



City of Nedlands


Planning and Development Reports

Committee Consideration – 9 June 2015
Council Resolution – 23 June 2015

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PD30.15 Scheme Amendment 206 – Initiation Report to change the coding of Lots 225 – 236 and 340 – 348 Waratah Avenue, Dalkeith from ‘Residential R10’ to ‘Residential R20’.

Committee	9 June 2015
Council	23 June 2015
Applicant	PHC Projects
Officer	Emma van der Linden– Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	PLAN-PA-00010
Previous Item	Nil.

1.0 Executive Summary

The purpose of this report is for Council to consider an application to initiate a proposed scheme amendment to Town Planning Scheme No. 2 (TPS 2). The application is to amend the coding of Lots 225 – 236 and 340 – 348 Waratah Avenue, Dalkeith from ‘Residential R10’ to ‘Residential R20’.

The proposed scheme amendment is not considered necessary to achieve the density infill targets outlined in the State Planning Framework, with sufficient density already provided within the nearby Waratah Avenue Neighbourhood Centre area.

The proposed scheme amendment is also considered premature due to the lack of a suitable Local Planning Framework specifically a Local Planning Strategy being in place, and in addition, would be contrary to Council resolution dated 26 May 2015, where it was resolved that council “does not initiate further amendments to Town Planning Scheme No. 2”.

The proposed scheme amendment does not propose any Built Form Provisions to address design implications of future development. The subdivision of these properties without any local planning control will have significant implications on the general amenity of the area and the streetscape.

For the above reasons the proposed scheme amendment is recommended not to be initiated.

1.1 Recommendation to Committee

Council:

Pursuant to Section 75 of the *Planning and Development Act 2005*, Council does NOT initiate an Amendment to Town Planning Scheme No. 2 to recode Lots 225 – 236 and 340 – 348 Waratah Avenue, Dalkeith from ‘Residential R10’ to ‘Residential R20’ for the following reasons:

1. The scheme amendment is premature due to the lack of suitable Local Planning Framework, specifically a Local Planning Strategy, being in place.
2. Waratah Avenue Neighbourhood Centre and surrounds is appropriately zoned to meet the minimum density requirements as required by State Planning Policy.
3. The built form outcome would be significantly different from the character of the area and there are no provisions to aid in planning for a quality built outcome.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

The proposed scheme amendment concerns the Natural and Built Environment in regards to amending the controls set out in TPS No. 2. This will effect land use planning, development approvals, streetscape and compliance.

2.0 Background

Property address	Lots 225 – 236 and 340 – 348 Waratah Avenue, Dalkeith
Lot area	1,163m ² (north side) and 1,012m ² (south side)
Current zoning:	R10
Metropolitan Region Scheme	Urban
Town Planning Scheme No. 2	Residential

The lots subject to this proposed scheme amendment consist of 17 single residential dwellings, two strata lots and two properties with additional uses. Additional Use 51 is an Aged Persons Unit on 112 (Lot 225) Waratah Avenue and Additional Use 2 is a Church on 123 (Lot 342) Waratah Avenue. The lots are in a predominantly low density residential area serviced by traditional grid network. The dwellings located on these lots are predominantly single storey.

The area is within proximity to the Waratah Avenue Neighbourhood Centre to the east and Local Centre to the west on the corner of Waratah Avenue and Robert Street.

The lots subject to this proposed scheme amendment are outlined in Figure 1. This Figure also indicates the current zoning and the location of the lots in proximity to the two activity centres.

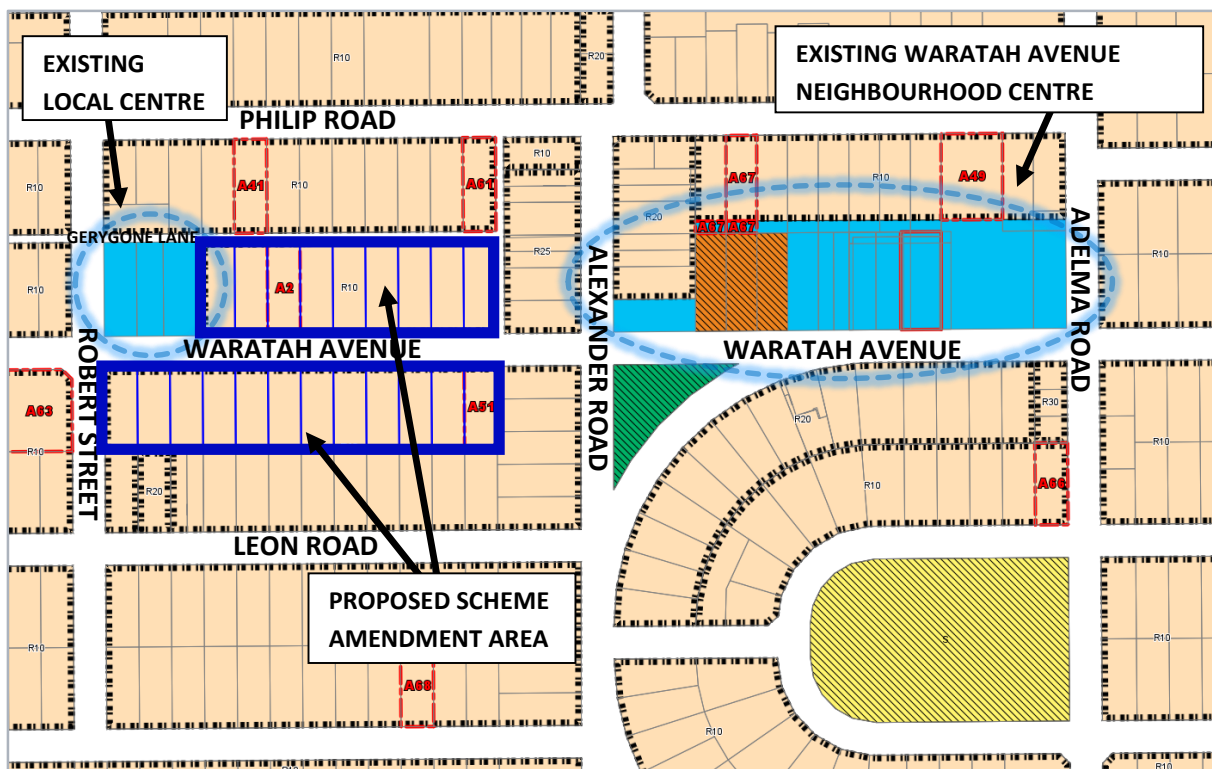


Figure 1 – Amendment area

2.1 Key Relevant Previous Council Decisions

Nil.

2.2 Legislation / Policy

Planning and Development Act 2005 (P&D Act)

Town Planning Regulations 1967

City of Nedlands Town Planning Scheme No. 2 (TPS No. 2)

3.0 Consultation Process

3.1 What consultation process was undertaken?

Before the scheme amendment is initiated, there is no requirement for public consultation.

Despite this, the City has received 6 submissions, 5 of which were in support and 1 submission opposing the proposed amendment. All of the submissions received were from land owners within the scheme area relating to this proposal.

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

3.2 How and when was the community consulted?

If Council initiates this amendment there is a statutory process to follow that requires environmental review, referrals to agencies likely to be affected by the proposed scheme amendment and advertisement of the proposed scheme amendment for public inspection as per Part 5 of the *P&D Act*.

4.0 Budget / Financial Implications

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

This proposed scheme amendment has no budget or financial implications for the City. The applicant is responsible for meeting the costs associated with the processing of this application.

5.0 Risk management

If Council resolves not to initiate this proposed scheme amendment, the Minister for Planning may instruct that the amendment be initiated. Section 76 of the *P&D Act* states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which “ought to be adopted”, the Minister may order the local government to do so.

6.0 Discussion

6.1 Introduction

6.1.1 Site Details

The subject area, being Lots 225 to 236 and 340 to 348 Waratah Avenue, are located in the suburb of Dalkeith and are surrounded by predominantly low scale residential. The properties are located between two retail centres, a small local centre to the west on the corner of Roberts Street and Waratah Avenue and a larger neighbourhood centre to the east along Waratah Avenue (Waratah Avenue Neighbourhood Centre).

Lots within the amendment area, on the north side of Waratah Avenue, have rear access to Gerygone Lane and have a lot area of 1,163m², while lots to the south side of Waratah Avenue only have access to Waratah Avenue and are 1,012m². The subject properties are predominantly green title single storey residential dwellings, the only exceptions being two properties which are survey strata lots with two grouped dwellings each and two other properties having approved additional uses (Additional Use A2 - Church and Additional Use A51 - Aged Persons Units).

6.1.2 Proposed Amendment Details

The scheme amendment proposes to recode Lots 225 – 236 and 340 – 348 Waratah Avenue, Dalkeith from 'Residential R10' to 'Residential R20'.

6.2 Planning Context

6.2.1 State Planning Framework

The State Planning Framework indicates the primary policies and strategies used to clarify and inform the public and those administering planning instruments of the framework of policies and strategies that come into play in planning decisions.

Local governments must have due regard to the provisions that form part of this framework in preparing planning schemes and scheme amendments, and making decisions on planning matters.

The Commission will assess local government town planning schemes and amendments against the State Planning Framework to ensure they are consistent with state and regional policies.

Directions 2031 and Beyond (2010)

Directions 2031 and Beyond (Directions 2031) provides a high level of strategic planning to guide development for the future growth of the Perth and Peel region.

The City of Nedlands is identified in Directions 2031 as being within the central metropolitan sub-region. This sub-region is characterised as having a predominantly traditional grid form of neighbourhood subdivision which provides opportunities for targeted infill development and redevelopment to meet changing community needs. Directions 2031 discourages a 'blanket' up-coding of large areas of inner suburbs as it will not enhance the character of neighbourhoods.

Central Metropolitan Perth Sub-Regional Strategy (2010)

The Central Metropolitan Perth Sub-Regional Strategy (Sub-Regional Strategy) is a product of Directions 2031, which provides a framework for delivering the objectives of Directions 2031.

The strategy sets housing targets for local governments and 'Future Growth Areas'. The City of Nedlands' housing target is 3,500 with 2,590 additional dwellings to be provided by 2031 with an additional 910 dwellings to be provided after 2031 to achieve the total of 3500 dwellings¹. The density targets are to encourage a mix of housing types to provide more opportunities for the renewal and redevelopment of established urban areas while recognising the character of detached housing stock in established suburbs.

¹ Council is advised that the recently advertised Draft Perth and Peel @ 3.5 Million report has revised these figures and Nedlands has been identified to provide 4,400 dwellings by 2050.

The strategy states that local governments should apply higher densities through local planning strategies and schemes within proximity to retail and employment centres and high frequency public transport nodes.

The strategy also identifies Waratah Avenue as a 'minor growth area' which could contribute 10-399 additional dwellings by 2031. The strategy goes down a further level by picking out Waratah Avenue Neighbourhood Centre as specifically having a projected yield of 40 dwellings to be accommodated by 2031.

State Planning Policy 4.2 – Activity Centres for Perth and Peel (2010)

Directions 2031 aims at providing increased density targets by concentrating growth in planned networks of activity centres. State Planning Policy 4.2 (SPP 4.2) purpose is to provide the framework for creating new activity centres and the redevelopment and renewal of existing centres in Perth and Peel.

The City of Nedlands has identified the retail area along Waratah Avenue as a Neighbourhood Centre. Neighbourhood Centres are defined as areas which are important community focal points that help to provide for main daily to weekly household shopping and community needs. The policy also states that Neighbourhood Centres should be the focus for medium density housing.

Neighbourhood centres are defined as having a catchment area 1km and should have a concentrated density within 200m with 15 dwellings per gross hectare. This equates to providing 187 dwellings within 200m of a neighbourhood centre.

The Policy also outlines the importance of strong planning legislation which should define the boundaries of centres and implement density targets through Structure Plans or Detailed Area Plans (Local Development Plans).

6.2.2 Local Planning Framework

Local Housing Strategy (2001)

The Local Housing Strategy recognises the need to provide a greater mix of housing types to accommodate the changing demographics of the area, but it is also conscious of not compromising the existing residential character of the area.

Council resolved to undertake changes in residential density to a number of areas throughout the City, one of those areas included changes to Dalkeith (Waratah Avenue/Alexander Road) which resulted in the Alexander Road Detailed Area Plan adopted to TPS 2. It is important to note that the properties subject of this Amendment were not identified for rezoning in this Strategy.

Housing Diversity Study (2006)

The aim of the Housing Diversity Study was to research in a definitive way how to address:

1. Current housing diversity and land availability in the City;
2. Statistical trends in City Demographics;
3. Trends in housing development;
4. State and Local Government policy;
5. Current Strategic directions within the housing industry; and

6. Strategic direction of the City.

Whilst this document is nine years old and there has been a shift in the State Planning Framework the majority of the local contextual issues are still relevant and recommendations still valid.

The key recommendation from this study was to establish 11 redevelopment areas to guide appropriate building form outcomes, which will facilitate denser, more diverse dwelling types.

The properties subject to this Amendment were included in the redevelopment area on the precinct plan for Dalkeith Redevelopment (Precinct 18). The key suitable strategies identified for this precinct included:

- The larger lot sizes are important for housing diversity across the metropolitan area.
- The study identified that laneways offer an opportunity for subdivision without major amenity change. However, some would require upgrading to accommodate increased traffic.
- Waratah Avenue and surrounds could be further diversified to offer smaller dwellings within walking distance of services. Increased parking would need to be considered.

Scheme Amendment 192 (2012)

Scheme Amendment 192 which resulted in the insertion of Appendix VI to TPS 2 'Dalkeith Redevelopment - Special Control Area Provisions' started as the Dalkeith Guidelines project which was produced from the Housing Diversity Study.

The properties subject to this proposed Scheme Amendment were included in the original Dalkeith Guidelines study area, however in 2008, Council resolved to only include those properties that were zoned commercial to be included in the resulting Scheme Amendment 192.

As such the residential properties subject to this proposed scheme amendment were removed from the potential rezoning as set out in the Housing Diversity Study and original Dalkeith Guidelines study area.

However, the resulting Scheme Amendment 192 introduced development control provisions that applied to the commercial zoned properties along Waratah Ave between Adelma and Alexander Roads which allows for mixed use, multiple unit redevelopment to generally 4 storeys.

Summary of State and Local Planning Framework

Generally, the State planning documents require Local Governments to provide greater housing diversity for inner city metropolitan areas, this will mean housing infill resulting from increased density. The State Planning Framework sets out specific housing targets for each Local Government and the City should be working to achieve these objectives, with a focus to provide concentrated development in activity centres.

State policy requires that Local Governments have strong planning mechanisms in the form of Structure Plans or Local Development Plans (Detailed Area Plans) which will identify key activity centres, define the boundaries of these centres and control the built form outcome for increased density.

Waratah Avenue Neighbourhood Centre was identified as being a neighbourhood centre which could accommodate future growth with the release of Directions 2031 in 2010. Scheme Amendment 192 to TPS 2 introduced redevelopment provisions for this centre, which were adopted in 2012. The Scheme Amendment 192 allows increased densities within the Waratah Avenue Neighbourhood Centre in accordance with Directions 2031 and SPP 4.2. Development has since occurred in accordance with these redevelopment provisions with the recently approved 4 storey apartment building on No. 87 – 91 Waratah Avenue (“Dalkeith on Waratah” development) resulting in 31 residential apartment units.

The City has investigated the possible density which could be accommodated on surrounding properties with these redevelopment provisions and determined that resulting development would meet the minimum required by State policy density targets for neighbour centres. The City therefore does not consider further density along Waratah Avenue necessary to meet the density targets of the neighbourhood centre.

Until such time that a comprehensive Local Planning Strategy has further and more fully assessed the City’s requirements for this neighbourhood centre and its future housing needs, the City considers the proposed scheme amendment premature.

The City is currently in the process of developing a Local Planning Strategy and a new Scheme. Until the City has an adopted Local Planning Strategy, the boundaries that define the location, size and form of the City’s activity centres has not been determined. Permitting the up-coding of these properties would therefore be considered ad-hoc growth. Therefore, the scheme amendment is considered premature due to the lack of a suitable Local Planning Framework, specifically a Local Planning Strategy, being in place.

6.3 Built Form Outcome

The proposed scheme amendment involves recoding Lots 225 to 236 and 340 to 348 Waratah Avenue from ‘Residential R10’ to ‘Residential R20’. Lots within the amendment area to the north have an area of 1,163m² while the lots to the south have an area of 1,012m².

If Council were to support this amendment and allow the lots to be recoded to R20 the properties could be subdivided, with R20 lots required to provide a minimum lot area of only 350m² and an average of 450m².

Subdivision is therefore only constrained by the ability to meet the minimum and average lot area. Subdivision could be in the form of battle-axe style or side-by-side style.

Furthermore, the properties to the north have rear access to Gerygone Lane which could potentially allow for the existing dwelling to be retained and a lot created at the rear with access to the laneway. Whilst the properties to the south only have access to Waratah Avenue, which would generally require the existing dwelling to be demolished to allow for subdivision. Without planning controls, subdivision of these properties would result in different design outcomes between the two sides of the street, this would significantly change the streetscape and amenity of the area.

Summary of Built Form Outcome

The applicant has not included in the proposal any changes to the City's Town Planning Scheme No. 2 to control subdivision or built form outcomes.

Whilst the built form outcomes described above are not all considered negative, the scheme amendment would need to include suitable local planning controls such as a Local Development Plan / Detailed Area Plan or a Local Planning Policy which would allow the City to control the built form outcomes of future development.

It is considered that this amendment should not be entertained without first the implementation of local planning controls to ensure development does not have an adverse impact on the streetscape and the surrounding area. It is also noted that there may be a need for the upgrading and widening of Gerygone Lane which would be required to accommodate any increased traffic caused by increased housing density if this amendment were to proceed. This would also require considerable input from an engineering perspective and careful consideration and specific planning controls regarding its treatment.

6.4 Conclusion

The proposed scheme amendment seeks to recode Lots 225 – 236 and Lots 340 – 348 Waratah Avenue from 'Residential R10' to 'Residential R20'.

The proposed scheme amendment is not considered to address the State Planning Framework with regard to providing increased density within activity centres as the properties are considered outside of the area identified for the Waratah Avenue Neighbourhood Centre. The proposed scheme amendment is not considered necessary for the City to achieve the required density infill as outlined in Directions 2031, the Central Metropolitan Perth Sub-Regional Strategy and State Planning Policy 4.2 – Activity Centres for Perth and Peel.

The City's current Local Planning Framework consists of a range of outdated and/or draft documents that give little guidance on what is considered appropriate for future development of the area and cannot be given significant weight for strategic decision making. Until such time that the core and frame of the Neighbourhood Centre have been further assessed and determined in the revised Local Planning Strategy, the proposed scheme amendment is considered premature due to the lack of local planning direction.


Given that the Applicant has not proposed any Built Form Provisions to be adopted as part of this scheme amendment, it is considered the proposed scheme amendment will not adequately address the design of future subdivision. The development of these lots without local planning controls will have a significant impact upon the streetscape and the character of the area.

It is recommended that Council does not initiate the proposed scheme amendment on the basis that the intent of the development does not appropriately align with the State and Local Planning Framework. It is central to note that the future subdivision of these properties without local planning control will have significant implications on the general amenity of the area and the streetscape.

7.0 Attachments

1. Proposed Scheme Amendment Report

PD31.15 Draft Local Planning Policy – Advertising Signs

Committee	9 June 2015
Council	23 June 2015
Applicant	N/A
Owner	N/A
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	PLAN-LPP-00003 : PLAN-009281
Previous Item	PD36.14 – 23 September 2014

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Member is to read aloud the purpose and effect of the local law.

The purpose of the local law is to provide for the regulation, control and management of signs within the district.

The effect of the local law is to establish the requirements with which any person seeking to erect a sign within the City of Nedlands must comply.

1.0 Executive Summary

The purpose of this report is for Council to consider whether to:

- a) Revoke the City of Nedlands Signs Local Law 2007 (Local Law). Refer to Attachment 1;
- b) Revoke Council's Roof Signs Policy. Refer to Attachment 2; and
- c) Adopt draft Local Planning Policy – Advertising Signs (draft Policy). Refer to Attachment 3.

The draft Policy is proposed to consolidate the existing standards to establish new standards by which planning applications for signs will be assessed.

The draft Policy states what Council considers an appropriate sign, guides decision making on planning applications for signage and thereby gives certainty to the community as to what is an acceptable sign.

Adoption of the draft Policy will render the Local Law and Council's Roof Signs Policy obsolete and as such it is proposed to revoke them in parallel to the adoption of the draft Policy.

1.1 Recommendation to Committee

Council:

1. **Revokes the City of Nedlands Signs Local Law 2007;**
2. **Revokes Council's Roof Signs Policy; and**
3. **Adopts draft Local Planning Policy – Advertising Signs with amendments.**

ABSOLUTE MAJORITY REQUIRED

2.0 Strategic Community Plan

KFA: Natural and Built Environment

KFA: Governance and Civic Leadership

Regular review of the City's local laws and policies ensures that they remain relevant and meaningful to the local community.

3.0 Background

The City currently controls signs by requiring an applicant to obtain:

- a) a Licence under the Local Law;
- b) development Approval under Town Planning Scheme No. 2 (TPS 2); and
- c) a Building Permit.

The effect is that an applicant is required to obtain three separate approvals from the City which is very onerous on an applicant, both in terms of time for processing the approvals and fees required.

The development approval covers amenity issues and the building permit covers the structural issues. The matters to be considered in the sign license application duplicates both the amenity and structural issues covered in a planning approval and building permit.

The current Local Law has also been identified as having several errors requiring an amendment which involves a lengthy statutory process. There are also no significant objectives under the Local Law by which to assess a License and the Local Law dimensions and setbacks for signs are incomplete and out-of-date. As such, Administration recommends revoking the Local Law, which will eliminate the requirement to obtain a licence from the City under that local law.

The requirement to obtain development approval under TPS 2 and a Building Permit under the Building Code of Australia will remain. However, TPS 2 does not contain specific assessment criteria by which to determine what size, placement, type and design of signs are considered appropriate.

In order to provide that specific assessment criteria, the City is recommending that the draft Policy be adopted. The draft Policy will provide assistance to guiding decision

making without the need for an additional application fee and if the draft Policy is required to be updated it is significantly easier to amend than a Local Law.

4.0 Key Relevant Previous Council Decisions

In September 2014, Council resolved (En Bloc Resolution 10/-) to adopt the following Committee recommendation:

“Council:

1. *Instructs Administration to advertise the City’s intention to revoke the City of Nedlands Signs Local Law 2007;*
2. *Approves draft Local Planning Policy – Signs for the purpose of public consultation; and*
3. *Instructs Administration to advertise the draft Local Planning Policy in accordance with clause 8.3.2 of Town Planning Scheme No. 2.”*

5.0 Details

The draft Policy will:

- a) state what Council considers appropriate in relation to signage;
- b) enable consistent decision making on applications for planning approval relating to signage; and
- c) provide guidance to the community on what is an acceptable sign within the City of Nedlands.

The draft Policy has been prepared having regard to the orderly and proper planning of the area and the conservation of the amenities of the locality as set out in clause 8.3.1 of TPS 2.

The draft Policy states what type, design, size and placement of various forms of signage within the City are acceptable and is designed to balance the need for advertising with the need to reduce any adverse impact on the streetscape and amenity of the area.

6.0 Legislation / Policy

6.1 Local Government Act 1995

Part 3 Subdivision 2 of the *Local Government Act 1995* stipulates the procedure for reviewing local laws.

6.2 Town Planning Scheme No. 2

Part 8 – Local Planning Policy Framework of TPS 2 prescribes the provisions relating to Local Planning Policies. Clause 8.3 stipulates the following:

“The Council in preparing a draft Local Planning Policy, shall have regard to –

- a) the purpose for which the land is set aside under the Scheme;*
- b) the orderly and proper planning of the area;*
- c) the conservation of the amenities of the locality; and*
- d) any strategies, study findings adopted by the Council; and any other matter it considers relevant.”*

“If the Council resolves to prepare a Local Planning Policy, the Council –

- a) is to publish a notice of the proposed draft Policy once a week for 3 consecutive weeks, in a newspaper circulating the Scheme Area, giving details of -
 - i) where the draft Policy may be inspected;*
 - ii) the subject and nature of the draft Policy; and*
 - iii) in what form and during what period (being not less than 21 days from the date the notice is published) submissions may be made.**
- b) may publish a notice of the proposed policy in such other manner and carry out such other consultation as the Council considers appropriate.”*

“After the expiry of the period within which submissions may be made, the Council is to –

- a) Review the draft Local Planning Policy having regard to any submissions made; and*
- b) Determine, by resolution, to adopt the draft Local Planning Policy, with or without amendment or not to proceed with the Policy.”*

If Council resolves to adopt the draft Policy, the Council is to publish notice of the Policy once in a newspaper circulating in the district. A policy has effect on publication of the notice.

7.0 Consultation Process

7.1 Signs Local Law 2007

In accordance with the *Local Government Act 1995* and Council’s resolution, the City advertised its intention to revoke the Local Law in the West Australian Newspaper and also on the City’s website. Comments were invited to be made on this between 3 October and 24 November 2014.

No submissions were received during the advertising period specifically with regard to the Local Law being proposed to be revoked.

7.2 Local Planning Policy – Advertising Signs

The draft Policy was publicly advertised in accordance with the process outlined in clause 8.3.2 of TPS 2.

In addition to the mandatory requirements of clause 8.3.2(a) the City also considered it appropriate to publish a notice of draft Local Planning Policy – Advertising Signs on the City’s website in accordance with clause 8.3.2 (b) of TPS 2.

During the advertising period 3 submissions were received with regard to the draft Policy. Below is a summary of the comments received.

Summary of comments received	Officer’s technical comment
<p>1. I think they should only put out home open signs when the agent or sales representative arrives at the home open and are taken away when the agent finishes.</p> <p>2. The signs don’t bring more buyers to a home open, and the placing of 3 or 4 of the signs spoils the ambience of the neighbourhood.</p>	<p>1. For the purpose of the draft Policy, a home open sign will be deemed to be an event and as such will be controlled under the portable sign provisions proposed.</p> <p>It is important to note that the draft Policy only deals with signage on zoned and Reserved land. Signage within Road Reserves will be dealt with in accordance with the City’s Thoroughfare Local Law.</p> <p>Under the draft Policy portable signs shall be required to:</p> <ul style="list-style-type: none"> a) Not exceed a maximum of 1 sign per tenancy/residence; b) Not exceed 1m in height and 1m in width; and (if applicable) c) Not be displayed if for an event, for more than 3 days prior to the event and then removed within 1 day of it ending. <p>Without the need to obtain planning approval from the City.</p> <p>2. Noted. Currently no restrictions exist with regard to the maximum number and/or appearance of home open signs. The draft policy addresses this issue.</p>
<p>I want the requirements amended so that real estate agents can:</p> <ul style="list-style-type: none"> a) Erect portable home open signs the night prior to a home open; 	<ul style="list-style-type: none"> a) The draft policy proposes to allow home open signs to be displayed no more than 3 days prior to the home

<p>b) Collect home open signs after the home open; and c) Have 3 home open signs for each property – 1 outside the home and 2 on the nearest corners either side of the house.</p>	<p>open event and then removed within 1 day of it ending.</p> <p>b) See comments above. c) The draft Policy only deals with signage on zoned and Reserved land. Signage within Road Reserves will be dealt with in accordance with the City's Thoroughfare Local Law</p>
<p>1. The move to a Policy rather than a Local Law permits even greater discretion as to what signage is acceptable.</p> <p>2. Wording of the objectives does not add strength to the case for stricter controls over all out-door advertising. It leaves the matter even more open as a value judgement regarding adverse impact on the amenity of the surrounding land.</p> <p>3. The policy appears to indicate balloon signs will be approved in future, contrary to a long standing policy in Nedlands.</p> <p>4. Problems stem from non-compliance with the existing laws, not from content of the laws.</p> <p>5. All outdoor advertising exists only to distract road users. This is why the advertising industry seeks every opportunity to advance their industry.</p> <p>6. I note that boundary fences are excluded from the definition of building.</p>	<p>1. Whilst a policy would allow for some discretion, it should be noted that no planning control requirements exist specifically with regard to signage on private property. The provisions under the Local Law cannot be applied from a planning perspective to most signage as this was made under the <i>Local Government Act 1995</i> and not the <i>Planning and Development Act 2005</i>.</p> <p>2. The objectives stated cannot be read in isolation. The sign's potential impact on an area's amenity from the City's point of view depends on how compliant it is with the requirements stipulated in the draft policy for that signage type.</p> <p>3. Under the draft policy balloon (tethered) signs will require planning approval from the City prior to being installed. It is not considered unreasonable to allow for such advertisements to be considered on commercial areas subject to complying with the requirements.</p> <p>4. Noted.</p> <p>5. Not all signage is deemed to be a distraction to drivers. It is important that a policy is adopted by Council with regard to signage so that the size and location of signage is appropriate.</p> <p>6. The term 'building' in the draft policy is defined as meaning "any structure whether fixed or movable". A fence is considered to be a fixed structure and is therefore covered by the definition.</p>

<p>7. The signage at the Alfred Road/ Davies Road, light controlled school intersection, is constantly in place on the fencing. This has affected the amenity and offers a dangerous distraction. Will these be included under “Existing Advertisements”?</p>	<p>7. If existing advertisements have received all of the necessary approvals from the appropriate authority they will be allowed to remain subject to complying with the conditions of the approval.</p> <p>It is important to note that the draft Policy only deals with signage on zoned and Reserved land. Signage within Road Reserves will be dealt with in accordance with the City’s Thoroughfare Local Law</p>
<p>8. The paragraph referring to signs within the road reserve indicates the Main Roads Regulations will apply. However my enquiries of Main Roads indicates they rely on local councils to monitor compliance and do not do so themselves.</p>	<p>8. The draft policy does not relate to signage within Road Reserves as this will be dealt with in accordance with the City’s Thoroughfare Local Law, and if within a Primary or Other Regional Road Reserve under the Metropolitan Region Scheme, by Main Roads Western Australia or the Department of Planning.</p>
<p>9. The statement that, “Council may refuse to approve any sign where the development would adversely affect the amenity of the surrounding area” introduces an opinion or value judgement in each case. This will lead to proliferation as the advertising industry encroaches relentlessly where any scope is open to them.</p>	<p>9. This statement is consistent with clause 5.5.1 of TPS 2.</p>
<p>10. The approval of election signs is disappointing. They should be subject to strict controls.</p>	<p>10. The draft Policy stipulates that election signage is only permitted without the requirement for planning approval from the City where it meets all of the requirements specified.</p> <p>It should be noted that under the <i>Planning and Development (Local Planning Schemes) Regulations 2014</i> due to come into effect from 1 July 2015, election signage will be permitted in most cases without the need for landowners to obtain planning approval from the City.</p>
<p>11. The approval of portable signs is also unfortunate. Such signs proliferate on weekends particularly when it is unlikely they will be reported to Council.</p>	<p>11. The draft Policy proposes to allow portable signs without the need to obtain planning approval from the City subject to:</p>

<p>12. The periodic signs should be subject to strict time periods, otherwise as at Mt. Claremont markets they remain permanently on a weekly basis.</p> <p>13. The policy that property transaction signs will not require planning approval if they “do not exceed 5m² will mean that 5m² will become the minimum. This is excessive.</p> <p>14. Banner signs at Challenge Stadium and elsewhere must not be permitted to remain as “existing signs”.</p> <p>15. The introduction of approval criteria for hoardings whereas such were previously prohibited in Nedlands is another unwelcome encroachment.</p> <p>16. The policy on illuminated signs is too liberal. There are several locations where signs are brightly coloured red and distracting. The University is an offender.</p>	<p>a) Not exceeding a maximum of 1 sign per tenancy/residence; and b) Not exceeding 1m in height and 1m in width; and (if applicable)</p> <p>If a development application is received for such signage the City will have regard to its size and location amongst other matters, and the potential impact this will have on the area’s amenity.</p> <p>12. Periodic (event) signage will not be permitted to be displayed for more than 3 days prior to the event and then removed within 1 day of it ending, without the need for planning approval, if the draft policy is adopted by Council.</p> <p>13. It should be noted that as well as property transaction signs being able to be 5sqm in area without the need to obtain planning approval from the City, only 1 sign per street frontage will be permitted for the property concerned. This is not considered excessive nor will it have an unacceptable impact on the streetscape.</p> <p>14. If existing advertisements have received all of the necessary approvals from the appropriate authority they will be allowed to remain subject to complying with the conditions of the approval.</p> <p>15. Noted.</p> <p>16. Illuminated signs will be assessed on a case by case basis, having regard to the applicable requirements under the draft Policy. It is important to note that the City is not always the determining authority due to the property’s zoning. In cases such as the University, their properties are often zoned Public Purpose, in which case it is the Western Australian</p>
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<p>17. I did not see a reference to portable illuminated signs which have become a menace in several suburbs. In my view they should be limited to Main Roads urgent directions etc. only as I believe is the case in Tasmania.</p> <p>18. The principal concern must be monitoring of compliance. Laws are ineffective unless there is an effort to ensure they are observed. I suggested to the Premier that this should be a road safety priority and rangers receive additional funding, without success. He did at least agree that this advertising had “the potential to become a blot on the landscape”.</p>	<p>Planning Commission who determines such proposals.</p> <p>17. Such signage on private property will be assessed against the portable sign provisions in the draft policy, having regard to clause 5.5.1 (Preservation of Amenity) of TPS 2.</p> <p>It is important to note that the draft Policy only deals with signage on zoned and Reserved land. Signage within Road Reserves will be dealt with in accordance with the City’s Thoroughfare Local Law</p> <p>18. If it gets brought to the City’s attention that an approved signage has not been installed/erected in accordance with its approval it will be investigated in accordance with the applicable planning legislation.</p>
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8.0 Budget / Financial Implications

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

The creation of local planning policies does not have a financial implication for the City.

Advertising is within the City’s approved budget.

9.0 Risk Management

If Council resolves not to adopt the draft Policy it will result in uncertainty for the community over what is considered acceptable by Council in relation to signage and may result in inconsistent decision making on Applications for Planning Approval relating to signs. It will also make it difficult from a compliance perspective to control signage not addressed under the Local Law.

10.0 Proposed Amendments to Draft Policy

In accordance with TPS 2, upon conclusion of the advertising period Council is required to review the draft Policy having regard to submissions made, and determine whether to adopt the draft Policy with or without amendment, or not to proceed.

Having had regard to submissions received and further reviewed the draft Policy, the following table outline the amendments proposed to be made:

Proposed Amendments	Reason for Amendment
Include provisions stipulating that signage is not to pose a threat to public safety or health, and/or obstruct driver sightlines.	Will ensure that City Officer's will have regard to such matters when determining applications for signage.
A requirement for portable signs to be constructed or anchored to prevent them becoming hazardous during strong winds.	To ensure that such signage does not pose a threat to public safety.
Event signage being required to be removed within 48 hours of the event finishing.	To ensure that such signage does not remain on the land any longer than necessary.
If supported by a pier(s), pylon signage being required to have a minimum clearance of 2.75m above ground level.	To ensure that such signage does not pose a threat to public safety.
Provisions relating to banner signage being removed from the draft Policy as it will be dealt with in the same way as periodic and event signage.	Banner, periodic and event signage are all considered to be temporary and serve the same purpose in most cases, and should therefore be assessed against the same criteria.
The inclusion of provisions relating to verandah, vertical, projection, roof, illuminated and horizontal signage.	To ensure that such signage does not pose a threat to public safety, nor will it have a detrimental impact on the streetscape.

There is no statutory requirement under TPS 2 to re-advertise the draft Policy if amendments are made.

11.0 Conclusion


It is considered that the current processes for obtaining approval for signage are inefficient and as such it is recommended that the Local Law and Council's Roof Signs Policy are revoked and signage will be controlled exclusively through TPS 2.

This will ensure the City has an appropriate local planning framework in place by which to assess applications relating to signage.

12.0 Attachments

1. City of Nedlands Signs Local Law 2007 – to be revoked;
2. Council's Roof Signs Policy – to be revoked;
3. Draft Local Planning Policy – Advertising Signs - to be adopted.

PD32.15	(Lot 730) No. 85 Florence Road, Nedlands – Additions to Dwelling, Carport, Front Fence, Gate House and Outbuilding
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Committee	9 June 2015
Council	23 June 2015
Applicant	National Estate Builders (WA) Pty Ltd
Landowner	D and S Wright
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2015/94– FL1/85
Previous Item	Nil

1.0 Executive Summary

The application seeks approval to construct basement, ground floor and upper storey additions to an existing dwelling, a carport, an outbuilding (pool house), a front fence and a gate house.

Variations to the lot and street boundary setbacks, dividing fence height and outbuilding roof and wall height requirements are proposed. Comment was therefore sought from nearby landowners and during the advertising period one objection was received.

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

1.1 Recommendation to Committee

Council:

1. Approves the aspect of the application to construct basement and upper storey additions to the existing dwelling, a carport, a front fence and a gate house at (Lot 730) No. 85 Florence Road, Nedlands, in accordance with the application received on 18 March 2015, subject to the following conditions:

- i. The development shall at all times comply with the approved plans.**
- ii. The street tree on the verge is to be retained and shall not be removed without written approval from the Manager Parks Services.**
- iii. The crossover and footpath to the street shall be constructed to the Council's specifications and the applicant / landowner to obtain levels for the crossover from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.**

- iv. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
- v. The proposed basement being used for storage purposes only in accordance with clause 5.11(i) of Town Planning Scheme No. 2.
- vi. The visual privacy screening for the balcony being installed within 28 days of the development's completion and maintained thereafter by the landowner to the City's satisfaction.
- vii. The surface of the parapet walls being finished to the City's satisfaction within 14 days of the barbeque area's practicable completion, and maintained thereafter by the owners of 85 Florence Road, Nedlands.
- viii. The redundant crossover is to be removed and the kerbing and verge reinstated to the City's satisfaction.

Advice Notes specific to this approval:

- i. 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.
- ii. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

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

- iii. 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.

And;

2. Refuses the aspect of the application to construct an outbuilding (pool house) at (Lot 730) No. 85 Florence Road, Nedlands, for the following reason:
- i. The outbuilding not satisfying the Design Principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes in terms of building bulk and natural light due to its reduced boundary setback from 83 Florence Road, and the impact this will have on habitable rooms on the adjoining property.

1.2 Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of Town Planning Scheme No. 2 (TPS 2) and the Residential Design Codes (R Codes), contributing to well-planned and managed development in the City of Nedlands.

2.0 Background

Property address	(Lot 730) No. 85 Florence Road, Nedlands (the property)
Strata Lot area	1,011m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential at R10 density

The subject property currently contains a single storey dwelling, a swimming pool, an outbuilding setback 1m from the northern boundary and a carport setback 7.9m from the street boundary.

Solid fencing of up to 1.8m in height exists along the dividing boundaries, and street fencing in the form of 2 metre high brick piers and wrought iron infill of up to 1.8m in height above natural ground level. Refer to the photograph of 85 Florence Road (Attachment 1).

The topography of the property falls towards the western (rear) boundary.

Surrounding properties contain single and two storey dwellings, and associated outbuildings as shown on the location plan below.

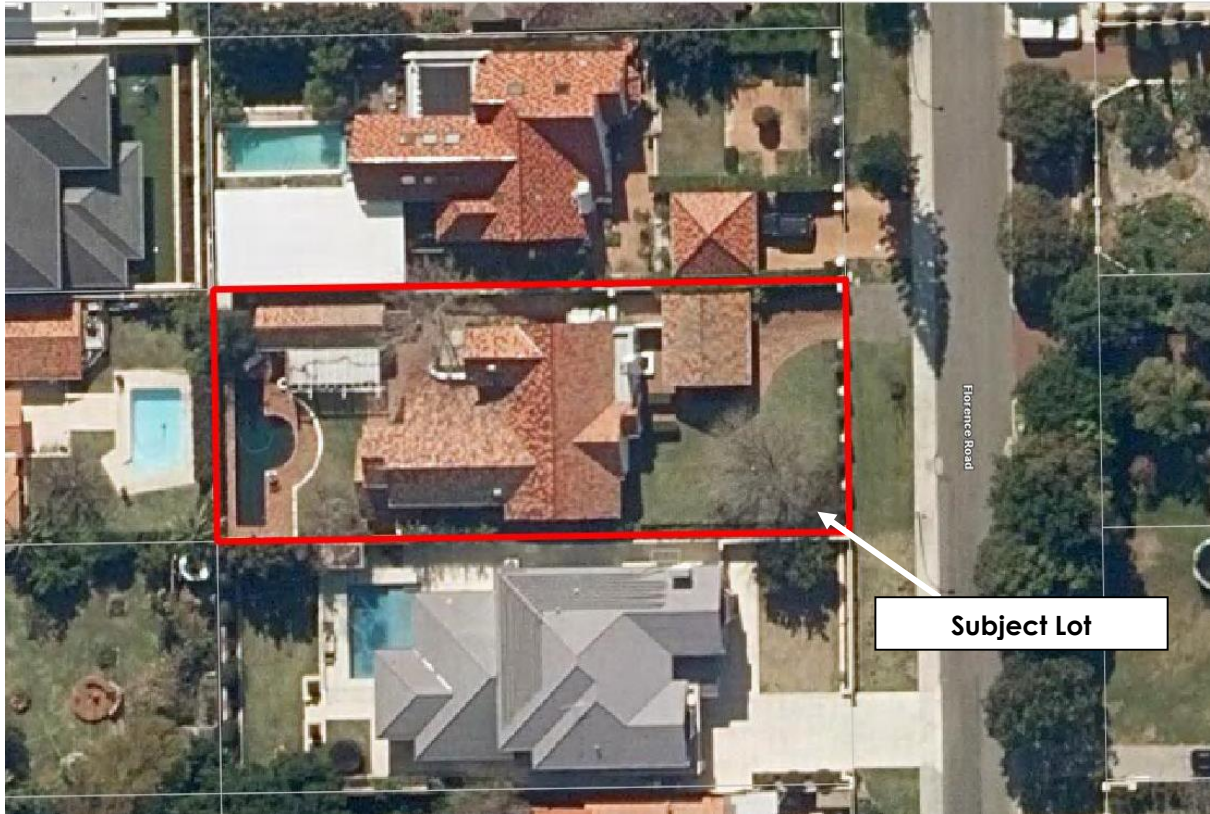


Figure 1 – Location Plan

3.0 Legislation / Policy

- *Planning and Development Act 2005* (the Planning Act).
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Council Policy – Neighbour Consultation.
- Council Policy – Fill and Fencing
- Residential Design Codes of WA 2013 (R Codes).
- Local Planning Policy 6.23 – Carports and Minor Structures Forward of the Primary Street Setback (LPP 6.23)

4.0 Consultation Process

4.1 What consultation process was undertaken?

Required by legislation: Yes No

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

4.2 How and when was the community consulted?

The proposal was advertised in accordance with Council Policy – Neighbour Consultation to nearby landowners for comment in March and April 2015. During the advertising period one objection was received.

Concerns were received with regard to the height of the proposed dividing fencing and the visual impact of the proposed parapet walls for the barbeque area and pool house.

5.0 Budget / Financial Implications

Not applicable.

6.0 Risk Management

Not applicable.

7.0 Introduction

The application seeks approval to construct additions to an existing dwelling, a carport, an outbuilding (pool house), dividing fencing along the northern boundary, a front fence and a gate house, details of which are as follows:

- a) A basement level is proposed which is to be used as a gymnasium.
- b) Additions to the existing ground floor are proposed which include a kitchen, dining, family and store rooms.
- c) An upper storey addition is proposed which will consist of 3 bedrooms, ensuites and a balcony at the rear of the dwelling.
- d) A gable roofed carport is proposed to be setback 3m from the street boundary, the materials of which will blend with the dwelling.
- e) A 35sqm pool house and a barbeque area are proposed which will have 2.4m high parapet walls on the northern (side) boundary.
- f) The existing 4.8 metre wide crossover against the northern boundary being removed and replaced with a 4.7 metre wide crossover which will be 3.7m from the nearest crossover on the adjoining property.
- g) The existing swimming pool at the rear being retained.
- h) A new dividing fence along the northern boundary within the street setback area, of between 2 and 2.8 metres in height above natural ground level. Since the advertising period concluded amended plans have been received which no longer show the new dividing fencing being proposed.

Refer to the following attachments:

2. Site/Ground Floor Plan
3. Basement Plan
4. Upper Storey Plan
5. North and South elevations
6. East and West elevations
7. Outbuilding elevations

8.0 Statutory Requirements

8.1 Town Planning Scheme No. 2

The proposal is compliant with the provisions of TPS 2 with the exception of the following clause due to the proposed basement level being used as a gymnasium:

“5.11 MAXIMUM BUILDING HEIGHT

No site shall be developed or building constructed:

- i) to contain more than two storeys directly above each other in the case of residential use or three storeys in the case of other uses, excluding areas for plant and equipment, storage, toilets and the parking of wheeled vehicles.”*

In considering any application Council is to have due regard to the following matters in accordance with clause 6.4 (Consideration of Applications) under TPS 2:

- “(a) The nature and intensity of the proposed use or development will not detrimentally affect the locality in terms of its environmental impact by way of its effect on any use or development within the locality; “*
- “(b) the plot ratio, site coverage, setbacks, height, landscaping and parking provisions are in keeping with the general character of the locality;“*
- “(d) the vehicular and pedestrian access, including on-site circulation;” and*
- “(j) any other matter considered relevant by Council.”*

8.2 Residential Design Codes

The following requirements apply under the R Codes to development on properties with a density coding of R10:

	R Code Requirement	Proposed	Complies?
Driveway width	3m minimum, 6m maximum or 9m in aggregate	4.7m	Yes
Car Bays	2 covered bays	2 covered bays	Yes
Open Space	60% minimum	66%	Yes
Boundary Setbacks (from the nearest boundary)			
GR = Ground Floor; UF = Upper Floor			
Storeroom, kitchen, stairway (GF)	1.5m	1.75m	Yes
Dining (GF)	6m	10.8m	Yes
Family (GF)	6m	14.3m	Yes
BBQ area	1m	Nil	No
Pool House	1m	Nil	No
Bedroom 3 (UF)	1.3m	2.4m	Yes
Ensuite (UF)	1.2m	2.9m	Yes
WIR 1 (UF, S)	1.2m	5m	Yes
Ensuite, bedroom 1 (UF)	6m	10.3m	Yes
WIR 3 (UF)	1.3m	5.1m	Yes
Bedroom 1, WIR 2 (UF)	1.3m	6.9m	Yes
Ensuite, bedroom 2 (UF)	1.3m	3m	Yes
Visual Privacy			
Balcony	7.5m or 1.6m high screening provided	8.6m	Yes
Outbuilding (Pool House)			
Floor Area	60sqm	35sqm	Yes
Wall Height	2.4m	2.4m on northern side and 2.6m on the western side.	No
Roof Height	4.2m	4.6m	No

The proposal is compliant with the requirements of the R Codes with the exception of the lot boundary setback and outbuilding height provisions. In such cases where a variation is being applied for, development is to satisfy the Design Principles of the R Codes.

The Design Principles under clause 5.1.3 (Lot Boundary Setback) of the R Codes stipulate the following:

“Buildings setback 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.”*

The Design Principles under clause 5.4.3 (Outbuildings) of the R Codes stipulate the following:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring property.”

Clause 2.5.4 of the R-Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.

8.3 Local Planning Policy 6.23 – Carports and Minor Structures Forward of the Primary Street Setback

8.3.1 Carports

LPP 6.23 stipulates that carports are required to be setback at least 3.5m from the street boundary. In cases where variations are proposed to this, Council is to have regard to the potential impact this will have on the streetscape.

The existing carport which is setback 7.9m from the primary street boundary, is to be removed and replaced with a new carport which is to be setback 3m from the street boundary.

Carports exist at 94 and 96 Florence Road which are setback 1.7m and 2.6m respectively from the primary street boundary.

The materials of the proposed carport will match the dwelling. Refer to the photograph of 85 Florence Road (Attachment 7).

8.3.2 Gatehouses

The following requirements apply under LPP 6.23 apply to gatehouses:

	LPP 6.23 Policy Requirement	Proposed	Complies?
Area	4sqm	4sqm	Yes
Height	3.5m	3.5m	Yes
Materials	Similar materials and construction methods to other development on the property.	The construction style will match the proposed street boundary fencing and carport. Terra cotta tiles are to be used which will match both the existing dwelling and proposed carport.	Yes

8.4 Council Policy – Fill and Fencing

The following requirements apply under Council Policy – Fill and Fencing apply to street setback area and dividing fencing:

	Fill and Fencing Policy Requirement	Proposed	Complies?
Street Setback Area Fencing			
Height of solid fencing	1.2m maximum	0.6m	Yes
Height of visually permeable fencing	1.8m maximum	1.6m	Yes
Height of piers	2.1m maximum	1.8m	Yes
Pier in truncation area	One pier maximum	One pier	Yes
	2.1m high maximum	1.8m	Yes
	0.5m wide maximum	0.5m wide	Yes

9.0 Consultation

The proposal was advertised in accordance with Council Policy – Neighbour Consultation to nearby landowners for comment in March and April 2015. During the advertising period one objection was received.

Below is a summary of comments received from the neighbour consultation:

Summary of comments received	Officer's technical comment
<p>Objection</p> <p>a) The pool house and barbeque area will have a nil setback in lieu of 1m.</p> <p>b) Both structures are to have parapet walls that will not abut existing or simultaneously constructed walls of similar or greater dimensions.</p> <p>c) The combined length of both parapet walls will be over 25% of the property depth.</p> <p>d) Both parapet walls will be visible from our dwelling.</p> <p>e) The proposed BBQ area abuts a courtyard on our property.</p>	<p>a) Noted, however the Residential Design Codes allow for lot boundary setback variations subject to satisfying the deemed-to-comply provisions.</p> <p>b) It is noted that a Colorbond dividing fence of approximately 1.8m exists, portions of which will need to be removed to allow for the construction of the parapet walls.</p> <p>c) Noted.</p> <p>d) The proposed parapet wall for the outbuilding will be fully visible from two bedrooms on 83 Florence Road, as these habitable rooms directly face, and are setback only 1.6m from, the dividing boundary. Being on the southern side of the property, natural light to the habitable rooms will be fairly limited as it is, and a 7.2m section of the existing solid dividing fence will be required to be removed to allow for the parapet wall to be constructed. Refer to Attachment 8.</p> <p>e) The proposed parapet wall for the barbeque area will be adjacent to an area not deemed to be an active habitable space under the R Codes as it only provides side access to an outdoor living area and the rear of the dwelling which is mostly used for storage.</p> <p>The outdoor living area is raised approximately 0.5m above natural</p>

<p>f) The proposed heights and lengths of both parapet walls are bulky and the bulk impact of the walls will be oppressive.</p> <p>g) We believe that the proposal to have parapet walls on the boundary will not enhance the amenity of the development.</p> <p>h) The proposed parapet walls will have an adverse impact on the amenity of our property.</p> <p>i) The existing pump pool room encroaches upon our property. The proposed development plans do not show that this will be corrected.</p> <p>j) The proposed new dividing fence is significantly over height and we believe that if constructed as proposed will be oppressive.</p> <p>k) We believe that the entire fence should be staggered and remain as a solid fence rather than of open infill to maintain privacy.</p>	<p>ground level and it is for this reason that a solid timber screening of approximately 2m in height above natural ground level has been erected along its southern edge. The length and height of the parapet wall for the barbeque area will be similar to that of the screening. Refer to Attachment 9.</p> <p>f) Noted.</p> <p>g) Noted, however the Residential Design Codes allow for lot boundary setback variations subject to satisfying the deemed-to-comply provisions.</p> <p>h) Noted.</p> <p>i) The submitter is advised that such issues are civil matters and a land surveyor will need to be used to ascertain the position of the dividing boundary. Alternatively legal advice should be obtained.</p> <p>j) Noted. Since the advertising period concluded amended plans have been provided which now show the new dividing fencing as no longer being proposed.</p> <p>k) Noted. Since the advertising period concluded amended plans have been provided which now show the new dividing fencing as no longer being proposed.</p>
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Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

10.0 Conclusion

The proposed outbuilding height and carport street boundary setback variations are considered minimal and will therefore not have a significant impact on the streetscape or the amenity of surrounding landowners. The applicable Design Principles of the R Codes are deemed to have been satisfied.

The proposed parapet wall for the barbeque area will be similar in height and length to solid screening which exists along the southern edge of the raised outdoor living area on 83 Florence Road. The parapet wall will therefore not be visible from the outdoor living area and therefore the applicable Design Principles of the R Codes are deemed to have been satisfied.

The proposal as submitted does not comply with clause 5.11 (Maximum Building Height) of TPS 2 as the basement level is proposed to be used as a gymnasium. It is for this reason that if the application is approved by Council a condition be included restricting this area to only be used for plant and equipment, storage and/or toilets in order to comply with the clause.

The parapet wall for the outbuilding will be located within close proximity to two habitable rooms on 83 Florence Road. The outbuilding's reduced lot boundary setback and size means that it will be fully visible to the habitable rooms and restrict an adequate amount of natural light from being able to enter, which is limited as it is due to being on the southern side of the property.

Considering the above, it is recommended that the proposal be approved by Council with the exception of the outbuilding which is recommended to be refused.

11.0 Attachments

1. Photograph of 85 Florence Road (A4)
2. Site/Ground Floor Plan (A3)
3. Basement Plan (A3)
4. Upper Storey Plan (A3)
5. North and South elevations (A3)
6. East and West elevations (A3)
7. Outbuilding elevations (A3)
8. Photograph of proposed outbuilding's parapet wall location (A4)
9. Photograph of proposed barbeque area's parapet wall location (A4)