

No.	Year & DA No.	Matter	Outcome
N.A.	1998	Prosecution for mosquitoes in pool	Settled out of court
1	2000-5928	Additions (single-storey)	Approved under delegated authority
2	2003-302	Additions (2-storeys)	Cancelled
3	2003-629	Additions (2-storeys)	Approved under delegated authority
4	2005-239	Amendments (2-storeys, gatehouse & pond)	Approved under delegated authority
5	2005-474	Additions (shed, front fence & balcony)	Approved under delegated authority
6	2007-106	Additions (2-storeys & pool)	Approved under delegated authority – not proceeding
7	2007-628	Amendments (enclosure of balcony & internal alterations)	Approved under delegated authority – not proceeding
8	2008-132	Amendments (front terraces, pool, patio & alterations)	Approved under delegated authority
9	2009-94	Additions (pool, spa & pergola)	Approved under delegated authority
10	2009-127	Additions (enclosure of balcony into study)	Approved under delegated authority
11	2011-449	Additions (patio)	Approved under delegated authority
12	2012-106	Retrospective additions (garage, gate, 2 patios, retaining wall, pond, landfill & 3 over-height fences)	The subject of this report
N.A.	1998-present	4 property files with 222 documents	Numerous planning, building, engineering and environmental health complaints

No. 57 Gallop Road, Dalkeith



Front Setback Variation (Garage) - Out of Character



Front Setback Variation (Garage) - Out of Character

No. 57 Gallop Road, Dalkeith



Front Setback Variation (Garage) - Out of Character



No. 35 Gallop Road, Dalkeith – Only Example of a Reduced Front Setback (Open Carport)

No. 57 Gallop Road, Dalkeith



Unretained Raised Levels (West)

No. 57 Gallop Road, Dalkeith



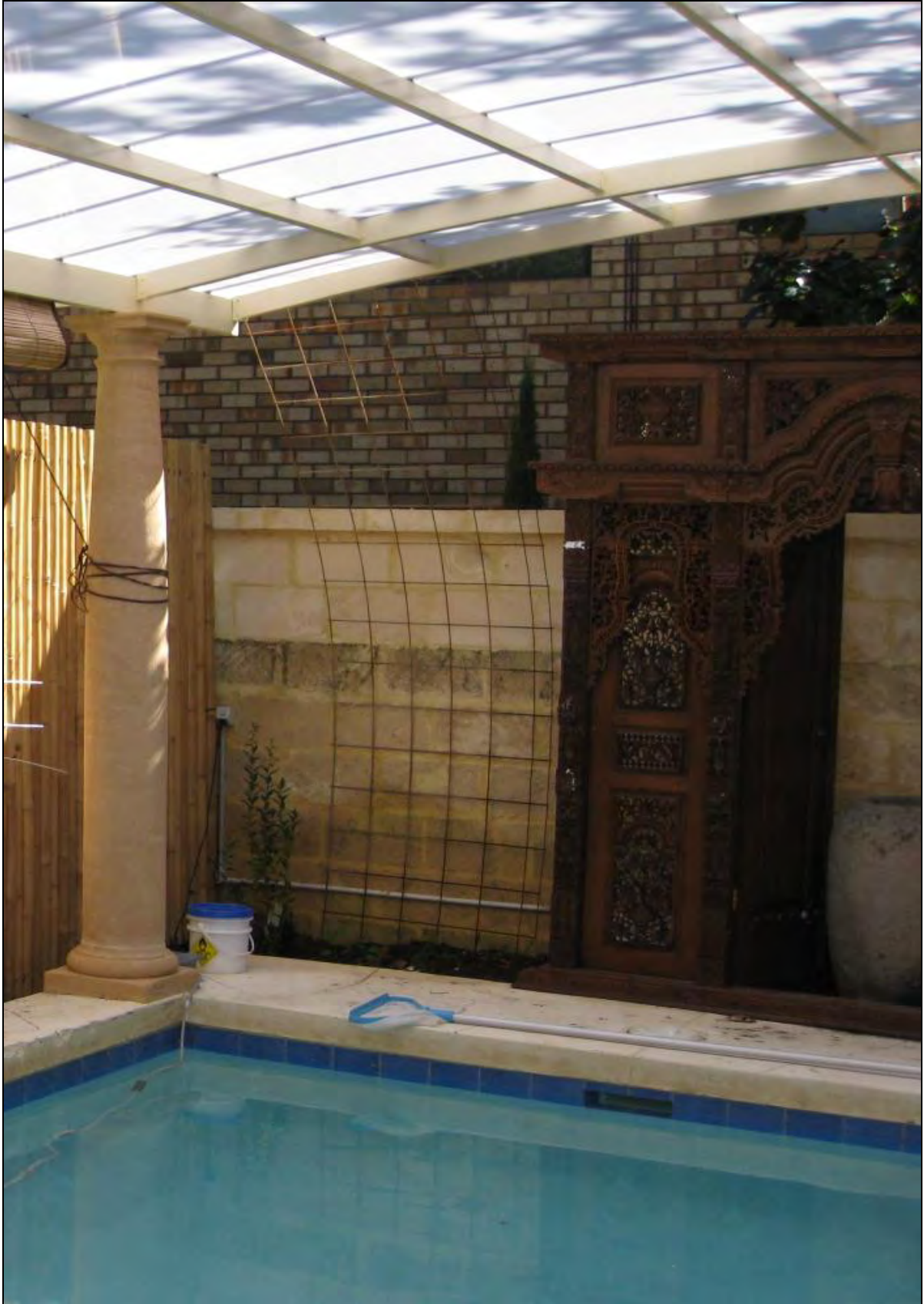
Over-Height Dividing Fence (West)

No. 57 Gallop Road, Dalkeith



Over-Height Dividing Fence (West) from Neighbour's Side

No. 57 Gallop Road, Dalkeith



Patio (North) - Rear Setback Variation – Not 3.2m or 2.0m as Stated on Plans

No. 57 Gallop Road, Dalkeith



Patio (West) - Setback Variation

No. 57 Gallop Road, Dalkeith



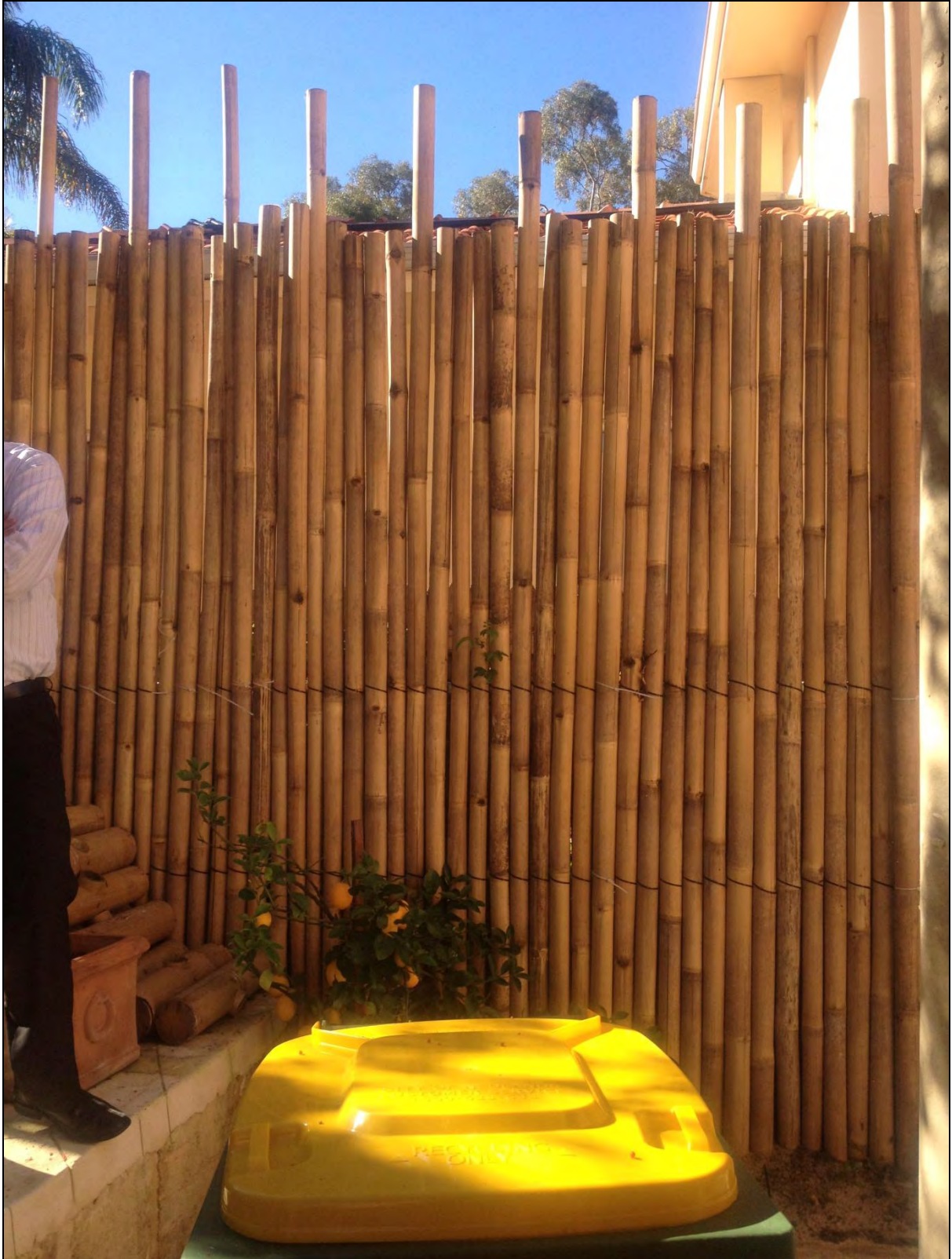
Over-Height Dividing Fence above Land Fill (North)

No. 57 Gallop Road, Dalkeith



Raised Levels (North)

No. 57 Gallop Road, Dalkeith



Over-Height Dividing Fence (East) with Zip-Ties

No. 57 Gallop Road, Dalkeith



Over-Height Dividing Fence (East) from Neighbour's Side

Summary of comments received	Officer's technical comment
<p>Issue: impact upon the streetscape from the setback variation</p> <p>The garage is detrimental to the streetscape due to a 'heavy' parapet wall and a solid orange door.</p> <p>Sets an unwanted precedent for the neighbourhood.</p> <p>This could have been resolved at the beginning of the project.</p> <p>Limited space between the gate and the door, resulting in owners vehicles parked on the crossover and in the street. This then results in a safety risk due to diminished sightlines and reaction times for drivers. In addition, bright white lights on the front garage wall shine into oncoming traffic.</p> <p>Council rules are for all to abide by. What would the streetscape look like is we all build at different setbacks to suit ourselves?</p> <p>Giving retrospective approvals for building too far forward and too far rearward is a step too far.</p>	<p>Upheld</p> <p>Agreed, see discussion section of the report.</p>
<p>Issue: over-height dividing fences (west and east)</p> <p>The fence is over-height (dominant), unsightly (warping and zip-ties), and unsafe (in a storm).</p> <p>Privacy must be respected, but 2.9m is excessive, unreasonable and visually intrusive.</p> <p>Light wood that has begun to split, turn grey and leaning.</p> <p>Written agreement from landowner to build a masonry fence along this boundary, within 12-months of completion.</p> <p>Antisocial, aggressive, prison-like, and not in keeping with the</p>	<p>Noted / Upheld</p> <p>The appearance of the fence is considered inappropriate (see Discussion section).</p> <p>Whilst consultation for standard fences is a <i>Dividing Fences Act</i> (a civil) matter, over-height fences requires the permission of the neighbour prior to construction, in accordance with the City's <i>Fences Local Law</i>.</p> <p>The potential deterioration of the cable-ties is not a planning issue, and may be resolved at the building permit phase.</p> <p>Rats are not a planning issue, and have been referred to the Environment</p>

<p>neighbourhood.</p> <p>There was no consultation with the neighbours prior to construction.</p> <p>The cable-ties will deteriorate over time when exposed to the sun, resulting in a safety issue in a storm.</p> <p>A channel has been created between the old and new fences, which is now harbouring rats.</p> <p>A vermin trap.</p>	<p>Health team.</p>
<p>Issue: over-height dividing fence (north)</p> <p>No objection to the height, which was negotiated and agreed upon by the adjoining neighbour.</p>	<p>Upheld</p> <p>This constitutes an 'over-height fence agreement'.</p>
<p>Issue: impact from raised levels (west)</p> <p>Extensive raised ground levels have resulted in sand movement and destruction of a well.</p> <p>The raised level meant that people could see over the old fence, which should have been resolved via an agreed fence at the neighbour's expense.</p> <p>The old fence is being used as a retaining wall, in addition to the failed stormwater system, causing damage to the fence.</p>	<p>Noted / Not Upheld / Condition</p> <p>The workmanship of drainage system is not a planning issue, which can be resolved at the building permit phase.</p> <p>The levels in this area (under the patio) were previously approved and not part of this application.</p> <p>There is no record, including planning or building approvals, for a retaining wall in this area, except the sunken pool structure. Given that the applicant is non-responsive, this matter could not be included into this application. Accordingly, a condition and advice note has been recommended, and the Compliance Coordinator will follow-up.</p>
<p>Issue: impact from raised levels (north)</p> <p>The patio on the raised level is more imposing.</p> <p>Extensive raised ground levels is undermining the footings of</p>	<p>Not Upheld / Condition</p> <p>The levels in this area (under the patio) were previously approved and not part of this application.</p> <p>Structural soundness is not a planning issue, which will be resolved at the</p>

<p>the limestone dividing fence and it is unsafe.</p> <p>There is no retaining wall to support the fill.</p> <p>Fences have been damaged during construction</p> <p>There is a lack of drainage.</p> <p>Landowner can see over the fence.</p>	<p>building permit phase.</p> <p>Damage to a neighbouring fence is a civil matter.</p> <p>The raised levels relates to a small area of paving and a pond (Attachment 3), which should not need drainage. Notwithstanding this a general condition relating to drainage is recommended.</p> <p>Overlooking has been resolved with an over-height fence agreement</p>
<p>Issue: impact from raised levels (east)</p> <p>Extensive raised ground levels have resulted in the main sewer line on the Site with additional land fill and a thick concrete path built over.</p>	<p>Noted</p> <p>A WaterCorp matter that has been brought to their attention, with a suitable advice note recommended.</p>
<p>Issue: impact of patio (north-east)</p> <p>The patio was built without planning approval, in the wrong location when it was approved, and over a WaterCorp easement.</p>	<p>Noted / Condition</p> <p>The revised location on the plans complies with planning requirements and (see Discussion section).</p> <p>The easement matter that has been brought to the attention of WaterCorp, with a suitable advice note recommended.</p>
<p>Issue: impact of patio (north)</p> <p>The patio has been built upon landfill, combined with the reduced setback, results in an imposing structure.</p>	<p>Not Upheld</p> <p>As the setback is still within the Acceptable development standards, there is no variation to consider.</p>
<p>Issue: impact of patio (west)</p> <p>The gutters of the patio are actually at 570mm setback, not 950mm as shown on plans.</p> <p>The drainage system failed during the first winter, wedged between the old and new fences resulting in a jammed gate,</p>	<p>Upheld / Noted</p> <p>As the structure is not recommended for approval, the precise setback is not relevant.</p> <p>The workmanship of drainage system and wedged gate is not a planning issue,</p>

<p>and washed soil into neighbouring yard.</p> <p>Visually and physically impacts detrimentally on the nearby properties.</p>	<p>which can be resolved at the building permit phase (or civil legal action).</p>
<p>Issue: roots in sewer line</p> <p>The roots of a large pepper tree are interfering with the sewer line and drain lines.</p>	<p>Not Upheld</p> <p>Not a planning matter.</p>
<p>Issue: lack of visual surveillance to the street</p> <p>Safety and security issues due to the lack of surveillance of the street.</p>	<p>Not Upheld</p> <p>There are bedroom windows and balconies on the upper floor, which comply with the R-Codes requirement.</p>
<p>Issue: poor workmanship</p> <p>The garage roof is clad with bamboo that is not fixed in any way, and is a general safety issue in a storm.</p> <p>There is electrical power installed between the old and new fences, which does not appear to be by a qualified electrician.</p>	<p>Noted</p> <p>Not a planning issue, which can be resolved at the building permit phase.</p>
<p>Issue: visual privacy from future 'green roof'</p> <p>The landowners have advised neighbours in writing that the garage will have a 'green roof', and the existing gate on the balcony will provide access. If so, then this will become a viewing platform into a neighbouring bedroom window.</p>	<p>Noted / Condition</p> <p>This is not part of this application and therefore not a consideration, however a condition to ensure that this is clear is recommended.</p>
<p>Issue: retrospective development</p> <p>Strongly object to the retrospective nature of this application as it sends a message that in the City of Nedlands one need not seek proper planning or building approvals before doing building</p>	<p>Upheld</p> <p>It is an offence under the Planning and Building Acts, and a breach of the Scheme, to carry-out works prior to approval.</p>

<p>works.</p> <p>Sets a very poor precedent for planning control for the entire City of Nedlands.</p>	
<p>Summary of comments received</p>	<p>Officer's technical comment</p>
<p>Note: A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</p>	