



Planning and Development Reports

Committee Consideration – 9 October 2012
Council Resolution – 23 October 2012

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PD40.12	No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change of Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-Storey Building
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Committee	9 October 2012
Council	23 October 2012

Applicant	Hawkestone Property Development Pty Ltd
Owner	Aged Persons Homes Trust & Melvista Nursing Home
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File ref	BE8/20-02 : DA11/115
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act 1995</i> .

Purpose

This application is referred to Council for determination, as officers do not have delegation to determine an application under instrument of delegation 6A, specifically where valid objections have been received; and for refusals where discretion exists.

Recommendation to Committee

Council refuses an application for a Change of Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-Storey Building at No. 20 (Lot 25) Betty Street, Nedlands, in accordance with the application dated 31 March 2011 and plans received on 17 July 2012, for the following reasons:

1. **The front setbacks of proposed buildings are not in keeping with the existing rhythm of the streetscape and general character of the locality.**
2. **The proposed residential density (R23/R77) does not conform to the required density coding (R12.5), or existing character of the locality (R10-R12.5).**

3. The proposed development is not compatible with the heritage value of the site, in accordance with the listing on the Municipal Heritage Inventory.
4. The excavation in the front setback area adversely affects the streetscape and does not comply with the Acceptable Development standard or Performance Criteria 6.6.1 of the RCodes.
5. The landscaping (hard surfaces) in the front setback area adversely affects the streetscape and does not comply with the Acceptable Development standard or Performance Criteria 6.4.5 of the RCodes.
6. Rubbish bins are not able to be collected from the street due to safety and convenience, and does not comply with the Acceptable Development standard or Performance Criteria 6.10.3 of the RCodes.
7. The bin store area is insufficient for the required number of bins, and does not comply with the Acceptable Development standard or Performance Criteria 6.4.5 of the RCodes.
8. Vehicle manoeuvring is not safe or efficient, requiring the southern store room to be truncated.
9. The proposed development will adversely affect the amenity of the surrounding locality, in accordance with clause 5.5.1 of TPS2.

Advice Notes specific to this proposal

1. Should a subsequent application be approved, the site will require a Section 70 notification on the Certificate of Title, that at least one aged or dependant persons reside in the properties.

Strategic Plan

- KFA 3: Built Environment
 - 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
 - 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.
- KFA 5: Governance
 - 5.6 Ensure compliance with statutory requirements and guidelines.

Background

Property Address: No. 20 (Lot 25) Betty Street, Nedlands.
(Refer to attachment 1)
Zoning MRS: Urban
Zoning TPS2: Residential R12.5
Lot Area: 4397 m²

The site has a frontage to Betty Street to the west, Melvista Avenue on the south and Doonan Road to the east, and located adjacent to residential properties to the north, as seen in the location plan (refer to attachment 1). The location plan and the site photographs (refer to attachment 10) demonstrate that surrounding properties have a modest built form of low density.

The site photographs also depict the existing development on the site as a nursing facility.

In March 2011, the City received an application for 10 Multiple Dwellings in a 3-storey building on the site. Given the residential zoning and the existing nursing facility, the site currently enjoys non-conforming use rights as per Part IV of TPS2.

In June 2011, the applicant lodged an application for review to the State Administrative Tribunal (SAT) under a deemed refusal.

In February 2012, the matter proceeded to a preliminary hearing to determine if the application has the potential to be approved, given the non-conforming use issue. The SAT determined that the application does have that potential, and ordered that the Council determine the application, which is the subject of this report.

Proposal Detail

The proposal involves the demolition of an existing nursing facility and the construction of 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-storey building on the site, as depicted in the submitted plans (refer to attachments 2-9). Furthermore, the site photographs show the relationship of the site with the surrounding built environment (refer to attachment 10).

Variations include the following issues:

- front setbacks (streetscape);
- excavation in the front setback area (streetscape);
- heritage values.
- vehicle manoeuvring; and
- bin storage and rubbish collection issues; and

Referrals

In summary, the City's Heritage consultant advises of the following (refer to attachment 11):

- The Melvista Lodge & Nursing home is listed on the City of Nedlands Municipal Heritage Inventory – Management category 'C'.
- Original architect with a design philosophy to translate the human scale of European villages into Perth.
- Proposal completely contrasts with the values deliberately and carefully achieved in the existing complex. Very invasive in terms of the heritage values of the original complex. All of the aesthetic values appear to have been ignored in the proposal:
 - horizontal low-rise emphasis replaced by vertically emphasis;
 - unity lost with the removal of solid walls, particularly on the balconies;
 - open balconies compromises the established solid to void ratio of the complex;
 - hipped roof structure is as opposed to the original gabled roof;
 - industrial pattern low-pitch metal deck roofing into a tiled complex;
 - the spaces between the new buildings could result in accelerated wind flows;
 - privacy severely compromised; and
 - wide palette of new materials- fibre-reinforced cladding, masonry, limestone, metal louvers, metal roofing, varied colours.

Sustainable Environment

The City's Environmental Health section advises of the following:

- An inside service is required as bins cannot be placed out on the verge for collection because:
 - it is not reasonable to expect bins to be presented on the verge from aged person residences, especially given the distance bins need to be conveyed;
 - the number of bins to be collected from the footpath will cause pedestrian safety issues;

- parking bays and parking issues on Betty Street will make it difficult for bins to be collected from the verge; and
 - bins cannot be placed on the verge on Melvista Avenue as they will block line of sight for vehicle turning right onto Melvista Avenue.
- An advisory note on the planning approval is recommended to advise that an inside bin service is a free service that the City offers to pensioners or disabled residents.
 - For an inside service to access the bins, doors are required to be widened to a minimum 920 mm.
 - The bin enclosures on the plans are not big enough for the number of bins required. The minimum enclosure area needed is 22 m² (excluding clearways to fire exit doors), which is greater than the total useable area of the two enclosures shown on the plans.

Engineering Services

The City's Engineering section advises of the following:

- The distance between the northern bin store and the collection point on the verge is too far (65 m).
- The store adjacent to the basement gate should be truncated to assist in vehicular manoeuvring.
- If the car bays are not nominated for particular vehicles, then a turning bay is required in the location of the smaller bin store.
- If the car bays are nominated for particular vehicles, then a space is required for a service bay.
- Standard conditions recommended.

Parks Services

The City's Parks Services section advises of the following:

- Two street trees are permitted to be demolished to make way for the proposed crossover.
- Standard conditions recommended.

Where applicable, approval conditions / refusal reasons are recommended for outstanding issues (see Recommendation to Committee section).

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type: Special Procedures – 21 Days (Clause 6.3.1).

Notification period: 13 August 2012 – 27 August 2012

Comments received: Six (6) objections and two (2) non-objections.

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.

Summary of comments received	Officer's technical comment
<p>Issue: streetscape – staircases</p> <p>The extensive staircases in the front setback area give the appearance of a HomesWest block of flats rather than a quality development designed to blend with leafy, residential Nedlands.</p> <p>Staircases do not fit in with other buildings in the area and will stand out like a sore thumb.</p> <p>To avoid negative visual impacts upon the street, the staircases should be designed at the rear, in the vicinity of the lifts.</p>	<p>Upheld</p> <p>The staircases are setback less than existing structures, less than normally required, and less than neighbouring properties.</p>
<p>Issue: streetscape – hard surfaces</p> <p>The hard surfaces in the front setback area give the appearance of a Homeswest block of flats rather than a quality development designed to blend with leafy, residential Nedlands.</p> <p>Will be unattractive, hot, and out of character with the neighbourhood.</p>	<p>Upheld</p> <p>The impact upon the streetscape is not acceptable (see Discussion section).</p>
<p>Issue: streetscape – general issues</p> <p>Appropriateness of the development is questioned in a small street of low-density Single Houses and a residential area.</p>	<p>Upheld</p> <p>The impact upon the streetscape is not acceptable (see Discussion section).</p>

<p>Given the non-conforming use, now is the opportunity to enhance, not detract from the streetscape.</p> <p>Will look more imposing and will damage the current uniform look of Betty Street.</p>	
<p>Issue: streetscape – street trees</p> <p>The mature street trees should remain to screen the impact of the development on the streetscape, and provide protection from hot afternoon sunlight.</p>	<p>Upheld</p> <p>The City's Parks section has no objection to 2 street trees being removed in the vicinity of the proposed crossover. However, it is agreed that the lack of screening to the extensive earthworks in the front setback area adversely affects the streetscape.</p>
<p>Issue: vehicular – traffic</p> <p>Increase in traffic from a high-density development.</p> <p>Likely that will be an increase in traffic from carers and services (i.e. meals on wheels).</p> <p>Potential for an additional 40 residents (2 people x 2 rooms x 10 dwellings), resulting in detrimental road, foot and essential services traffic.</p> <p>Less safe for pedestrian due to bus route on this street.</p>	<p>Not Upheld</p> <p>The road reserve is technically capable of vehicular movements (traffic) far in excess of what will be generated by the proposed development.</p>
<p>Issue: vehicular – private car-parking</p> <p>Potential for approximately 2 vehicles per dwelling, whereas only 1 bay provided. Insufficient parking in the street.</p> <p>Cars currently block our driveway and/or parked for more than 12 hours per day, causing our visitors to park much further away.</p>	<p>Noted</p> <p>Whilst it is agreed that this is likely, the RCodes requirement is for only 1 bay per dwelling.</p>

<p>Issue: vehicular – visitor car-parking</p> <p>Proposal for only 2 visitor bays behind a locked gate, resulting in on-street parking.</p> <p>Proposed widened crossover will result in removal of an existing on-street car bay.</p> <p>Shouldn't factor-in the public car-parking bays at the Masons Gardens, as they are currently fully utilised by users of the pre-school.</p> <p>Aged residents will need larger numbers of visitors (extended family, carers, medical services, etc).</p>	<p>Upheld</p> <p>Visitor bays are required to be outside of security barriers (see Discussion section).</p>
<p>Issue: vehicular – general issues</p> <p>Object to the proposed crossover due to engine noise, headlights, gears and operation of garage doors. The site could gain access from Melvista Avenue or further north on Betty Street.</p>	<p>Not Upheld</p> <p>In a residential context, these are typical impacts and consistent with a land use deemed appropriate (see Discussion section).</p>
<p>Issue: bin collection</p> <p>Large number of bins being collected from the footpath results in a safety issue when pedestrians forced onto the road, which is shared by buses.</p>	<p>Upheld</p> <p>An inside bin service is required (see Referral section).</p>
<p>Issue: standard planning requirements</p> <p>The development should comply with the planning requirements for a Single House.</p>	<p>Not Upheld</p> <p>Non-conforming use rights enable exemptions (see Discussion section).</p>
<p>Issue: devaluation of properties.</p>	<p>Not Upheld</p> <p>Not a statutory planning matter.</p>
<p>Issue: potential damage of neighbouring buildings during construction</p>	<p>Not Upheld</p> <p>Not a statutory planning matter.</p>

Issue: larger redevelopment	Not Upheld
Potential redevelopment of the entire site, which will compound the negative impacts.	A larger redevelopment is not part of this proposal and cannot be considered.
Issue: no objection	Noted

Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes of WA 2010 (RCodes)

Budget / Financial Implications

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

Risk Management

Nil.

Discussion

A property with a non-conforming land use enjoys distinctly different planning requirements to that of a normal property. Legal advice has been gained that suggests that the City should determine non-conforming use applications having regard to:

- Clause 6.4.2 (general provisions);
- Clause 4.1.2 (extensions to buildings);
- Clause 6.4.1 (land use); and
- Clause 6.5.1 (orderly and proper planning).

Clause 6.4.2 – General Provisions

Clause 6.4.2 contains general provisions for consideration (emphasis added):

'In respect of an application for planning approval made under Clause 6.3 the applicant shall satisfy the Council that the following conditions and standards have been met.

- (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 hours of operation, illumination, emission of any kind and the 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;*
- (c) *the form, layout, appearance and material of any building is in keeping with the existing character of the locality;*
- (d) *the vehicular and pedestrian access, including on-site circulation and provision for deliveries will not create any danger;*
- (e) *the vehicle flows to and from the subject land will not be disruptive to existing traffic movements or circulation patterns;*
- (f) *that any traffic generated must be capable of being accommodated within existing streets;*
- (g) *that the development or use will not place excessive loads on existing or projected essential services;*
- (h) *the proposed development or use is necessary to service the needs of the district's residential population and is otherwise generally in keeping with the Council's Town Planning intentions for the locality;*
- (i) *the desirability or preserving (or replacing) existing trees and other vegetation contributing to the amenity or significant of the locality.*
- (j) *any other matter considered relevant by Council.'*

Responding to this Scheme provision, it is noted that the proposed front setbacks differ from the established streetscape.

Noting that the Scheme normally requires a minimum 9 m front setback (except minor structures), the existing nursing facility is non-conforming with building setbacks of 8.1 m and 9.1 m. However, the proposed development has further reduced setbacks, as indicated below.

Structures		Front setbacks
Existing	nursing facility	8.1 m – 9.1 m
	gatehouse	0.7 m
Proposed	open stairs and raised landing	2.7 m
	large deck / terrace over driveway	4.7 m
	2-3 storey staircases (3) with roof	5.5 m
	2-3 storey balconies / terraces with roof	8.2 m

The applicant has provided photomontages of how the proposed development may impact the streetscape (refer to attachment 9), however they depict significant vegetation (including street trees and private trees) that will be demolished.

An analysis of the surrounding streetscape reveals mixed built form, due to the dwelling opposite having reduced setbacks as part of a secondary street. Notwithstanding this, the majority of the street (including existing structures onsite) has major structures set back greater than the proposed development, as indicated below. Minor structures are found at reduced setbacks; however they are not bulky in nature in contrast with the proposed structures mentioned above.

Location	Proposed structures	Front setbacks
North (adjoining)	Single-storey dwelling	8.2 m – 9.4 m
	Carport (minor structure)	2.6 m
South (adjoining)	Single-storey dwelling	8.1 m
	Carport (minor structure)	Nil
West (opposite)	Two-storey dwelling	3 m – 4 m

Legal advice suggests that an extension of a building associated with a non-conforming use may be permitted by the Council in its discretion, however as a general principle *it should not increase the extent to which the development does not comply* (i.e. a direct breach) with the Scheme.

For example, where an existing building does not comply with a setback, an extension to that building to reduce setbacks further generally should not be permitted, as this would materially increase the extent of the non-compliance with the setback requirement of the Scheme, and may be refused on that basis.

As this application proposes front setbacks that increase the extent to which the current non-conforming development breaches the Scheme, and the setbacks contrast with the established rhythm of the streetscape, the setbacks are not supported.

As a condition to enforce the required setbacks would require a major redesign, possibly creating further variations, such a condition is considered inappropriate. Being a 'lynch-pin' issue, the application is not recommended for approval.

Clause 4.1.2 – Extensions to Buildings

Part IV of the Scheme controls non-conforming land uses; with clause 4.1.2 containing provisions for extensions (emphasis added):

'No provision of the Scheme prevents: Where in respect of land zoned under Part 3 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 of this Part on that land, and provided the prior consent in writing of the Council has been obtained, buildings may be extended to the limits prescribed by the Uniform Building By-Laws made under the Local Government Act 1960 (as amended), or by any other by-laws made under that

Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the coming into force of the Scheme.'

Legal advice suggests that the reference to the superseded 'Uniform Building By-Laws' empowers the subsequent RCodes, with such requirements discussed further in this section.

Clause 6.4.1 – Land Use

Scheme clause 6.4.1 (Consideration of Applications) states (emphasis added):

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

The proposed use is for Multiple Dwellings, which has typical residential impacts. Furthermore, the dwellings are proposed to be used by aged or dependant persons', which is considered to have even lesser impacts.

In terms of building form, Multiple Dwellings have multiple levels. A Single House land use is more typical in this streetscape, however its typical building form is also of multiple levels. Also noting that the proposed development complies with the building height controls of the Scheme, it is considered that this aspect of the proposal is appropriate.

Clause 4.2 – Land Use

Part IV of the Scheme controls non-conforming land uses; with clause 4.2 containing provisions for a change from one non-conforming use to another (emphasis added):

'The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use if the proposed use is in the opinion of the Council less detrimental to the amenity of the neighbourhood than the existing use or is in the opinion of the Council closer to the intended uses of the zone.'

As discussed above, the impact of a Multiple Dwelling use is considered to be appropriate in a residential area.

Clause 6.5.1 – Orderly & Proper Planning

Scheme clause 6.5.1 (Determination by Council) states (emphasis added):

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

In response, the development does not comply with Scheme provisions, with some discretionary variations which are not recommended for approval. Accordingly, it is considered that the proposed development does not represent orderly and proper planning in accordance with clause 6.5.1, and is not recommended for approval.

RCodes – Residential Density

Made relevant by the Uniform Building By-Laws, this site is coded R12.5 under the Scheme.

The site has 24 existing dwellings (i.e. independent living units) and an existing nursing facility, with an area of 4,397 m². Accordingly, the existing residential density is R55.

Taking into account the 24 existing dwellings and 10 proposed dwellings, the proposed residential density is R77. Alternatively, taking into account only the 10 proposed dwellings, the proposed residential density is R23.

The applicant argues that the number of beds in the existing nursing facility (30) is comparable to the number of people that would reside in the proposed dwellings (10-20).

In response, residential density does not take into account non-residential facilities because the uses are not comparable. A dedicated aged care facility shares areas and activities such as laundries, kitchens, hallways, stairs and transportation. Conversely, the 10 proposed dwellings have duplicated communal and non-communal areas and activities, resulting in a considerably different building form. For example, the proposed front setbacks represent a more intense and incompatible building form (as discussed elsewhere).

Accordingly, the proposal will materially increase the extent to which the development does not comply with the required residential density, and is incompatible with the surrounding area (R10-R12.5). As a result, the proposal is not recommended for approval.

RCodes – Excavation in the Front Setback Area

Element 6.6.1 of the RCodes requires excavation in the front setback area to be no greater than 500 mm. As the proposal is for extensive excavation (up to 2.1 m) and landscaping, and no other examples of such can be found within the surrounding streetscape, the proposal does not comply. In addition, neighbour consultation resulted in an objection to this aspect of the design (see Consultation section).

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

RCodes – Hard Landscaping in the Front Setback Area

Element 6.4.5 of the RCodes requires no greater than 50 % of the front setback area to be of a hard surface; whereas the proposal exceeds this amount with extensive 'hard' landscaping.

In considering this variation, the following is considered:

- Extensive earthworks, retaining walls, paving and balustrades (not shown on plans);
- Several street trees and private trees will need to be removed as part of the earthworks, and therefore screening is not present;
- No other examples of such can be found within the surrounding streetscape; and
- Neighbour consultation resulted in an objection to this aspect of the design (see Consultation section);

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

RCodes – Waste Facilities & Services

Element 6.4.5 of the RCodes requires bin stores to be conveniently located; whilst element 6.10.3 requires rubbish collection to be available from the street. The proposal does not comply due to unacceptable distances (especially for aged or dependant persons) between the bin stores and the street (65 m); and the significant number of bins would create safety issue on the footpath / street reserve. Referrals to the City's Engineering and Environmental Health sections resulted in objections to this aspect of the proposal (see Referral section).

Accordingly, this aspect of the application does not comply and is not recommended for approval, however an inside bin service would resolve this matter if approved.

RCodes – Visitor Bays

Element 6.5.3 of the RCodes require visitor bays to be outside an security barrier, whereas the proposal is for them behind.

In considering this variation, the following is considered:

- there are no surplus car-parking bays proposed, and the number of bays is likely to be insufficient, as the number of residents could be between 10-40 people (2 people per room x 2 rooms x 10 dwellings);
- the proposed widened crossover will remove an on-street car bay; and
- neighbour consultation resulted in an objection to this aspect of the design (see Consultation section).

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

RCodes – Storage

Element 6.10.3 of the RCodes requires enclosed and lockable storerooms of a minimum area of 4 m² for each dwelling to be provided (40 m² aggregate). As the proposal includes 3 storerooms with an aggregate area of 26 m², the proposal does not comply. A referral to the City's Engineering section also resulted in a recommendation to truncate the southern storeroom for vehicle manoeuvring, thereby decreasing the area for storage (see Referral section).

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

Preservation of Amenity

TPS2 clause 5.5.1 (Preservation of Amenity) states (emphasis added):

*'Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would **adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.**'*

In response, the external appearance of the development is incompatible with the streetscape (as discussed elsewhere). Traffic congestion and noise will also be intensified compared with the existing nursing facility or typical Single House developments. Accordingly, it is considered that the proposed development will adversely affect the amenity of the surrounding area, and the proposed development is therefore not recommended for approval.

Conclusion

This application involves a non-conforming land use, resulting in a planning assessment that is atypical. Guided by legal advice and a preliminary decision from the SAT, the assessment has revealed that the proposal is incompatible with the streetscape and heritage, and has vehicle manoeuvring, bin storage and rubbish collection issues.


Accordingly, the application is recommended for refusal.

Attachments

1. Location plan (aerial)
2. Survey plan
3. Site plan
4. Floor plans
5. Elevations
6. Sections
7. Vehicle movements
8. Refuse plan
9. Montages
10. Photographs of the site and surrounds
11. Heritage consultant's comments

PD41.12	No. 64 (Lot 1) Jutland Parade, Dalkeith – Proposed Portico/Carport
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Committee	9 October 2012
Council	23 October 2012

Applicant	Greg Rowe and Associates
Owner	I Budiarto and B Hartono
Officer	Elle O'Connor - Planning Officer
Director	Peter Mickleson - Director Planning & Development
Director Signature	
File ref.	DA12/238 : JU2/64-U1
Previous Item No's	DA09/491
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This application is referred to Council for determination as the proposal does not meet the provisions in the City of Nedlands Town Planning Scheme No. 2 (TPS2) and Local Planning Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback' (LPP 6.23) and officers have no delegation to refuse an application where discretion exists.

Recommendation to Committee

Council refuses an application for a Portico/Carport at No. 64 (Lot 1) Jutland Parade, Dalkeith in accordance with the application received 18 June 2012 and the plans received 17 August 2012 for the following reasons:

1. The proposed 4.5 m front setback is inconsistent with Clause 6.4.2(b) of the City's TPS2 and is not in keeping with the general character of the locality.
2. The proposed structure does not comply with Local Planning Policy 6.23.
3. The steep levels of the driveway do not allow for access in a U-shape fashion as the gradient does not comply with Australian Standard 2890.1 and will cause vehicles to 'bottom out' when exiting.

Strategic Plan

KFA 3: Built Environment

3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

Background

Property Address: No.64 (Lot 1) Jutland Parade, Dalkeith
(Refer to attachment 1)

Zoning MRS: Urban

Zoning TPS2: Residential, R12.5 coding

Lot Area: 1400 m²

12 July 2005	Council supported approval for a 5 survey strata subdivision application (WAPC Ref: 567-05). The Western Australian Planning Commission (WAPC) approved the application on 27 June 2005.
10 June 2009	Planning Approval was issued for a three storey dwelling with a large underground Garage and Pool setback 9 m from the front boundary in accordance with TPS2 and LPP 6.23.
21 October 2009	Planning application was received for a Portico/Carport in the front setback. The proposed structure was 36 m ² and setback 3.5 m from the front boundary.
23 February 2010	Council refused the application for a Portico/Carport in the front setback.
19 August 2010	The applicant appealed Council's decision at the State Administrative Tribunal (SAT).
4 October 2010	SAT refused the application for a Portico/Carport in the front setback.

Proposal Detail

The applicant is now applying for a Portico/Drop-off addition in the front 9 setback.

As there is no definition of a 'Drop-off' under the City's TPS2 or the RCodes. The structure has been assessed as a Portico/Carport.

The size and bulk of the Portico/Carport has been reduced to 21.3 m² and 3.6 m in height. The structure is setback 4.5 m from the street boundary and 8.7 m from the side dividing boundary.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type: Special Procedures – 21 Days (Clause 6.3.1).

Notification period: 29 June 2012 – 20 July 2012

Comments received: One (1) objection received

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.

Summary of comments received	Officers technical comment
Functionality: The dwelling already has a 7 car bay basement garage behind the front setback.	Support: The dwelling has an approved basement garage that can accommodate approximately 6 cars and a boat store.

Legislation

- Residential Design Codes (RCodes).
- City of Nedlands Town Planning Scheme No.2 (TPS2) – Clause 6.4.2
- Policy 6.23 *Carport and Minor Structures Forward of the Primary Street Setback* (Policy 6.23).
- Policy 6.4 'Neighbour Consultation – Development Applications'.

Discussion

The RCodes Explanatory Guidelines state that generally development within the street setback area *'should be open, enabling a clear view of the building from the street, and vice versa'* and specifically that *'where no feasible alternative exists, the street setback area may be used for carports and unroofed parking spaces'*.

In this case, the approved residence has a basement garage suitable for up to six (6) cars and a boat. The applicant cannot therefore claim that no feasible alternatives for parking exist.

TPS2 – Clause 6.4.2 states that:

In respect of an application for planning approval made under Clause 6.3 the applicant shall satisfy the Council that the following conditions and standards have been met.

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

The subject site is located on the south side of Jutland Parade directly opposite the Dalkeith Tennis and Bowling Clubs. The locality of the area is bound between Wattle Avenue and the public parkland to the West (refer to attachment 1). Of the eleven residential lots fronting this portion of Jutland Parade, only one has a carport structure within the front 9 m setback. This carport is setback 6 m from the front boundary and was approved by Council in 2001 to replace a structure which had a 2.5 m setback. There are a variety of low and visually permeable front fences with the open character of this portion of the street further defined by the surrounding parks and reserves.

It is considered that the applicant has not satisfied the Council with respect to the setback of the Portico/Carport being in keeping with the existing character of the locality. A 4.5 m front setback in a locality occupied by 9 m setbacks, with one exception to 6m is not considered to be in keeping with the general open character of the locality as requested under Clause 6.4.2 of TPS2.

The variations to Policy 6.23 are discussed as follows:

<p>Requirement</p>	<p>Clause (b) of LPP 6.23 states that:</p> <p><i>(i) New Development</i></p> <p>Notwithstanding any other provision in this policy where a carport is to be constructed as part of a site redevelopment (i.e. new residence) then that carport should be located behind the required front boundary line.</p> <p><i>(ii) Existing Development</i></p> <p>Carports will only be approved forward of the primary street setback under this policy, provided a minimum of five (5) years has elapsed since the issue of a building licence by the City for the existing dwelling on the lot or for significant alterations/additions to the dwelling which has resulted in the need for a carport in this location.</p>
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Applicants Proposal	Proposed Portico / Carport to be setback 4.5m from the front boundary.
Performance Criteria	Policy 6.23 – where an application does not comply with the policy requirements, then the application is evaluated according to whether the variation will have impact on <i>“either the relevant adjoining property or the streetscape”</i> .
<p>Applicant justification summary</p> <p>Note: A full copy of the applicant justification received by the City has been given to the City's Councillors prior to the meeting.</p>	<p>It is our view that the proposed addition will not have a 'significant adverse impact' on adjoining properties or the streetscape for the following reasons:</p> <ul style="list-style-type: none"> • the portico/drop-off addition has been designed with narrow piers and parapet to ensure its size and bulk are minimised; • the location and size of the front piers have been designed so as to ensure sightlines between the entrance of the dwelling and the street (and vice versa) are maintained; and • the portico/drop-off addition is significantly setback from the side property boundaries, ensuring no overshadowing of adjoining lots or impacts on sightlines at vehicle crossover points.
Officer comment	<p>technical</p> <p>As the residence is currently under construction, it can be considered as both a new and existing development.</p> <p>The three storey dwelling under construction was approved in 2009 with a large basement garage behind the 9 m front setback (refer to attachment 1). For a carport to be approved forward of the 9 m front setback a period of five (5) years has to elapsed since the issue of a building licence for the dwelling. Five (5) years has not elapsed since the dwelling was approved and the garage behind the front setback can accommodate up to six (6) cars.</p> <p>Notwithstanding this, as highlighted in the October 2010 SAT decision (D10/20086), after five (5) years has elapsed the policy <i>“allows for the possibility of approval but development approval is by no means guaranteed”</i>.</p>

	<p>It is considered that the proposed Portico/Carport will have impact on the streetscape as the general locality is open in character. All dwellings fronting this portion of Jutland Parade are setback a minimum of 9m, with the exception of one carport setback at 6 m. The streetscape/locality is also bordered by park and recreation reserves.</p>
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Conclusion

The intent of LPP 6.23 and the Residential Design Codes is to allow for the minimum number of covered car bays in the designated front setback, only where there is no adequate space or provision behind the front setback. Under the Residential Design Codes the minimum number of car bays for a single dwelling is two (2).

The approved three story dwelling (currently under construction) includes a large basement garage behind the front setback that can accommodate up to six (6) cars and a boat. In light of this, it is considered that the minimum number of car bays have been provided and hence no "need" for a carport in the primary street setback.

The LPP 6.23 endeavors to maintain an open streetscape and allow a carport in the front setback only where there are no other alternatives available. The subject locality is very open in nature, distinguished by 9m front setbacks with the exception of only one other carport setback 6m. It is considered that the 4.5 m front setback of the proposed Portico/Carport is contradictory to the streetscape the LPP 6.23 aspires to maintain and is not in keeping with the setbacks of the locality.

In addition to this, the proposed location of the Portico/Carport will compromise practical vehicular access into the pre-approved driveway as it will promote drivers to utilize the driveway in a U-shape fashion.

The steep levels of the driveway where not approved to be accessed in this U-shape fashion as the gradient does not comply with Australian Standard 2890.1 and will cause vehicles to 'bottom out' when exiting.

For these reasons, it is recommended the application be refused.

Attachments

1. Locality Plan
2. Site Plan
3. North Elevation
4. West Elevation
5. East Elevation
6. Street Perspective

PD42.12	No. 72 (Lot 51) The Avenue, Nedlands – Proposed Demolition of Single House on Municipal Heritage Inventory
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Committee	9 October 2012
Council	23 October 2012

Applicant	Charles Johnson – Planning Context
Owner	Estate of D E Ransom
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson - Director Planning & Development
Director Signature	
File ref.	DA12/276 : TH1/72
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This application is referred to Council for determination as officers have no delegation to determine an application once objections have been received.

Recommendation to Committee

Council approves an application for the demolition of No. 72 (Lot 51) The Avenue, Nedlands in accordance with the application received 13 July 2012 subject to the following conditions:

1. prior to the issue of a demolition license a comprehensive record of the building and a history of successive occupants, prepared by a heritage professional is to be submitted and approved by the City (refer to Advice Note 2); and
2. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

1. In accordance with Council's Policy and Procedure *Listed Heritage Places – Demolition Policy* prior to the issue of a demolition license, plans are to be approved by Council for the redevelopment of the site.

2. The comprehensive record is to include research through Council's Local Studies Collection and other material for details of origins of the building contract, subsequent alterations and/or additions together with measured drawings, plans and elevations and a photographic record in colour of the exterior and interior of the building. Copies of the document shall be lodged in Council's Local Studies Collection for public research.

Strategic Plan

- KFA 3: Built Environment
- 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.
- KFA 5: Governance
- 5.6 Ensure compliance with statutory requirements and guidelines.

Background

Property Address: No. 72 (Lot 51) The Avenue, Nedlands.
(Refer to attachment 1)

Zoning MRS: Urban

Zoning TPS2: Residential R10

Lot Area: 1560 m²

History of Municipal Heritage Inventory

The Municipal Heritage Inventory (MHI) is a non-statutory document that was adopted by Council in 1999. The report to council for adoption of the MHI stated the following:

"it should be emphasised that the Inventory does not prevent alterations or demolition of any place contained in the Inventory. Any restrictions on how property can be used have to be implemented through the Town Planning Scheme and no such changes are proposed at this time."

Since the MHI was adopted by Council no changes have been made to link the MHI to the current Town Planning Scheme No.2 (TPS2), to have statutory effect.

The properties listed as 'Review' on the City's existing MHI were identified during the preparation of the MHI, however could not be assessed due to resourcing constraints in 1999. These properties are now part of the revised Heritage List which was considered by Council in March 2012, which has not progressed to public consultation.

Background of Subject Property

The subject property is listed on the MHI as 'Review'. The property was included on the MHI when the document was adopted in 1999. Although properties in the Review List may have no formal heritage status, it remains likely that this subject property would have met the criteria for inclusion in the MHI at the time it was adopted.

The subject property is a two storey brick residence with an undercroft, rare red clay pan tiled roof with rare ridge and hip tiles, leadlight windows (refer to attachments 2 - 4). It is estimated that the building was constructed in the Federation period prior to 1915. Minor alterations to the building were made in 1946 and at other times since. The building is otherwise generally intact. A separate garage building is at the front and is constructed in matching materials.

Proposal Detail

The application is for the demolition of the existing residence (single house). The building is listed as a 'Review' under the City of Nedlands Municipal Heritage Inventory.

Legislation

- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- City of Nedlands Municipal Heritage Inventory (MHI)
- State Planning Policy 3.5 – *Historic Heritage Conservation* (SPP3.5)
- Neighbour Consultation - Development Applications
- Council Policy 6.16 - *Listed Heritage Places – Demolition Policy* (Policy 6.16)

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation period: 8 August 2012 to 29 August 2012

- In accordance with Clause 6.3 of TPS2 and Policy - Neighbour Consultation - Development Applications the application was advertised by letter to adjoining landowners for 21 days.

Comments received: One (1) objection

Note: Full copies of all submissions received by the City have been given to the City's Councillors prior to the meeting.

<p>Summary of submission received</p> <p>Character of the area</p> <p><i>"..the proposed demolition of the single house on the Municipal Heritage Inventory would impact the character of the area. There is a diminishing stock of heritage homes and they should be preserved".</i></p>
<p>Summary of applicant's response</p> <p>There is difference between neighbourhood character and heritage conservation. The State Planning Policy 3.5 on Heritage Conservation is helpful in this regard. Section 6.3 of the Policy deals with the difference between heritage areas and urban character areas. It states that;</p> <p><i>"It is important to distinguish between "historic heritage significance" and "urban or neighbourhood character". Not all areas of urban or neighbourhood character have a level of historic heritage significance which warrants protection. Urban character is essentially identified by built form and age, topography, open space, streetscape, land use and activity, and all areas exhibit some form of urban character. However planning controls in urban character areas do not necessarily require restrictions on demolition or building design".</i></p> <p>It is our contention that the neighbourhood character of the area is represented by a mixture of older residential and new residential dwellings. The City of Nedlands does not have any policies seeking to preserve residential character by retaining the remaining older housing stock in the area. We make the point that in due course a development application will be lodged for a new residential dwelling on the subject land and that building will be planned to be in character with the existing mix of new and older dwellings in the area.</p>
<p>Officer's technical comment</p> <p>Properties surrounding the subject site are a mixture of older and newer residences with a variety of architectural styles. The area is not a designated heritage area. The MHI only lists 61, 72 & 80 The Avenue, Nedlands as heritage places. No. 61 The Avenue, Nedlands is also listed as 'Review' whilst No. 80 The Avenue has been demolished.</p> <p>It is accepted that there is a difference between heritage areas and urban/neighbourhood character. In this locality, it is noted that there are a number of older residences, but that does not necessarily mean that they are of heritage significance. The area is one which is in transition, with a number of properties in the area being redeveloped in recent times.</p> <p>As discussed below, even though it is preferable that a heritage place is retained and/or restored the residence in question is only listed on the MHI as 'Review' which has no statutory force. At present, the City has no statutory provisions to refuse this application for heritage reasons.</p>

Budget/financial implications

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

Risk Management

For heritage sites to be protected and conserved, the sites must be linked to the relevant Town Planning Scheme. As the MHI is not linked to TPS2, the City has no legal standing to refuse the application due to heritage reasons. If the application is refused, the decision could be appealed at the State Administrative Tribunal (SAT).

Discussion

Proposed Demolition of Single House on MHI

The City engaged a Heritage Consultant to provide advice on the proposal (refer to attachment 5 for Heritage Report). In summary, the Heritage Consultant has advised:

- The heritage place technically has no formal heritage status in the MHI, and that the building may have met the heritage criteria had it been assessed.
- Recommends Council approves the application subject to conditions requiring a comprehensive heritage record and plans for redevelopment being approved prior to a demolition license being issued.

The applicant has provided justification and has sought legal advice in relation to the proposal. In summary, the justification and legal advice states;

A copy of the justifications and legal advice received by the City has been given to the City's Councillors prior to the meeting.

- The existing house has not been lived in for three years and is in a poor state of repair. It is estimated that the total cost of repairs and renovations would be \$3 - 4 million. To retain the house would need a total replacement along with the removal of all building components which have been constructed with asbestos.
- The home is well setback on a well vegetated block and its removal is unlikely to constitute a gross change to the streetscape. The value of the land would vitiate against it being vacant for a period of time.
- The City's MHI does not have statutory force or effect in the exercise of the City's planning powers.

- Approval of a development application to demolish a residence cannot be tied to a requirement to lodge a development application for redevelopment.

The argument that the house is in disrepair or would be too costly to restore is not suitable reasoning for the demolition of a heritage place. SPP 3.5 states that *"demolition approval should not be expected because redevelopment is a more attractive economic proposition or because the building has been neglected"*. This view is affirmed by the City's Heritage Consultant who notes that the condition of the property does not necessarily diminish the heritage value of the place.

Although it is preferable if the heritage place is retained and restored, the listing as 'Review' on the MHI does not provide the City with statutory force to refuse the application on heritage grounds. However, the City can impose a condition to allow for comprehensive record of the heritage place.

Policy 6.16 *Listed Heritage Places – Demolition Policy*, does not restrict the demolition of heritage places, rather providing guidance for the proper documentation and recording of heritage places, prior to a demolition license being issued. The City's Heritage Advice on this proposal, has recommended that a comprehensive heritage record of the building and a history of successive occupants is prepared. This report is to be available in the City's Local Studies Collection for public research purposes. It is therefore recommended that Council include Condition (1) and Advice Note (2) requiring the preparation of a comprehensive heritage record of the residence.

The City has as internal procedure for Policy 6.16, which provides guidance to implementing the policy. The procedure states that *"a demolition permit shall not be issued prior to the approval of plans for redevelopment of the site"*, however this is not a requirement of the policy. The City's Heritage Consultant comments that, *"there are many sites around Perth where buildings of heritage significance have been needlessly demolished before the market is tested for buyers who may like to keep the significant structure [but] remain undeveloped as empty sites for long periods"*.

The requirement to receive planning approval for the redevelopment of the site prior to a demolition license is problematic because the property owner could be issued with planning approval for a redevelopment, but the City cannot enforce that the approved plans are constructed. This would likely result in a 'dummy' planning application being submitted to the City prior to a demolition license being issued. The above requirement is a guideline, and as a result it is recommended that Council includes it as Advice Note (1).

Conclusion


Notwithstanding the heritage merits of the building, the residence is only listed as 'Review' on the City of Nedlands Municipal Heritage Inventory and has not undergone full Heritage Assessment. The City can only consider this application against the current statutory provisions. Presently, the City has no statutory provisions to refuse this application for heritage reasons. However Council can impose conditions to ensure that the residence is properly recorded and information regarding the heritage place can be accessed in the future. Therefore it is recommended that Council approve the application, subject to conditions.

Attachments

1. Locality Plan
2. Existing Plans of Residence
3. Photos (1) – Existing Residence
4. Photos (2) – Existing Residence
5. Heritage Report

PD43.12	Omnibus Scheme Amendment No. 194
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Committee	9 October 2012
Council	23 October 2012

Applicant	N/A
Owner	Various
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickelson – Director Planning & Development
Director Signature	
File ref.	TPN/A194
Previous Item No's	D03/12 – 28 February 2012 Item 13.5 – 26 October 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

The purpose of this report is for Council to determine the next actions to be taken on the Omnibus Scheme Amendment No. 194 given that the North Hollywood Strategy has been delayed.

Recommendation to Committee

Council instructs Administration to advise the Western Australian Planning Commission that its decision in relation to Scheme Amendment No. 194 has been delayed as the outcomes of the North Hollywood Precinct Study have not been completed.

Strategic Plan

- KFA 3: Built Environment
 - 3.1 Develop and implement a new planning scheme for the City.
 - 3.2 Encourage the development of diverse residential and commercial areas to meet the future needs of the whole City.
 - 3.3 Promote urban design that creates attractive and liveable neighbourhoods.

Background

Property Address: Verdun Street
 Zoning MRS: Urban
 Zoning TPS2: Residential R10

1. Location

This amendment specifically relates to lots along Verdun Street in North Hollywood. The street is located at the southern edge of the neighbourhood with the former Hollywood High School located to the west, Hollywood Hospital located to the south and Queen Elizabeth II Hospital to the east.

2. Previous Item

At its ordinary meeting on 28 February 2012 Council resolved that:

Council Resolution / Committee Recommendation / Recommendation to Committee

Council instructs Administration to seek approval from the Western Australian Planning Commission to delay its decision on Scheme Amendment No. 194 until the outcomes of the North Hollywood Precinct Study are confirmed.

This resolution was taken in response from an enquiry from the Western Australian Planning Commission regarding the progress of Scheme Amendment No. 194.

3. Historical Context

a. Scheme Amendment No.144 (former Hollywood High School site):

Scheme Amendment No. 144, which dealt with the former Hollywood High School site, was adopted by Council on 26 October 2004. The amendment facilitated the rezoning of the former Hollywood High School site from Metropolitan Region Schemes reserve (Public Purpose) to residential.

To accompany the scheme amendment, the Hollywood High School Design Guidelines were adopted by Council in 13 December 2005. These guidelines allocated the portion of Verdun Street within the design guidelines area (Lots 214 – 231) a R30 coding.

b. Subdivision Application (lots along Verdun Street):

At its meeting held in 26 October 2010, Council considered a proposed five (5) lot subdivision at 19 Croydon Street and 20 Burwood Street. Although the subject sites are coded R10, the proposal was justified on the basis of the:

- R30 coding of the western side of Verdun Street (former Hollywood High School site);

- R20 coding for Verdun Street in draft Town Planning Scheme No. 3 (TPS3); and
- number of individual rezoning applications approved in the area due to the age of TPS2.

Council resolved to recommend to the Western Australian Planning Commission that the proposed subdivision application be refused due to non-compliance with the required minimum site area and minimum frontage under the Residential Design Codes.

At the same meeting and as part of the same item, Council also resolved to initiate a scheme amendment to change the density coding of the lots that have one boundary along Verdun Street from R10 to R30. North Hollywood Precinct Study.

In late 2010, following a petition from residents in the area, North Hollywood was incorporated into the Hampden Broadway Precincts Study. The precinct study included the area bounded by Aberdare Road in the north, Gairdner Street in the east, Verdun Street in the south and Kitchener Street in the west.

A number of preliminary draft proposed development options were prepared for North Hollywood. These options were:

- development along the edge;
- incremental subdivision;
- comprehensive redevelopment; and
- retain status quo.

In May 2011, a survey was circulated amongst the community to provide residents the opportunity to consider options for North Hollywood to decide a preferred option.

The results were inconclusive. Each of the four (4) options received 25 % support from those people completing the survey. Analysis of the survey results identified that there did not appear to be any middle ground amongst the responses. People were either considerably for or against each of the proposed draft development options.

As consultation resulted in no clear direction the need for further study was identified. This was endorsed by Council at its meeting held in July 2011 when it adopted a revised project plan for the North Hollywood Precinct Study.

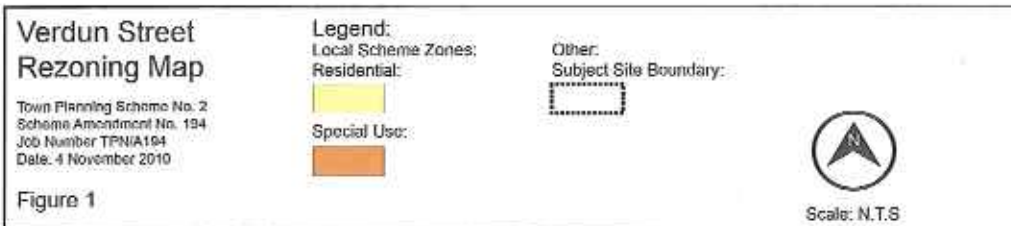
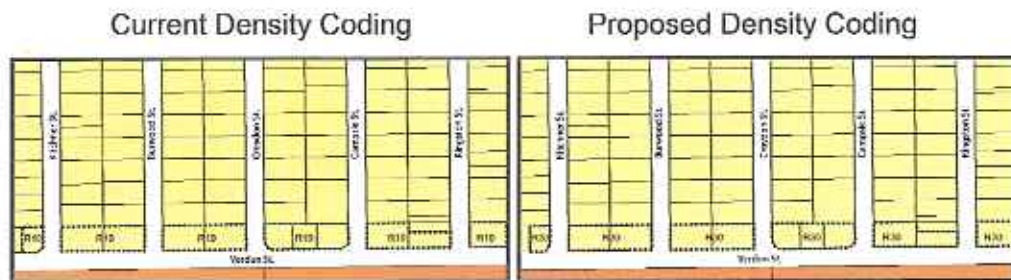
The North Hollywood Precinct Land Use Strategy evaluates development scenarios, movement and placemaking options and recommends a preferred development direction for North Hollywood.

The Strategy was considered at a Council meeting in August 2012 but referred back. This has delayed its progress, which has affected the City's position to comment on Scheme Amendment No. 194.

Proposal Detail

1. Recoding of lots along Verdun Street

The amendment proposes to recode the lots along Verdun Street from R10 to R30 as shown below.



2. A new clause included in Town Planning Scheme No.2 (TPS2)

The amendment proposes to include a new Clause 5.3.12 into the text of TPS2 to accompany the abovementioned recoding.

The text for the new clause reads as follows:

“in the area affected by Scheme Amendment 194 any newly created corner lots located on the corners of the north/south aligned streets (i.e. Burwood Street, Croydon Street etc) and Verdun Street shall have its primary setback along the boundary facing the north/south aligned street so that future developments on these lots contribute to the streetscape of the streets”.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type

The amendment was advertised in the Post newspaper on 11 February 2011 and information was placed on the City's website.

Letters were also mailed to residents and landowners affected by the proposal with a comment form and explanatory document enclosed.

Dates

The proposal was open to consultation for a period of 42 days from 11 February 2011 to 25 March 2011.

Response to submissions

Twenty two (22) submissions were received, including one (1) submission from a State Government authority. Of residents who lodged a submission, there were seven (7) submissions supporting the amendment and fourteen (14) submissions objecting to the amendment.

An analysis of submissions identifies the following themes:

Theme	Explanation and proposed response
A comprehensive approach is needed	<p>This theme is based on the limited scope of the amendment. A number of objections to the proposal noted the importance of considering the whole neighbourhood rather than proceeding in an adhoc manner.</p> <p>Officer comment The North Hollywood Precinct Land Use Strategy represents a comprehensive approach to planning, and once progressed can inform this proposed scheme amendment.</p>
Ongoing traffic and parking concerns	<p>This theme is based on current traffic and parking problems. The expansion of Queen Elizabeth II hospital is also exacerbating concerns about traffic and parking.</p> <p>Officer comment An output of the North Hollywood Precinct Land Use Strategy includes an approach to managing movement in the neighbourhood. This strategy investigates the current problems and proposes solutions for mitigating these traffic and parking problems.</p>

<p>Retain current character</p>	<p>This theme is based on concerns that additional housing choice at different densities will threaten the residential character of the neighbourhood.</p> <p>Officer comment An output of the North Hollywood Precinct Land Use Strategy is to evaluate this impact of possible development options. This document investigates the current character of the area and includes development criteria to ensure a quality built environment that retains North Hollywood's current character.</p>
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Legislation

- Town Planning Regulations 1967
- *Planning and Development Act 2005*

Budget/financial implications

Nil.

Risk Management

The risk associated with not adopting the amendment is that the Minister of Planning can order Council to proceed with the amendment.

The risk associated with adopting the amendment is that the final outcome of the North Hollywood Precinct Land Use Strategy has yet to be finalised. The decision to proceed with this amendment contradicts two (2) development scenarios – status quo and comprehensive redevelopment.

Discussion

In considering this item, the following is relevant:

1. Strategic Plan

It is generally accepted that a consistent housing stock and streetscape are important factors to reinforce the qualities of an attractive and liveable neighbourhood.

This is reflected in the City's Strategic Plan which seeks to:

- promote urban design that creates attractive and liveable neighbourhoods; and
- facilitate appropriate development of existing residential housing to compliment the surrounding residential amenity.

This amendment facilitates comparable codings for the lots along Verdun Street by introducing R30 to match with the existing R30 section of the street. This will assist in ensuring a more seamless transition along the street rather than having abrupt and noticeable inconsistencies in housing stock and streetscape.

2. North Hollywood Precinct Study

The North Hollywood Precinct Land Use Strategy considers the future redevelopment options of the entire neighbourhood. As this study progresses to final adoption it will include ongoing community consultation that will assist in preparing a more comprehensive and coordinated approach for dealing with the future of North Hollywood.

Given the above, the following options that are available to Council include:

- a. Adopt scheme amendment with or without modifications.

Council can resolve to adopt the amendment with or without modifications.

In this instance, adopting the amendment prior to the completion of the North Hollywood Precinct Land Use Strategy represents an adhoc approach to planning for the area.

- b. Seek approval for a further extension to complete the scheme amendment process.

Council can resolve to continue delaying its final decision until the North Hollywood Precinct Land Use Strategy is finalised.

Delaying the final decision requires approval from the Western Australian Planning Commission. The rationale for requesting approval is based on Council wanting to ensure that any decision about this amendment is consistent with an overall outcome for the area.

- c. Discontinue the scheme amendment

Council can resolve to discontinue the amendment.

Conclusion

As part of the scheme amendment process, the proposed amendment has been progressed to the end of the consultation stage. In the meantime, through the North Hollywood Precinct Land Use Strategy, a more comprehensive and coordinated approach for planning the future of the entire North Hollywood residential area is pending Council approval in principle in order to allow public consultation.


Given the delay that has been experienced with the North Hollywood Precinct Land Use Strategy it is recommended that Council advises the Western Australian Planning Commission that its decision in regard to this amendment is delayed until the North Hollywood Precinct Land Use Strategy has been finalised.

Attachments

Nil.

PD44.12	Waratah Avenue Placemaking Strategy – Ratification of Steering Committee members
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Committee	9 October 2012
Council	23 October 2012

Applicant	N/A
Owner	N/A
Officer	Michael Swanepoel - Senior Strategic Planning Officer
Director	Peter Mickleson - Director Planning & Development
Director Signature	
File ref.	TPN/150
Previous Item No's	27 March 2012 - Item 14.1.
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

To ratify the membership of the Waratah Avenue Placemaking Strategy Steering Committee.

Recommendation to Committee

Council resolves:

1. that the membership of the steering committee comprises of:
 - a. the Mayor ex officio;
 - b. the Chief Executive Officer or his nominee ex officio;
 - c. Mr Ken Eastwood, Mr Colin Latchem and Ms Paola Lovi as local resident representatives; and
 - d. two Dalkeith Ward Councillors and two other Councillors.
2. to nominate and elect Councillors to the Steering Committee at its Ordinary Meeting scheduled for 23 October 2012 as required for d. above.

Strategic Plan

KFA 3: Built Environment

- 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
- 3.4 Plan and develop the sustainable provision of community infrastructure and facilities with a focus on flexible and multiple uses.

Background

Council decision March 2012

At its Ordinary Meeting held in March 2012, Council resolved to request that administration proceed with preparing a Placemaking Strategy for a defined area in Waratah Avenue.

Amendment 192

The decision was in response to the conclusion of Town Planning Scheme No. 2 (TPS2) Amendment 192. With the completion of the changes to TSP2, a number of development applications are expected for the affected properties along Waratah Avenue. A Placemaking Strategy represents a proactive step towards shaping a desirable outcome for the area.

Project area and understanding village atmosphere

Council resolved that the project area for the strategy would include the section of Waratah Avenue from Adelma Road to Alexander Road. It is intended that there will be particular emphasis on the Council properties (Genesta Park and Dalkeith Hall) and the street.

Another focus of the strategy will be to the establishment/maintenance of the village atmosphere requested by the community.

Steering Committee

Another component of Council's resolution was to create a steering committee. The committee will comprise of the Mayor, Acting Chief Executive Officer, four Councillors (with two being from the Dalkeith Ward) and up to three local residents. The role of the committee will be to determine the matters and guidelines for inclusion in the Placemaking Strategy document.

Nominations were received from local residents. Council can now formally ratify the membership of the Waratah Avenue Placemaking Strategy Steering Committee.

Key Relevant Previous Decisions:

Council Resolution - 27 March 2012, Item 14.1.

Council Resolution

Council:

1. Council requests that the administration proceeds with the preparation of a 'place making strategy' for the section of Waratah Avenue from Adelma Road to Alexander Road with particular emphasis on the Council properties, being Genesta Park and the Dalkeith Hall, and the street, and the establishment/maintenance of the 'village atmosphere' requested by the community;
2. The 'place-making strategy' must take into consideration, to the extent possible, the approximately 800 written submissions made by the Dalkeith community to Council from 2008 onwards and the Dalkeith Redevelopment Area Steering Committee minutes and recommendations;
3. Administration is to prepare its 'place making strategy' document only after a Committee specifically set up for this purpose has had the opportunity to meet as required and has determined matters and guidelines for inclusion by the administration in the document;
4. The Committee is to be comprised of:
 - a. two Dalkeith Ward Councillors and two other Councillors;
 - b. the Mayor ex officio;
 - c. the Acting CEO or his nominee ex officio; and
 - d. up to three local residents with applications to be submitted to Council after being advertised in the Post Newspaper;
5. The role of the Committee is to discuss and determine the matters and guidelines which it considers should be included in the "place- making strategy" document and will meet from time to time as required; and
6. The Committee shall report its determinations as recommendations to Council as soon as practicable to allow for administration to prepare the 'place-making strategy' document subject to usual budgetary considerations.

Proposal Detail

The proposal is to formally ratify the membership of the Waratah Avenue Placemaking Strategy Steering Committee.

As per Council resolution, the committee membership will comprise the following:

- The Mayor ex officio;
- The Acting Chief Executive Officer or his nominee ex officio;
- Two Dalkeith Ward Councillors and two other Councillors; and
- Up to three local residents.

Three (3) nominations were received from local residents. Mr Ken Eastwood, Mr Colin Latchem and Ms Paola Lovi each demonstrated that they successfully satisfied the criteria for being on the committee.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type: N/A Dates: N/A

An advert was published in the Post newspaper in August 2012 requesting expressions of interests from local residents to be on the steering committee.

A follow-up reminder article was included in the September 2012 edition of the Nedlands News which is also published in the Post newspaper.

Website content was also provided.

Legislation

- *Local Government Act 1995*

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

This proposal has no budgetary affects.

Risk Management

The project will be delayed if a decision is not made.

Discussion

As per the Council resolution, an advertisement seeking expressions of interest from local residents to be on the committee was published in the Post newspaper. A reminder article was also included in the September edition of Nedlands News which is also published in the Post newspaper. The period for nominations closed on the 10 September 2012.

In response to these adverts nominations from Mr Ken Eastwood, Mr Colin Latchem and Ms Paola Lovi were received by the City. In their respective applications, each local resident was able to demonstrate that they successfully satisfied the criteria for being on the committee.

To conclude the process of ratifying the membership of the steering committee four Councillors (with two coming from the Dalkeith Ward) need to be nominated and elected.

Conclusion

In March 2012, Council resolved to instruct administration to prepare a Placemaking Strategy for Waratah Avenue. A steering committee was set up in order to determine the matters and guidelines for inclusion in the Placemaking Strategy document.

Council resolved that the steering committee was to comprise of the Mayor ex officio, the Chief Executive Officer ex officio, four (4) Councillors (two (2) from the Dalkeith Ward) and up to three (3) local residents. The advertising period for nominations closed with three (3) local residents nominating to be on the steering committee. Each nominee satisfied the criteria for being on the committee.

Given the above, to formally ratify the membership of the steering committee the following is recommended:

1. Council endorses Mr Ken Eastwood, Mr Colin Latchem and Ms Paola Lovi as the local resident representatives on the steering committee.
2. Two (2) Dalkeith Ward Councillors and two (2) other Councillors are nominated and elected

Attachments

Nil.