strata titled, and the objection is not unanimous (i.e. not all owners have objected).

The Municipal Inventory will also be referred to the Heritage Council as per the *Heritage Act*.

After the process described above is completed, affected property owners and elected members will be informed, and the final Municipal Inventory will be published on the City of Nedlands website.

## **5.0 Discussion**

### **Proposed Municipal Inventory 2018**

The proposed Municipal Inventory is included as Attachment 1, and is split into four sections:

- Residential Properties: are all in private ownership.
- Residential Strata Flats: flats held in strata ownership.
- Commercial Properties: are also privately owned but are used for commercial purposes. Some of these places may include a residential component (i.e. a flat above a shop).

- **Other Properties:** includes places that do not fall into the previous sections. Places within this section are varied but includes all places under the management of the City of Nedlands.

The sections are sorted by street address for ease of reference.

The main point of difference between the attached proposed Municipal Inventory and the previous version presented to Council is the removal of those who objected to the entry in 2013 and/or 2015 consultation periods, whether the place is on the current 1999 Municipal Heritage Inventory or not. Where a property is in strata ownership, the place has not been removed unless all owners objected to the entry.

The proposed Municipal Inventory includes a number of new places not included in the current 1999 Municipal Heritage Inventory. There are various reasons as to why the new places have been included. In particular the following points are to be noted:

- Over the past 18 years (since 1999), as new buildings replace older housing stock it becomes more important to record good examples of our built heritage as it ages.
- Flats/maisonettes were underrepresented (generally not included) in the 1999 Municipal Heritage Inventory.

The places on the proposed Municipal Inventory have associated 'place records' which include information on the construction of the place, historical notes, physical description and statement/s as to why the place has heritage significance. These 'place records' will be made freely available to anyone wishing to understand the heritage significance of a place or area.

The proposed Municipal Inventory does not include management categories or any 'heritage precincts' or similar.

Like the current 1999 Municipal Heritage Inventory, the proposed Municipal Inventory does not offer statutory protection to the places within it. Single houses on the proposed Municipal Inventory, like any other single house, may be altered/developed without development approval, subject to satisfying the usual requirements of TPS2, R-Codes and policy. This includes the ability to demolish a building or structure without development approval.

There is no practical difference in the way properties on the current 1999 MHI are treated and the way properties on the proposed Municipal Inventory will be treated. The proposed framework is intended to be simple but updated to align with current legislation and terminology.

## **6.0 Legislation / Policy**

- *Heritage of Western Australia Act 1990*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Nedlands Town Planning Scheme No. 2 (TPS2)

## **7.0 Budget / Financial Implications**

Nil

## **8.0 Risk management**

The current 1999 Municipal Heritage Inventory is outdated and requires review. The local government is not in compliance with the Heritage of Western Australia Act 1990 if the Municipal Inventory is not reviewed every four years.

## **9.0 Conclusion**

This report presents a proposed 2018 Municipal Inventory to update the City's heritage planning framework in line with legislative requirements. The proposed Municipal Inventory is the non-statutory, informative document. There are no other recommendations as to the management of heritage properties (i.e. character areas, management categories, other inventories) at this time.

## Proposed Municipal Inventory

Residential				
Name of Place	Address	Suburb	State List	On 1999 MHI
<i>Objection rec'd, removed.</i>	Residence	9 Birdwood Pde	DALKEITH	✓
<i>Objection rec'd, removed.</i>	Residence	15 Birdwood Pde	DALKEITH	✓
	Residence	25 Birdwood Pde	DALKEITH	✓
<i>Objection rec'd, removed.</i>	Residence	33 Birdwood Pde	DALKEITH	✓
	Residence	39 Birdwood Pde	DALKEITH	✓
	Karda Mordo	53 Birdwood Pde	DALKEITH	✓
<i>Objection rec'd, removed.</i>	Residence	89 Broadway	NEDLANDS	✓
<i>Objection rec'd, removed.</i>	Residence	93 Broadway	NEDLANDS	✓
<i>Objection rec'd, removed.</i>	Residence	101 Broadway	NEDLANDS	
	Residence	139 Broadway	NEDLANDS	✓
	Residence	15 Browne Ave	DALKEITH	✓
	Residence	14 Bulimba	NEDLANDS	
	Residence	18 Circe Circ	DALKEITH	
	Residence	14 Cooper St	NEDLANDS	
	Residence	35 Cross St	SWANBOURNE	
	Residence	37 Cross St	SWANBOURNE	
<i>Objection rec'd, removed.</i>	Residence	10 Edward St	NEDLANDS	
	Residence	79 Florence Rd	NEDLANDS	✓
	Residence	83 Florence Rd	NEDLANDS	✓
	Chisolm House	32 Genesta Cres	DALKEITH	✓
	Greystones	5 Gordon St	NEDLANDS	✓
	Director's House	1 Grainger Dve	MT CLAREMONT	✓
<i>Objection rec'd, removed.</i>	Residence	4 Hillway	NEDLANDS	
	Residence	6 Jutland Pde	DALKEITH	✓
	Residence	30 Jutland Pde	DALKEITH	
	Residence	39 Jutland Pde	DALKEITH	✓
	Residence	41 Jutland Pde	DALKEITH	✓
	Kylemore	43 Jutland Pde	DALKEITH	✓
	Residence	52 Jutland Pde	DALKEITH	
<i>Objection rec'd, removed.</i>	Residence	24 Kingsway	NEDLANDS	
	Residence	47 Kingsway	NEDLANDS	
<i>Objection rec'd, removed.</i>	Strickland Park	39 Kinninmont Ave	NEDLANDS	✓
	Residence	11 Kitchener St	NEDLANDS	
<i>Objection rec'd, removed.</i>	Residence	17 Kitchener St	NEDLANDS	
	Residence	29 Leon Rd	DALKEITH	
	Residence	51 Loftus	NEDLANDS	✓
	Residence	41 Marita Rd	NEDLANDS	✓
	Residence	35 Meriwa St	NEDLANDS	
	Residence	91 Meriwa St	NEDLANDS	
	Residence	40 Minora Rd	DALKEITH	✓
	Residence	2 Portland St	NEDLANDS	✓
	Residence	5 Rockton Rd	NEDLANDS	✓
	Residence	7 Rockton Rd	NEDLANDS	✓
	Residence	10 Rockton Rd	NEDLANDS	
	Residence	14 Rockton Rd	NEDLANDS	✓

Residence	16 Rockton Rd	NEDLANDS		✓
Residence	18 Rockton Rd	NEDLANDS		✓
Residence	24 Rockton Rd	NEDLANDS		
Residence	29 Rockton Rd	NEDLANDS		✓
Residence	31 Rockton Rd	NEDLANDS		✓
Residence	33 Rockton Rd	NEDLANDS		✓
Residence	35 Rockton Rd	NEDLANDS		✓
Stirling Court	48 Stirling Hwy	NEDLANDS		✓
Portland Flats	55 Stirling Hwy	NEDLANDS		✓
Residence	68 Stirling Hwy	NEDLANDS		
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>61 The Avenue</del>	<del>NEDLANDS</del>	
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>11 Thomas St</del>	<del>NEDLANDS</del>	
Residence	1A Tyrell St	NEDLANDS		✓
Residence	1B Tyrell St	NEDLANDS		✓
Residence	65 Tyrell St	NEDLANDS		✓
Residence	75 Tyrell St	NEDLANDS		✓
Residence	77 Tyrell St	NEDLANDS		✓
Residence	81 Victoria Ave	DALKEITH		
Residence	87 Victoria Ave	DALKEITH		
Residence	93 Victoria Ave	DALKEITH		
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>150 Victoria Ave</del>	<del>DALKEITH</del>	<del>✓</del>
Day House	166 Victoria Ave	DALKEITH		✓
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>33 Viewway</del>	<del>NEDLANDS</del>	
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>47 Vincent St</del>	<del>NEDLANDS</del>	
<i>Objection rec'd, removed.</i>	<del>Residence</del>	<del>30 Waratah Ave</del>	<del>DALKEITH</del>	
Residence	11 Waroonga Rd	NEDLANDS		

### Residential Strata Flats

Name of Place	Address	Suburb	State List	On 1999 MHI
Kooyong	50-60 Kinninmont Ave	NEDLANDS		
Kumara	101 Smyth Rd	NEDLANDS		
<i>Objection rec'd, removed.</i>	<del>Kingston</del>	<del>46 Stirling Hwy</del>	<del>NEDLANDS</del>	<del>✓</del>
Shelbourne	59 Stirling Hwy	NEDLANDS		✓
Grosvenor	63 Stirling Hwy	NEDLANDS		
Flats	72 Stirling Hwy	NEDLANDS		
Flats	74 Stirling Hwy	NEDLANDS		
Boronia Flats	89-91 Stirling Hwy	NEDLANDS		
Bellaranga	93 Stirling Hwy	NEDLANDS		
Powers Court	112 Stirling Hwy	NEDLANDS		
Greenough	114 Stirling Hwy	NEDLANDS		✓
Bossal	157 Stirling Hwy	NEDLANDS		
Nedlands Park Hotel (Steve's)	30 The Avenue	NEDLANDS		✓
Beaumaris Flats	9 Webster St	NEDLANDS		



## Commercial Properties

Name of Place	Address	Suburb	State List	On 1999 MHI
David Foulkes-Taylor Showroom Royal Australian Institute of Architects	33 Broadway	NEDLANDS	✓	✓
Robert Muir Books	69 Broadway	NEDLANDS		✓
Elischer Studio + Residence	97 Broadway	NEDLANDS		
Rossen Real Estate	119 Broadway	NEDLANDS		✓
Restaurant	161 Broadway	NEDLANDS		✓
<i>Objection rec'd, removed.</i> Broadway Pizza	<del>165 Broadway</del>	<del>NEDLANDS</del>		<del>✓</del>
Brown's Garage	76 Bruce St	NEDLANDS		✓
<i>Objection rec'd, removed.</i> Hampden Road shops	<del>23 Hampden Rd</del>	<del>NEDLANDS</del>		<del>✓</del>
Hampden Road shops	25 Hampden Rd	NEDLANDS		✓
Hampden Road shops	27 Hampden Rd	NEDLANDS		✓
Hampden Road shops	29 Hampden Rd	NEDLANDS		✓
Hampden Road shops	31 Hampden Rd	NEDLANDS		✓
Hampden Road shops	33 Hampden Rd	NEDLANDS		✓
Hampden Road shops	35 Hampden Rd	NEDLANDS		✓
<i>Objection rec'd, removed.</i> Hampden Road shops	<del>45 Hampden Rd</del>	<del>NEDLANDS</del>		<del>✓</del>
Tiamo	57 Hampden Rd	NEDLANDS		✓
Swanbourne Hospital	1 Heritage Ln	MT CLAREMONT	✓	✓
Domain	30 Loch St	NEDLANDS		✓
Hollywood Private Hospital	Monash Ave	NEDLANDS		✓
Bruce St Stirling Hwy shops	26 Stirling Hwy	NEDLANDS		✓
Old Nedlands Post Office	35 Stirling Hwy	NEDLANDS	✓	✓
Captain Stirling Hotel & Bottle Shop	80 Stirling Hwy	NEDLANDS	✓	✓
Windsor Cinema	98 Stirling Hwy	NEDLANDS		✓
Persian Carpet Gallery (AKA Art Deco Shop)	102 Stirling Hwy	NEDLANDS		✓
<i>Objection rec'd, removed.</i> Renkema	<del>134 Stirling Hwy</del>	<del>NEDLANDS</del>		<del>✓</del>
Torbay	189 Stirling Hwy	NEDLANDS		✓
Corner Store	24 Webster St	NEDLANDS		✓

## Other Properties

Name of Place	Address	Suburb	State List	On 1999 MHI
Carmelite Monastery	104 Adelpa Rd	DALKEITH		✓
Mt Claremont Primary School	103 Alfred Rd	MT CLAREMONT		
Sunset Hospital	Birdwood Pde	DALKEITH	✓	✓
Gallop House	22 Birdwood Pde	DALKEITH	✓	✓
Graylands Hospital	1 Brockway Rd	MT CLAREMONT	✓	✓
Dalkeith Primary School	44 Circe Circ	DALKEITH		✓
Church Of Christ	68 Dalkeith Rd	NEDLANDS		✓
John XXIII College	25 John XXIII Ave	MT CLAREMONT		✓
Nedlands Primary School	35 Kingsway	NEDLANDS		✓
Chinese Methodist Church	38 Kingsway	NEDLANDS		✓
Hollywood Primary School	117 Monash Ave	NEDLANDS		✓
Nedlands Uniting Church	237 Princess Rd	NEDLANDS		✓
Karrakatta Cemetary	Railway Pde	NEDLANDS		✓
Royal Perth Rehabilitation Hospital	6 Selby St	SHENTON PARK		✓
Commonwealth War Cemeteries	Smyth Rd	NEDLANDS		✓
Telephone Exchange	46 Stanley St	NEDLANDS		✓
<del>Challenge Stadium</del>	<del>100 Stephenson Ave</del>	<del>MT CLAREMONT</del>		<del>✓</del>
St Andrew's Anglican Church	177 Stirling Hwy	NEDLANDS		✓
Irwin Barracks	Stubbs Tce	KARRAKATTA		✓
Magazine	Stubbs Tce	KARRAKATTA		✓
Barracks	Stubbs Tce	KARRAKATTA		✓
Lemnos Hospital	Stubbs Tce	KARRAKATTA	✓	✓
Holy Rosary Roman Catholic Church	46 Thomas St	NEDLANDS		✓
St Margaret's Anglican Church	58 Tyrell St	NEDLANDS	✓	✓
St Lawrence's Anglican Church	Viking Rd	DALKEITH	✓	✓
Loreto Convent	69 Webster St	NEDLANDS		✓
Swanbourne Army Complex	West Coast Hwy	SWANBOURNE		✓

Objection rec'd, removed.