



City of Nedlands

Planning and Development Reports

Committee Consideration – 9 October 2018

Council Resolution – 23 October 2018

Table of Contents

Item No.		Page No.
PD48.18	No. 3 Whitfeld Street, Floreat – Proposed Single Dwelling	2
PD49.18	No. 29 Leon Road, Dalkeith – Proposed Alterations to Approved Single Dwelling	10
PD50.18	No. 71 Bruce Street, Nedlands – Proposed Single Dwelling	17
PD51.18	No. 82 Stanley Street, Nedlands – Additions (Ancillary Accommodation and Decking) to Existing Single House	24
PD52.18	No. 82 Williams Road, Nedlands – Additions to Single House	30
PD53.18	Mt Claremont North-East Structure Plan Investigation	38
PD53.18	Municipal Inventory	46
PD54.18	RFT 2018-19.01 - Natural Area Maintenance and Services	50

Council: 23 October 2018

PD48.18	No. 3 Whitfeld Street, Floreat – Proposed Single Dwelling
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Committee	9 October 2018
Council	23 October 2018
Applicant	Plunkett Homes
Landowner	Y Chew and S Etherington
Director	Peter Mickleson – Director Planning & Development
Reference	DA2018/24
Previous Item	Item PD26.18 – June 2018
Delegation	Council has been requested by the SAT to reconsider its decision pursuant to Section 31(1) of the SAT Act 2004.
Attachments	1. Photographs of the subject property

1.0 Executive Summary

The purpose of this report is for Council to reconsider a development application for a proposed single dwelling at (Lot 222) No. 3 Whitfeld Street, Floreat, which Council resolved to refuse at its June 2018 meeting.

An appeal was lodged with the State Administrative Tribunal (the SAT) and the proposal was discussed at a Directions Hearing.

Amended plans have been received which show the fill and retaining walls along the eastern lot boundary being between 0.45m and 0.95m in height above natural ground level in lieu of 0.5m. On this basis, Council has been requested by the SAT to reconsider its decision pursuant to Section 31(1) of the SAT Act 2004.

After being reconsidered the matter is likely to go back to a Directions Hearing and/or a Full Hearing at the SAT, or the appeal maybe withdrawn by the applicant, depending on Council's decision.

There is no statutory requirement for the amended plans to be advertised in accordance with Council's Neighbour Consultation Policy.

It is recommended that the amended plans be approved by Council as they are considered to satisfy the design principles of the Residential Design Codes (R-Codes).

2.0 Recommendation to Committee

Pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, Council approves the development application with amended plans received on 6 September 2018 for a proposed single dwelling at (Lot 222) No. 3 Whitfeld Street, Floreat, subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

3. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. The parapet wall being finished to a professional standard within 14 days of the proposed development's practicable completion and be maintained thereafter by the landowner to the City's satisfaction.
5. All visual privacy screens (fencing) to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The fencing shall be installed prior to the development's practicable completion and remain in place permanently, unless otherwise approved by the City.

Advice Notes specific to this approval:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
3. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
4. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
5. The landowner is advised that all mechanical equipment (e.g. air-conditioner,) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
6. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any further fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.

7. **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.

8. **The existing retaining wall on the adjoining portion of Council's verge and the redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.**
9. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

3.0 Background

3.1 Land Details

Land area	808m ²
Local Planning Scheme Zone	Residential R12.5
Metropolitan Region Scheme Zone	Urban

3.2 Locality Plan



4.0 Application Details

Development approval is being sought to construct a single storey dwelling on the property, details of which are as follows:

- Fill and retaining walls of up to 0.45m in height above natural ground level is proposed within the eastern portion of the street setback area.
- Fill and retaining walls of up to 0.95m in height above natural ground level in lieu of 0.5m is proposed along the eastern side of the property.
- The fill is proposed in an attempt to make the land a similar level as the western side of the property.
- Fill and retaining walls of up to 0.95m in height above natural ground level in lieu of 0.5m is proposed at the rear of the dwelling.
- Solid fencing of 1.8m in height being proposed on the retaining wall along the eastern side of the dwelling behind the street setback area, resulting in an overall (combined) height of up to 2.71m in lieu of 1.8m above natural ground level. The fencing is proposed to prevent overlooking into 183 Selby Street to the east.
- Solid fencing of 1.8m in height being proposed on the retaining wall at the rear of the dwelling behind the street setback area, resulting in an overall (combined) height of up to 2.71m in lieu of 1.8m above natural ground level.

The fencing is proposed to prevent overlooking into 181A Selby Street to the east.

- A wall for a storeroom being proposed to have a nil setback in lieu of 1m from the western lot boundary.

5.0 Consultation

There is no statutory requirement for the amended plans to be advertised.

When the original plans refused by Council were advertised one objection was received during the advertising period regarding overlooking from the development. The amended plans comply with the deemed-to-comply provisions of the Residential Design Codes (R-Codes) in terms of visual privacy.

An over height fencing agreement form signed by the owners of 183 Selby Street (the neighbours to the east of the property) was not received by the City.

A boundary wall agreement form signed by the owner of 5 Whitfeld Street (the neighbours to the west of the property) was received in relation to the proposed boundary wall on the western boundary.

6.0 Assessment of Statutory Requirements

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) of the Regulations stipulates those matters that are required to be given due regard to the extent relevant to the application.

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

If Council does not support the proposed amended plans the matter will likely be determined by the SAT at a Final Hearing.

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is an urban use and is therefore consistent with the zoning classification under the MRS.

6.3 City of Nedlands Town Planning Scheme No. 2

Under the provisions of the Scheme the subject site is zoned Residential R12.5.

6.3.1 Amenity

Under clause 5.5.1 of Town Planning Scheme No. 2 (TPS 2) 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.”

6.4 Residential Design Codes

6.4.1 Lot Boundary Setbacks

In accordance with Figure 4 and Table 2A of the R-Codes the proposed boundary wall is required to be setback 1m from the western (side) boundary.

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

“P3.1 – Buildings set back from lot boundaries so as to:

- reduce impacts of building bulk on adjoining properties;*
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.”*

6.4.2 Site Works and Retaining Walls

In accordance with clause 5.3.7 of the R-Codes fill within 1m of a lot boundary behind the street setback area shall not exceed 0.5m in height.

In accordance with clause 5.3.8 and table 2A of the R-Codes the retaining walls are required to be setback 1.5m from the eastern lot boundary.

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

“5.3.7 Site works

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

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

“5.3.8 Retaining walls

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.”

6.4.3 Fill and Fencing Local Planning Policy

An objective of Council's Fill and Fencing LPP is to ensure that the amenity of neighbouring properties and the streetscape is maintained.

The Fill and Fencing LPP stipulates that the maximum height of fencing behind street setback areas is restricted to 1.8m above natural or approved ground levels. Fill is not permitted to exceed 0.5m in height above natural ground level.

Any fencing and/or fill which does not meet these requirements shall:

- a) Meet the design principles of the R-Codes;
- b) Be assessed in terms of the developments impact upon the streetscape; and
- c) Be advertised in accordance with Council's Neighbour Consultation Policy.

7.0 Budget / Financial Implications

N/A

8.0 Risk Management

N/A

9.0 Administration Comment

Having had regard to the matters stipulated under sections 6.1 to 6.4 of this report the following is advised:

9.1 Fill, Retaining and Fencing Behind the Street Setback Area

According to the survey plan provided as part of the application currently the finished ground level on the subject property is up to 0.54m higher than 183 Selby Street which adjoins the eastern boundary. The finished ground level adjacent to the eastern lot boundary is proposed to be raised to between 0.45m and 0.95m in height, an increase in level of up to 0.41m.

The retaining wall will be adjacent to a garage and vegetation on the adjoining property and will not be fully visible from the street.

Considering the scale, height and location of the fill and retaining it is unlikely to have a significant visual impact on the local amenity and therefore is deemed to satisfy the design principles of the R-Codes, the provisions of TPS 2 and the Fill and Fencing LPP.

9.2 Proposed Boundary Wall

- The wall is proposed to be 5.3m in length and will be 2.3m in height above natural ground level due to the topography of the land. It will be partially screened by solid dividing fencing of approximately 1.8m in height.
- Boundary walls for garages exist on nearby properties (e.g. 6, 8 and 10 Whitfeld Street) which are similar in scale.

- The boundary wall is proposed to be setback 10.1m from the street boundary, being setback a further 1.1m than the required street boundary setback stipulated under TPS 2.
- The lot is an irregular shape and therefore restricts how the property may be redeveloped. Relocating the storeroom to elsewhere on the property may result in a setback variation(s) which may have a greater impact on the neighbours' amenity.
- A signed boundary wall agreement form was received from the adjoining landowners.
- Considering the above, the boundary wall is unlikely to have a significant adverse impact on the local amenity and/or the streetscape due to its scale and location, and also being similar to development which exists on nearby properties.
- The proposed boundary wall was not given as a reason for refusal when Council previously considered this application.

Accordingly, it is recommended that the amended plans be approved by Council.

Below – Location of proposed fill and retaining wall along the eastern lot boundary



Below – View from Whitfeld Street



PD49.18	No. 29 Leon Road, Dalkeith – Proposed Alterations to Approved Single Dwelling
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Committee	9 October 2018
Council	23 October 2018
Applicant	Giorgi Architects and Builders
Landowner	R and L Atkinson
Director	Peter Mickleson – Director Planning & Development
Reference	DA18/28996
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Photograph showing the rear portion of the subject property

1.0 Executive Summary

The purpose of this report is for Council to consider a development application received from the applicant on 7 August 2018 for alterations to be made to a single dwelling approved previously by the City at (Lot 256) No. 29 Leon Road, Dalkeith. The alterations proposed are changing a rear roof garden into a balcony, and an outbuilding being increased by 12 m² in floor area.

The following variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) are proposed:

- A rear balcony on the upper floor being proposed to be setback 3.18m in lieu of 3.3m to the western side lot boundary.
- The open space is proposed to be decreased from a compliant 60% of the lot area down to 56%.
- The rear of the balcony is proposed to have a visual privacy setback of 4.9m in lieu of a 7.5m setback to the western side lot boundary.

Amended plans received for the application were advertised to adjoining neighbours in accordance with clause 2.1 of Council's Neighbour Consultation Policy. Two objections were received during the advertising period.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) and is unlikely to have a significant adverse impact on the local amenity.

2.0 Recommendation to Committee

Council approves the development application dated 17 May 2018 with amended plans received 7 August 2018 for alterations (a balcony and enlarged outbuilding) to the single dwelling at (Lot 256) No. 29 Leon Road, Dalkeith, subject to the following conditions and advice:

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

2. This development approval only pertains to the proposed balcony and outbuilding (garage).
3. The previous development approval (DA2017/242, dated 22 January 2018), conditions and advice notes there-in, remain in effect. This excludes the plans approved as part of the previous development application for the dwelling.

Advice Notes specific to this proposal:

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

3.0 Background

3.1 Land Details

Land area	1,011m ²
Local Planning Scheme Zone	Residential – R10
Metropolitan Region Scheme Zone	Urban

3.2 Locality Plan



4.0 Application Details

In January 2018, development approval was granted for a 2-storey single dwelling on the property proposing 60% open space in accordance with the R-Codes.

The approved plans show a 24m² outbuilding proposed at the rear of the property, and on top of an alfresco structure at the rear of the dwelling is a roof garden which is proposed to be setback 3.18m from the western lot boundary.

The applicant seeks approval for alterations to be made to the approved single dwelling which is currently under construction.

The alterations proposed include changing the roof garden into a balcony and enlarging the outbuilding by 12m².

The balcony is proposed to be setback 3.18m in lieu of 3.3m to the western side lot boundary.

The amount of open space to be available is proposed to be 56% in lieu of 60%.

The rear (northern side) of the balcony is proposed to have a visual privacy setback of 4.9m in lieu of a 7.5m setback to the western side lot boundary.

5.0 Consultation

Plans originally received by the City as part of the application proposed the following variations:

- The balcony (without privacy screening) being proposed to be setback 7.7m in lieu of 3.18m from the western lot boundary.
- Open space of 56% in lieu of 60%.
- A visual privacy setback of 3.18m in lieu of 7.5m from the rear balcony.

The application was advertised in accordance with the requirements of Council's Neighbour Consultation Policy. Three (3) objections and 1 non-objection were received.

Subsequently amended plans (those now being presented to Council) were received which were advertised for comment in accordance with the requirements of Council's Neighbour Consultation Policy. Two objections were received during the consultation period. The following is a summary of the concerns raised:

- The potential visual impact of the development due to the amount of open space proposed.
- The removal of vegetation from the property and the inability to plant new vegetation on the property due to the new development.
- The proposal not comply with the R-Code requirements.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is an urban use and is therefore consistent with the zoning classification under the MRS.

6.3 City of Nedlands Town Planning Scheme No. 2

Under the provisions of the Scheme the subject site is zoned Residential R10.

6.3.1 Amenity

Under clause 5.5.1 Council may refuse to approve any development if:

“in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”

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

6.4 Residential Design Codes - State Planning Policy 3.1

6.4.1 Lot Boundary Setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
In accordance with Table 2A of the R-Codes, buildings with a wall 6.6m high and up to 28m in overall length with no major openings are required to be setback 3.3m from a side lot boundary.	The western side of the dwelling is proposed to be setback 3.18m from the western (side) lot boundary.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P3.1 – Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <i>• reduce impacts of building bulk on adjoining properties;</i> <i>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> <i>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.”</i> 		

6.4.2 Open Space

Deemed-to-Comply Requirement	Proposed	Complies?
For properties coded R10, a minimum of 60% open space is required as per Table 1	The proposed development would result in 56% open space remaining.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P4 Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> • <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> • <i>provide access to natural sunlight for the dwelling;</i> • <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> • <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> • <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> • <i>provide space for external fixtures and essential facilities.”</i> 		

6.4.3 Visual Privacy

Deemed-to-Comply Requirement	Proposed	Complies?
In accordance with clause 5.4.1 unenclosed outdoor active habitable spaces (e.g. a balcony) which are not provided with permanent screening of 1.6m in height, are to be setback 7.5m from a lot boundary behind the street setback area.	The rear of the balcony is proposed to have a visual privacy setback of 4.9m in lieu of a 7.5m setback to the western side lot boundary.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> • <i>building layout and location;</i> • <i>design of major openings;</i> • <i>landscape screening of outdoor active habitable spaces; and/or</i> • <i>location of screening devices.</i> <p><i>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> • <i>offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i> • <i>building to the boundary where appropriate;</i> • <i>setting back the first floor from the side boundary;</i> • <i>providing higher or opaque and fixed windows; and/or</i> • <i>screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</i> 		

7.0 Budget / Financial Implications

N/A

8.0 Risk management

N/A

9.0 Administration Comment

Having had regard to the matters stipulated under the Regulations and the submissions received, the following is advised:

Proposed Balcony

The structure proposed to be used as a balcony was previously approved to be a roof garden.

As the purpose of the area above the alfresco structure is proposed to be changed from being a roof garden to a balcony (deemed to be a raised active habitable space under the R-Codes) it now contributes to the reduction in the amount of open space proposed.

In terms of height, location and area this component of the development concerns has not changed compared to when it was approved to be a roof garden, apart from a 1.6m high privacy screen and a planter box now being proposed along the balcony's western side. The screen is proposed to be obscured glazing to prevent direct overlooking from the western side of the balcony onto the neighbouring property.

The balcony is proposed to be setback 12cm closer to the western lot boundary than what is stipulated under the R-Codes. The area on the adjoining property which is less than 3.3m from the balcony contains solid fencing of up to approximately 2m in height and vegetation.

The area on the neighbouring property which falls within the 7.5m cone of vision when measured from the rear (northern side) of the balcony contains solid fencing of up to approximately 2m in height and vegetation and equates to approximately 4m² in area which is impacted.

Proposed Outbuilding

The outbuilding (garage) proposed is now to be enlarged by 12m².

The proposed height and width are similar to the outbuilding previously approved, and this component of the development complies with the maximum floor area requirements for outbuildings and the lot boundary setback requirements.

When viewed from properties to the west its appearance will likely be similar to that of the outbuilding approved previously, and it will be partially screened by vegetation on adjoining properties and solid dividing fencing of up to approximately 2m in height. The visual impact of the outbuilding being further reduced due to the finished ground level of properties to the west being lower than the subject property.

The area impacted on the adjoining property to the north contains a driveway and a carport structure. Solid dividing fencing of approximately 2m in height above natural ground level also exists along the northern lot boundary.

The proposal complies with the overshadowing requirements.

Considering the scale and the location of the proposed alterations compared to the previous approval granted, and the use of the areas potentially impacted on the neighbouring properties, the alterations are unlikely to have a significant impact on local amenity.

Accordingly, it is recommended that the application be approved by Council.

PD49.18 - Attachment 1
Photograph showing the rear portion of the subject property



PD50.18	No. 71 Bruce Street, Nedlands – Proposed Single Dwelling
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Committee	9 October 2018
Council	23 October 2018
Applicant	Dasco Building Group
Landowner	T Ha
Director	Peter Mickleson – Director Planning & Development
Reference	DA18/28555
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photographs taken on the subject property

1.0 Executive Summary

The purpose of this report is for Council to consider a development application received from the applicant on 24 April 2018 for a proposed single dwelling at (Lot 545) No. 71 Bruce Street, Nedlands.

The following variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) are proposed:

- a) A garage and storeroom being proposed to be setback 1.4m in lieu of 1.5m from the southern lot boundary.
- b) An upper floor ensuite, bedroom and walk-in-robe being proposed to be setback 2.3m in lieu of 2.7m from the southern lot boundary.

The application was advertised to adjoining neighbours in accordance with clause 2.1 of Council’s Neighbour Consultation Policy. Two objections were received during the advertising period.

It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the Residential Design Codes (R-Codes) and is unlikely to have a significant adverse impact on the local amenity.

2.0 Recommendation to Committee

Council approves the development application dated 24 April 2018, with amended plans received on 13 September 2018, for a proposed single dwelling at (Lot 545) No. 71 Bruce Street, Nedlands, subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**

3. All footings and structures to fences and the parapet wall shall be constructed wholly inside the site boundaries of the property's Certificate of Title.

Advice Notes specific to this approval:

1. Stormwater to be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. All downpipes from guttering shall be connected 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, at least 1.8m from the boundary of the block. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
2. The redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.
3. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
4. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
5. 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.

6. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.

7. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
8. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

3.0 Background

3.1 Land Details

Land area	814m ²
Local Planning Scheme Zone	Residential R12.5
Metropolitan Region Scheme Zone	Urban

3.2 Locality Plan



4.0 Application Details

Development approval is being sought to construct a two-storey single dwelling on the property. The following variations are proposed:

- A garage and storeroom being proposed to be setback 1.4m in lieu of 1.5m from the southern lot boundary.
- An upper floor ensuite, bedroom and walk-in-robe being proposed to be setback 2.3m in lieu of 2.7m from the southern lot boundary.

By way of justification in support of the development application the applicant has advised the following:

“In regard to the rear setback we would like to justify that we have kept this consistent with the current brick structure that has been built within the rear setback.”

“It has no impact to neighbouring properties and has been setback further on the side boundary than the current brick structure to ensure there is no overshadowing on the next-door property.”

5.0 Consultation

Plans originally received as part of the application proposed the following variations:

- The development proposed resulting in 53.5% open space in lieu of 55%.
- A single storey portion of the house being proposed to be setback 1m in lieu of 6m from the rear (western) lot boundary.
- An upper storey bedroom being proposed to be setback 4.3m in lieu of 6m from the western lot boundary.
- An upper storey bedroom being proposed to have a 4.3m visual privacy (overlooking) setback in lieu of 4.5m from the western lot boundary.
- An alfresco structure being proposed to have a nil setback from the northern lot boundary in lieu of 1.1m.
- A garage being proposed to be setback 1.4m in lieu of 1.5m from the southern lot boundary.
- An upper storey ensuite, bathroom and bedroom being proposed to be setback 2.3m in lieu of 2.7m from the southern lot boundary.

The application was advertised in accordance with the requirements of Council’s Neighbour Consultation Policy. Two objections were received during the advertising period. The concerns raised were regarding the proposed reduced open space, and the setbacks from the rear and northern (side) lot boundaries.

Subsequently amended plans were received which propose the following variations:

- A garage and storeroom being proposed to be setback 1.4m in lieu of 1.5m from the southern lot boundary.
- An alfresco structure being proposed to be setback 1.2m in lieu of 6m from the western (rear) lot boundary.
- An upper floor ensuite, bedroom and walk-in-robe being proposed to be setback 2.3m in lieu of 3m from the southern lot boundary.

The amended plans were advertised in accordance with the requirements of Council’s Neighbour Consultation Policy. Two objections were received during the advertising period.

The following is a summary of the concerns raised:

- The proposed development not complying with the lot boundary setback requirements.
- The potential visual impact of the alfresco structure.

Subsequently further amended plans were received which show the following changes:

- The proposed alfresco structure now being a vergola structure which is to be unenclosed apart from where attached to the dwelling. In accordance with the R-Codes a vergola is not deemed to be a building therefore the 6m rear setback requirement does not apply. The structure concerned now complies with the R-Codes.
- The length of the upper storey being reduced from 25.8m to 23.65m.

The setback variation for the garage and storeroom remains unchanged.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) of the Regulations stipulates those matters that are required to be given due regard to the extent relevant to the application.

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

If Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal (SAT) under Part 14 of the *Planning and Development Act (2005)*

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is an urban use and is therefore consistent with the zoning classification under the MRS.

6.3 City of Nedlands Town Planning Scheme No. 2

Under the provisions of the Scheme the subject site is zoned Residential R12.5.

6.3.1 Amenity

Under clause 5.5.1 Council may refuse to approve any development if:

“in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”

6.4 Residential Design Codes (State Planning Policy 3.1)

6.4.1 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
In accordance with Table 2A a building with a wall height of up to 3.5m and is less than 10m in length is required to be setback 1.5m from a side lot boundary.	The garage is proposed to be setback 1.4m in lieu of 1.5m from the property's southern (side) lot boundary.	No
In accordance with Table 2A a building with a wall height of up to 6.5m and up to 25m in length is required to be setback 3m from a side lot boundary.	The upper floor ensuite, bedroom and walk-in-robe being proposed to be setback 2.3m in lieu of 2.7m from the southern lot boundary.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P3.1 – Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <i>• reduce impacts of building bulk on adjoining properties;</i> <i>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> <i>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

7.0 Budget / Financial Implications

N/A

8.0 Risk Management

N/A

9.0 Administration Comment

Having had regard to the matters stipulated under the Regulations and the submissions received, the following is advised:

The garage is proposed to be setback 10cm closer to the southern lot boundary than what is permitted under the R-Codes.

The upper floor ensuite, bedroom and walk-in-robe are proposed to be setback 40cm closer to the southern lot boundary than what is permitted under the R-Codes.

Within the area which is closer than the required setback distance for the components of the development concerned only solid dividing fencing exists, no major openings and/or outdoor living areas.

The variations are unlikely to be apparent when viewed from the adjoining properties unless someone is well verse with the applicable R-Code requirements.

The proposal complies with the overlooking, open space and overshadowing requirements under the R-Codes, and the building height requirements of TPS 2.

Considering the scale of the proposed development, and the local development context, it is unlikely to have a significant impact on the local amenity. Accordingly, it is recommended that the application be approved by Council.

Below - Location of the proposed garage



PD51.18	No. 82 Stanley Street, Nedlands – Additions (Ancillary Accommodation and Decking) to Existing Single House
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Committee	9 October 2018
Council	23 October 2018
Applicant	Australian Renovation Group Pty Ltd
Landowner	A Vonic
Director	Peter Mickleson – Director Planning & Development
Reference	DA18/29307
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Site Photographs

1.0 Executive Summary

The purpose of this report is for Council to consider a development application received from the applicant on the 1 June 2018 for ancillary accommodation and decking to be constructed at the rear of the property at (Lot 689) No. 82 Stanley Street, Nedlands.

The development proposes the following variations to the deemed-to-comply provisions of the Residential Design Codes (R-Codes):

- A setback of 2m in lieu of 6m from the eastern (rear) lot boundary; and
- Open space of 59.12% in lieu of 60%.

The application was advertised to adjoining neighbours in accordance with clause 2.1 of Council's Neighbour Consultation Policy. Two (2) objections were received during the consultation period due to the proposed reduced rear setback.

The development's proposed location, scale and use means that it is unlikely to have a significant impact on the local amenity. It is deemed to satisfy the applicable design principles of the R-Codes

Accordingly, it is recommended that the application be approved by Council.

2.0 Recommendation to Committee

Council approves the development application dated 1 June 2018 with amended plans received 10 July 2018 and 28 August 2018 to construct ancillary accommodation and decking at (Lot 689) No. 82 Stanley Street, Nedlands subject to the following conditions and advice:

- 1. The development shall always comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. This development approval only pertains to the proposed ancillary accommodation and decking.**

3. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
4. The ancillary accommodation building shall be occupied only by persons related to the occupiers of the main dwelling.
5. The landowner shall execute and provide to the City a notification pursuant to section 70A of the *Transfer of Land Act 1893*, to be registered on the title to the land as notification to prospective purchasers that the use of the ancillary accommodation is subject to the restriction set out in this approval. The full costs of the notification shall be borne by the landowner; and this condition shall be fulfilled prior to the lodgement of a Building Permit application.

Advice Notes specific to this proposal:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
3. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

4. The swimming pool shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
5. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

3.0 Background

3.1 Land Details

Lot area	1,009m ²
Local Planning Scheme Zone	Residential – R10
Metropolitan Region Scheme Zone	Urban

3.2 Locality Plan



4.0 Application Details

The applicant seeks approval to construct ancillary accommodation and decking at the rear of the property, details of which are as follows:

- Single storey ancillary accommodation is proposed to be setback 2m in lieu of 6m from the property's eastern (rear) lot boundary.
- The proposed development will result in 59.12% open space in lieu of 60%.
- The ancillary accommodation is proposed to contain a bedroom, a bathroom, a living room and a kitchenette.
- Decking raised by approximately 0.49m above natural ground level is proposed to be constructed on the western side of the ancillary accommodation.

By way of justification in support of the application the applicant has advised the following:

“The rear boundary fence above the existing retaining wall eliminates the view of any wall height of the proposal.

The proposed addition has been setback off the rear boundary as much as possible to fit in the existing space between the rear of the existing residence and the rear boundary line.

We are not requesting a zero lot boundary wall.

Existing trees are to be maintained.”

5.0 Consultation

The application was advertised in accordance with the requirements of Council's Neighbour Consultation Policy. Two (2) objections were received during the consultation period. The following is a summary of the concerns raised:

- The development being setback less than 6m from the rear lot boundary.
- Potential glare from the building's roof.

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

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

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

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is an urban use and is therefore consistent with the zoning classification under the MRS.

6.3 City of Nedlands Town Planning Scheme No. 2

Under the provisions of the Scheme the subject site is zoned Residential R10.

6.3.1 Amenity

Under clause 5.5.1 Council may refuse to approve any development if:

“in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”

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

6.4 Residential Design Codes - State Planning Policy 3.1

6.4.1 Lot Boundary Setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
For properties coded R10, the rear lot boundary setback required is 6m as per Table 1	The ancillary accommodation is proposed to be setback 2m in lieu of 6m from the rear (eastern) lot boundary	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P3.1 – Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>reduce impacts of building bulk on adjoining properties;</i> • <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.”</i> 		

6.4.2 Open Space

Deemed-to-Comply Requirement	Proposed	Complies?
For properties coded R10, a minimum of 60% open space is required as per Table 1	The proposed development would result in 59.12% open space remaining.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P4 – Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> • <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> • <i>provide access to natural sunlight for the dwelling;</i> • <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> • <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> • <i>provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> • <i>provide space for external fixtures and essential facilities.”</i> 		

7.0 Other Matters of Concern

During the advertising period concerns were also received with regard to potential glare from the roof of the building.

The potential glare from the roof of a building is not a matter Council is required to have regard to when determining development applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

8.0 Budget / Financial Implications

N/A

9.0 Risk management

N/A

10.0 Administration Comment

Having had regard to the matters stipulated under the Regulations and the submissions received, the following is advised:

- The proposal complies with the side lot boundary setback and building height requirements.
- Solid dividing fencing of up to 1.8m in height exists along a retaining wall of up to 0.7m in height above the finished ground level on the subject property.
- The finished floor level of the development is proposed to be approximately 0.3m lower than the existing finished ground level towards the rear of the property.
- Mature olive trees at the rear of the property are proposed to remain.
- The structure is proposed to be 48sqm in area, and up to 2.9m in overall height above natural ground level.
- By way of comparison, the R-Codes permit an outbuilding of up to 60sqm in area, 4.2m in overall height, to be setback as close as 1m from side and rear boundaries.
- After the advertising period had concluded amended plans were provided which show the roof of the proposed building now being 'pale eucalypt'. This will match the dividing fencing which exists along the boundaries of the property.
- The proposal complies with the overlooking and overshadowing requirements under the R-Codes.
- Regarding concerns raised about roofing glare, it is worth noting that metal roofing may not always result in nuisance glare, and the circumstances in which significant adverse impacts occur can be often quite limited. This is borne out by analysing the conditions under which reflective glare is likely to become a significant issue.

All metal roofing will result in specular reflection at some time of the day for some months of the year, but the impact of such reflection will vary according to matters such as, amongst others, the time of day and season when reflection may occur, the presence and/or use of any screening (e.g. fencing and/or landscaping).

The roof proposed is relatively flat and the majority of it is likely to be screened by solid dividing fencing and landscaping, therefore it is unlikely to have a significant impact on the local amenity.

Considering the scale and the location of the proposed development it is unlikely to have a significant impact on the local amenity. It is therefore recommended that the application be approved by Council.





View towards rear lot boundary

27.08.2018 10:20

PD52.18	No. 82 Williams Road, Nedlands – Additions to Single House
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Committee	9 October 2018
Council	23 October 2018
Applicant	Mr J Schulyta
Landowner	Ms M R Lawson
Director	Peter Mickleson – Director Planning & Development
Reference	DA18/29767
Previous Item	Nil.
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application when refusal is recommended, and discretion exists for Council to approve the variations under the City's TPS2 and/or the R-Codes.
Attachments	1. Site Photographs

1.0 Executive Summary

The purpose of this report is for Council to consider a Development Application received on the 3 July 2018, to demolish an existing carport and outbuilding to construct a new patio, deck, secondary street fence and outbuilding additions at (Lot 505) No. 82 Williams Road, Nedlands.

The application proposes variations to the deemed to comply provisions of the Residential Design Codes (R-Codes) which relate to street setback, lot boundary setback and outbuilding height variations as well as a variation which compromises the sightlines at the proposed vehicle access point.

The application was advertised to adjoining neighbours in accordance with clause 2.1 of Council's Neighbour Consultation Policy. No submissions were received during the consultation period.

It is recommended that the application be refused by Council due to unsafe vehicle access and negative impact of established streetscape due to proposed reduced setback of the proposed outbuilding to Gordon Street.

2.0 Recommendation to Committee

Council refuses the development application to construct Additions to an existing Single Dwelling at (Lot 505) No. 82 Williams Road, Nedlands, received 03 July 2018 with amended plans dated 27 July and 03 August 2018, for the following reasons:

- 1. The development will adversely affect the amenity of the local area as the proposed outbuilding will reduce the secondary street setback within a streetscape which has an established and consistent minimum setback of 1.5m.**
- 2. The proposal does not satisfy the design principles stipulated under clause 5.1.2 (Street setbacks) of the Residential Design Codes due to the nil setback proposed within an established streetscape which has a minimum 1.5m secondary street setbacks provided.**

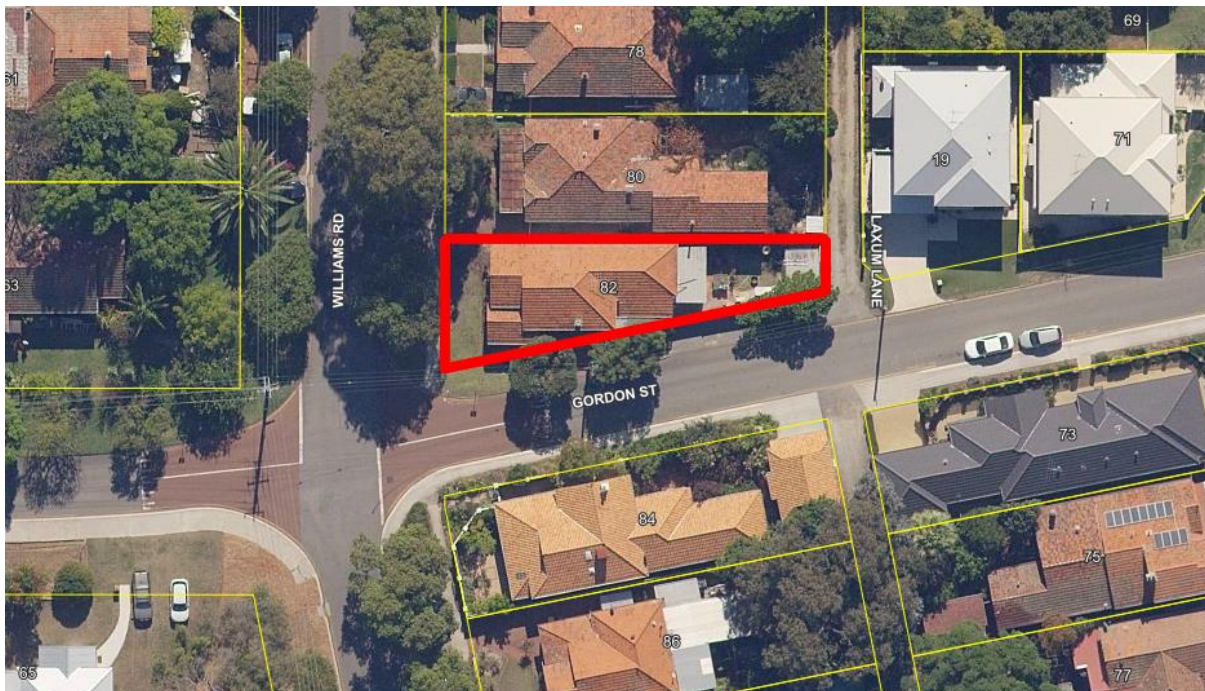
3. The proposal does not satisfy the design principles stipulated under clause 5.2.5 (Sight lines) of the Residential Design Codes due to the reduced setback of the outbuilding compromising safe sightlines at the proposed vehicle access point.
4. The proposal does not satisfy provisions (m), (n) and (s) of Clause 67 within the Planning and Development (Local Planning Schemes) Regulations 2015, as the reduced setback to the outbuilding compromises the streetscape amenity, character and vehicle access safety, setting an undesirable precedent within the streetscape.

3.0 Site Details

3.1 Land Details

Lot area	333.9m ²
Town Planning Scheme No. 2 Zoning	Residential – R25
Metropolitan Region Scheme Zoning	Urban

3.2 Locality Plan



4.0 Application Details

The applicant seeks approval to construct a patio and deck to the rear of the existing dwelling, and an outbuilding to provide covered car parking for two vehicles, access to which is to be from Gordon Street. The application includes the following elements:

- The outbuilding is proposed to have a minimum nil setback to the Gordon Street boundary in lieu of 1.5m as required by the R-Codes;
- The patio and decking additions to the rear of the existing dwelling are proposed to have a 1.5m setback in lieu of 4.5m to the northern side lot boundary in accordance with Table 2B and clause 5.1.3 of the R-Codes;

- The garage is proposed to have a nil setback to the street in lieu of 1.5m as required by the R-Codes for compliant sightlines at the vehicle access point (where the driveway meets the street boundary);
- The outbuilding is proposed to have a maximum height of 2.7m in lieu of 2.4m as required by the R-Codes, as measured above natural ground level. The outbuilding is proposed to be used for covered car parking;
- The proposed patio and decking are proposed to replace an existing carport and the proposed outbuilding will replace an existing smaller outbuilding;
- The development does not propose to alter the natural ground level with the lot being relatively flat;
- The City requested a sightline assessment to be provided by qualified consultant and examples of similar development within the immediate streetscape; and
- The applicant elected not to provide this information however has advised that the owners want to improve the streetscape by removing the need for on-street parking or the parking on the verge and has stated that the current parking situation as being dangerous due to the proximity of parking to the intersection of Gordon Street and Williams Road.

5.0 Consultation

The application was advertised in accordance with the requirements of Council's Neighbour Consultation Policy due to the development proposing variations to the deemed to comply provisions of the R-Codes for street setbacks, lot boundary setbacks, sightlines and outbuildings.

6.0 Assessment of Statutory Provisions

6.1 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, clause 67 (Matters to be considered by local government) of the Regulations stipulates those matters that are required to be given due regard to the extent relevant to the application.

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

If Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal (SAT) under Part 14 of the *Planning and Development Act (2005)*.

6.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is an urban use and is therefore consistent with the zoning classification under the MRS.

6.2 Town Planning Scheme No. 2

6.2.1 Amenity

Under clause 5.5.1 Council may refuse to approve any development if:

“in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”

6.3 Policy considerations

6.3.1 Residential Design Codes – State Planning Policy 3.1

6.3.1.1 Street setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
Properties zoned R25 require a 1.5m setback to the secondary street	The outbuilding is proposed to have a minimum nil setback to the secondary street in lieu of 1.5m.	No
<p>Design Principles</p> <p>Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions:</p> <p><i>“P2.1 - Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> • <i>contribute to, and are consistent with, an established streetscape;</i> • <i>provide adequate privacy and open space for dwellings;</i> • <i>accommodate site planning requirements such as parking, landscape and utilities; and</i> • <i>allow safety clearances for easements for essential service corridors.</i> <p><i>P2.2 - Buildings mass and form that:</i></p> <ul style="list-style-type: none"> • <i>uses design features to affect the size and scale of the building;</i> • <i>uses appropriate minor projections that do not detract from the character of the streetscape;</i> • <i>minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and</i> • <i>positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”</i> 		

6.3.1.2 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
The setback is required to be as per Table 2B of the R-Codes as the patio addition is attached to the existing dwelling which has an existing major opening and the maximum wall height is 3.6m.	The setback required is 4.5m as per Table 2B and the setback proposed is 1.5m to the patio.	No

Design Principles

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

“P3.1 - Buildings set back from lot boundaries or adjacent buildings on the same lot 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.”*

6.3.1.3 Sightlines

Deemed-to-Comply Requirement	Proposed	Complies?
Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of a vehicle access point (where a driveway meets a public street) and where two streets intersect.	The outbuilding is proposed to have a nil setback to the secondary street.	No
Design Principles Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions: <i>“P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.”</i>		

6.3.1.4 Outbuildings

Deemed-to-Comply Requirement	Proposed	Complies?
Outbuildings that: <ul style="list-style-type: none"> • are not within the primary or secondary street setback area; and • do not exceed a wall height of 2.4m. 	The outbuilding is proposed to be within the secondary street setback area and has a wall height of 2.7m in lieu of 2.4m.	No
Design Principles Variations to the deemed-to-comply requirements can be considered subject to satisfying the following Design Principle provisions: <i>“P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”</i>		

7.0 Budget / Financial Implications

N/A

8.0 Risk management

N/A

9.0 Administration Comment

Having regard to the matter stipulated under the Regulations and the Design Principles of the R-Codes, the following is advised:

- Under the definitions within the R-Codes, a garage is attached to the dwelling and detached enclosed buildings used for non-habitable purposes such as for covering parked cars are outbuildings.
- The outbuilding is proposed to have a minimum nil setback to the secondary street (Gordon Street) in lieu of being setback 1.5m. There are no examples of a nil setback to the secondary street within Gordon Street and therefore the reduced setback is not in keeping with the streetscape context and likely to have a negative impact on the streetscape amenity.
- The location of the proposed outbuilding does not comply with the sight line requirements of the R-Codes with the eastern sightline being entirely compromised by the proposed outbuilding (refer to **attachment 1**). The applicant has not provided a sightline assessment by qualified traffic consultant and the City has advised that the sightlines proposed are unacceptable. Until the City receives advice from the applicant including a qualified consultant assessment which states otherwise, it is assessed that the proposed outbuilding location compromises the street sight line and may therefore result in unsafe vehicle access to Gordon Street.
- The height of the outbuilding at 2.7m in lieu of 2.4m is considered to be acceptable due to the purpose of the outbuilding for the parking of vehicles and the wall height being lower and hence incidental to the main dwelling.
- The comment made by the applicant in relation to having vehicles moved off the verge and street, the parking of vehicles within the street is permitted in locations specified as per street signage away from crossovers and intersections to ensure safe access and sightlines. The choice of owners to park illegally is not a relevant planning consideration.
- A double carport or garage could be provided with access from the laneway. This would result in a larger setback (approx. 5.4m) which would ensure that the driveway is setback 1.5m from the laneway intersection with Gordon Street and still permits the patio and decking as proposed. Alternatively, a double garage or carport could be built where the existing carport is located with the area adjacent to the laneway then available for outdoor living area. Design alternatives as mentioned would provide compliant setbacks and sightlines and an outdoor living area for the dwelling.
- The City cannot approve the patio and decking only as clause 5.5.6 of the City's TPS2 requires that covered car parking is retained behind the front setback unless replacement covered car parking is provided which is also behind the front setback area.
- The provision of a carport with a gate/permeable roller door would allow a slightly improved sightline even with a reduced setback to the primary street.
- The patio is proposed to be setback 1.5m from the northern lot boundary in lieu of 4.5m. This is due to the height of the existing dwelling being 3.6m in lieu of a maximum of 3.5m and the presence of existing major openings within the wall length. The patio independently is open sided, less than 3.5m in height and would comply with a slight separation to the existing dwelling.

- The patio and decking are compliant with the visual privacy provisions of the R-Codes and the existing lot orientation ensures that the impacted northern neighbouring landowner will not have reduced access to sunlight and ventilation. The open nature of the patio and there being an existing carport structure where the patio is proposed ensures that the impact of building bulk is also minimised.

Considering the above, the proposed outbuilding is proposed to compromise safe sightlines at the vehicle access point and there are safer design alternatives to provide two covered car parking spaces on the subject property. For this reason, it is recommended that the application be refused by Council.

10.0 Recommended Conditions if Application is Approved

If Council resolves to approve the application the following wording and conditions are recommended.

Council approves the development application to construct additions to the existing single dwelling at (Lot 505) No. 82 Williams Road, Nedlands, received on 03 July 2018 with amended plans received 27 July and 03 August 2018 subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the proposed secondary street fencing, patio, decking and outbuilding additions to the existing single house.
3. The parapet wall being finished to a professional standard within 14 days of the proposed development's practicable completion and be maintained thereafter by the landowner to the City's satisfaction.
4. All footings and structures to decking, fencing and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. Dividing fencing which is less than 1.8m in height is exempt from requiring development approval. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.
2. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.

3. The redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.
4. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
5. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
6. 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.

7. 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.



Subject Property from Williams Road



Subject property from Gordon Street



Subject property from Gordon Street



Subject property from Gordon Street



Subject property from Gordon Street



11 Gordon Street, Nedlands – garage setback over 1.5m



13 Gordon Street, Nedlands – garage setback over 1.5m



70 Clifton Street, Nedlands – over 1.5m setback to garage to Gordon Street



77 Clifton Street, Nedlands – dwelling setback 1.5m to Gordon Street



70 Meriwa Street, Nedlands – this garage is setback a minimum of 1.3m from Gordon Street and was approved in 1984



84 Williams Road – Garage and dwelling setback 1.5m to Gordon Street



72 Meriwa Street, Nedlands – Garage setback over 1.5m to Gordon Street



32 Portland Street, Nedlands – garage setback over 1.5m to Gordon Street



33 Portland Street, Nedlands – carport setback over 1.5m to Gordon Street



S

31 Portland Street, Nedlands – approved in 1966 and not used as main car parking area



33 Langham Street, Nedlands – garage setback 1.5m from Gordon Street

PD53.18	Mt Claremont North-East Structure Plan Investigation
Committee	9 October 2018
Council	23 October 2018
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Previous Item	OCM 26 June 2018 – 14.4
Attachments	<ol style="list-style-type: none"> 1. Structure Plan Flowchart 2. Mt Claremont North-East Landowners and Management Orders Map 3. Mt Claremont North-East Zoning Map 4. Christ Church Playing Fields ODP Map 5. John XXIII College ODP Map 6. Mt Claremont Sports Precinct Structure Plan Map – Option 1 7. Mt Claremont Sports Precinct Structure Plan Map – Option 2 8. Mt Claremont Bus Depot Map 9. Waste Water Treatment Buffer Plan 10. John XXIII Depot Plan 11. Water Corporation and Western Power Easements Map

1.0 Executive Summary

The purpose of this report is for Council to consider whether it should provide approval for the City's Administration to explore the future options of a Structure Plan for the North-East area of Mount Claremont following the finalisation by the Minister for Planning of Local Planning Scheme No.3 (LPS3)

This report follows a Notice of Motion by Council at its meeting of 26 June 2018 where it resolved to instruct the CEO to investigate the creation of a Local Structure Plan for the Mt Claremont North-East area and provide to Council a report that scopes the delivery of the Local Structure Plan and include with it an Engagement Strategy.

This report has investigated the need for a Local Structure Plan for the Mt Claremont North-East area and sets out the next steps required to be fulfilled prior to undertaking any work. It is recommended that Council provide its approval for the City's Administration to undertake a comprehensive assessment of the need for a Structure plan in this area once LPS3 is determined.

2.0 Recommendation to Committee

Council approves the preparation of a Project Plan and Community Engagement Strategy by the City's Administration. This is to follow the resolution of LPS3 by the Minister for Planning and is required for the City to explore options for future development and planning for the Mt Claremont North-East area.

3.0 Background

3.1 Land Details

No.	Property Address	Landowner	Management Order	Lot Area (m ²)	MRS Zoning	TPS2 Zoning
1.	25 John XX111 Avenue MT CLAREMONT	Catholic Archbishop of Perth	N/A	246,146m ²	Urban	Development
2.	38 Blenheim Lane MT CLAREMONT	State of WA	City of Nedlands	3,567m ²	Urban	Development
3.	68 Stephenson Avenue MT CLAREMONT	Christ Church Grammar School	N/A	86,317m ²	Urban	Development
4.	Stephenson Avenue MT CLAREMONT	Main Roads	N/A	3,367m ²	Urban	N/A
5.	Brockway Road MT CLAREMONT	State of WA	Minister for Sport and Recreation	26,486m ²	Urban	N/A
6.	Brockway Road MT CLAREMONT	State of WA	Minister for Sport and Recreation	9,754m ²	Urban	N/A
7.	Brockway Road MT CLAREMONT	State of WA	Minister for Sport and Recreation	1,488m ²	Urban	N/A
8.	Brockway Road MT CLAREMONT	State of WA	Minister for Sport and Recreation	6,436m ²	Urban	N/A
9.	Brockway Road MT CLAREMONT	Public Utilities Services	Minister for Sport and Recreation	17,649m ²	Urban, Public Purposes - Hospital	N/A
10.	Brockway Road MT CLAREMONT	Public Utilities Services	Minister for Sport and Recreation	10,866m ²	Urban, Public Purposes - Hospital	N/A
11.	Brockway Road MT CLAREMONT	State of WA	Minister for Sport and Recreation	3,057m ²	Urban	N/A
12.	John XX111 Avenue MT CLAREMONT	Dept of Local Government, Sport & Cultural Industries, Vividwireless, State of WA and Telstra Corporation Ltd	Minister for Sport and Recreation	80,373m ²	Urban	Recreation
13.	19 John XX111 Avenue MT CLAREMONT	City of Nedlands	N/A	11,578m ²	Urban, Public Purposes - Hospital	Recreation
14.	John XX111 Avenue MT CLAREMONT	City of Nedlands	N/A	4,111m ²	Urban	Development
15.	17 John XX111 Avenue MT CLAREMONT	Parisi Holdings Pty Ltd	N/A	3,523m ²	Urban	N/A

16.	11 John Avenue XX111 MT CLAREMONT	Electricity Networks Corporation	N/A	105,512m ²	Urban, Public Purposes - Hospital	N/A
17.	9 John Avenue XX111 MT CLAREMONT	State of WA	Minister for Police and Emergency Services	16,641m ²	Public purposes - Hospital	N/A
18.	1C Brockway Road MT CLAREMONT	Public Transport Authority WA	Electricity Networks Corporation	15,740m ²	Public purposes - Hospital	N/A
19.	1A Brockway Road, MT CLAREMONT	Department of Health	Minister for Health	289,000m ²	Public Purposes - Hospital	N/A

3.2 Locality Plan



The image above illustrates an aerial photograph of the potential structure planning area. The area has been extended from the original Notice of Motion area to include the Graylands Hospital site. Attachment 3 to this report illustrates the current zoning which encompasses the parcels within the subject area. Attachment 2 illustrates land tenure and management orders which affect the properties within the subject area. Above is a table depicting the lot size, landowner details, the management order (where relevant), Metropolitan Region Scheme (MRS) and Town Planning Scheme No.2 (TPS2) zoning over all 19 parcels of land within the proposed study area.

3.3 Previous Council Resolution

“Council Resolution

That Council instructs the CEO to:

- 1. Investigate the creation of a Local Structure Plan for the Mount Claremont North-East being the area bounded by: Brockway Road to the east; John*

XXIII Avenue and Mouro Road to the south; Heritage Lane, The Marlows, Blenheim Lane, Van Kleef Circuit, Houston Place and Stephenson Avenue to the west; and to the north by the WA Sports Precinct and McGillivray Oval; and

2. *Provides a report that scopes the delivery of the Local Structure Plan and effective interaction with landholders and community stakeholders.”*

4.0 Assessment of Statutory Provisions

4.1 Planning and Development (Local Planning Schemes) Regulations 2015

A structure plan provides a basis for zoning (including residential density) and subdivision of land. Schedule 2, Part 4, clause 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines that a structure plan may be prepared for an area that is:

- identified in a local planning scheme as being suitable for urban or industrial development (through zones such as Urban or Industrial Development);
- for other areas as identified in a scheme prior to subdivision or development of land;
- as requirement under a State Planning Policy (SPP); or
- as required by the WAPC for orderly and proper planning purposes.

The detailed process of a structure plan is shown through the flow chart on Attachment 1. The structure plan would need to be funded by the City.

4.2 Metropolitan Region Scheme

Most of the Eastern portion of the study area is reserved under the MRS as Public Purposes – Hospital as shown on Attachment 3. The City is unable to progress a Structure Plan over MRS Reserved land without the approval of the WAPC. Further, one of these sites is undergoing an MRS Amendment to rezone the site to Urban.

4.3 City of Nedlands Planning Context

There are a series of Planning Strategies, Outline Development Plans, Master Plans and Structure Plans which have been created over portions of the area. These plans are discussed below and will be considered when preparing a structure plan for the area.

Local Planning Strategy (2017)

The City's endorsed Local Planning Strategy sets out the following aims for the Mt Claremont East Precinct:

- Retain and enhance the character and streetscape of the existing residential areas
- Comprehensively plan for the remaining non-residential areas.
 - Land uses and development within this area shall not conflict with the urban character being predominantly of sporting, research and educational facilities.
- Prevent the encroachment of sensitive land uses and residential development within the Subiaco WWTP odour buffer area.

- Consider opportunities to consolidate and improve access throughout the precinct.

Advertised Local Planning Scheme No.3

The proposed Local Planning Scheme No.3 (LPS3) was advertised to the public in late 2017. The advertised version of LPS3 created by the West Australian Planning Commission (WAPC) had suggested potential zone changes for many of the properties discussed in this potential structure plan area. For example, areas such as the Christ Church Grammar School oval area was proposed to be rezoned to private community purpose under advertised LPS3. Other properties within the study area had also been earmarked as potential light industrial or commercial areas.

Shenton Park Study (1989)

In 1989, Planwest completed the Shenton Park Study for the then State Planning Commission (SPC) and the City of Nedlands, in association with other agencies. It identified long-term land use strategies for the area including consideration of sporting facilities in the Mt Claremont area.

Shenton Park Structure Plan (2001)

In 2001, the Department for Planning and Infrastructure (DPI) engaged consultant practice Hames Sharley to prepare a Structure Plan to review the Shenton Park Study (1989). The Structure Plan was prepared with a considerable amount of stakeholder and community involvement, including a workshop.

The Structure Plan recommended the development of a regional sport complex centered around Challenge Stadium, the University of Western Australia (UWA) Sports Park, and the John XXIII playing fields. It identified the possibility of an east-west road link from Brockway Road to Stephenson Avenue, and the desire to identify and protect remnant bushland. It was recommended that a management structure and Master Plan for a regional sporting complex be established.

Town of Cambridge Redevelopment of Perry Lakes Stadium / AK Reserve Redevelopment Plan

The Town of Cambridge (TOC) had been developing plans for the redevelopment of the Perry Lakes site for housing and relocation of the athletics, basketball and rugby facilities to the AK reserve land since 1998. The existing Perry Lakes Stadium had been built for the 1962 British Empire and Commonwealth Games and upgrading it to modern standards was deemed uneconomical. Whilst the TOC's proposals sought to relocate the three facilities to the AK reserve land it was recognised that this would require the acquisition of adjoining land, including that owned by UWA.

Christ Church Playing Fields Outline Development Plan (ODP)

The Christ Church ODP outlines the placement of additional fill for eastern playing fields, a future pavilion, changerooms, an access road, car parking, and a ground building at the subject site. This ODP is shown in Attachment 4.

John XXIII College Outline Development Plan (ODP)

The John XXIII College ODP was written in 2010 with the intent to extend the gymnasium. The document also discussed the College's building program scheduled over the next decade to alter, extend and upgrade other parts of the campus. The ODP establishes a framework for the interpretation of provisions in the Town Planning Scheme No.2 to allow for future development of the John XXIII school site and is restricted to the school site only. A map of the development plans for the site is shown as Attachment 5.

Mt Claremont Sports Precinct Structure Plan

A study was commissioned by the Department of Sport and Recreation and the Department of Planning and Infrastructure in 2005 to provide a detailed planning framework for a regional sports complex at Mt Claremont. The study provided two possible options for development of the site as a sports precinct. The study area and plans are shown in Attachment 6 and 7. This study's main emphasis was to allow for future expansion and development of sports facilities, associated infrastructure and other land uses within the study area.

Mt Claremont Bus Depot

Located on a 1.2-hectare site at Brockway Road, Mt Claremont, the new depot will replace the privately leased North Fremantle depot as part of a long-term strategy to ensure that all Transperth bus depots are State-owned. The Mt Claremont Bus Depot will also provide space for up to 40 additional buses over the existing North Fremantle facility, helping to cater for an expected long-term increase in service demand.

When operational the depot will be open between 5am and 12.30am, however bus movements will mainly occur between 6-8am and 6-8pm. It is expected that the project will be completed by mid-2019. A map showing the location of the new depot is shown in Attachment 8.

Graylands Hospital Decommissioning

In 2015 the Government of Western Australia Mental Health Commission produced the *Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025*. This plan is the key planning tool for the mental health, alcohol and other drug sector. This document discussed the eventual closure of the Graylands Hospital and the relocation of these beds to other hospitals around the state. The closure of Graylands is based around the idea of no longer having stand-alone psychiatric institutions and rather incorporating these services into general hospitals. The move to close these services and replace them with contemporary services is already progressing. The Department of Health aims to finalise the closure of the existing facilities at Graylands by the end of the year 2025. What the site will be once it is decommissioned is unknown at this stage.

Ideas for the Subiaco Strategic Resource Precinct – Wastewater Treatment Plant

Wastewater treatment plants are vital community assets that ensure both community and environmental health by managing the waste that cities produce. Whilst traditionally having a singular waste treatment focus, new thinking is conceptualising wastewater treatment plants as sources of resources that can benefit the economy of cities and their regions.

These assets are often hazardous sites, can sometimes produce unpleasant odours and may be near urban communities. As such, they are carefully shielded from the public through their design and management. This design typically includes a buffer zone surrounding the plant, to discourage land uses deemed sensitive to odour.

Together, a wastewater treatment plant, its buffer and the land uses within can be re-conceptualised as a 'Strategic Resource Precinct' (Attachment 9). This idea has been developed in Western Australia to reframe the function of wastewater treatment plants to center on "resource" rather than 'waste', and to see the buffer zone as integral to this process. A Strategic Resource Precinct is primarily a land use planning initiative for the buffer zone, linked to the technology and infrastructure of the treatment plant itself. It encourages land uses in the buffer zone that either use outputs from the plant (e.g. recycled water, nutrients, sludge, biogas) or provide inputs (e.g. energy, knowledge) which benefit the wastewater treatment process and urban communities. This is a conceptual plan and the time frames associated with any development or changes to the plant's operation are unknown at this stage.

John XXIII Depot

At the Council Meeting on the 26 June 2018 Council resolved to endorse upgrades to the John XXIII depot to improve operational and environmental conditions. Along with authorizing Administration to negotiate 10 year plus 5 plus 5-year leases between the City and both the Town of Claremont and the City of Subiaco for portions of the depot site. A map showcasing a formalized layout of the site along with the two proposed leasable portions is shown in Attachment 10.

Water Corporation and Western Power Easements

There are several easements running along the northern parcels of the investigation area. These easements are owned by the Water Corporation and Western Power and are not able to be built on. The location of these easements is shown in Attachment 11 and further investigations on these will need to be undertaken during a structure plan investigation over the site.

5.0 Consultation

In the event of a Structure Plan being initiated and once the Local Government has prepared a Structure Plan under schedule 2 cl.16(2) of the Regulations the City must advertise the Structure Plan in one or more ways listed in schedule 2 cl.18(1)(a). The period for submissions on the advertised plan must be between 14 and 28 days. Administration will then consider the submissions and make modifications based on these submissions if necessary. The City can then decide to further advertise these modifications.

A recommendation report must be provided to the West Australian Planning Commission (the Commission) within 60 days of the end of the submission period. The Commission will then consider the Structure Plan in which they have 120 days to; support, support with modifications or refuse.

Throughout the regulatory process it is only legally mandatory to consult with the public during the advertising period. Administration would recommend the City engage with the landowners of the sites and surrounding community prior to the drafting of the Structure Plan and throughout the process, to create a more transparent process for the community. Administration will prepare a Community Engagement Strategy to be presented to Council prior to undertaking any consultation for this project.

The Commission will need to be consulted for the Structure Plan to cover land zoned Private Community Purpose and land reserved under the Metropolitan Regional Scheme (MRS).

6.0 Budget / Financial Implications

Financial implications will be investigated at the point when a project plan is established following the finalisation of LPS3. If Council chooses to proceed with the project consulting fees may apply depending on the final project scope of works.

7.0 Risk Management

Nil.

8.0 Administration Comment

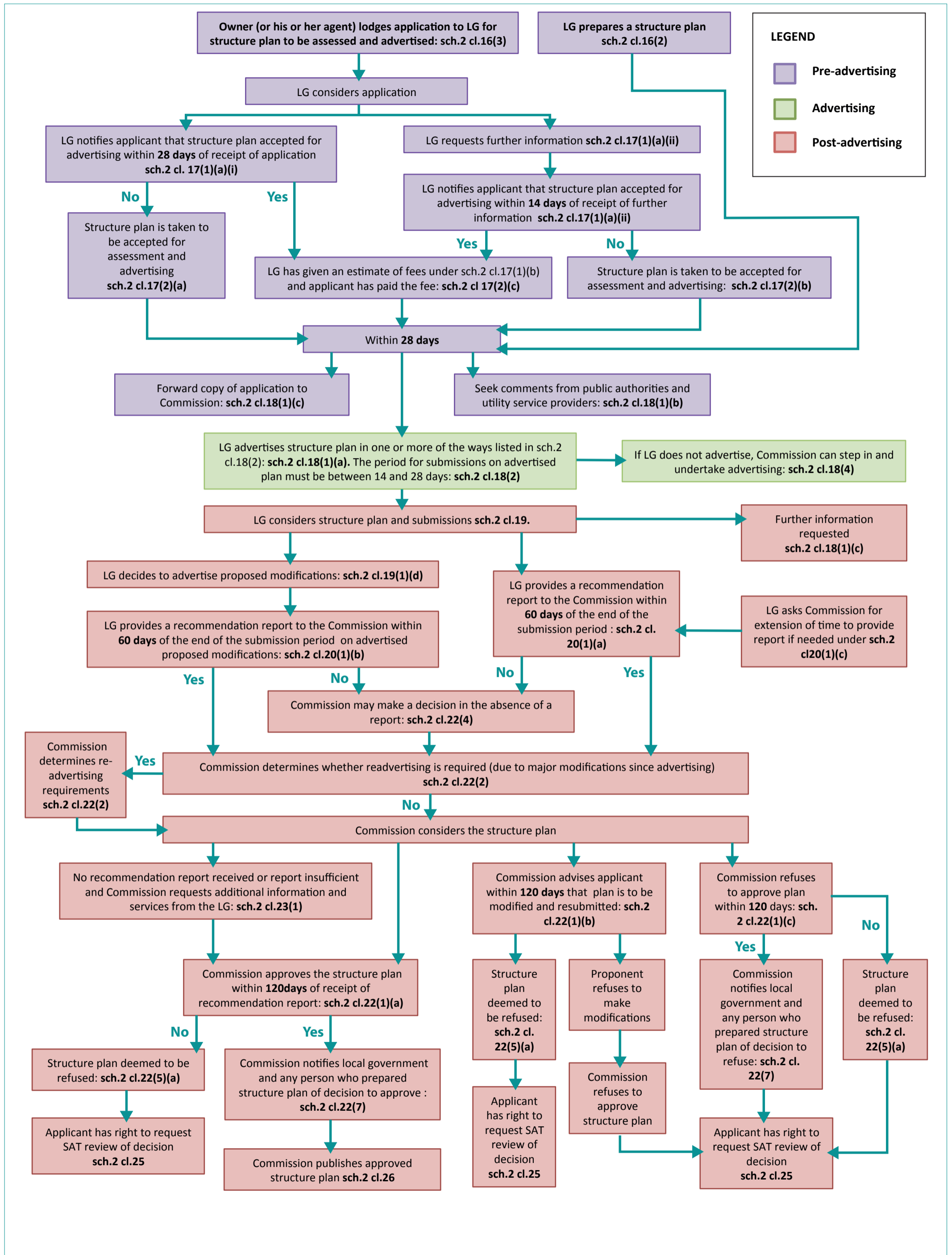
The Administration conclude that comprehensive planning should be undertaken for the non-residential landholdings within the Mt Claremont North-East precinct, as indicated in the Local Planning Strategy. This will aid in allowing for orderly and proper planning in the area.

It is noted that the defined area is complex and includes multiple landholdings and landowners, differing zones under TPS2 and draft LPS3, Regional Reserves under the MRS, as well as potential environmental (contaminated sites), access and easement issues. As such, the subject area may need to be redefined following the gazettal of LPS3.

It is recommended Administration engage with the relevant stakeholders and government agencies following the Minister's finalisation LPS3 and to explore options for future development and planning for the area.

Even though the Council have resolved to not support LPS3 at the Council Meeting on 31 July 2018, LPS3 will continue to be progressed by the Department of Planning Lands and Heritage (DPLH). Whilst the DPLH continue to assess LPS3 and there is uncertainty about possible zoning changes, it is recommended that Council wait for the gazettal of LPS3 before proceeding with a structure plan over the study area.

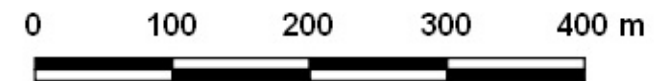
Structure plan flowchart

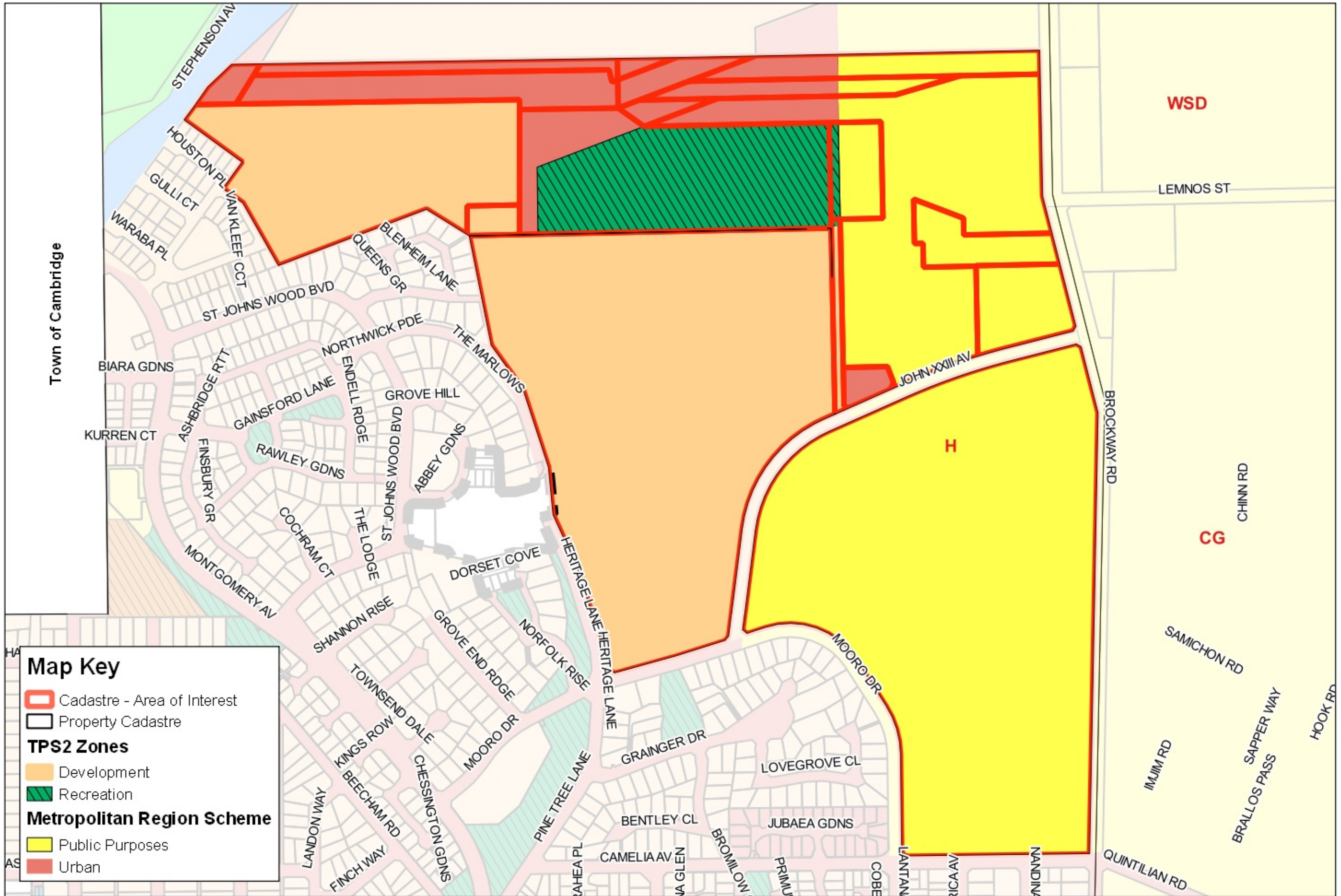




Map Key

Cadastrre - Area of Interest
 Property Cadastre
 LGA Boundary





Map Key

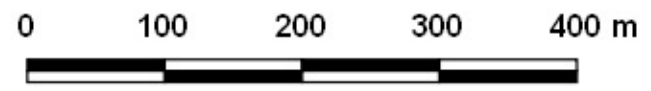
- Cadastrate - Area of Interest
- Property Cadastrate

TPS2 Zones

- Development
- Recreation

Metropolitan Region Scheme

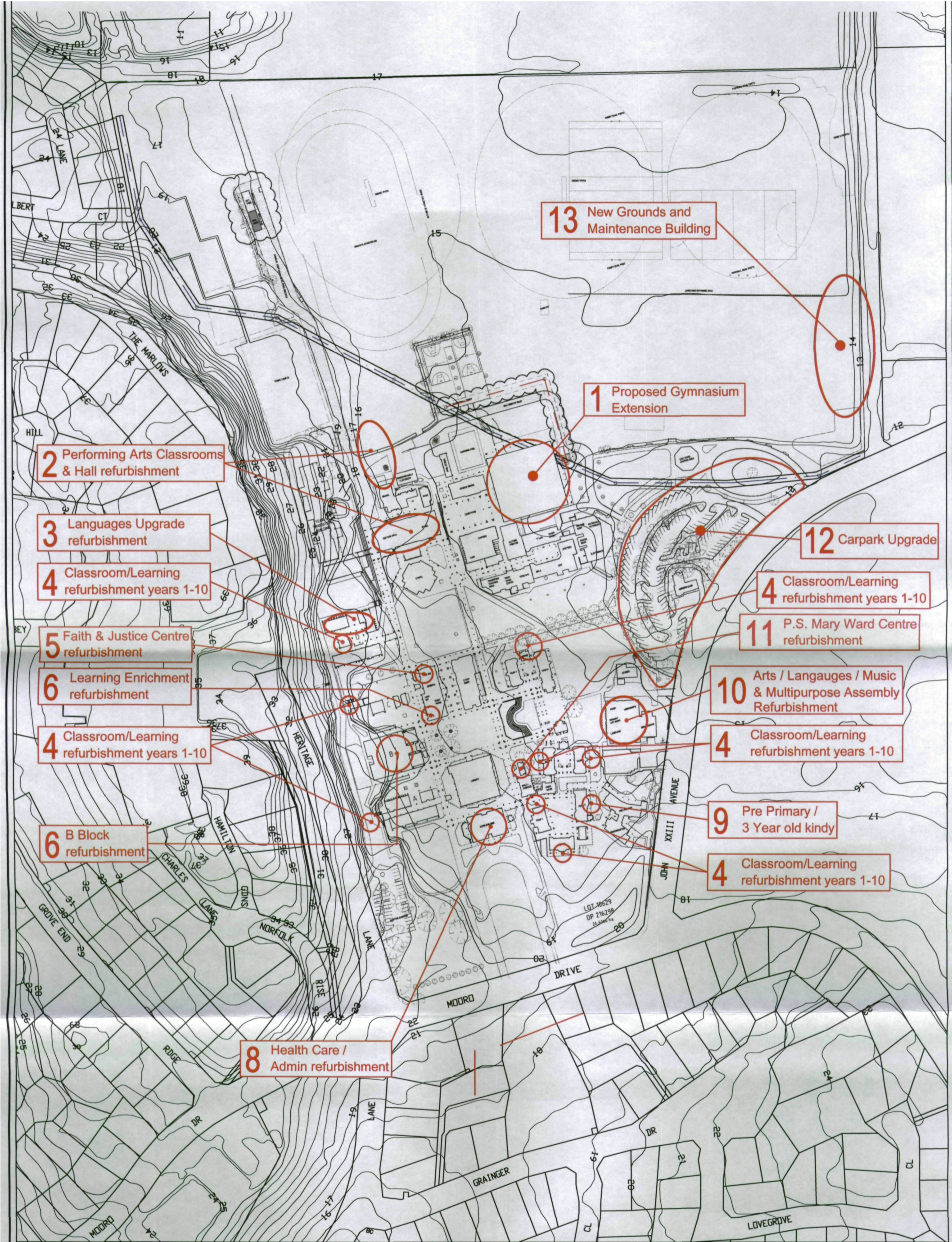
- Public Purposes
- Urban



Should the east-west access road (proposed under the 'Mount Claremont Regional Sport Centre Structure Plan') be constructed, the access to the playing fields shown shall become redundant and the verge then reinstated. Access to the playing fields shall then be taken via the new east-west road to the specification of the City of Nedlands to the satisfaction of the Western Australian Planning Commission.



SCALE:
1:750 @A3



25mm at scale
NOTES:

MGA
TOWN PLANNERS
Ph: (08) 9321 3011
Fx: (08) 9324 1961
email: mga@global.net.au

0 Metres 50
Scale 1:2,5000

A3



Date: 7 October 2010
Ref: 2633/wc-base/fig 6 Build Prog
All dimensions and areas subject to survey

Figure 8
BUILDING PROGRAM



FIGURE 17 DEVELOPMENT CONCEPT PLAN - OPTION 1

<p>A</p> <p>SPORTS</p> <p>A Athletics</p> <p>B Basketball</p> <p>BB Baseball</p> <p>C Cricket</p> <p>F Football</p> <p>H Hockey</p> <p>N Netball</p> <p>R Rugby</p> <p>S Soccer</p> <p>T Tennis</p>	<p>A</p> <p>NEW BUILDINGS</p> <p>A Accommodation</p> <p>B UWA Business/ Admin</p> <p>P Pavilion</p> <p>G/A Grandstand/ Admin</p>	<p> Challenge Stadium Expansion</p> <p> Retained Remnant Bush</p> <p> Access</p> <p> Roads</p>	<p> School Buildings</p> <p> Public Purposes/ Reserves</p>	<p>P (111) Parking (approx. capacity)</p>
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FIGURE 17 DEVELOPMENT CONCEPT PLAN - OPTION 1

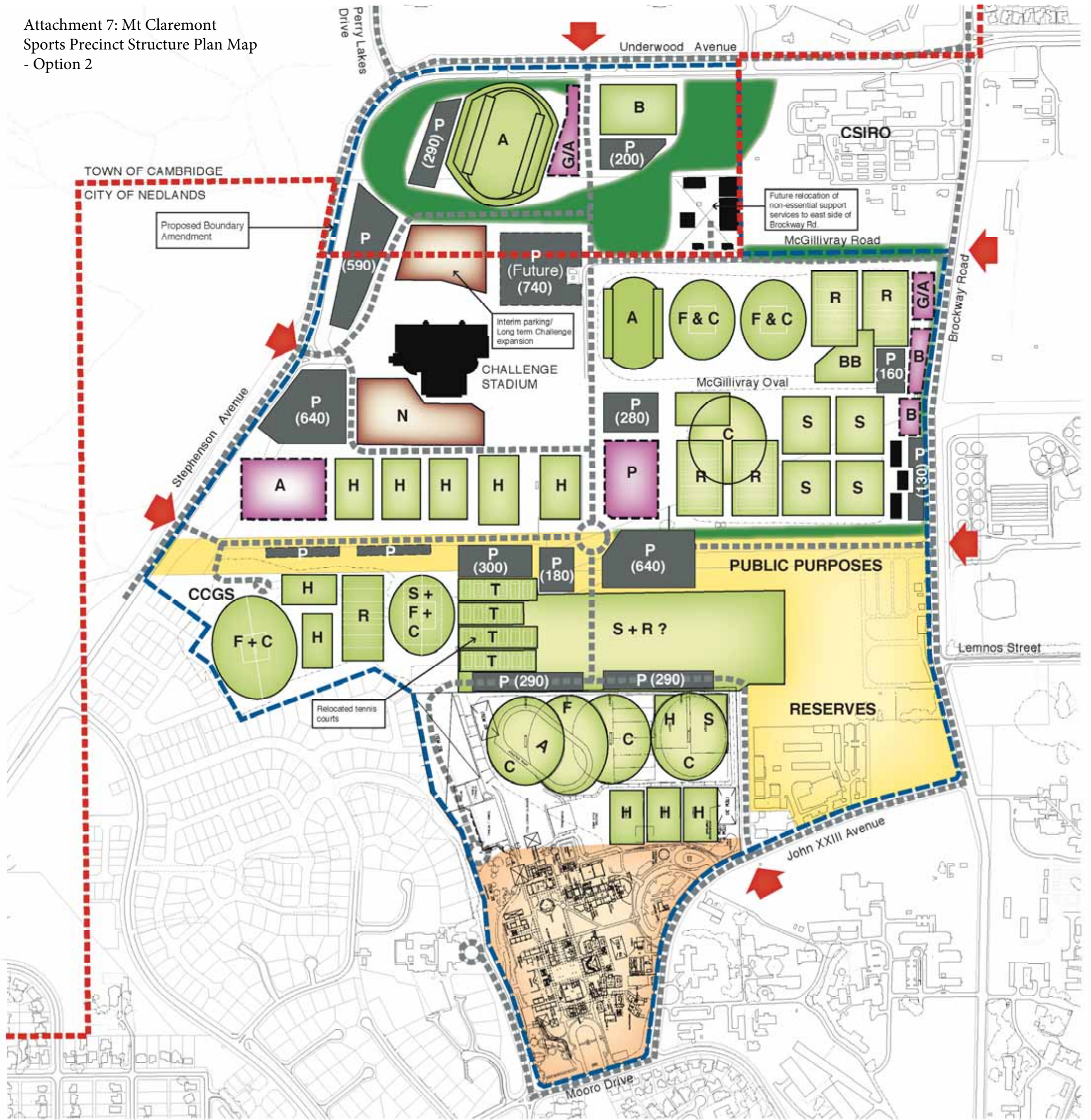


FIGURE 18 DEVELOPMENT CONCEPT PLAN - OPTION 2

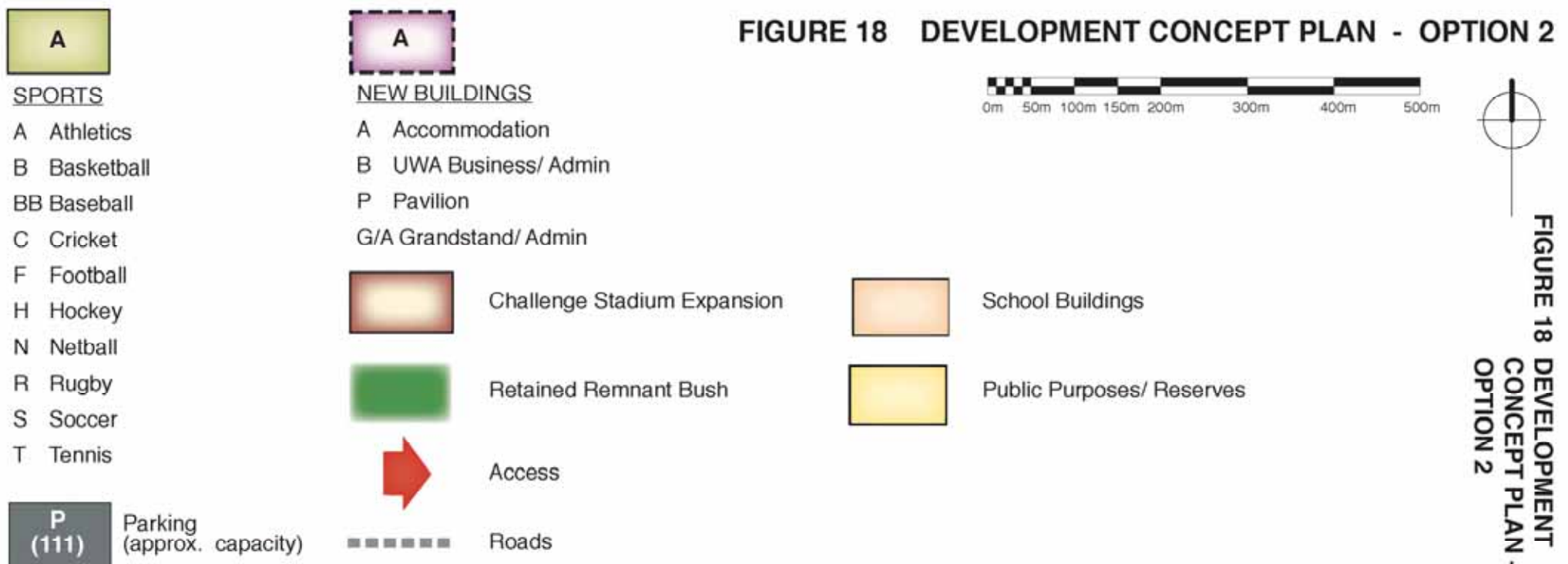
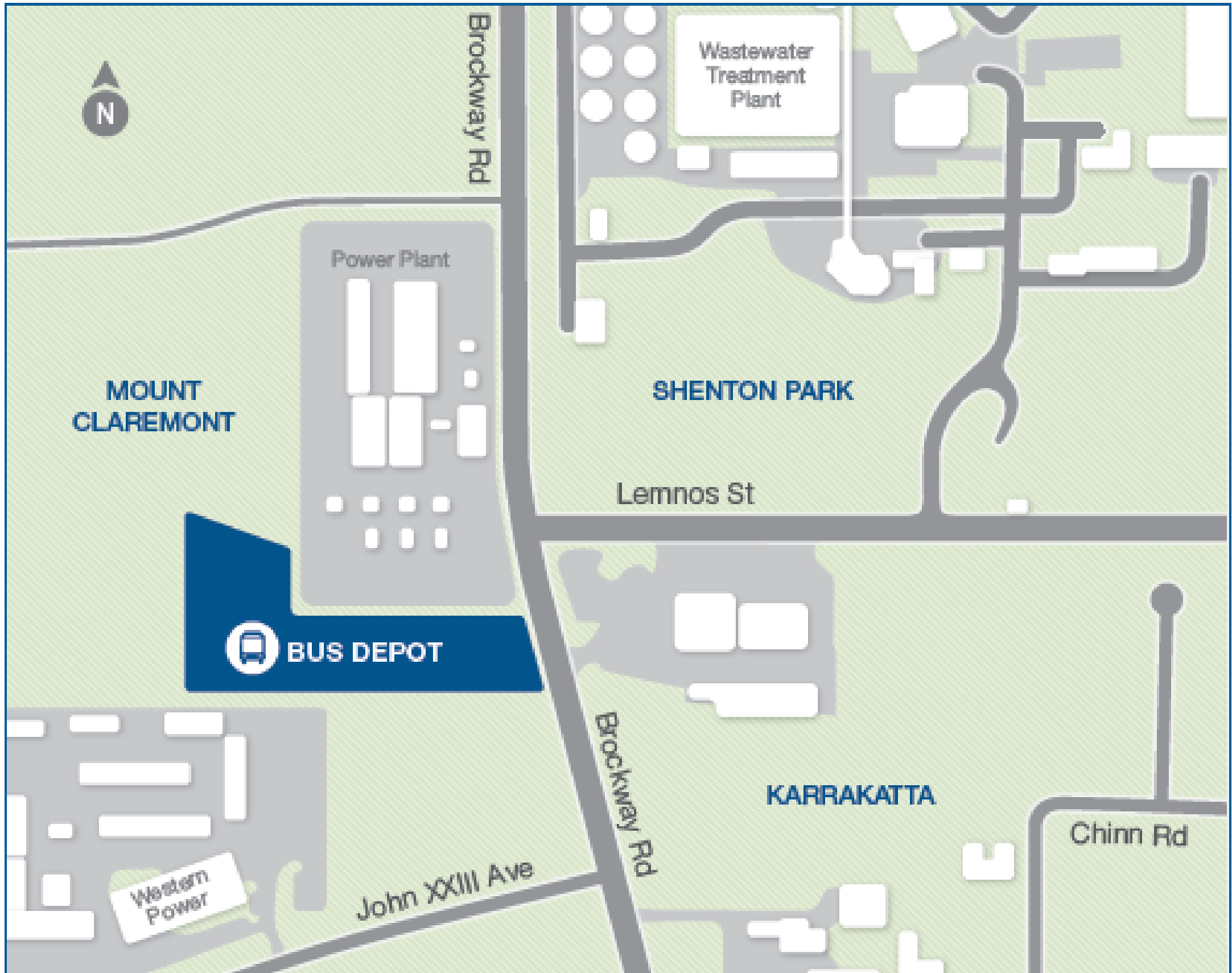


FIGURE 18 DEVELOPMENT CONCEPT PLAN - OPTION 2



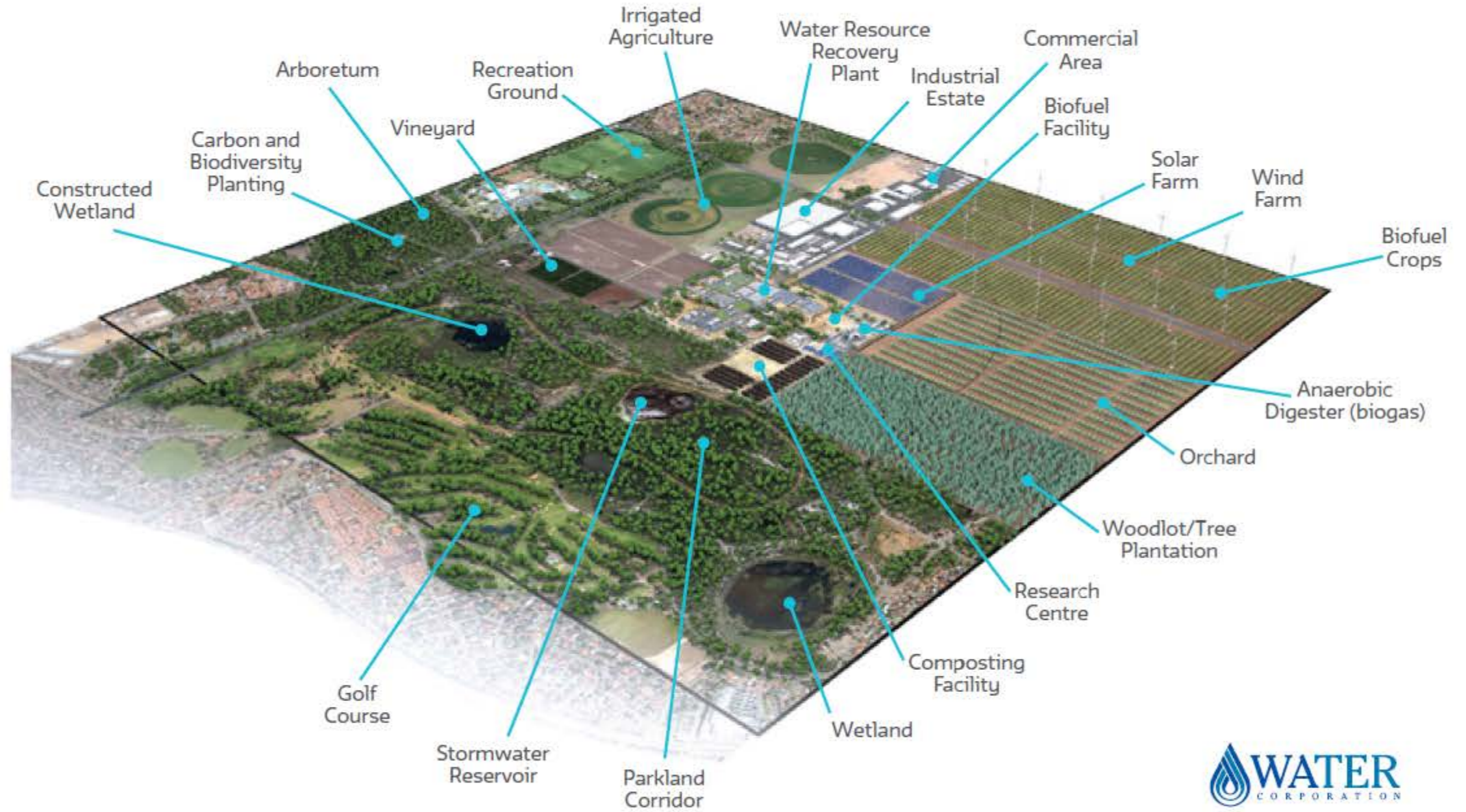


Figure 1.
the Buffertopia concept
(Source - Water Corporation)





PD54.18	Municipal Inventory
Committee	9 October 2018
Council	23 October 2018
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Previous Item	PD23.18 – OCM 22 May 2018
Attachments	1. Proposed Municipal Inventory

1.0 Executive Summary

The purpose of this report is to present a revised Municipal Inventory (MI), following consultation with affected owners, for Council's consideration.

The review of the MI has involved the following:

- Consultation with the community in accordance with Council's resolution on 22 May 2018. The City received 16 submissions during the consultation period including 15 requests for properties to be taken off the MI.
- The City also removed 2 properties from the MI due to the properties having been demolished.

Accordingly, it is recommended that the Municipal Inventory as revised, be approved by Council.

2.0 Recommendation to Committee

Council adopts the proposed Municipal Inventory (Attachment 1).

3.0 Background

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

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

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

March 2012	Palassis MI first considered by Council, matter referred to Administration for further consideration.
February 2013	Palassis MI considered by Council.
April 2013	The consultation process commenced.
October 2013	The City undertook workshops with the community regarding a possible incentive program.
November 2013	Council considered a proposed incentives program. The matter was then referred to Administration.
February 2014	The City undertook workshops with the community regarding a possible incentive program.

June 2014	No incentive program was included in 2014-15 budget.
December 2014	A Notice of Motion (NOM) was passed by Council to request Administration re-present a MI.
May 2015	A revised Heritage List and MI was considered by Council. The Heritage List was endorsed, and the MI was endorsed for purposes of consultation with affected landowners.
July 2015	The consultation process re-commenced.
December 2017	Council adopts the proposed Heritage List.
May 2018	Heritage Incentive Policies are adopted by Council.
May 2018	Council adopts proposed MI subject to consultation with property owners.
June 2018	NOM was passed by Council to include extra properties on the Municipal Inventory which included (Tom Collins Group, The Maisonettes, Drabble House and Sunset Hospital).
August 2018	Consultation process occurs to engage affected landowners as per Councils recommendation on 22 May 2018.

Council, at its 22 May 2018 meeting resolved as follows in relation to the Municipal Inventory:

“Council adopts the proposed Municipal Inventory (Attachment 1) subject to:

- 1. Consultation and agreement with private property owners to list or remove their property on the Municipal Inventory; and*
- 2. Subsequent removal of properties where an owner object to the listing, or in the case of strata titled properties, all owners object to the listing.”*

As per Council’s resolution to the Notice of Motion at the Council Meeting on the 26 June 2018 the following properties have been added to the MI:

1. Tom Collins Group (Tom Collins House, Mattie Furphy House, Tom Fricker House, Mayo House and Friends of Allen Park Cottage);
2. The Maisonettes;
3. Drabble House; and
4. Sunset Hospital.

4.0 Municipal Inventory (MI) Detail

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

- Residential Properties: are all in private ownership.
- Residential Strata Flats: apartments held in strata ownership.
- Commercial Properties: privately owned but used for commercial purposes. Some of these may also include a residential component (i.e. an apartment above a shop).
- Other Properties: includes places that do not fall into the previous sections. Places within this section are varied but includes all places under the management of the City of Nedlands.

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

The main point of difference between the proposed MI and the previous version presented to Council on the 22 May 2018 is the removal of those who objected to the entry during the August 2018 consultation period. Where a property is in strata ownership, the place has not been removed unless all owners objected to the entry.

5.0 Consultation

Due to Council's resolution on 22 May 2018 a substantial consultation process was undertaken in August 2018 to allow owners of properties listed on the MI to request their property be removed. 73 places were included in the consultation process. During this consultation 16 written responses were received.

Where an objection was received the property has been removed from the MI unless;

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

As per Council resolution, the proposed MI has been advertised to affected property owners and does not include any entry where the property owner objected in 2013, 2015 or most recently in August 2018.

Once Council has adopted the proposed the MI it will be referred to the Heritage Council as per the Heritage Act.

After Council adoption of the MI, affected property owners will be informed, and the final MI will be published on the City of Nedlands website.

6.0 Legislation / Policy

6.1 Heritage of Western Australia Act 1990

The Heritage of Western Australia Act 1990 (The Act) s.45 cl.1 directs all Local Governments to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The Act also states that the inventory shall be reviewed every 4 years under s.45 cl.2(b). The Local Government shall ensure that the inventory required by s.45 cl.4 has undertaken proper public consultation.

6.2 Planning and Development (Local Planning Schemes) Regulations 2015

Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) discusses Heritage Protection within Local Planning Schemes. The Regulations are used in reference to the Heritage List and does not apply to the Municipal Inventory.

6.3 City of Nedlands Town Planning Scheme No.2 (TPS2)

Town Planning Scheme No.2 (TPS2) refers to buildings of heritage significance although this document is in reference to properties on the Heritage List and not the MI.

7.0 Budget/Financial Implications

Nil.

8.0 Risk Management

The current 1999 MI is outdated and requires review. The local government is not in compliance with the *Heritage of Western Australia Act 1990* if the MI is not reviewed every four years. Therefore, the City must review and update its MI.

9.0 Administration Comment

This report presents a proposed 2018 MI to update the City's heritage planning framework in line with legislative requirements. Administration recommend that the MI as revised, be approved by Council.

Legend
Removed prior to Council Meeting 22 May 2018
Removed due to property having been demolished
Removed under request of owner during August 2018 consultation

Residential				
Name of Place	Address	Suburb	State List	On 1999 MI
Residence	9 Birdwood Pde	DALKEITH		✓
Residence	15 Birdwood Pde	DALKEITH		✓
Residence	25 Birdwood Pde	DALKEITH		✓
Residence	33 Birdwood Pde	DALKEITH		✓
Residence	39 Birdwood Pde	DALKEITH		✓
Karda Mordo	53 Birdwood Pde	DALKEITH		✓
Residence	89 Broadway	NEDLANDS		✓
Residence	93 Broadway	NEDLANDS		✓
Residence	101 Broadway	NEDLANDS		
Residence	139 Broadway	NEDLANDS		✓
Residence	15 Browne Ave	DALKEITH		✓
Residence	14 Bulimba	NEDLANDS		
Residence	18 Circe Circe	DALKEITH		
Residence	14 Cooper St	NEDLANDS		
Residence	35 Cross St	SWANBOURNE		
Residence	37 Cross St	SWANBOURNE		
Residence	10 Edward St	NEDLANDS		
Residence	79 Florence Rd	NEDLANDS		✓
Residence	83 Florence Rd	NEDLANDS		✓
Chisolm House	32 Genesta Cres	DALKEITH	✓	✓
Greystones	35 Gordon St	NEDLANDS		✓
Director's House	1 Grainger Dve	MT CLAREMONT	✓	✓
Residence	4 Hillway	NEDLANDS		
Residence	6 Jutland Pde	DALKEITH		✓
Residence	30 Jutland Pde	DALKEITH		
Residence	39 Jutland Pde	DALKEITH		✓
Residence	41 Jutland Pde	DALKEITH		✓
Kylemore	43 Jutland Pde	DALKEITH		✓
Residence	52 Jutland Pde	DALKEITH		
Residence	24 Kingsway	NEDLANDS		
Residence	47 Kingsway	NEDLANDS		
Strickland Park	39 Kinnimont Ave	NEDLANDS		✓
Residence	11 Kitchener St	NEDLANDS		
Residence	17 Kitchener St	NEDLANDS		

Residence	29	Leon Rd	DALKEITH		
Residence	51	Loftus	NEDLANDS		✓
Residence	41	Marita Rd	NEDLANDS		✓
Residence	35	Meriwa St	NEDLANDS		
Residence	91	Meriwa St	NEDLANDS		
Residence	40	Minora Rd	DALKEITH		✓
Residence	2	Portland St	NEDLANDS		✓
Residence	5	Rockton Rd	NEDLANDS		✓
Residence	7	Rockton Rd	NEDLANDS		✓
Residence	10	Rockton Rd	NEDLANDS		
Residence	14	Rockton Rd	NEDLANDS		✓
Residence	16	Rockton Rd	NEDLANDS		✓
Residence	18	Rockton Rd	NEDLANDS		✓
Residence	24	Rockton Rd	NEDLANDS		
Residence	29	Rockton Rd	NEDLANDS		✓
Residence	31	Rockton Rd	NEDLANDS		✓
Residence	33	Rockton Rd	NEDLANDS		✓
Residence	35	Rockton Rd	NEDLANDS		✓
Stirling Court	48	Stirling Hwy	NEDLANDS		✓
Portland Flats	55	Stirling Hwy	NEDLANDS		✓
Residence	68	Stirling Hwy	NEDLANDS		
Residence	64	The Avenue	NEDLANDS		
Residence	11	Thomas St	NEDLANDS		
Residence	1A	Tyrell St	NEDLANDS		✓
Residence	1B	Tyrell St	NEDLANDS		✓
Residence	65	Tyrell St	NEDLANDS		✓
Residence	75	Tyrell St	NEDLANDS		✓
Residence	77	Tyrell St	NEDLANDS		✓
Residence	81	Victoria Ave	DALKEITH		
Residence	87	Victoria Ave	DALKEITH		
Residence	93	Victoria Ave	DALKEITH		
Residence	150	Victoria Ave	DALKEITH		✓
Day House	166	Victoria Ave	DALKEITH		✓
Residence	33	Viewway	NEDLANDS		
Residence	47	Vincent St	NEDLANDS		
Residence	30	Waratah Ave	DALKEITH		
Residence	11	Waroonga Rd	NEDLANDS		

Residential Strata Flats				
Name of Place	Address	Suburb	State List	On 1999 MHI
Kooyong	50-60 Kinninmont Ave	NEDLANDS		
Kumara	101 Smyth Rd	NEDLANDS		

Shelbourne	59	Stirling Hwy	NEDLANDS		✓
Grosvenor	63	Stirling Hwy	NEDLANDS		
Flats	72	Stirling Hwy	NEDLANDS		
Flats	74	Stirling Hwy	NEDLANDS		
Boronia Flats	89-91	Stirling Hwy	NEDLANDS		
Bellaranga	93	Stirling Hwy	NEDLANDS		
Powers Court	112	Stirling Hwy	NEDLANDS		
Greenough	114	Stirling Hwy	NEDLANDS		✓
Bossal	157	Stirling Hwy	NEDLANDS		
Nedlands Park Hotel (Steve's)	30	The Avenue	NEDLANDS		✓
Beaumaris Flats	9	Webster St	NEDLANDS		

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

Torbay	189	Stirling Hwy	NEDLANDS		✓
Corner Store	24	Webster St	NEDLANDS		✓

Other Properties					
Name of Place		Address	Suburb	State List	On 1999 MHI
Carmelite Monastery	104	Adelma Rd	DALKEITH		✓
Mt Claremont Primary School	103	Alfred Rd	MT CLAREMONT		
Sunset Hospital		Birdwood Pde	DALKEITH	✓	✓
Gallop House	22	Birdwood Pde	DALKEITH	✓	✓
Graylands Hospital	1	Brockway Rd	MT CLAREMONT	✓	✓
Dalkeith Primary School	44	Circe Circ	DALKEITH		✓
Church Of Christ	68	Dalkeith Rd	NEDLANDS		✓
John XXIII College	25	John XXIII Ave	MT CLAREMONT		✓
Nedlands Primary School	35	Kingsway	NEDLANDS		✓
Chinese Methodist Church	38	Kingsway	NEDLANDS		✓
Tom Collins Group (Tom Collins House, Mattie Furphy House, Tom Fricker House, Mayo House and Friends of Allen Park Cottage)		Kirkwood St	SWANBOURNE	✓	✓
Hollywood Primary School	117	Monash Ave	NEDLANDS		✓
Nedlands Uniting Church	237	Princess Rd	NEDLANDS		✓
Karrakatta Cemetary		Railway Pde	NEDLANDS		✓
Royal Perth Rehabilitation Hospital	6	Selby St	SHENTON PARK		✓
Commonwealth War Cemetaries		Smyth Rd	NEDLANDS		✓
Telephone Exchange	46	Stanley St	NEDLANDS		✓
Challenge Stadium	100	Stephenson Ave	MT CLAREMONT		✓
The Maisonettes	67	Stirling Hwy	NEDLANDS	✓	✓
St Andrew's Anglican Church	177	Stirling Hwy	NEDLANDS		✓
Irwin Barracks		Stubbs Tce	KARRAKATTA		✓
Magazine		Stubbs Tce	KARRAKATTA		✓
Barracks		Stubbs Tce	KARRAKATTA		✓
Lemnos Hospital		Stubbs Tce	KARRAKATTA	✓	✓
Holy Rosary Roman Catholic Church	46	Thomas St	NEDLANDS		✓
St Margaret's Anglican Church	58	Tyrell St	NEDLANDS	✓	✓
St Lawrence's Anglican Church		Viking Rd	DALKEITH	✓	✓
Drabble House	6	Webster St	NEDLANDS		✓
Loreto Convent	69	Webster St	NEDLANDS		✓
Swanbourne Army Complex		West Coast Hwy	SWANBOURNE		✓

PD55.18	RFT 2018-19.01 - Natural Area Maintenance and Services
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Committee	9 October 2018
Council	23 October 2018
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Attachments	Nil.

1.0 Executive Summary

To award the tender for natural area maintenance and services. As part of the Environmental Conservation program, the City undertakes maintenance of these areas and this includes weed control, fire fuel load reduction, erosion control and replacement of plant stock within reserves

2.0 Recommendation to Committee

Council

- 1. Agrees to award tender no. 2018-19.01 to Green Skills Inc. for the provision of natural area maintenance and services, as per the schedule of rates and additional price information submitted; and**
- 2. Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

3.0 Background

The City undertakes an annual natural area maintenance program in the City's natural areas. These works are undertaken in accordance with recommendations contained within the City's natural area management plans and includes the below listed activities:

- Environmental weed control;
- Erosion control;
- Fencing maintenance and installation;
- Pathway maintenance;
- Dryland revegetation;
- Wetland revegetation;
- Fire break maintenance and upgrade;
- Fuel load reduction;
- Mulching;
- Pruning;
- Feral animal control;
- Rubbish collection; and
- Seed and plant material collection for revegetation activities; and

Expenditure on this contract will exceed \$150,000 if extended over two or more years. Therefore, to comply with legislative requirements outlined in the *Local Government Act 1995* and ensure the best value for money for the City, this service must be tendered.

Tender 2018-19.01 was advertised on 3 August 2018 in the West Australian Newspaper and on www.tenderlink.com/nedlands. The tender period ended on 24 August 2018 and submissions were opened by officers of the City at 10:00 am on Monday 27 August 2018. Nine (9) submissions were received by the City.

Compliant submissions were received from the following companies;

1. Green Skills Inc
2. Natural Area Holdings Pty Ltd
3. Skyline Landscape Services Group Pty Ltd
4. South East Regional Centre for Urban Landcare
5. Sustainable Outdoors
6. Western Suburbs Landscape Supplies & Maintenance
7. Workpower Incorporated

Two (2) non-compliant submissions were received.

4.0 Evaluation

The tender was independently evaluated by three (3) City officers in accordance with the qualitative criteria specified in the request for tender documentation, qualitative criteria was afforded a total of 70% of the total score.

The priced items were compiled into a spreadsheet for close analysis of value comparison. A price criteria score was allocated based on the best value being scored at 100% and other values scored proportionally against this price. A total of 30% weighting was allocated to the price criteria.

A confidential evaluation and recommendation report was completed and approved by the evaluation panel, Manager Health and Compliance and the Director Planning and Development. References were sought from appropriate sources for quality assurance purposes which supported the findings of the evaluation panel.

The final evaluation, including pricing and scoring, can be viewed in the confidential attachment – Final Tender Evaluation Score Sheet RFT 2017/18.01 Natural Area Maintenance and Services.

5.0 Key Relevant Previous Council Decisions:

Nil.

6.0 Consultation

Not required.

7.0 Budget / Financial Implications

These contract services are provided for through the Environmental Conservation annual operational budget.

8.0 Conclusion

After assessment of the submitted tenders it is proposed that the submission received from Green Skills Inc. be accepted.

Green Skills Inc. scored highest in the evaluation in both the qualitative criteria and the price. They provided a list of key personnel with relevant experience along with evidence of experience with other similar contracts. Green skills Inc. are a previous holder of this contract and have demonstrated they are capable of providing the services required. They demonstrated that they understood the contract works and they own ample plant and resources to provide the required services especially during seasonally busy periods.