

# Planning and Development Reports

Committee Consideration – 9 September 2014 Council Resolution – 23 September 2014

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PD30.14	No. 28 (Lot 112) Browne Avenue, Dalkeith
	<ul> <li>Proposed Additions (Carport) to a Single</li> </ul>
	House

Committee	ee 9 September 2014	
Council	23 September 2014	
Applicant	N Lauw	
Landowner	N & J Lauw	
Officer	Matt Stuart – Senior Statutory Planning Officer	
Director	Peter Mickleson – Director Planning & Development	
Director Signature	1 mobiles	
File Reference DA14/170 – BR8/28		
Previous Item	Nil	

#### 1.0 Executive Summary

The application is for a pergola (an open-roofed structure, e.g. timber frame with beams, battens / purlins, and a shade cloth covering), with vergola roof cover (a solar-pergola, however with variable-pitch beams, which can be fully open to the elements, fully closed, or somewhere in-between), but is considered to function as a carport. The proposal does not satisfy all of the relevant deemed-to-comply, design principles, and other planning requirements. As a result, the application is recommended for refusal.

The application has been referred to Council for determination as officers do not have the delegation to determine an application under instrument of delegation 6A, where a refusal is recommended whilst discretion is available.

#### 1.1 Recommendation to Committee

Council refuses the application for additions (carport) to a single house at No. 28 (Lot 112) Browne Avenue, Dalkeith, in accordance with the application and plans received on 17 April 2014, for the following reasons:

- 1) the proposed carport does not meet element 5.1.4 C4 nor P4 of the Residential Design Codes of WA 2013, as it contrasts with the existing and desired streetscape character, and it introduces undesirable building bulk;
- 2) the proposal does not comply with the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2; and
- 3) the proposal does not represent orderly and proper planning, in accordance with of cl. 6.5.1 of Town Planning Scheme No. 2.

#### 1.2 Strategic Plan

KFA: Natural and Built Environment

#### 2.0 Background

Property address		No. 28 (Lot 112) Browne Avenue, Dalkeith (the site)
Lot area		1,012m <sup>2</sup>
Zoning /	MRS	Urban
Reserve	TPS2	Residential at R10 density

The subject site has frontages to Browne Street to the west and Cormorant Lane to the east, and is located adjacent to dwellings to the north and south, as seen in the location plans below.

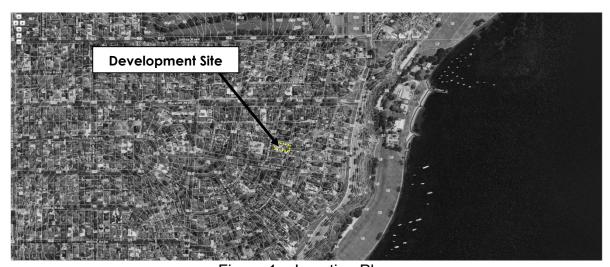


Figure 1 – Location Plan

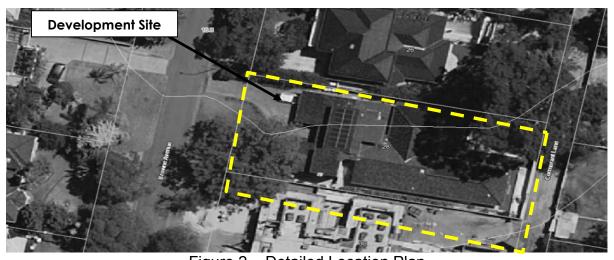


Figure 2 – Detailed Location Plan

The site currently features a large single house with a double garage; and the photographs in **Attachment 2** depict the development and its relationship with the surrounding built environment.

2009	The City received an application from the same owner for large ground
	floor additions to the existing single storey dwelling. The extension
	resulted in the dwelling to the required deemed-to-comply limit for the
	minimum amount of open space required on the site. As the extension

	complied with the deemed-to-comply limit, the application was approved under delegated authority.
2013	The City received an application for a carport in the front setback area of the site. The City told the applicant the carport application did not comply with the open space provisions as the minimum amount required had already been reached. The applicant withdrew the application for the carport.
2014	The City received an application for a pergola. The pergola is located in the same position as the carport that was applied for in 2013.

#### 2.2 Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (TPS2 or Scheme).
- Residential Design Codes of WA 2013 (R-Codes).
- Local Planning Policy 6.23 Carports and Minor Structures Forward of the Primary Street Setback (**Carport Policy**).
- Council Policy Neighbour Consultation.

#### 3.0 Consultation Process

#### 3.1 What consultation process was undertaken?

•	i i i i i i i i i i i i i i i i i i i				
F	Required by legislation (Scheme / R-Codes):				
F	Required by City of Nedlands policy (Neighbour Consultation):			No 🗌	
3	3.2 How and when was the community consulted?				
	Community consultation period: 30 June – 14 July 2014				
	Response:	Nil			

#### 4.0 Budget / Financial Implications

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

#### 5.0 Risk Management

Not applicable.

#### 6.0 Discussion

The proposal involves the construction of a carport attached to an existing dwelling on the site, as depicted in the submitted plans (**Attachment 1**).

Variations to the planning requirements are as follows:

- a) Open space 55% (557m<sup>2</sup>) in lieu of 60% (607m<sup>2</sup>), a shortfall of 4% (50m<sup>2</sup>).
- b) Adversely affects amenity.
- c) Is not orderly and proper planning.

Community consultation has resulted in no responses being received.

The site currently features a single storey dwelling with extensive additions at the rear, and a double garage behind the front setback line (at 9.0m from the front boundary). Of note is the size of the building, which was designed to the limit of the required open space.

The application is for a 'pergola' in the same location (in front of the garage, over a driveway) as the carport that was previously applied for in 2013 (but ultimately withdrawn). By definition, a pergola is open space, whilst a carport is not. Therefore, the amount of open space on the site is reduced by this proposal and as a result does not comply with the deemed-to-comply requirement for open space.

#### **6.1 Specific Planning Considerations**

#### 6.1.1 Open Space

As there is a variation to the R-Codes, the design principles P4 of the R-Codes require consideration as follows (emphasis added):

"Development incorporates suitable open space for its context to:

- reflect the <u>existing and/or desired streetscape</u> character...;
- provide access to natural sunlight for the dwelling;
- reduce building bulk on the site...;
- provide an <u>attractive setting</u> for the buildings, landscape, vegetation and streetscape;
- provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and
- provide space for external fixtures and essential facilities."

The following is considered in response to the abovementioned design principle:

- The proposal does not reflect the existing and desired streetscape character, as a streetscape analysis demonstrates that the properties in this block have an average of 72% open space, compared to the proposal on the site of 55% (see Attachment 3).
- An attractive setting for the buildings, landscape, vegetation and streetscape will be provided, due to the open nature of the structure.
- Building bulk will not be reduced, as the additional structure, which features a visually 'heavy' façade, is visible from the street.
- Sunlight to the dwelling will be provided, due to the structure not being located in front of major openings or around outdoor living areas.
- Opportunities for residents to use space external to the dwelling for outdoor pursuits and access within and around the site will be provided, due to the open nature of the structure

 Space for external fixtures and essential facilities for the dwelling will not be affected.

In this instance, it is considered that this section of the proposal does not comply with the design principle, and therefore is not supported by the City.

#### 6.1.2 Carport in the front setback area

Clause 'Carports' (b)(ii) of the Carport Policy requires the following (emphasis added):

"Carports will only be approved forward of the primary street setback under this policy, provided a <u>minimum of five years</u> (5) years has elapsed since the issue of a building licence by the City ...<u>for significant alterations/additions to the dwelling which has resulted in the need for a carport</u> in this location... (and) ...<u>the side</u> facing the street must be left open...

The following <u>setbacks</u> shall be deemed as standard...

- Primary Street Setback 3.5 metres
- Side Boundary 1.0 metres...

The following is considered in response to the abovementioned clause:

- Major additions to the dwelling were constructed five years ago, therefore this
  proposal is eligible for consideration.
- The street side of the carport is proposed to be open in its appearance.
- The proposed primary street setback is 4.2m in lieu of 3.5m (complies).
- The proposed side setback is 1.5m in lieu of 1.0m (complies).

In this instance, it is considered that this section of the proposal complies with the policy, and therefore is supported by the City.

#### 6.2 General Planning Considerations

#### 6.2.1 Preservation of amenity

Scheme clause 5.5.1 (preservation of amenity) states (emphasis added):

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

In response, it is considered that the aspects of this proposal that are not supported by the City will adversely affect the amenity of the surrounding area; and the external appearance of the development is unacceptable (for the aforementioned reasons). Traffic congestion and noise will be typical for residential development.

Accordingly, this section of the proposal is not supported by the City unless suitably modified via recommended conditions.

#### 6.2.2 Orderly and proper planning

Scheme clause 6.5.1 (determination by council) states (emphasis added):

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

In response, the proposal does not comply with Scheme and R-Codes provisions, with discretionary variations which are considered unacceptable (for the aforementioned reasons).

Accordingly, it is considered that this section of the proposal does not represent orderly and proper planning, and is not supported by the City.

#### 7.0 Conclusion

The proposal is for a carport on Browne Street, which has an open space variation to the R-Codes.

The street in which it is proposed to be located in, has good streetscape qualities in terms of buildings being well set back, and large amounts of open space generally. The proposal would be out of character in this streetscape, adversely affect the amenity of the area, and will not represent orderly and proper planning.

Accordingly, the application is recommended to the Council for refusal.

#### 8.0 Attachments

- 1. Plans (survey / site, floor and elevations)
- 2. Photographs of the site and surrounds
- 3. Streetscape analysis

PD31.14	No. 14 (Lot 47) Walba Way Swanbourne –	
	Two Storey Single House & Pool	

Committee	9 September 2014	
Council	23 September 2014	
Applicant	Building Corporation WA Pty Ltd	
Landowner	KT&CA Hogan	
Officer	Mr T L Geddes – Planning Officer	
Director	Peter Mickleson – Director Planning & Development	
Director Signature	1 mobiles	
File Reference	DA2014/153 – WA1/14	

#### 1.0 Executive Summary

This proposal is for two storey dwelling in Swanbourne. The application has been referred to Council for determination as officers do not have the delegation to determine an application under instrument of delegation 6A, where objections have been received and where a discretionary refusal is recommended.

The rear setback to the proposed dwelling is not considered to satisfy the relevant design principles of the R-Codes in relation to building bulk and the impact of the structure upon adjacent properties and the streetscape. The proposed setback is considered to be contrary to the amenity requirements of the Town Planning Scheme due to the external appearance of the development.

As a result, the application is recommended for refusal as it is not considered to be orderly and proper planning.

#### 1.1 Recommendation to Committee

Council refuses the application for a two storey single house at No. 14 (Lot 47) Walba Way Swanbourne, in accordance with the application received on 01 May 2014 and amended plans received on 11 August 2014, for the following reasons:

- 1) the proposal is not considered to meet the design principles of the Residential Design Codes of Western Australia (2013) in relation to cl. 5.1.3 (Lot Boundary Setbacks) due to the bulk impact of the dwelling located in the rear setback;
- 2) the proposal does not comply with the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2 due to the impact of the bulk of the building upon adjacent properties and the streetscape; and
- 3) the proposal does not represent orderly and proper planning, in accordance with of cl. 6.5.1 of Town Planning Scheme No. 2.

#### 1.2 Strategic Plan

KFA: Natural and Built Environment

#### 1.0 Background

Property address		No. 14 (Lot 47) Walba Way Swanbourne (the site)
Lot area		764m <sup>2</sup>
Zoning /	MRS	Urban
Reserve	TPS2	Residential R12.5/20

The subject site has frontages to Walba Way to the west and Clement Street to the south. The subject site adjoins residential sites to the north and east, as depicted in the attached locality plan (**Attachment 1**).

The proposed dwelling is to be set back 7.5m from Clement Street, 2m from Walba Way and is to be set back from the eastern site boundary in accordance with the R-Codes deemed-to-comply requirements. The dwelling is proposed to be set back 1.3m from the northern (rear) site boundary in lieu of 6m as required under the R-Codes deemed-to-comply lot boundary setback requirements. The upper floor of the dwelling is to be located directly above the ground floor within the rear setback.

In addition to the two storey portion of the dwelling being located in the rear setback, the raised rear pool and outdoor living area is proposed to be surrounded by a screen wall which will prevent overlooking, but is considered to impact upon the adjacent residences in relation to the impact of the bulk of the structure (**Attachment 3**).

#### 2.1 Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (TPS2 or Scheme).
- Residential Design Codes of WA 2013 (R-Codes).
- Council Policy Neighbour Consultation.

#### 3.0 Consultation Process

#### 3.1 What consultation process was undertaken?

3.2	How and when was the community consulted?		
Requi	ired by City of Nedlands policy (Neighbour Consultation):	Yes ⊠	No 🗌
Requi	ired by legislation (Scheme / R-Codes):	Yes ⊠	No 🗌

Two (2) storey notification sign:	28 May – 11 June 2014
Community consultation period:	16 July – 30 July 2014
Response:	Two (2) Objections (refer to the submissions section below)

#### 4.0 Budget / Financial Implications

Not applicable.

#### 5.0 Risk Management

Not applicable.

#### 6.0 Discussion

The proposal involves the demolition of the existing development and the construction of a two storey dwelling on the site, as depicted in the submitted plans (**Attachment 2**). In addition, the Applicant's letter describes the proposal in more detail, provides justification for the proposed variation to the lot boundary setback requirements and provides response to the concerns raised by the commenters (**Attachment 4**).

The proposed dwelling is to be set back 1.3m from the northern (rear) property boundary in lieu of 6m as required under the R-Codes lot boundary setback requirements for Residential R12.5 sites. A two storey portion of the dwelling extends into the rear setback area, as well as a screen wall surrounding the raised pool area.

In addition, community consultation has resulted in two objections being received, relating to the impact of the proposed dwelling upon adjacent residences and the loss of ocean views.

The following assessment of the variations is based upon the relevant design principles of the R-Codes in relation to lot boundary setback, namely, the impact of building bulk, the impact of the structure upon the privacy of adjacent properties and the impact of the structure upon access to sunlight and ventilation.

#### **6.1 Specific Planning Considerations**

#### 6.1.1 Wall Setbacks

Under the R-Codes wall setback requirements, a setback of 6m is required to the rear of the dwelling. In this area, minor structures such as pergolas, pools and outbuildings can be supported by the City. The current proposal involves an approximately 7.5m tall, two storey portion of the dwelling to be located 1.3m from the rear boundary in lieu of the 6m listed in table 1 of the R-Codes. In addition, the proposed screening to surround the raised outdoor living area to the rear of the dwelling is also to be set back 1.3m from the rear property boundary. Although this is not a roofed structure, it is considered that this structure will contribute to the adverse impact of the bulk of the proposed dwelling upon adjacent properties.

Development which does not meet the deemed-to-comply requirements of the R-Codes is to be assessed against the Design Principles of the R-Codes to assess whether the performance outcomes have been met. The relevant design principle in relation to lot boundary setback is as follows:

"Buildings set back from lot boundaries so as to:

reduce impacts of building bulk on adjoining properties;

- provide adequate <u>direct sun and ventilation</u> to the building and open spaces on the site and adjoining properties; and
- minimise the extent of <u>overlooking</u> and resultant loss of <u>privacy</u> on adjoining properties."

The following response is provided with regard to an assessment against the listed design principles:

#### 1) Building Bulk

Administration Comment: It is considered that the portion of the proposed dwelling will have a significant negative impact due to the bulk and scale of the proposed dwelling. The proposal involves a 7.5m high blank wall directly adjacent to the adjoining property, where in accordance with the R-Codes deemed-to-comply provisions, a minor outbuilding could generally be expected by neighbours.

The existing dwelling at No. 12 Walba Way has an overall height of 6m, and the garage/carport directly adjacent to the portion of the proposed dwelling located in the rear setback is approximately 3m high. It is considered that the portion of the dwelling in the rear setback will loom large over the adjoining property and have an imposing aspect when viewed from the adjacent properties.

The impact of the bulk of the proposed building is considered to be compounded by the location of an approximately 3m high screen wall set back approximately 1.3m from the rear property boundary. The applicant has raised the argument that the portion of the dwelling located in the rear setback is offset by the raised outdoor living area adjacent to the dwelling. However, due to the screen wall surrounding this area (refer **Attachment 3**), it is considered that the bulk of the dwelling is not offset, and the impact upon neighbours is compounded. In addition, the R-Codes do not provide for the averaging of side and rear boundary setbacks, only the primary street setback.

An objection has also been received which specifically addresses the impact of building bulk upon adjacent dwellings (refer to submissions section below).

#### 2) Access to Sunlight and Ventilation

Administration Comment: The proposed dwelling will not cast shade upon adjoining properties at midwinter as Clement Street is located to the south, and morning sun for adjoining properties is protected as Walba Way is located to the west of the subject site. It is considered that the proposed setback will allow for the provision of adequate ventilation, and the open nature of the lower part of the screen wall will contribute to the ventilation of the property and adjoining sites.

#### 3) Impact upon Privacy

Administration Comment: It is considered that the portion of the dwelling located within the 6m rear setback in order to protect the visual privacy of adjacent

properties. Following an objection in relation to overlooking from the north-western balcony on the upper floor, the applicant has added screening to the northern side of the balcony. In addition, the raised outdoor living area and pool located in the rear setback has been provided with adequate screening.

#### 6.2 General Planning Considerations

#### 6.2.1 Preservation of amenity

Scheme clause 5.5.1 (preservation of amenity) states (emphasis added):

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

In response, it is considered that the proposed rear setback variation will adversely affect the amenity of the surrounding area and will have an effect upon the locality in terms of its external appearance. The proposed dwelling, especially the non-compliant portion of the dwelling in the rear setback, will be highly visible when driving south along Walba Way, and the structure will loom over and dominate the streetscape. Accordingly, the proposed variation to the R-Codes rear setback requirement is not supported by the City.

#### 6.2.2 Orderly and proper planning

Scheme clause 6.5.1 (determination by council) states (emphasis added):

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

In response, the proposal is not considered to comply with the R-Codes Design Principle in relation to the impact of building bulk, and is considered to have an adverse effect upon the amenity of the locality, contrary to clause 5.5.1 of TPS2. The subject site is subject to the R12.5 coding under the Scheme, which requires a 6m rear boundary setback. The proposed dwelling has been designed without regard for these requirements.

Consequently, it is considered that this section of the proposal does not represent orderly and proper planning, and is not supported by the City.

#### 6.3 Submissions

Below is a summary of comments received from the neighbour consultation. The applicant has also provided a response to the issues which were raised by the commenters (refer **Attachment 4**)

Summary of comments received	Officer's technical comment
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Issue: The portion of the dwelling located in the rear setback will block ocean views from adjacent properties.	Access to views are only addressed under the building height requirements of the R-Codes, which are superseded by clause 5.11 of TPS2. From the ground floor of the adjacent property to the east, ocean views would be limited by a standard 1.8m high dividing fence.
Issue: The bulk of the dwelling in the rear setback will negatively impact the adjacent properties.	It is agreed that the area of the dwelling in the rear setback will adversely affect adjacent properties and the streetscape of the locality, as discussed above.
Issue: The proposed north-eastern balcony will negatively impact adjacent privacy.	The applicant has amended the plans to provide screening to the northern face of this balcony in order to protect the privacy of the adjacent neighbours.
Issue: The bulk of the proposed dwelling and the setback from Walba Way will compromise the integrity of the streetscape and is inconsistent with the streetscape of Walba Way.	It is agreed that the portion of the dwelling located in the rear setback will have a negative effect upon the Walba Way streetscape as discussed above.
Issue: The second storey wall (note: onto bedroom 4) does not take into account neighbouring privacy.  Note: A full copy of all relevant consultation for	This bedroom has been set back 9.2m from the northern property boundary, under the R-Codes visual privacy requirements for bedrooms a setback of 4.5m is permitted. It is noted that this window will be capable of viewing the rear garden of the adjacent property, however it does comply with the deemed-to-comply Visual Privacy requirements of the R-Codes (clause 5.4.1).

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

#### 7.0 Conclusion

The proposal for a two storey house and pool at No. 14 Walba Way Swanbourne involves a reduced rear setback to the ground and upper floor which is not considered to meet the intent of the R-Codes design principles, specifically in relation to the impact of the bulk of the structure upon adjacent properties and the amenity of the streetscape and locality.

The applicant's argument that the size and shape of the lot has necessitated the reduced setback to the northern boundary is not accepted, as the lot has existed in its current form since the area was subdivided. In addition, it is not considered that the impact of the rear setback variation has been mitigated by the open outdoor living area, as this area has been surrounded by a wall (refer **Attachment 3**).

It is considered that the proposed dwelling will loom over adjacent properties and will impose upon the streetscape of Walba Way.

Accordingly, the application is recommended to the Council for refusal for the reasons listed in section 1.1 of this report.

#### 8.0 Attachments

- 1. Locality Plan
- 2. Proposal Plans
- 3. Plan Depicting Structures in the Rear Setback
- 4. Applicant Submission

PD32.14	No. 2 (Lot 2) Genesta Crescent Dalkeith –
	Two Storey Single House

Committee	9 September 2014
Council	23 September 2014
Applicant	Atrium Homes
Landowner	Y Kuang,Y Li, T Shen, W Zhang
Officer	Mr T L Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	1 mobiles
File Reference	GE1/2 : DA2014/51

#### 1.0 Executive Summary

This proposal is for a two storey single house with several variations to the planning requirements.

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

The proposal involves reduced setbacks to the eastern and western site boundaries, increased garage width and a reduced visual privacy setback from the upper floor balcony to the adjoining property to the west. It is considered that with regard to the variations to the deemed-to-comply requirements of the R-Codes, the proposal meets the relevant design principles of the R-Codes and is accordingly recommended for approval.

#### 1.1 Recommendation to Committee

Council approves the application for a two storey single house at No. 2 (Lot 2) Genesta Crescent Dalkeith, in accordance with the application received on 13 February 2014 and amended plans received on 30 May 2014, subject to the following conditions:

- 1) the development shall at all times comply with the approved plans;
- 2) the "screen wall" to the eastern side of the proposed balcony as marked in red on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2013 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City;
- all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;

- 4) the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;
- 5) any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;
- 6) all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
- 7) all footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title; and
- 8) the parapet wall shall be finished to a professional standard, to the satisfaction of the City.

#### Advice Notes specific to this approval:

- a) 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;
- a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m² and direct ventilation to open air;
- c) 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;
- d) the landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*;
- e) 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;
- f) removal and disposal of ACM shall be in accordance with *Health* (Asbestos) Regulations 1992, Regulations 5.43 5.53 of the Occupational

Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements;

- g) where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business; and
- h) 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 (2) year period, the approval shall lapse and be of no further effect.

#### 1.2 Strategic Plan

KFA: Natural and Built Environment

#### 2.0 Background

Property address	No. 2 (Lot 2) Genesta Crescent Dalkeith (the site)	
Lot area	403m <sup>2</sup>	
Zoning / MRS	Urban	
Reserve TPS2	Residential R20	

The subject site has frontage to Genesta Crescent to the north, is located adjacent to other residential properties to the east, west and south, as seen in the attached locality plan (**Attachment 1**) below.

In early-2014, the City received an application for a two storey single dwelling on the subject site. As the proposal did not meet several aspects of the deemed-to-comply requirements of the R-Codes, consultation was undertaken with adjoining landowners. Pursuant to the consultation undertaken, the City received one objection to the proposed decreased setback (1.0m proposed in lieu of 1.5m) to the eastern site boundary. The consultation relating to the remaining variations to the deemed-to-comply requirements of the R-Codes received no response.

#### 2.2 Legislation / Policy

- Planning & Development Act 2005 (the Planning Act).
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2 or Scheme).
- Residential Design Codes of WA 2013 (R-Codes).
- Council Policy Neighbour Consultation.

#### 3.0 Consultation Process

#### 3.1 What consultation process was undertaken?

Required by legislation (Scheme / R-Codes):	Yes 🖂	No 🗌
Required by City of Nedlands policy (Neighbour Consultation):	Yes 🖂	No 🗌

#### 3.2 How and when was the community consulted?

Two (2) storey notification sign:	26 February – 12 March 2014	
Community consultation period:	4 June – 18 June 2014	
Response:	One objection	

#### 4.0 Budget / Financial Implications

Not applicable.

#### 5.0 Risk Management

Not applicable.

#### 6.0 Discussion

The proposal involves construction of a two storey house on the site, as depicted in the submitted plans (**Attachment 2**). In addition, the Applicant's letter describes the proposal in more detail and provides (**Attachment 3**).

Variations to the planning requirements are as follows:

- a) The wall section from the theatre to ensuite 2 on the eastern side of the ground floor is proposed to be set back 1.0m from the lot boundary in lieu of 1.5m:
- b) The wall section from the porch/entry to the stairwell has been set back 1.2m from the western site boundary in lieu of 1.5m;
- c) The proposed balcony has not been set back or screened to prevent overlooking of the adjacent property to the west (No. 2a Genesta Crescent);
- d) The proposed garage door (and supporting structures) has a width equal to 50.8% of the property frontage in lieu of 50%;

Community consultation was undertaken in relation to the above issues and the City received one response, objecting to the proposed reduced setback to the eastern site boundary. The objection that was received related to the impact of the proposed variation upon the privacy of adjacent properties, the proposed dwelling blocking late afternoon sun to adjacent properties.

The following assessment of the proposed variations to the planning requirements is based upon the relevant design principles of the Residential Design Codes of Western Australia (2013).

#### 6.1 Specific Planning Considerations

#### 6.1.1 Visual Privacy

**Proposed Variation**: The proposed balcony has not been set back or screened to prevent overlooking into the property to the west (2a Genesta Crescent).

#### **Administration Comment:**

The proposed balcony primarily overlooks the primary street setback of the adjacent property and otherwise overlooks the eastern side of the dwelling at 2a Genesta Crescent. This section of the adjacent property comprises the garage, highlight windows onto the upper floor retreat room and the side of the balcony on the adjoining property. The adjacent balcony is considered to be the secondary outdoor living area of this dwelling, and the proposal has been designed to protect the privacy of the adjacent primary outdoor living area (the rear alfresco area). Planning applications for both 2 and 2a Genesta Crescent were received concurrently and both property owners are aware of the nature of the dwellings proposed on the adjacent properties and have no objection to the proposed variation. The balcony will also provide passive surveillance into the approach to the adjacent dwelling.

#### 6.1.2 Wall Setbacks

Design principle 5.1.3 of the R-Codes requires the following (emphasis added):

"Buildings set back from lot boundaries so as to:

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

The above design principles have been considered when assessing the proposed variations to the lot boundary setback requirements of the R-Codes.

**Proposed Variation**: The wall section from the theatre to ensuite 2 on the eastern side of the ground floor is proposed to be set back 1.0m from the lot boundary in lieu of 1.5m.

#### **Administration Comment:**

#### 1) Building bulk

Administration Comment – The wall section is single storey and it is considered that the other walls of the dwelling have been set back and articulated to ameliorate the impact of the bulk of the dwelling. It is not considered that the non-compliant portion of the ground floor wall will have a significant effect upon the use and enjoyment of the adjacent property.

#### 2) Sunlight and ventilation access

Administration Comment – The proposed 1m setback to the side boundary provides adequate clearance for ventilation to both properties. The shadow cast by the wall section which does not meet the deemed-to-comply requirements of the R-Codes is less than that cast by the upper floor walls which are set back in accordance with these requirements. In addition, due to the orientation of the lots, the shadow cast by this wall at midwinter will not overshadow the adjacent property.

#### 3) Overlooking and privacy loss

Administration Comment – As the proposed wall section is to be located on the ground floor of the property, the windows onto the living areas along this property boundary will be sufficiently screened by the dividing fence between the two properties.

In relation to this variation, the applicant has provided further justification (refer to **Attachment 3**) and images depicting the impact of the proposed dwelling upon the adjacent property in relation to overshadowing and the impact of building bulk.

**Proposed Variation**: The wall section from the porch/entry to the stairwell has been set back 1.2m from the western site boundary in lieu of 1.5m;

#### 1) Building Bulk

Administration Comment – As the proposed wall section abuts a garage boundary wall on the adjacent property, it is not considered that the proposed single storey entryway to the property will have an adverse impact upon the adjacent property.

#### 2) Sunlight and ventilation access

Administration Comment – Due to the orientation of the lots, and the location of a boundary wall directly abutting the proposed wall, there will be no loss of sunlight to active habitable spaces or major openings on the adjacent property.

#### 3) Overlooking and privacy loss

Administration Comment – The proposed wall section does not contain any habitable rooms or active habitable spaces and so is not considered to adversely affect the adjacent property in relation to its impact upon privacy. In addition, as this wall section abuts a boundary wall located at No. 2a Genesta Crescent, it is considered that the impact upon the privacy of the adjoining site will be minimal.

#### 6.1.3 Garage Width

**Proposed Variation**: The proposed garage is to have an overall width of 50.8% of the property frontage in lieu of 50%.

Design principle 5.2.2 of the R-Codes requires the following:

 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.

#### **Administration Comment:**

It is considered that the proposed dwelling has been designed to provide connectivity between the streetscape and the dwelling due to the location of the balcony above the garage and the location of the visible main entryway to the dwelling directly adjacent to the garage. The proposed variation is considered to be minor in nature and primarily the result of the 12m wide frontage of the site. It is considered that the effect of the proposed variation to the deemed-to-comply requirements of the R-Codes will not have a significant effect upon the surrounding streetscape and should therefore be supported.

#### 6.3 Submissions

Below is a summary of comments received from the neighbour consultation, which have been taken into account in the Discussion section of the report. The objection received related to the ground floor wall section (Theatre-Ensuite 2) which is proposed to be set back 1.0m from the eastern site boundary in lieu of 1.5m.

Summary of comments received	Officer's technical comment	
Issue: Sunlight Access The proposed dwelling will block late afternoon sunlight to adjoining properties.	Any shadow cast by the non-compliant portion of the ground floor wall is less than that cast by the upper floor walls which are set back in accordance with the R-Codes deemed-to-comply requirements. The R-Codes and City of Nedlands Policies do not directly address the protection of late afternoon sun access and are primarily concerned with the protection of sunlight access at midwinter, at which time, the adjacent property will not be overshadowed by the proposed dwelling.	
Issue: Privacy Impact By being located close to the boundary, the proposed dwelling will compromise the privacy of adjoining properties.	The major windows onto the non-compliant portion of the ground floor wall are able to be screened by a standard dividing fence, and the windows to the upper floor have been designed to protect the privacy of adjoining properties.	
Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.		

#### 7.0 Conclusion

It is considered that the proposed dwelling satisfies all of the listed design principles of the R-Codes in relation to the proposed variations to the deemed-to-comply requirements.

Access to direct sunlight and ventilation for the habitable areas of both sites is maintained due to the orientation of the dwelling and the impact upon the visual privacy of the adjacent property (No. 2a Genesta Crescent) has been minimised and agreed to by both parties. The privacy the site to the east of the subject site is maintained as any major windows are screened by the dividing fence. With regard to the impact of building bulk upon adjoining properties it is considered that the wall sections which do not meet the deemed-to-comply setback requirements of the R-Codes will have a minimal impact upon adjacent sites due to the single storey nature.

Accordingly, the application is recommended to the Council for approval with conditions.

#### 8.0 Attachments

- 1. Locality Plan
- 2. Proposal Plans
- 3. Applicant's Submissions

PD33.14	Proposed Scheme Amendment No. 199 –	
	Omnibus changes to the City of Nedlands	
	Town Planning Scheme Number 2	

Committee	9 September 2014
Council	23 September 2014
Officer	Peter Mickleson – Planning & Development
Director	Peter Mickleson – Planning & Development
Director Signature	1 mobiles
File Reference	TPN/A 199
Previous Item	Item 9.1 February 2013

#### 1.0 Executive Summary

The purpose of this report is to recommend to Council to formally initiate proposed Scheme Amendment No. 199. The purpose of the omnibus amendment is to make various corrections to Town Planning Scheme No. 2 in order to address inconsistencies in the scheme, and protect/enhance the "garden city" character of Nedlands. This amendment should be regarded as an interim measure pending the approval of Town Planning Scheme No. 3.

The structure of this proposed amendment is relatively complex and the attachments may appear repetitive. They should be read as follows:

This Council report is a summary of the changes contained in the proposed omnibus amendment and is seeking Council approval to formally initiate the process of amending Town Planning Scheme No. 2. Council's original resolution is attached (**Attachment 1**).

The Proposed Scheme Amendment 199 (**Attachment 2**) is the formal document that the Council would forward to the West Australian Planning Commission (WAPC). It is written in the format required by the WAPC and includes "justifications" for each change proposed. This document will be used for the public consultation and it is expected that submitters would indicate agreement with or seek changes to the content of this document. Therefore the final form of this document is likely to change, as a result of submissions, before Council resolves to adopt it as the proposed scheme amendment and forward it to the WAPC for approval.

**Attachment 3** is a full copy of Town Planning Scheme No. 2 (TPS 2) with additions to the document shown as <u>underlined text</u> and deletions from the document shown as <u>strikethrough text</u>. This attachment is for information only to help identify all the changes to the TPS 2 document without any explanatory notes.

#### 1.1 Recommendation to Committee

#### Council:

- 1. initiates the proposed omnibus scheme amendment;
- 2. instructs the Chief Executive Officer to make any minor typographical changes required to ensure the text and maps are aligned; and
- 3. instructs the Chief Executive Officer to progress the proposal in accordance with the requirements of the relevant legislation.

#### 1.2 Strategic Community Plan

KFA: Natural and Built Environment KFA: Governance and Civic Leadership

#### 2.0 Background

The scheme which currently applies to the City of Nedlands, Town Planning Scheme No. 2, has been in existence since 1985.

Despite numerous attempts to update the Scheme it has to date not been possible to finalise a revised Town Planning Scheme No. 3.

In order to bring the Scheme more into line with the Model Scheme Text and Residential Design Codes, and to address existing inconsistencies within the scheme, as well as protect and enhance the "garden city" character of the City, there is a desire to make changes to Town Planning Scheme No. 2.

#### 2.1 Key Relevant Previous Council Decisions

Council at its meeting on 26 February 2013 resolved to make various changes to Town Planning Scheme No. 2 (**Attachment 1**). This resolution forms the basis of this proposed omnibus scheme amendment, although a number of subsequent changes have also been incorporated into this omnibus amendment.

#### 2.2.1 Proposal Detail

The omnibus scheme amendment proposes numerous changes (Attachment 2).

The proposed changes have also been incorporated into a draft format of the current Town Planning Scheme No. 2 in order to provide the context within which the amendment is proposed (**Attachment 3**).

The location of the proposed changes within the proposed draft scheme are also indicated in the table below for ease of reference. The changes are discussed throughout this report using the chronological order in which each amendment appears in the scheme:

Proposed change	Location of proposed
	change in the draft TPS
	2 documents

	1
Introducing an overarching statement in the interpretations to explain the meaning of terms used in the scheme.	Clause 1.8 page 6
A change in the wording for condition ii) of the definition of	Clause 1.8 page 8
Home Business.	
Provisions to regulate the rental of car bays on private land	Clause 1.8 page 9
Limiting the size of a sign for Home Businesses to no more than 0.2m <sup>2</sup> .	Clause 1.8 page 9
Defining "Landscaping".	Clause 1.8 page 10
Deletion of the definition of "Mean Natural Ground level".	Clause 1.8 page 11
Inserting a definition for "Public Purpose".	Clause 1.8 page 12
Inserting a definition for "Residential Design Codes".	Clause 1.8 page 12
Amending the definition of "Shop".	Clause 1.8 page 13
Inserting a definition for "Showroom".	Clause 1.8 page 13
Imposing development standards in regard to setbacks,	Clause 2.3 page 15
landscaping and car parking on Reserved Land.	
Amending the Use Class Table so that:	Table 1 pages 17,18,19
a) The use of "Public Purpose" is introduced as a	
discretionary use in all zones.	
b) The permissibility of the following uses is changed in the development zone:	
i) uses that become "uses that are not permitted"	
(from previously being discretionary uses):	
Auction Mart, Betting Shop, Car Wash Station,	
Child Care Day Care Centre, Cinema/ theatre,	
Club Premises, Funeral Parlour, Health Studio,	
Hire service, Lunch Bar, Market, Milk Depot,	
Motel, Night Club, Office-general, Office-	
professional, Office-service, Public Assembly,	
Public Worship, Reception Lodge, Service	
Station, Shopping Centre, Showroom, Tavern, Trade Display;	
ii) uses that become discretionary uses (from	
previously being not permitted): Kennels; and	
iii) uses that become incidental uses (from	
previously being discretionary uses):	
Restaurant, Shop.	
c) Multiple dwellings become a discretionary use in the	
following zones: Office, Retail shopping,	
Office/Showroom.	
Inserting maps in the scheme that illustrates applicable front	, , , <del>,</del>
setback requirements.	& Appendix IV – Front Setbacks pages 76.81
Inserting greater setback requirements from all boundaries	Setbacks pages 76-81 Clause 5.3.3 (b) page 24
for lots that are greater than 800m <sup>2</sup> in area and have a	Clause 5.5.5 (b) page 24
frontage of 15m or more.	
Relocating the setback provisions for carports and minor	Clause 5.3.3 (c) page 24
structures (previously clause 5.6.2) to a new clause that	& removal of clause 5.6.2
imposes the various setback provisions.	page 31

Clarifying the method to calculate the building height of lots 52-56 and lot 60 in the subdivision formerly known as the Swanbourne High School.	Clause 5.3.11 (a)(b) & (e) page 26
Inserting a provision to require that every dwelling shall provide a minimum of two covered car spaces.	Clause 5.3.12 page 26
Inserting a provision that prescribes minimum amounts of landscaping requirements for all residential development.	Clause 5.3.13 page 26
Inserting a provision that prescribes minimum amounts of landscaping for all development other than residential development.	Clause 5.4.2 (b) page 27
Deleting and amending a provision that permits a nil setback to the boundary for the street reservation of Stirling Highway for properties located along Stirling Highway.	Table II page 28 Note 4 Table III page 29 Note 2
Inserting additional provisions for the Controlled Development Areas to allow some variation to the minimum 7.5 setback requirement and require a 10m setback from boundaries abutting the Swan River.	Clause 5.10.3 (c) & (d) page 34
Rewording of the existing building height provisions to clarify the method used in calculating building height.	Clause 5.11 page 34
Inserting a provision to govern contributions to public art.	Clause 5.17 page 36
Inserting a provision to control minimum floor levels above flood heights for habitable rooms.	Clause 5.18 page 37
Inserting a provision that permits taller buildings adjoining Stirling Highway if specified conditions are satisfied.	Clause 5.19 page 37
Inserting a provision to require on—site electricity generation for new residential development.	Clause 5.20 page 37
Inserting a new clause that specifies which type of development is exempt from obtaining planning approval.	Clause 6.1.1 (b) page 39 and appendix VII pages 122-124
Removing the current restrictions that imposes an age restriction on the occupants of developments in situations where a second dwelling has been permitted as an additional use.	Schedule 1 – Additional uses page 47-53
Inserting a change to carport setbacks from 3m to 6m on Rochdale Road.	Appendix V page 92
<ul> <li>Amending the Dalkeith Special Control Area Provisions by:</li> <li>removing a conflict between two clauses in order to provide the ability to vary the setback provisions in this area;</li> <li>defining Universal Access;</li> <li>removing the word "draft" from the maps.</li> </ul>	Appendix VI – Clause 1.5 page 102 Clause 2.5 page 104 Clause 2.8 (b) page 106 Maps pages 117-121

### 2.2 Legislation / Policy

- Planning and Development Act 2005.
- Metropolitan Region Scheme.
- State Planning Policy 3.1: Residential Design Codes.
- City of Nedlands Town Planning Scheme No. 2.

 Stirling Highway Redevelopment Project- Final Draft Special Control Area Provisions.

#### 3.0 Consultation Process

#### 3.1 What consultation process was undertaken?

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

Public consultation is required once Council has initiated this proposed amendment to Town Planning Scheme No. 2 and a favourable response is received from the Environmental Protection Agency. The minimum period of advertising is for 42 days.

#### 4.0 Budget / Financial Implications

All costs associated with this first stage of the amendment can be paid from budgeted funds.

#### 5.0 Risk Management

The proposed scheme amendment updates the scheme, and brings it closer to the requirements of the *Planning and Development Act 2005.* 

#### 6.0 Discussion

From the council resolution of 26 February 2013 there are 29 proposed changes to the scheme. These provide the content of this proposed scheme amendment.

Although most of the 29 proposed changes are minor as they amount to streamlining the scheme, there are a number of proposals that represent a shift in the philosophy that currently underpins the scheme.

Each proposed change and its implications as well as how it relates to the council resolution that has triggered this initiative is discussed below.

The resolution also identified three (3) actions which could not be addressed.

#### 6.1 Proposed Amendments to Town Planning Scheme No 2

## 6.1.1 Introducing an overarching statement in the interpretations to explain the meaning of terms used in the scheme (Clause 1.8 page 6)

This change is proposed in order to minimise the scope for ambiguity when interpreting the scheme.

## 6.1.2 Changing the wording for condition ii) of the definition of Home Business. (Clause 1.8 page 8)

The proposed change involves replacing the word "will" with "does". The rationale for this change is to bring this condition in line with all the other conditions relating to Home Business.

### 6.1.4 Provisions to regulate the rental of car bays on private land. (Clause 1.8 page 9)

Point 7 of the Council resolution flags the requirement that rental of car bays on private land should require planning approval. The rationale for these proposed provisions is to regulate a recent practice where property owners in areas of high parking demand within the City have let car parking spaces located on their residential land to day visitors to the area.

## 6.1.5 Limiting the size of a sign for the Home business to not more than 0.2m<sup>2</sup>. (Clause 1.8 page 9)

The intent of this provision is to specify an acceptable size for a sign for a home business. It is motivated by the desire to restrict visual clutter in residential areas. The proposed limitation on the size of the sign aligns with the limitations on the size of a sign imposed for Home Occupations. Inclusion of a provision of this nature in the scheme provides clarity and certainty which is desirable.

#### 6.1.6 Defining "Landscaping". (Clause 1.8 page 10)

Point 2 of the Council resolution flags the desire to achieve the "garden suburb" character of the City, and places much emphasis on landscaping, which in turn has triggered the need to define this term for clarity.

With the increased emphasis from this proposed scheme amendment on landscaping it is proper that an appropriate definition of the term is provided.

## 6.1.7 Deletion of the definition of Mean Natural Ground Level. (Clause 1.8 page 11)

The existing provision is confusing and has resulted in SAT reviews. As this scheme amendment proposes changes to the provisions that determine height calculations the current definition is no longer required.

#### 6.1.8 Inserting a definition for "Public Purpose". (Clause 1.8 page 12)

Point 6 of the Council Resolution flags the need to limit the uses around the Shenton Park Waste Water Treatment Plant.

The majority of the land referred to in the resolution is zoned "Public Purpose" under the Metropolitan Region Scheme, which is administered at State Planning level and would not be affected by a definition in a local planning scheme.

There are also some "Public Purpose" reservations under the local scheme, most notably for cemetery, government, schools and recreation. A definition of the type of

activities that are permissible for these reservations would provide clarity for the uses on the land surrounding the Waste Water Treatment Plant in the Lemnos/Bedbrook/Selby Street area.

### 6.1.9 Inserting a definition for "Residential Design Codes". (Clause 1.8 page 12)

Since being introduced the codes have had a number of title changes. Due to the age of the scheme, it refers to earlier titles of the codes. With this proposed amendment the codes are referred to by their current title. The purpose of the proposed definition is to provide clarity.

#### 6.1.10 Amending the definition of "shop". (Clause 1.8 page 13)

The existing definition was current many years ago before a distinction was made between a shop and showroom. With the introduction of a definition for showroom, it is necessary to amend the existing shop definition in order to prevent a conflict within the scheme.

The proposed definition aligns with the wording in the model scheme text.

#### 6.1.11 Amending the definition of "showroom". (Clause 1.8 page 13)

The scheme currently does not define the term "showroom" but provides for it in the use class table. Including this definition addresses a shortfall in the current scheme. The proposed definition aligns with the wording in the model scheme text.

## 6.1.11 Impose development standards in regard to setbacks, landscaping and car parking on Reserved Land. (Clause 2.3 page 15)

Point 7 of the Council resolution flags the desire for guidelines to regulate development on all land reserved under the Scheme. The objectives of the controls are to encourage development that is set in a park like environment applying generous setback and landscaping requirements and requiring that the parking needs of each development is fully provided for on-site.

Local scheme reserves are different from land reserved under the Metropolitan Region Scheme. While this provision will impact on a handful of lots that are local reserves it will not limit the development on the public purpose land located in the Lemnos/Bedbrook/Selby Street area, because this land is reserved under the Metropolitan Region Scheme and is not subject to a local scheme.

The proposed setback requirement of 20m from a street boundary and 5m from any other boundary will not necessarily affect development potential as these proposed setbacks are discretionary.

#### 6.1.12 Amending the Use Class Table. (Table 1 pages 17, 18, and 19)

Point 6 of the Council resolution provides that a number of changes should be made to the Use Class Table of the scheme.

These changes can be classified into the following three categories:

- 1) Introducing "Public Purpose" as a use and making it a use that is discretionary in all zones.
- 2) Increasing the number of uses that are not permitted in the Development Zone to protect the investment in the Shenton Park Waste Water Treatment Plant.
- 3) Increasing the number of zones where multiple dwellings can be considered for approval.

The objective of the first two changes is to ensure that the uses permitted in the Development Zone are restricted to an institutional nature.

The last proposed change will allow for mixed use development.

Formalising "Public Purpose" as a use in the use class table provides greater certainty and clarity and allowing for it to occur in all zones means essential public uses can be considered on their merits in any location.

Limiting the uses of land zoned "Development" will constrain the potential of this land. The amendment proposes to make the office uses a prohibited use on land zoned "Development".

Permitting multiple dwellings in various zones helps to address housing diversity throughout the City.

## 6.1.13 Inserting maps in the scheme that illustrate applicable front setback requirements. (Page 24 and Appendix IV page 76-81)

Point 2 of the council resolution flags the desire to introduce additional setback requirements for certain types of lots (larger than 800m2 with a minimum 15m frontage). The intent of these provisions is to achieve a built form that leaves space for landscaping and encourages the preservation of existing mature vegetation that commonly occurs in the front setback areas.

Accommodating this aspect of the resolution includes incorporating maps into the scheme that graphically illustrate front setback requirements throughout the City. These maps are intended to support the proposed setback provisions in the scheme.

## 6.1.14 Inserting greater side setback requirements for lots that are greater than 800m<sup>2</sup> in area and have a frontage of 15m or more. (Clause 5.3.3(b) page 24)

Point 2 of the Council resolution flags that greater setbacks than those specified in the Residential Design Codes are required for lots larger than 800m<sup>2</sup>. The rationale supporting this proposal is to provide increased privacy between adjoining large homes, reduce over-shadowing, encourage more open space and increase the potential for green landscaping on large lots.

Front and rear setbacks remain largely as presently required but without any variations permitted.

## 6.1.15 Relocating the setback provisions for carports and minor structures (previously clause 5.6.2) to a new clause. (Clause 5.3.3 (c) page 24)

Point 2 of the Council resolution proposes that carports within the front setback area should not be permitted for new developments. The rationale for this proposal is to ensure that front setback areas as far as possible remain free of development so that these areas can contribute to greening the streetscape.

The proposed change strengthens the existing provisions. In order to incorporate this proposal into the logical sequence of the scheme requires minor changes to the layout of the scheme.

## 6.1.16 Clarifying the method to calculate the building height of lots 52-56 and lot 60 in the subdivision formerly known as the Swanbourne High School. (Clause 5.3.11 page 26)

The wording of the current provision of clause 5.3.11 is unclear and open to interpretation. The purpose of the proposed changes is to eliminate the ambiguity in order to provide clarity in regards to the intent of the provision.

The proposed changes to this provision aligns with the decision made by SAT in regards to building height calculations for these lots.

### 6.1.17 Inserting a provision to require that every dwelling shall provide a minimum of two covered car spaces. (Clause 5.3.12 page 26)

Point 2 of the council resolution proposes this change to the scheme. The rationale for this proposal is to ensure that adequate storage space is provided for dwellings not only to accommodate wheeled vehicles but also boats, trailers and other goods thereby relieving pressure on public roads.

## 6.1.18 Inserting a provision that compels that minimum amounts of landscaping is provided for all residential development. (Clause 5.3.13 page 26)

Point 2 of the Council Resolution proposes an additional provision in the scheme to require landscaping for new residential development. The objective of this provision is to retain the amount of greenery in City of Nedlands.

The proposed provision for landscaping can be provided within the open space requirements under the Residential Design Codes, and it complements this requirement.

## 6.1.19 Inserting a provision that compels a minimum amount of landscaping for all development other than residential development. (Clause 5.4.2 (b) page 27)

Point 3 of the Council Resolution proposes a complementary provision in the scheme to require a minimum amount of landscaping for non-residential development. Similar to the provision for residential development the objective of this provision is to retain the amount of greenery in the City of Nedlands.

The proposal for a minimum amount of landscaping for non-residential development is a standard provision in many schemes and an appropriate method to ensure that non-residential development is compatible with adjoining residences.

## 6.1.20 Deleting and amending provisions that provide a nil setback and building height controls along Stirling Highway. (Table II and III pages 28 and 29 and Clause 5.19 page 37)

The introduction of a 9 metre setback and performance based provisions for additional building heights along Stirling Highway is in order to encourage sizeable developments that will be able to deliver the built form required for a "Kings Park Road" environment. The revised provisions allow increased heights under certain circumstances. The proposed vision of Stirling Highway as a "Kings Park Road" is significantly different from the manner in which properties along Stirling Highway have developed since the introduction of Town Planning Scheme No. 2 in 1985. To accommodate this vision it is therefore necessary to make adjustments, such as to Tables II and III, to require additional front setbacks.

# 6.1.21 Inserting additional provisions for the Controlled Development Areas to allow some variation to the minimum 7.5 setback requirement and require a 10m setback from the boundary abutting the Swan River. (Clause 5.10.3 page 34)

Point 3 of the council resolution identifies the need for limited discretion in relation to the 7.5m rear setback requirement that applies in the Controlled Development Areas and consolidation of the 10m setback from boundaries that adjoin the River required by the Swan River Trust.

The objective of these provisions is to allow flexibility and ensure that the scheme aligns with the provisions of other legislation that applies.

## 6.1.22 Rewording of the existing building height provisions to clarify the method of calculating building height. (Clause 5.11 page 34)

Point 3 of the resolution flags the need to change the definitions relating to building heights. The purpose of the change is to ensure that a development follows the contours of the land rather than creating an artificial height limit that is independent of the slope of a lot.

The proposed provision also removes the current emphasis on measuring height in storeys and proposes that height is measured only in metres.

## 6.1.23 Inserting a provision to govern contributions to art. (Clause 5.17 page 36)

Point 3 of the resolution flags the desire to introduce provisions that will compel all developments other than single residential developments to contribute to the City's public art. While the resolution indicates that the contribution should be equivalent to 1% of the total value of the development, from subsequent discussions with elected members it is considered that the wording of "up to 1%" would be more appropriate.

An increase in the City's public art will increase the amenity within the City by adding interest and legibility. This is a new requirement in the scheme. Similar provisions for development contributions to enable the provision of community facilities, including public art, exists in numerous planning schemes in WA.

A local planning policy will be required to support this new provision.

## 6.1.24 Inserting a provision to control minimum floor levels for habitable rooms. (Clause 5.18 page 37)

Point 7 of the resolution flags the need to specify minimum floor levels for habitable rooms. Given the City's extensive water frontages, the purpose of this provision is to be proactive in relation to the risks associated with rising sea levels.

## 6.1.25 Inserting a provision to require on-site power generation for every new dwelling. (Clause 5.20 page 37)

Point 7 of the resolution flags that the scheme should mandate that every new dwelling is required to generate renewable on-site power at a minimum capacity of 1.5kW. The purpose of this provision is to encourage sustainable living and reduce the number of power lines within the City.

### 6.1.26 Inserting a new clause that specifies which type of development is exempt from obtaining planning approval. (Clause 6.1.1 page 39)

Point 5 of the resolution identifies the need to introduce a provision into the scheme to exempt certain development from the need for planning approval. The purpose of this provision is to provide property owners with more freedom in relation to low risk development.

The proposed list of exemptions also provides guidelines on what is deemed to be acceptable advertising signs. These guidelines are proposed to be incorporated into the scheme as a planning policy.

## 6.1.27 Removing the current restrictions that imposes an age restriction on the occupants of developments where a second dwelling is permitted as an additional use. (Schedule 1 pages 47-53)

In the timeframe 1990-2000 Council had a policy that allowed the subdivision of single residential properties into a number of lots (mostly two (2)) where the new lots are proposed to be used for aged persons' accommodation. To secure this limitation the zoning of the relevant lot was changed to include an additional use to the existing zone of the lot. There are 35 properties so zoned. The additional use stipulates that the

dwellings are restricted to being used for senior persons' accommodation only, and in some instances the relevant titles have also been endorsed.

The effect of the current restriction is that it limits the market for these properties. The amendment is proposed given that the built form remains the same whether a property is limited for aged accommodation or used as a grouped dwelling.

## 6.1.28 Amending the setback for carports fronting Rochdale Road from 6m to 3m. (Appendix V page 92)

Point two of the Council resolution proposed that carports in the front setback should not be permitted for new development. Therefore a change to the Detailed Area Plan in Rochdale Road is required to ensure new carport developments are not within the front setback.

#### 6.1.29 Amending the Dalkeith Special Control Area Provisions by:

- removing a conflict between two clauses in order to provide the ability to vary the setback provisions in this area;
- defining Universal Access; and
- removing the word "draft" from the maps (Appendix VI page 102 Maps pages 117-121).

Point 1 of the resolution identifies the need to correct the three items of scheme amendment 192 listed in the heading above. These changes will ensure that the provisions can operate in the manner in which they were intended in the future.

Scheme amendment 192 was brought into the scheme in April 2012 as Appendix VI. The above items are errors that were inadvertently made in the process of the scheme amendment.

#### 6.2 Other Matters from the Council resolution

The council resolution also flags the following two matters that have not been addressed as part of this scheme amendment.

- Point 1 of the resolution: Investigate options for provision of public access to the proposed rear lane way north of Waratah avenue;
- Point 7 of the resolution: incorporate enabling legislation to facilitate web based processing of development applications.

The first item can be addressed as part of the development approval process by ensuring public access is provided as the laneway is implemented.

The second item was not included in the scheme amendment because it is an operational matter, which can be implemented as technology permits, without affecting the requirements of the scheme.

#### 7.0 Conclusion

The proposed scheme amendment recommends numerous changes to Town Planning Scheme No. 2.

Most of these proposed changes will assist with improving the administration of the scheme.

Some of the changes, especially those relating to large residential lots, aim to retain the green and spacious character of the City. Others acknowledge Government policy to increase development density along Stirling Highway, encourage mixed use in commercial zones, and reduce restrictions on the use of ancillary accommodation. Changes to permitted uses in the Development Zone are to protect investment in the Shenton Park Waste Water Treatment Plant from encroaching development.

Whether such changes are acceptable, both at state planning level and the community will become clear through the public consultation process.

To gauge the level of support for the changes it is recommended that the proposal be adopted for advertising purposes so that the process can progress to the public consultation stage.

#### 8.0 Attachments

- 1. Council Resolution 26 February 2013
- 2. Proposed Scheme Amendment 199
- 3. Draft Town Planning Scheme No. 2 showing changes as proposed by this Omnibus Amendment

PD34.14	Draft Local Planning Policy - Ancillary	
Accommodation		

Committee	9 September 2014
Council	23 September 2014
Applicant	City of Nedlands
Officer	Christie Downie – Sustainable Planning Officer
Director	Peter Mickleson – Planning & Development
Director Signature	1 mobiles
File Reference	TPN/165: PLAN-LPP-00002
Previous Item	PD11.14 – 22 April 2014
	PD27.14 – 22 July 2014

#### 1.0 Executive Summary

The proposed Local Planning Policy is recommended to clarify the interpretation of the term 'related' in Clause 5.3.4 (d) of Town Planning Scheme No. 2. Clause 5.3.4 (d) relates to the restrictions imposed by the Scheme on Ancillary Accommodation.

This item was considered by Council at the Committee meeting of 8 July 2014, but withdrawn for further refinements prior to the Council meeting of 22 July 2014.

The purpose of this report is for council to adopt this Local Planning Policy (Attachment 1).

#### 1.1 Recommendation to Committee

#### Council:

- 1. adopts the proposed Draft Local Planning Policy Ancillary Accommodation: and
- 2. instructs Administration to finalise the policy in accordance with Clause 8.3.5 of Town Planning Scheme No. 2.

#### 1.2 Strategic Community Plan

KFA: Natural and Built Environment KFA: Governance and Civic Leadership

#### 2.0 Background

Clause 5.3.4 of the City of Nedlands Town Planning Scheme No. 2 prescribes additional provisions for Ancillary Accommodation to residential dwellings in the City of Nedlands.

Clause 5.3.4 (d) imposes the restrictions that 'the Ancillary Accommodation will be occupied by a person related to the persons occupying the remainder of the dwelling'. The term 'related' is somewhat ambiguous. It is appropriate for Council clarify how Clause 5.3.4 (d) will be interpreted.

## 2.1 Key Relevant Previous Council Decisions

The proposed Local Planning Policy – Ancillary Accommodation was adopted for the purposes of public consultation by Council in April 2014. As a result of this resolution, public consultation of the draft Local Planning Policy was carried out in accordance with Town Planning Scheme No. 2.

A report to adopt the draft Local Planning Policy was considered at the Committee Meeting of 8 July 2014, but withdrawn prior to the Council Meeting of 22 July 2014 for further refinements by Administration.

## 2.2 Legislation / Policy

City of Nedlands Town Planning Scheme No. 2.

Clause 5.3.4 of the City of Nedlands Town Planning Scheme No. 2 prescribes additional provisions for Ancillary Accommodation to residential dwellings in the City of Nedlands.

Clause 5.3.4 (d) imposes restrictions on the person/s permitted to occupy an ancillary accommodation being "... a person related to the person occupying the remainder of the dwelling".

#### 3.0 Consultation Process

## 3.1 What consultation process was undertaken?

The public consultation of the draft Local Planning Policy was carried out in accordance with Clause 8.3.2 of Town Planning Scheme No. 2.

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

## 3.2 How and when was the community consulted?

Notice of the proposed Local Planning Policy was published in the Post Newspaper for three consecutive weeks (9 May, 16 May and 23 May 2914) and remained open for comment for a further 21 days.

A notice and copy of the draft Local Planning Policy was also available on the City's website.

One submission was received. The comments made in the submission are based on other restrictions in Town Planning Scheme No. 2, and are not applicable to this draft Local Planning Policy.

## 4.0 Budget / Financial Implications

Within current approved budget:	Yes ⊠	No 🗌
Requires further budget consideration:	Yes □	No $\boxtimes$

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

## 5.0 Risk management

This proposal does not pose any risk to the quality of living in the City and provides clarification of Council's interpretation of a scheme clause.

## 6.0 Discussion

## The objective of the proposed policy

Provisions that allow for Ancillary Accommodation on residential properties exist in the Residential Design Codes 2013 and Town Planning Scheme No 2. One of the additional provisions in the City's Town Planning Scheme No 2 restricts the use of the ancillary accommodation to "...a person related to the person occupying the remainder of the dwelling".

The term 'related' is open to interpretation. Clarification of how the City will interpret Clause 5.3.4 (d) is appropriate.

In this context the Local Planning Policy proposes that 'related' should include persons that have:

- a family relationship with the occupants of the main dwelling; and
- an association or connection derived from meeting a need (other than financial) of the occupant/s of the main dwelling.

This interpretation does not include any association or connection between the occupants of the main dwelling and the ancillary accommodation that is of a purely commercial nature.

## Aspects this policy is not intended to address

The focus of the policy is only to clarify the manner in which ancillary accommodation can be used. It is not intended to address any other criteria relating to ancillary accommodation (e.g. permitted size of dwelling, or facilities to be provided with the ancillary accommodation) as these are adequately provided for in the provisions for ancillary accommodation in the Residential Design Codes and Town Planning Scheme

No. 2 and other general clauses in the Scheme (e.g. Clause 5.5, Preservation of amenity).

#### 6.1 Consultation

The only submission received during the public consultation period was not relevant to the proposed draft Local Planning Policy, as it addressed restriction to the height of residential properties in the City of Nedlands under Clause 5.11 (i) of Town Planning Scheme No. 2. As the submission addresses aspects outside the scope of the proposed draft local planning policy it cannot be considered in this context.

After the consultation period, minor modifications were made to the draft Local Planning Policy. These changes have been made to strengthen the policy and have not altered its objective.

## 6.2 Conclusion

The proposed policy allows Council to provide clarification to property owners regarding use of ancillary accommodation on their site.

As no objections have been received in relation to this policy it is recommended that Council adopts the draft Local Planning Policy – Ancillary Accommodation (as attached), and instructs Administration to complete the process to formalise the adoption as a Local Planning Policy.

#### 7.0 Attachments

1. Ancillary Accommodation Local Planning Policy

PD35.14	Planning Reform Phase Two
	1 191111111 1 11919 1 119

Committee	9 September 2014
Council	23 September 2014
Applicant	City of Nedlands
Officer	Peter Mickleson – Planning & Development
Director	Peter Mickleson – Planning & Development
Director Signature	1 mobiles
File Reference	Nil

## 1.0 Executive Summary

This report gives a brief summary of the changes to the State planning system as a result of the "Planning Reforms – Phase Two".

While there is no formal process to comment on these changes the Council may wish to discuss the changes and communicate any views it has to the Government and relevant Government Ministers.

#### 1.1 Recommendation to Committee

Council receives the report.

## 1.2 Strategic Community Plan

KFA: Natural and Built Environment

Land use planning is an important component of Council's service provision as it affects the natural and built environment and can add to or detract from the character of the City

KFA: Governance and Civic Leadership

Council can advocate for the types of planning rules it thinks will be most beneficial for the community and will enhance the natural and physical environment.

## 2.0 Background

In late 2013 the Government asked for comments on the Planning Reforms – Phase Two which was the second phase in the major reform of the State planning system. The City made a submission to these reforms and the Government has now announced the changes it wishes to see happen.

## 2.1 Key Relevant Previous Council Decisions

Not applicable.

## 2.2 Legislation / Policy

Planning and Development Act 2005

#### 3.0 Consultation Process

## 3.1 What consultation process was undertaken?

The Government has undertaken extensive consultation on the proposed planning reforms. Local Governments, planning professionals, industry groups, Government Departments and the general public have been consulted.

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

## 4.0 Budget / Financial Implications

There may be significant financial implications for the City depending on the final form of the proposed changes. However it is not possible to quantify the implications at this stage.

## 5.0 Risk management

Not applicable.

#### 6.0 Discussion

The key changes proposed in Phase Two of the planning reforms are:

- No planning approvals for R-Code compliant single houses
- Consistent processing of Development Applications across local governments
- The concurrent amendment of the Metropolitan Regional Scheme (MRS) and Local Planning Schemes by the Department of Planning and local governments
- Introduction of an on-line application system to make it easier and faster for developers to lodge and track planning applications
- A focus on quality design in complex urban infill and high density developments
- Changes to the value of the thresholds for Development Assessment Panels

The Government has announced these changes as a result of the reform process which has included extensive public consultation. While a number of the changes will require amendments to the relevant legislation there are limited further opportunities to be involved in and influence the process.

The Council may wish to comment further on the reforms either directly to the Government, perhaps through the Ministers of Planning and Local Government, or in general to the community by having this public discussion with Council. It may be that any public debate generated as a result may have, in the best case, some influence on the final changes or, in the worst case, raise the publics' awareness of the issues.

The following is the Administrations' comments on the key changes proposed:

## No planning approvals for R-Code compliant single houses

The majority of metropolitan Councils already operate without requiring planning approval for single houses. However in the case of Nedlands almost all applications are for dwellings that vary from the requirements of the R-Codes. So this change will have almost no effect for the City as most applications will still need to be assessed and variations either approved or refused.

If applicants (developers) assume that they don't need a planning approval (DA) there may be increased frustrations when they apply for a Building Permit from the City and are informed that their development does not comply with the R-Codes and does in fact need a DA. This is assuming the City will be checking the application for planning compliance as it won't be funded by the user to do so.

There is no requirement for a Building Permit application to be checked for compliance with the *Planning and Development Act 2005* (and therefore the R-Codes) but it is the service the City carries out. Currently this process is fairly simple because there is already a DA approved and it is just a matter of matching the DA plans with the Building Permit plans, and then only if there are differences does a comprehensive check need to be undertaken.

However, if a DA has not been previously approved, then the City would need to do a complete check of each application with no fee being received. If this is not done, the City will end up with having to enforce the rules once the building is built, resulting in significant enforcement costs, again with no fees received. If neighbours complain something doesn't comply, the City will have no option but to investigate and take action if it doesn't comply. The costs involved in getting buildings amended once built will be significant in terms of legal costs, staff time and Council time.

By way of contrast if a certified building application is received by the City it is usually approved and only checked if the officer has good reason to suspect it does not comply with the planning requirements. The City has no way of recovering the cost of any planning assessment from the applicant if they are not applying for a DA.

In the situation of a private building certifier lodging a building permit application there is no way to determine if the application has been assessed for compliance with the R-Codes. In fact it is highly unlikely it would be checked for the following reasons:

- the certifier is unlikely to be qualified in planning matters;
- it is in the applicant's interest to "assume" the development complies with the R-Codes
- an application for a building permit is under the Building Act and does not require approval under the Planning and Development Act

This proposal shifts the cost and onus of ensuring a development complies with the R-Codes from the applicant to the ratepayer generally and is an example of the

Government ensuring that the developer gets all the benefits while incurring none of the costs.

## **Consistent processing of Development Applications across local governments**

On the face of it this change appears to be positive however the information released is very light on detail. There is the idea to introduce "deemed provisions" to the model scheme text which would be required to be included in all planning schemes. Any development that is in accordance with these "deemed provisions" would be approved regardless of what an individual planning scheme may say

This could have the effect of homogenising development across the metropolitan area and could result in a common "look" to residential development across local governments. Unique scheme provisions, such as a 9 metre setback to preserve open space and character, could be over-ridden by these "deemed provisions" with the subsequent incremental loss of character that defines different suburbs from others.

However such provisions are likely to be of benefit to larger scale developers who can get generic designs approved across different local governments in an efficient manner.

# The concurrent amendment of the Metropolitan Regional Scheme (MRS) and Local Planning Schemes by the Department of Planning and local governments

This change will reduce timeframes for scheme amendments that require changes to both the MRS and local planning scheme by reducing the amount of "double handling" that exists with the current processes. It is a sensible change that should be supported.

The ability of the Department of Planning to process scheme amendments in a timely manner must be questioned. It is understood that the Department is significantly understaffed particularly in relation to qualified planners. Therefore its ability to process amendments as quickly as in the past must be challenged unless there have been significant streamlining of processes.

# Introduction of an on-line application system to make it easier and faster for developers to lodge and track planning applications

While such an initiative may be easier for the big (and small) developer it will not necessarily be faster. Nedlands has a consistent track record of processing DA's in a timely manner particularly where the applicant has supplied all the information and an on-line system may not necessarily be quicker. Most delays are due to the applicant not supplying sufficient or correct information and the need to "stop the clock" while it is supplied.

However most on-line systems do not allow an application to be lodged unless all the correct information is supplied so it will highlight deficiencies in the actual processing if delays still occur. It is likely to force applicants into a more disciplined approach in lodging applications which has to be a benefit.

The ability to track an application is useful and may avoid unnecessary calls to the City asking for updates on DA's all of which take staff away from actually processing the application.

#### A focus on quality design in complex urban infill and high density developments

If Nedlands was moving to introduce a Design Review Committee it is one method to address this change. However the Council's current view does not limit the application of good design to only complex and high-density developments but focuses more on the typical types of development occurring in the City. That is large single residential dwellings.

## Changes to the value of the thresholds for Development Assessment Panels

The new "opt-in" thresholds are now between \$2 million and \$10 million (previously \$3-\$7 million) and the mandatory value starts at \$10 million. It is claimed that the new thresholds will create greater flexibility as applicants will be able to opt in or out of the DAP process. In the City of Nedlands a number of the recent large residential dwelling developments would now be eligible to be referred to the DAP for assessment. This would of course mean taking the decision making responsibly away from the Council (or staff under delegation if there were no objections).

#### 6.1 Conclusion

The Government has released its decisions on the Planning Reforms – Phase Two and will be progressing with amendments to relevant legislation in an as yet to be determined timeframe. While there is no formal "objection" process to these decisions the Council may wish to discuss the key changes and communicate its views to the Government, individual Government Ministers and/or the press.

#### 7.0 Attachments

Media Statement

PD36.14	Draft Local Planning Policy – Signs
1 000.17	Draft Local Flamming Folloy — Olgins

Committee	9 September 2014
Council	23 September 2014
Applicant	City of Nedlands
Officer	Aron Holbrook – Senior Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
<b>Director Signature</b>	1 mobile
File Reference	PLAN-LPP-00003
Previous Item	Nil

## 1.0 Executive Summary

The purpose of this report is to obtain Council approval to:

- a) Advertise Council's intention to revoke the City of Nedlands Signs Local Law 2007; and
- b) Advertise draft Local Planning Policy Signs, in accordance with procedures set out under clause 8.3 of Town Planning Scheme No. 2 (TPS 2).

The draft Local Planning Policy - Signs is proposed to establish standards by which planning applications for signs will be assessed.

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

The eventual adoption of a Local Planning Policy for Signs will render the Signs Local Law obsolete and as such it is proposed to revoke the Signs Local Law in parallel to the adoption of the Local Planning Policy for Signs.

#### 1.1 Recommendation to Committee

#### Council:

- 1. instructs Administration to advertise the City's intention to revoke the City of Nedlands Signs Local Law 2007;
- 2. approves draft Local Planning Policy Signs for the purpose of public consultation; and
- 3. instructs Administration to advertise the draft Local Planning Policy in accordance with clause 8.3.2 of Town Planning Scheme No. 2.

## **ABSOLUTE MAJORITY REQUIRED**

## 1.2 Strategic Community Plan

KFA: Natural and Built Environment KFA: Governance and Civic Leadership

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

## 2.0 Background

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

- a Licence under the Signs Local Law 2007;
- ii) Development Approval under TPS 2; and
- iii) a Building Permit.

The City has determined that the triplication of these processes is inefficient and as such is seeking to revoke the Signs Local Law 2007.

If the Signs Local Law 2007 is revoked, signage will be controlled exclusively through the Application for Development Approval process under TPS 2. However a building permit may still be required if structural issues need to be addressed.

TPS 2 does not provide specific assessment criteria relating to signs. As such, it is proposed to introduce a Local Planning Policy (LPP) which will establish assessment criteria by which sign applications can be assessed.

## 2.1 Key Relevant Previous Council Decisions

Not applicable.

## 2.2 Legislation / Policy

#### Local Government Act 1995

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

#### City of Nedlands Town Planning Scheme No. 2

Part 8 – Local Planning Policy Framework of the City of Nedlands Town Planning Scheme No. 2 prescribes the provisions relating to Local Planning Policies.

Clause 8.3.1 states:

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

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

#### Clause 8.3.2 states:

"If the Council resolves to prepare a Local Planning Policy, the Council -

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

#### 3.0 Consultation Process

## Signs Local Law 2007

In accordance with section 3.16 of the *Local Government Act 1995*, the City advertised its intention to review the Signs Local Law 2007 in the West Australian Newspaper on Tuesday 22 July 2014. This notice also featured on the City's website and public notice boards. Public submissions were invited until Friday 5 September 2014, and no submissions have been received.

If Council adopts the recommendation to advertise its intention to revoke the local law, the City is required to give Statewide public notice of this intention and invite submissions for a period of not less than six (6) weeks.

#### **Local Planning Policy - Signs**

Public consultation will occur in accordance with the process outlined in clause 8.3.2 of TPS 2.

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

Once the advertising period has closed, draft Local Planning Policy - Signs will be reviewed in the light of any submissions and a report presented to Council for final determination.

## 4.0 Budget / Financial Implications

Within current approved budget:	Yes ⊠	No 🗌
Requires further budget consideration:	Yes 🗌	No 🖂

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

Advertising is within the City's approved budget.

## 5.0 Risk management

Failing to progress this local planning policy will result in uncertainty for the community over what is considered acceptable by Council in relation to signage and may result in inconsistent decision making on Applications for Planning Approval relating to signs.

#### 6.0 Discussion

## Reason for a Local Planning Policy

Currently, prior to any sign being erected within the City, an applicant is required to obtain:

- i) a licence under the Signs Local Law 2007;
- ii) development approval under TPS 2; and
- iii) a Building Permit.

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

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

The current Local Law has also been identified as having several errors requiring an amendment which involves a lengthy statutory process. There are also no significant objectives under the Local Law by which to assess a License and the Local Law dimensions and setbacks for signs are incomplete and out-of-date.

As such, Administration recommends revoking the Signs Local Law 2007, which will eliminate the requirement to obtain a licence from the City under that local law.

The requirement to obtain development approval under TPS 2 and a Building Permit under the Building Code of Australia will remain.

However, TPS 2 does not contain specific assessment criteria by which to determine what size, placement, type and design of signs are considered appropriate.

In order to provide that specific assessment criteria, the City is recommending that a Local Planning Policy be adopted.

This LPP will provide assistance to guiding decision making without the need for an additional application fee and if the LPP is required to be updated it is significantly easier to amend than a Local Law.

#### What the policy contains

The draft Local Planning Policy – Signs will:

state what Council considers appropriate in relation to signage;

- enable consistent decision making on applications for planning approval relating to signage; and
- provide guidance to the community on what is an acceptable sign within the City of Nedlands.

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

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

The objectives of draft Local Planning Policy – Signs are to:

- Establish standards which apply to different types of signs and the considerations the local government should have in determining applications;
- Ensure the display of advertisements does not adversely impact on the amenity of the surrounding land;
- Protect the significance of heritage places or buildings;
- Ensure that signs do not detract from the level of safety for drivers, cyclists and pedestrians by obstructing sight lines and distracting road users; and
- Ensure that commercial advertising signs are generally located in non-residential areas.

#### 6.1 Conclusion

The draft Local Planning Policy – Signs will ensure the City has an appropriate local planning framework in place by which to assess planning applications relating to signage.

As such, Council resolution is sought to prepare draft Local Planning Policy – Signs, for the purpose of community consultation, and to advertise the City's intention to revoke the City's Signs Local Law 2007.

## 7.0 Attachments

- 1. City of Nedlands Signs Local Law 2007 to be revoked
- 2. Draft Local Planning Policy Signs

PD37.14	Dog Amendment Regulations 2014	
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Committee	9 September 2014	
Council	23 September 2014	
Applicant	City of Nedlands	
Officer	Daniel Sharples – Ranger Team Leader	
Director	Peter Mickleson – Planning & Development	
Director Signature	1 mobiles	
File Reference		
Previous Item	Nil	

## 1.0 Executive Summary

The State Government published the *Dog Amendment Regulations 2014* on 20 May 2014, which removed a local government's ability to make or enforce local laws establishing dog exercise areas, or prohibiting dogs areas, under the local government's control.

This report recommends re-establishing these dog exercise areas and prohibited dog areas via a Council resolution, in accordance with Section 31 of the *Dog Act 1976*.

#### 1.1 Recommendation to Committee

Council approves re-establishing dog exercise areas and prohibiting dog areas as per the Dog Amendment Regulations 2014 Location List (Attachment 1).

## 1.2 Strategic Community Plan

KFA: Natural and Built Environment

KFA: Community Development

## 2.0 Background

The City of Nedlands, like most local governments, has a Dog Local Law which establishes dog exercise areas or prohibits dogs that are not guide dogs from areas, under the local government's control.

Local government's wishing to establish exercise areas or specific places where dogs are prohibited, are now required to do so via a Council resolution by absolute majority, in accordance with amended Section 31 of the *Dog Act 1976*, rather than a local law.

Yes 🗌

No 🖂

Without industry consultation, the Dog Amendment Regulations 2014, published on 20 May 2014, removed a local government's ability to make or enforce local laws in respect to dog exercise areas and dog prohibited areas

Also without industry consultation, the *Dog Amendment Regulations 2014* provided a sunset date of 31 July 2014 for the operation of these clauses within local laws, rendering these clauses inoperable from this date on.

#### 2.1 **Key Relevant Previous Council Decisions**

The Dog Amendment Local Law 2013 was adopted by Council on 25 June 2013, Report CPS22.13.

#### 2.2 **Legislation / Policy**

This report is in accordance with the amended section 31 of the *Dog Act 1976* and the Dog Amendment Regulations 2014.

#### 3.0 **Consultation Process**

Required by legislation:

#### 3.1 What consultation process was undertaken?

Consultation was undertaken in 2012 when the Dog Local Law 2012 was reviewed and is only required if there are any changes to the existing restrictions.

Requ	ired by City of Nedlands policy:	Yes 🗌	No 🖾	
3.2	How and when was the community consulted?			
	munity consultation was conducted in 2012 when the 2012 was reviewed.	City of Nedlar	nds Dog Local	
4.0	Budget / Financial Implications			
	n current approved budget: iires further budget consideration:	Yes ☐ Yes ☐	No ⊠ No ⊠	

#### 5.0 Risk management

If the recommendations of this report are not approved by Council the clauses contained in the Dog Local Law 2012 will become inoperable. In effect, the City's Rangers would be powerless to act on complaints in relation to the exercise of dogs in the City's parks, reserves (including foreshore reserves).

#### 6.0 **Discussion**

The Dogs Local Law 2012 was primarily based on the Western Australian Local Government Association's Model Dog Local Law, with the primary objective of making

provisions that ensure public safety and provide a safe co-operative community space, and to prescribe areas in which dogs are prohibited or required to be on lead.

The City of Nedlands currently provides for dog exercise areas in the majority of its reserves. In line with the WALGA model the City's Local Law prohibits dogs being unleashed in playgrounds along with restrictions on the Swanbourne Beach Reserve and Hollywood Reserve Tennis Courts.

#### 6.1 Consultation

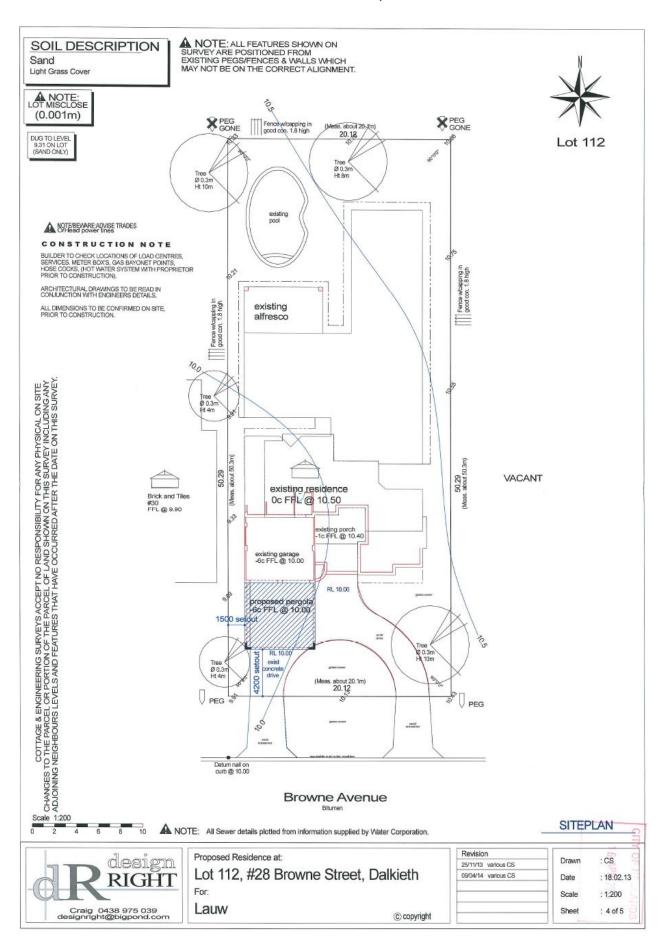
The City recently underwent a comprehensive review of the Dog Local Law in 2012 which was subject to community consultation. As there are no changes to the existing restrictions no further consultation or public notice period is required.

## 6.2 Conclusion

This report recommends re-establishing these dog exercise areas and prohibited dog areas via a Council resolution (by absolute majority), in accordance with Section 31 of the *Dog Act 1976.* 

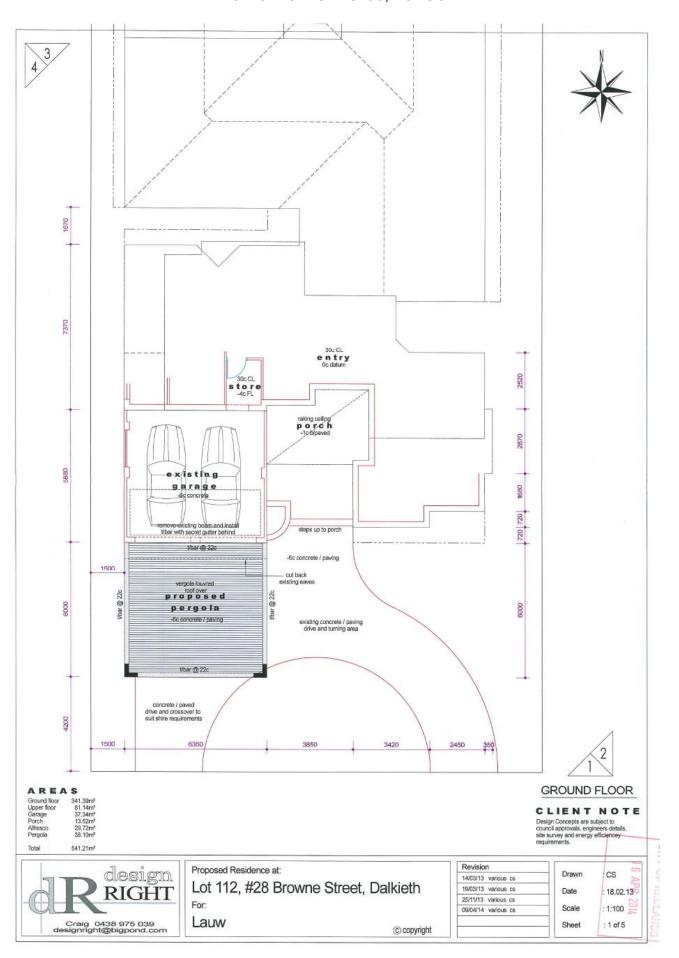
## **Attachments**

1. Dog amendment regulations 2014 - Location List



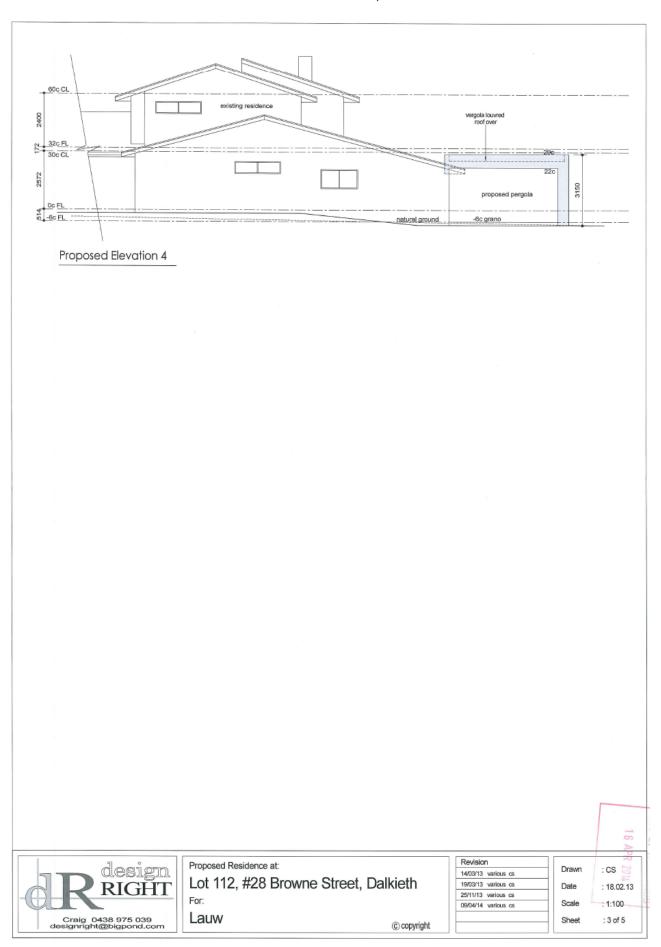
**PD30.14** – Attachment 1 – Plans (Survey/Site, Floor and Elevations)

No. 28 Browne Avenue, Dalkeith



**PD30.14** – Attachment 1 – Plans (Survey/Site, Floor and Elevations)

No. 28 Browne Avenue, Dalkeith



**PD30.14** – Attachment 1 – Plans (Survey/Site, Floor and Elevations)

## No. 28 Browne Avenue, Dalkeith



Subject Site – Northwest



Subject Site – West

**PD30.14** – Attachment 2 – Photographs of the Site and Surrounds

## No. 28 Browne Avenue, Dalkeith



Adjoining Property – North



Adjoining Property – South

# Open Space on **Brown Avenue** No. 18 = **61%** (a large 1174m<sup>2</sup> lot) No. 24 = **82%** (a large 1343m<sup>2</sup> lot) No. 26 = **76%** No. 28 (the subject site) = 55% (proposed) No. 30 = **63%** No. 32 = **78%** No. 34 = **73%** No. 36 **= 70% Average (excluding the site)** = 72%

**PD30.14** – Attachment 3 – Streetscape Analysis





The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

No. 14 Walba Way Swanbourne

Wednesday, August 13, 2014

1:300



COTTAGE & ENGINEERING SURVEYS Licensed Surveyors

87-89 Guthrie Street, Osborne Park, Western Australia Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998 Email: perth@cottage.com.au Website: www.cottage.com.au SCALE: DRAWN: DATE: 328628 19 Dec 13 1:200

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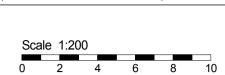
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NOTE / BEWARE: DUE TO LACK OF SURVEY MARKS/ PEGS ALL BUILDING OFFSET DIMENSIONS & FEATURES ARE APPROX ONLY AND POSITIONED FROM EXISTING PEGS/ FENCES AND WALLS WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED. ANY DESIGN THAT INVOLVES ADDITIONS TO ANY STRUCTURES SHOWN OR PORTION OF STRUCTURES REMAINING AFTER ANY DEMOLITION HAS TAKEN PLACE, BOUNDARIES. MUST BE REPEGGED AND EXACT OFFSETS PROVIDED TO YOUR DESIGNER /ARCHITECT BEFORE ANY PLANS ARE PRODUCED AND BEFORE ANY WORK IS STARTED ON SITE.

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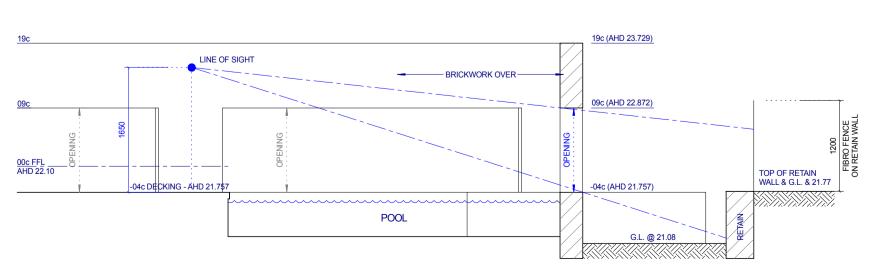
Plan7104

OPEN SPACE CALCULATIONS		
LOT AREA 764		
TOTAL OPEN SPACE AREA	428.06m²	
OPEN SPACE ACHIEVED	56%	
(MIN. OPEN SPACE REQUIRED 55%)		









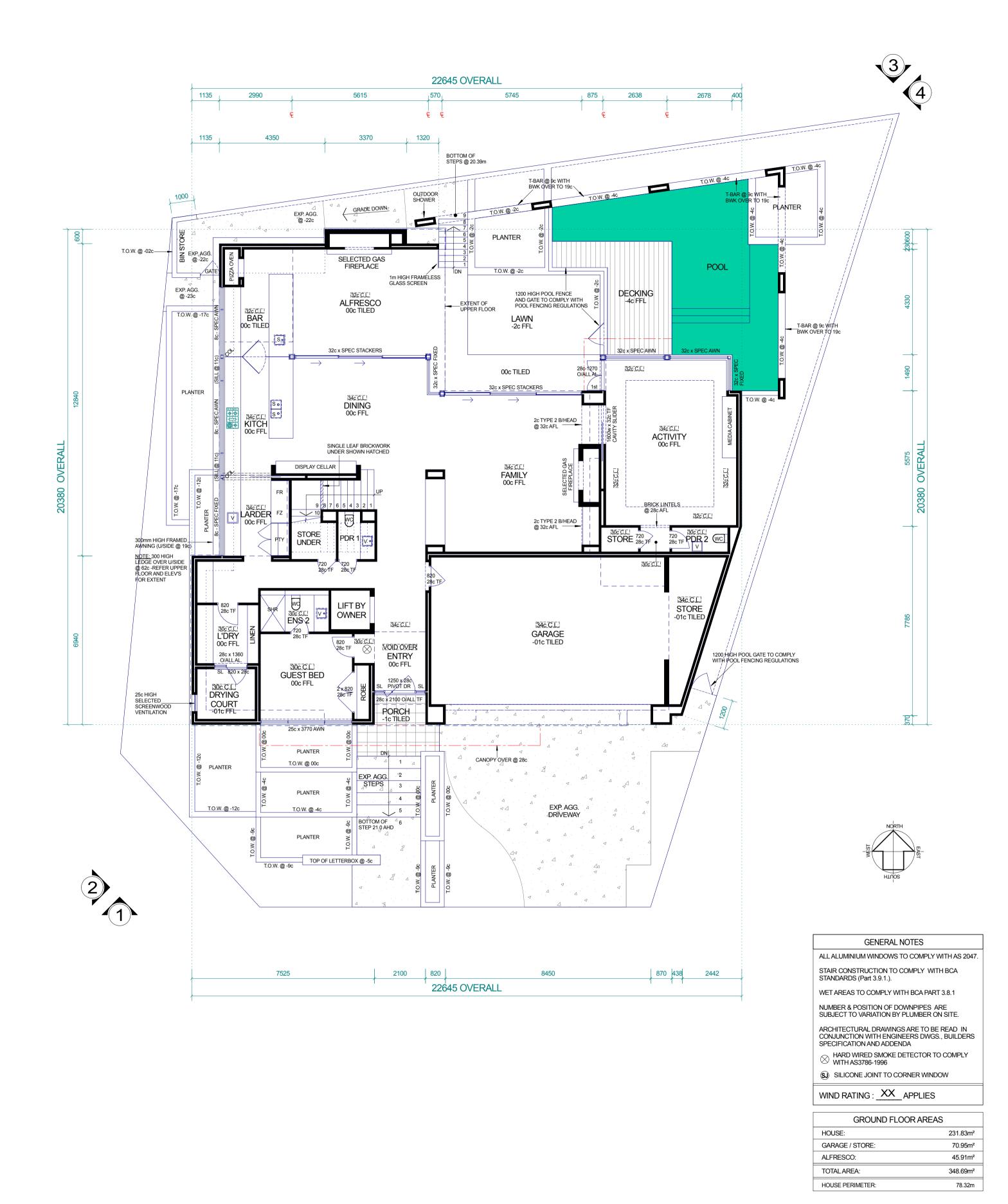
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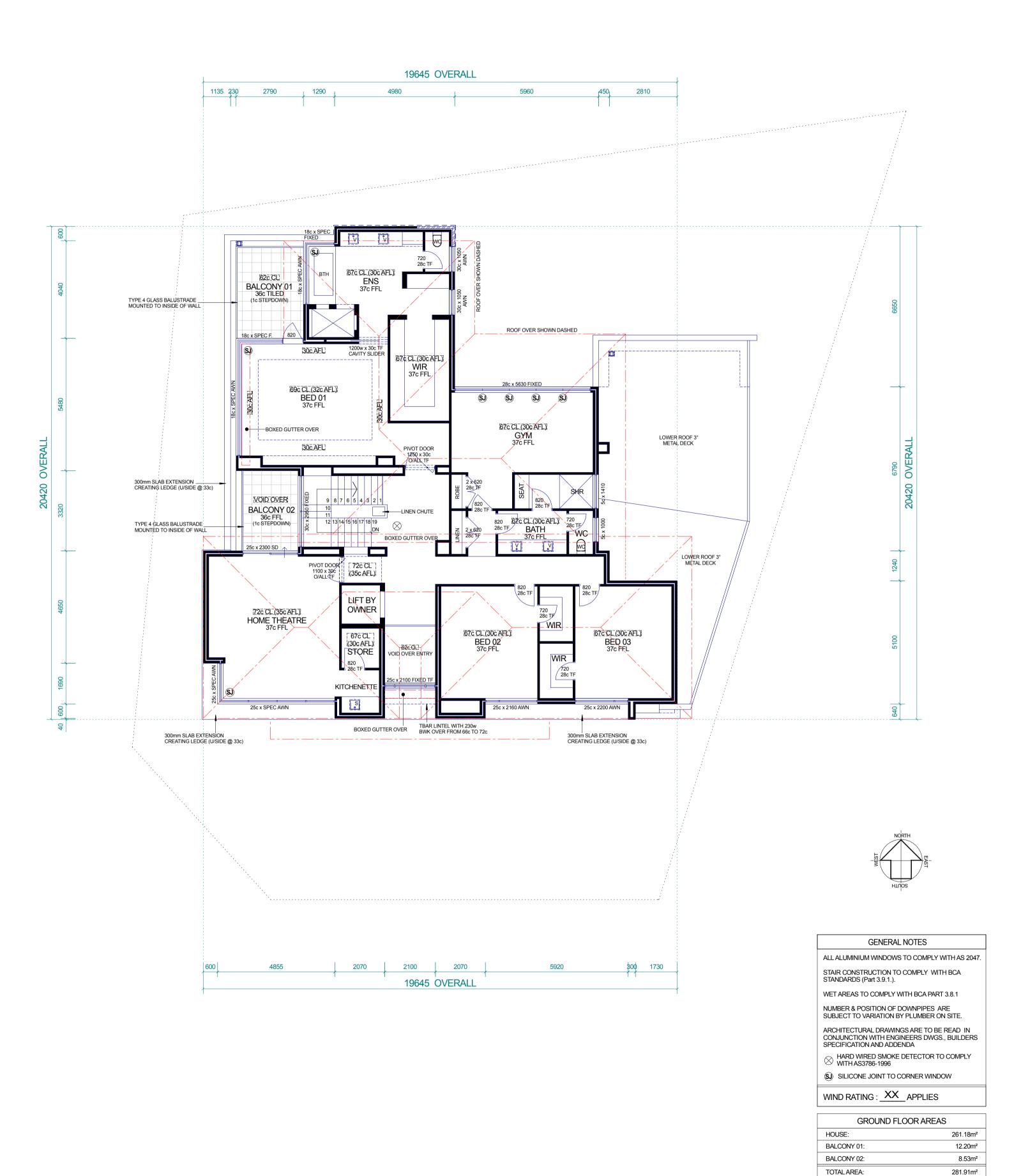
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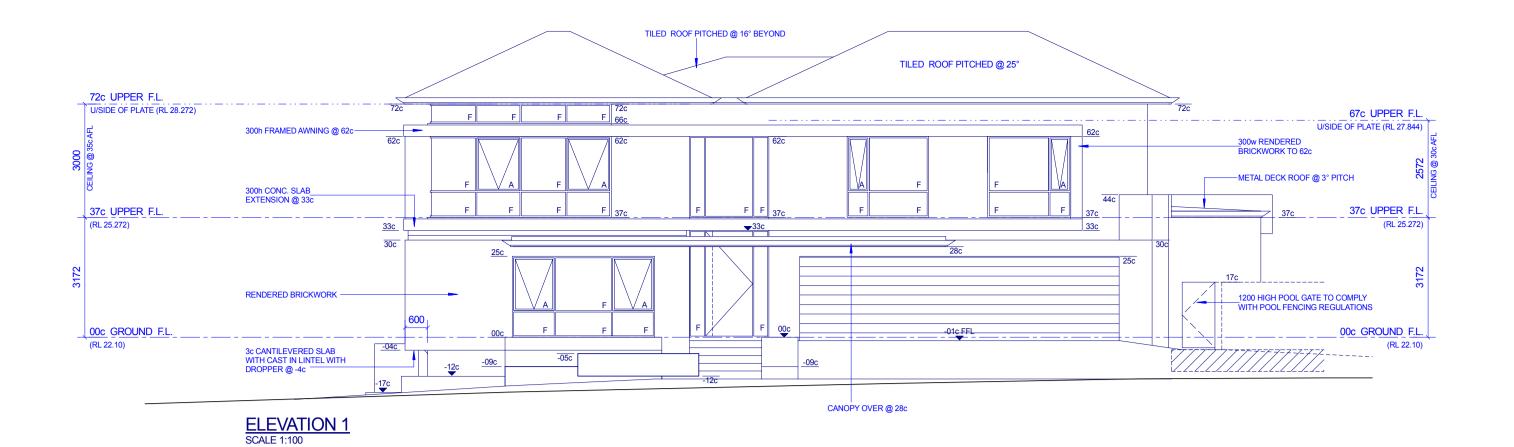
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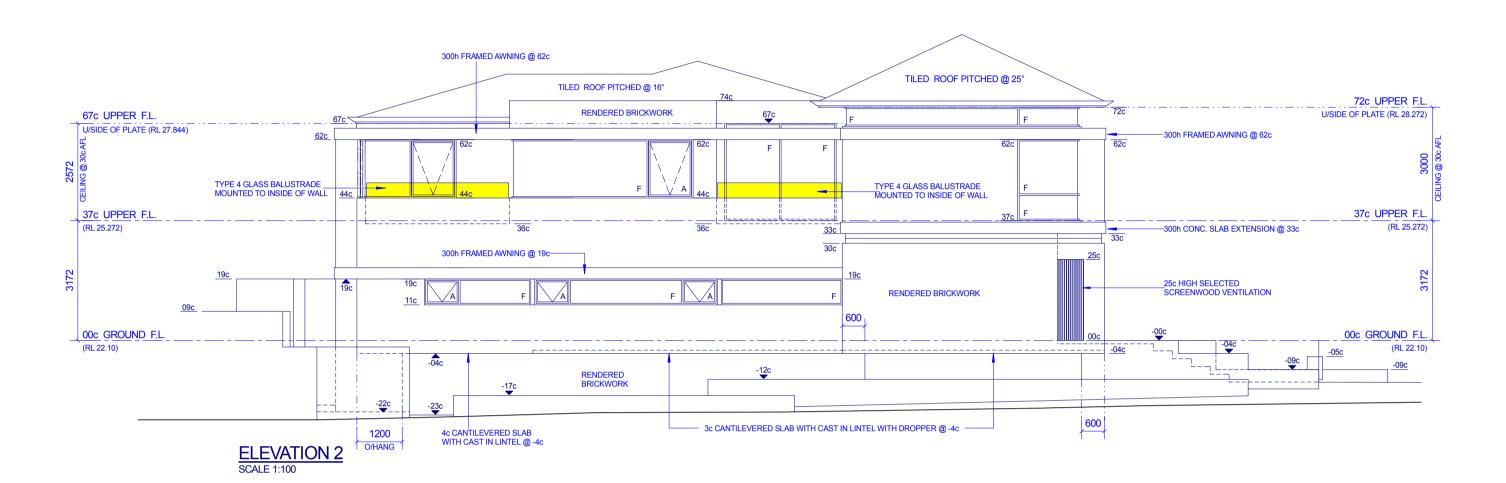


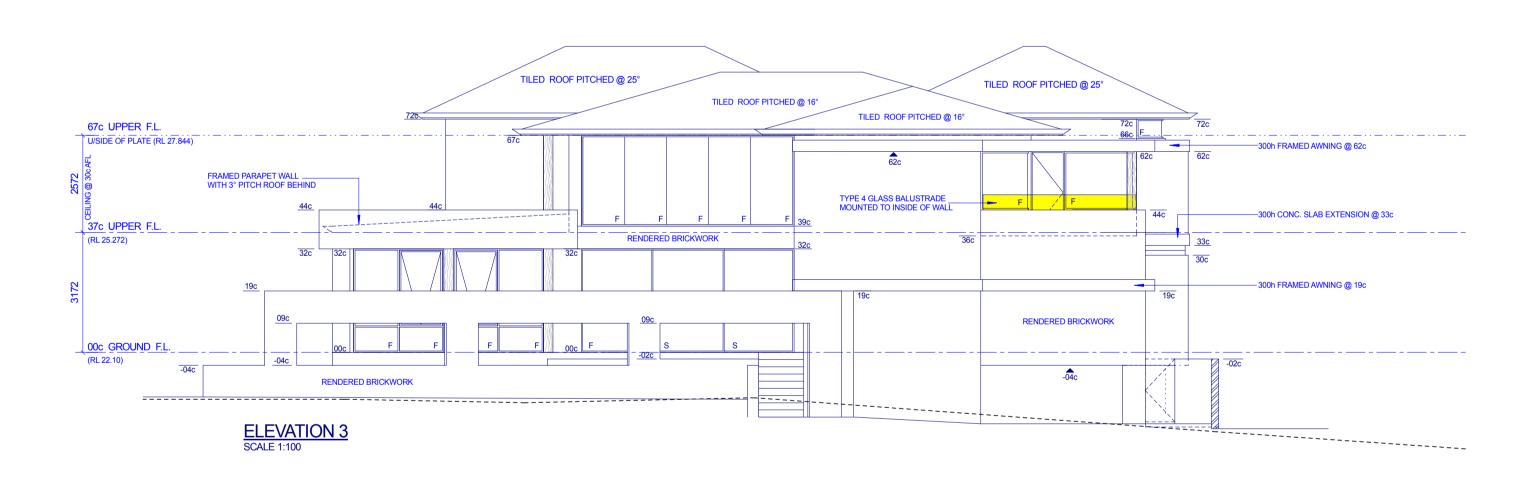
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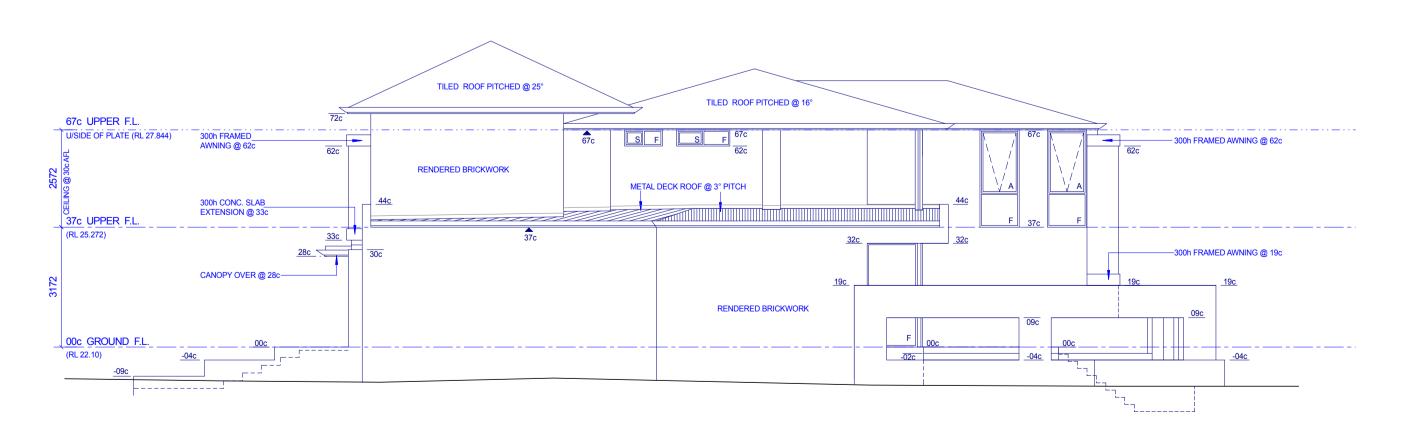
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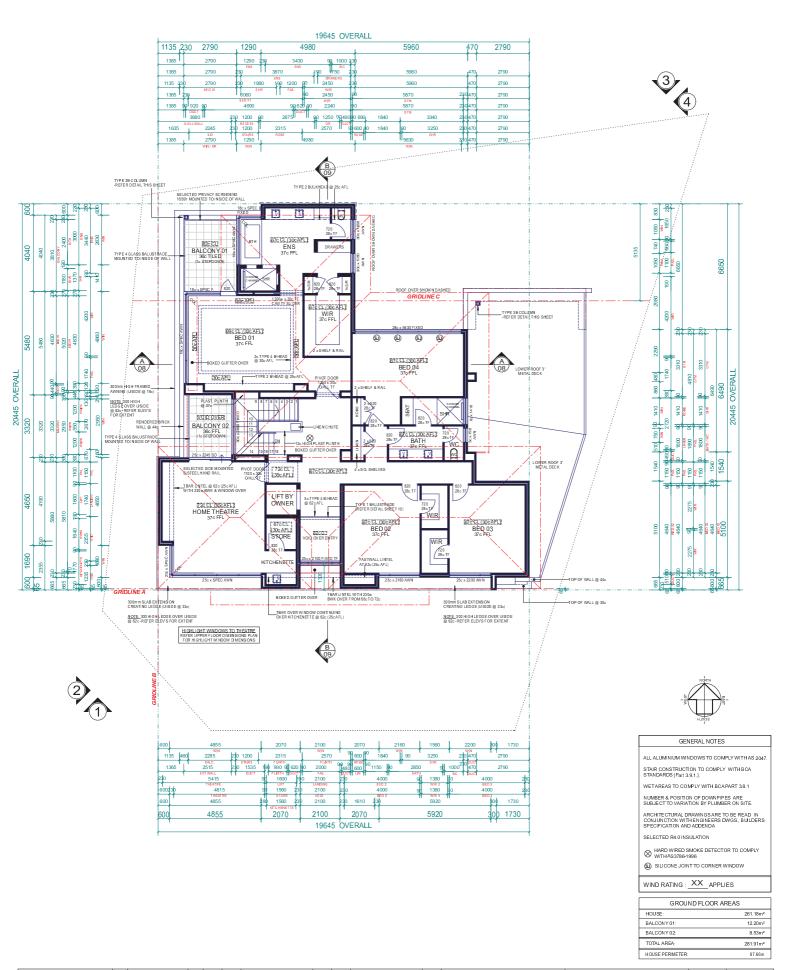






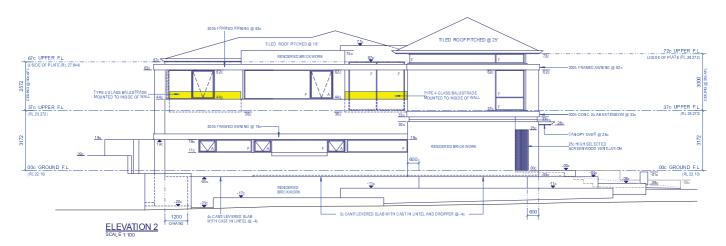


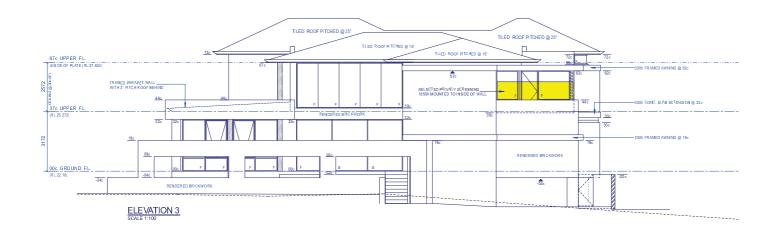
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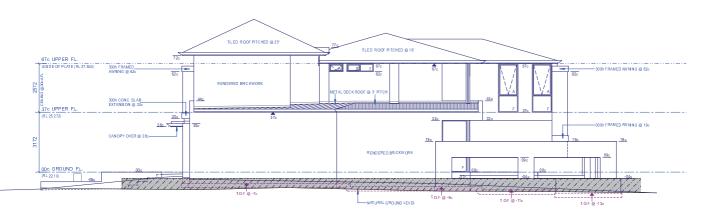


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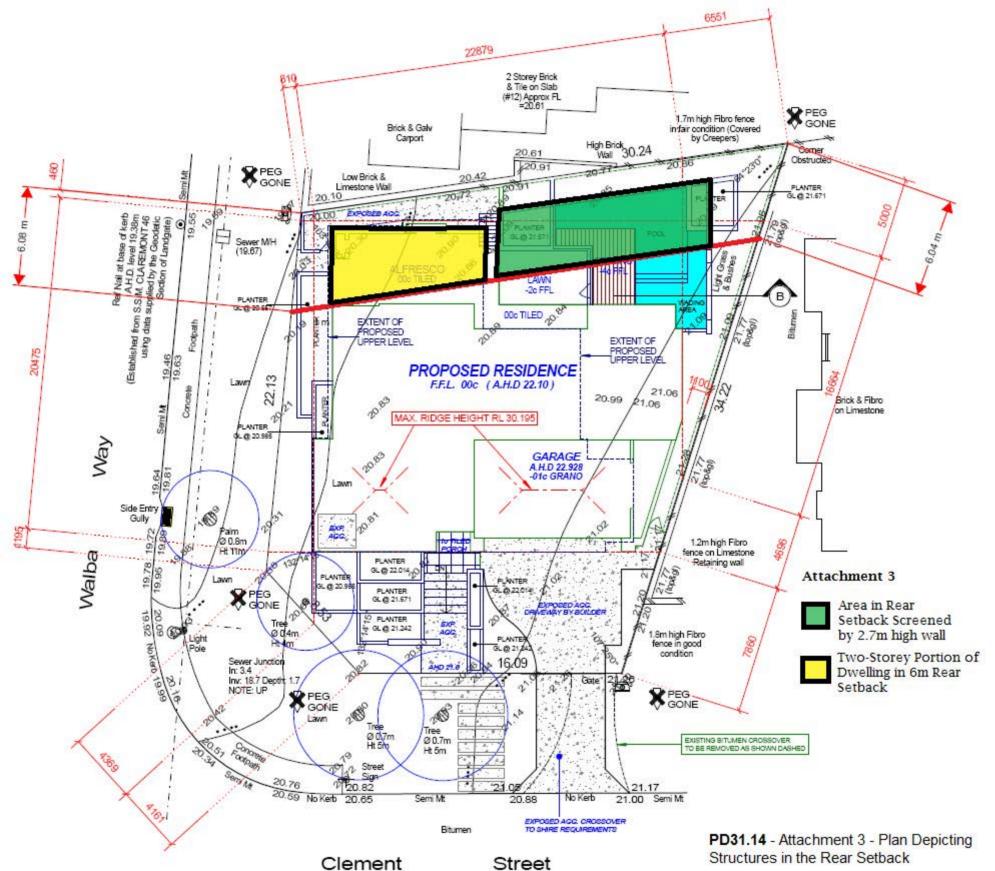


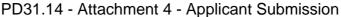






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8<sup>th</sup> August 2014

City of Nedlands P O Box 9 Nedlands WA 6909

ATTN:

Thomas Geddes Planning Officer

Dear Thomas,

RE: LOT 47 (#14) WALBA WAY, SWANBOURNE

Thank you for your email dated 4<sup>th</sup> August 2014, in which you provided us with neighbours comments which were received upon the advertising of this development application.

Please refer to our justifications to development design below:

It is our understanding that the only issue with this application, which does not comply with the R Codes 'deemed to comply' rules is the rear setback. All other issues discussed with the City have either been amended to comply or removed entirely to comply.

The below justification is our best endeavour to ensure lesser impact to neighbouring properties than an otherwise statistically compliant application.

This corner site is only 764m2 (the minimum size for a R12.5) and is also very "square in shape" with the length of the side boundaries being substantially shorter than the other sites in the area (refer Diagram 2 attached). Due to the required 7.5m front setback (Clement St) and additional restrictions for the secondary street setback (Walba Way) and truncation setbacks, together with providing adequate privacy from Walba Way to the proposed outdoor living areas, has resulted in a compromise requested to the rear setback but only where it is near the northern neighbour's Garage and Driveway and where the resultant bulk and impact is reduced.

Please refer to the R codes "Design Principles" where the **Development** demonstrates compliance with the following **design principles**.

.../2

#### 1. Refer 5.1.3/ P3.1:. "To reduce impact of building bulk on adjoining properties".

The proposed reduced setback area has been more than compensated by the majority of the home having extended setbacks (8.5m–9.0m) in lieu of 6.0m to this northern boundary. We believe this proposal <u>reduces impact of building bulk to the northern neighbour</u> more than a compliant 6.0m rear setback (see colour diagram 1 attached) due to the fact that the only area not provided with 6.0m setback is alongside the Garage/Driveway. In addition (refer to Diagram 1 attached), if some consideration is given to the impact of averaging to the neighbouring properties, it is obvious that the proposal represents a better outcome for the neighbours.

## 2. Refer 5.1.3/P3.2: "Makes more effective use of space for <u>enhanced privacy for</u> <u>outdoor living areas"</u>

The proposed "L" shape of the rear of the outdoor living areas allows for maximum northern exposure whilst shielding from the strong SW winds and also providing <u>enhanced privacy to the outdoor areas</u> for both the proposed design and also both neighbours as it has extended setbacks to the areas adjoining the neighbours outdoor living spaces.

#### 3. Refer Table 2a: Boundary setbacks - with no major openings

As this is a corner site, this setback could have been assessed as a side setback where the acceptable (deemed to comply) setbacks would be 1.5m (based on 9.5m length; 7.5m height). The proposed setbacks complies by providing a range of 1.6m (to the Balcony screen excluding eaves) to 2.1m.

Please refer to our response to neighbours comments received by the City:

<u>Comment</u>: The proposed rear setback to the dwelling (1.3m in lieu of 6m) will block

ocean views from adjacent properties;

Response: Please note that all ground floor views would be blocked by fencing. Any

upper floor view when considering immediate neighbours compromises the privacy to the proposed residence. The north neighbour has most views directly across the road (west) between other homes regardless of this proposal. The eastern neighbour has no views to the west due to 1.8m high

fencing requirements and rights to privacy by this applicant.

<u>Comment</u>: The bulk of the dwelling in the rear setback will negatively impact the

adjacent properties;

<u>Response</u>: Please refer to justification above.

<u>Comment</u>: The proposed north-east Balcony will negatively impact adjacent privacy;

Response: Please see attached amended plans in which we have added privacy screen

to north of Balcony. Therefore this item (comment) can now be removed.

<u>Comment</u>: The bulk of the proposed dwelling and the setback from Walba Way will

compromise the integrity of the streetscape and is inconsistent with the

streetscape of Walba Way; and

Response: The proposed design complies with the street setback and secondary street

setback requirements. Due to it being a corner site this would occur to one

street or another.

Comment: The second storey window (Note: only the Bedroom 4) fails to take into

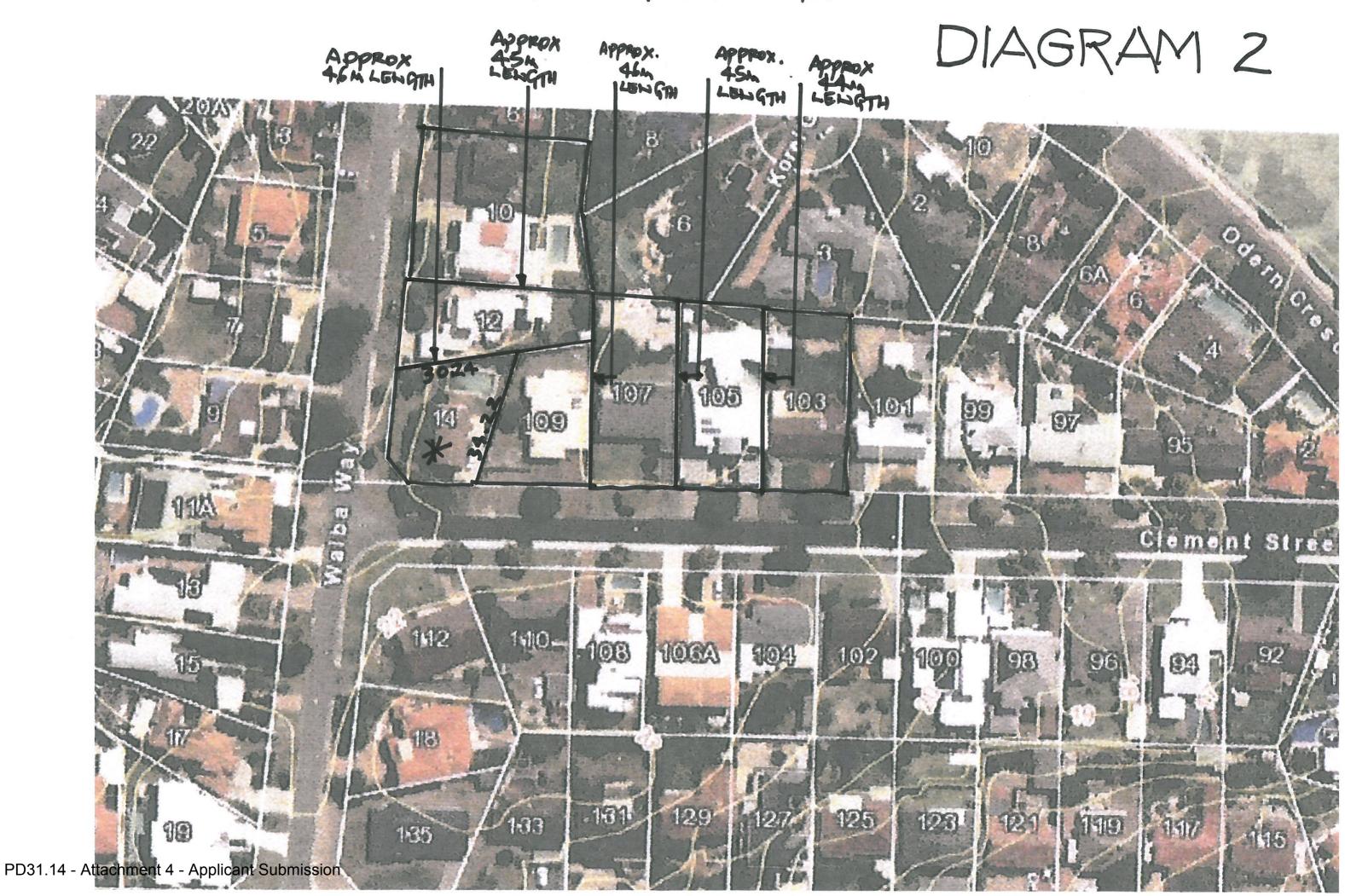
account neighbouring privacy.

Response: The proposed setback has a 9.2m setback where privacy only requires 4.5m.

If you require any further information, I can be contacted on 9444 8711 or email simone@giorgiexclusivehomes.com.au.

Yours sincerely

Simone Smith Administration NOTE: PROPOSED SITE 10-16M SHORTER THAN BLOCKS IN VICINITY. & ALSO RESTRICTED 45 CORNER SITE.







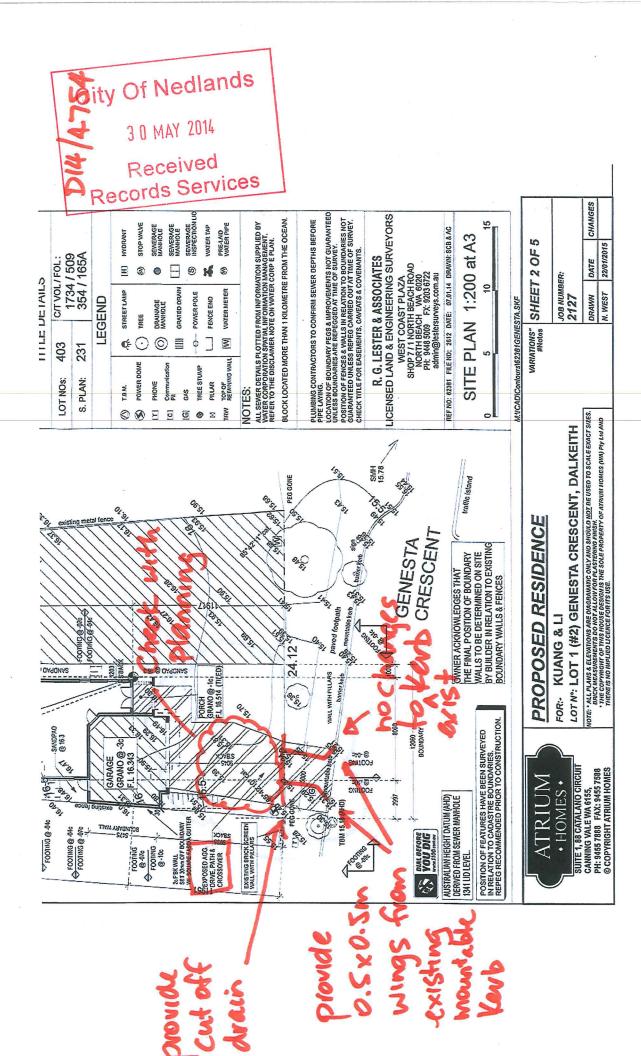
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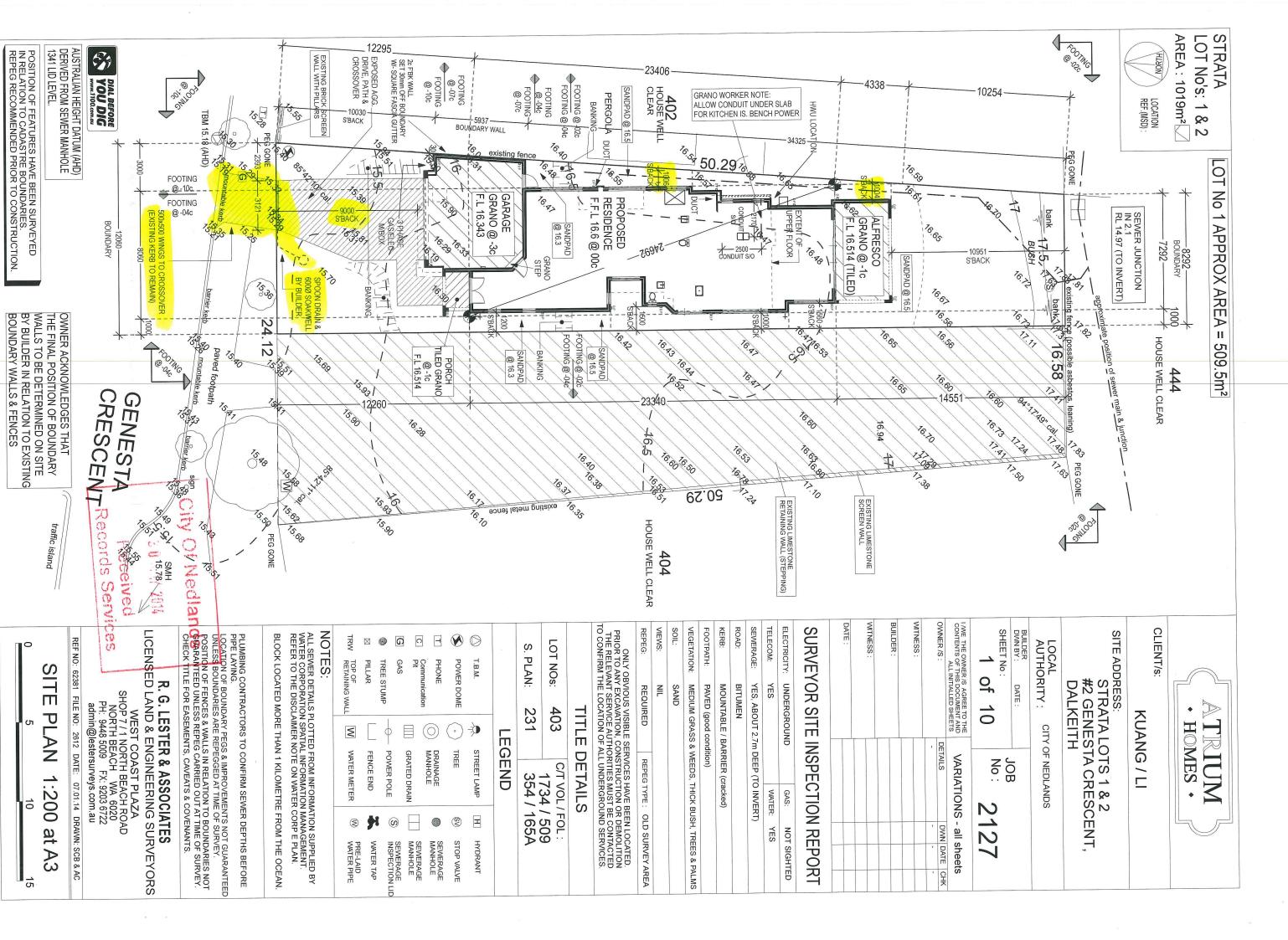
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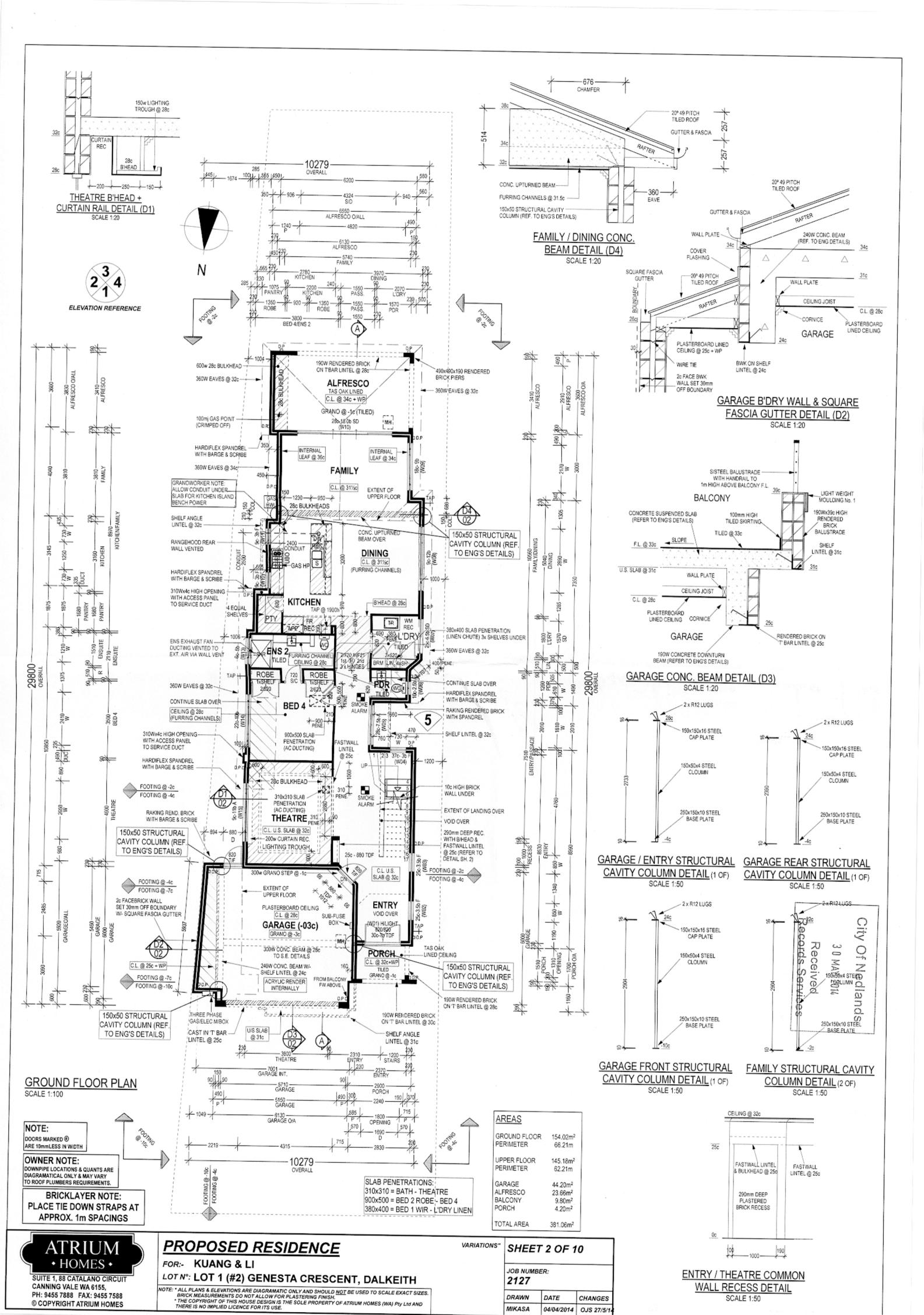
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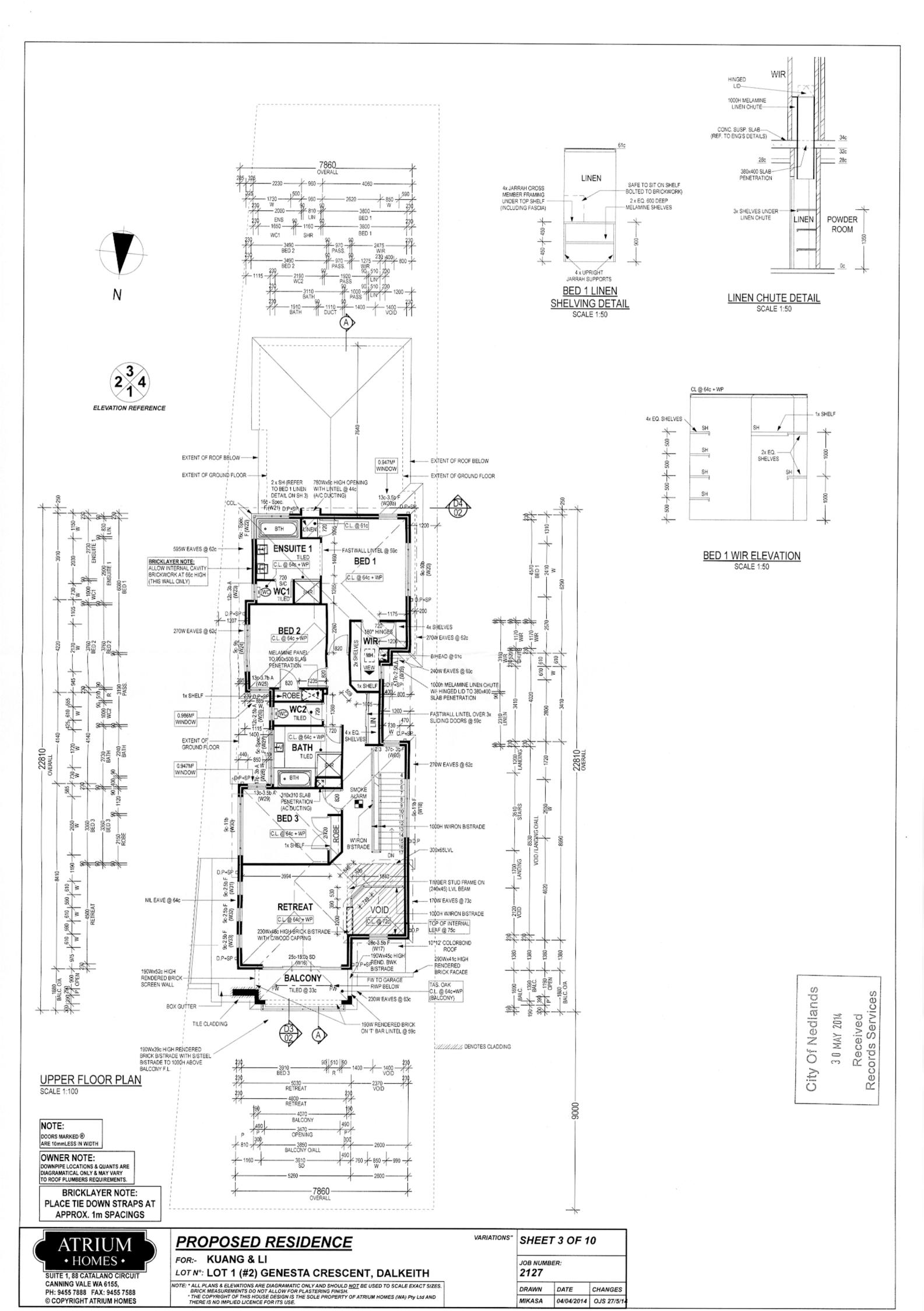
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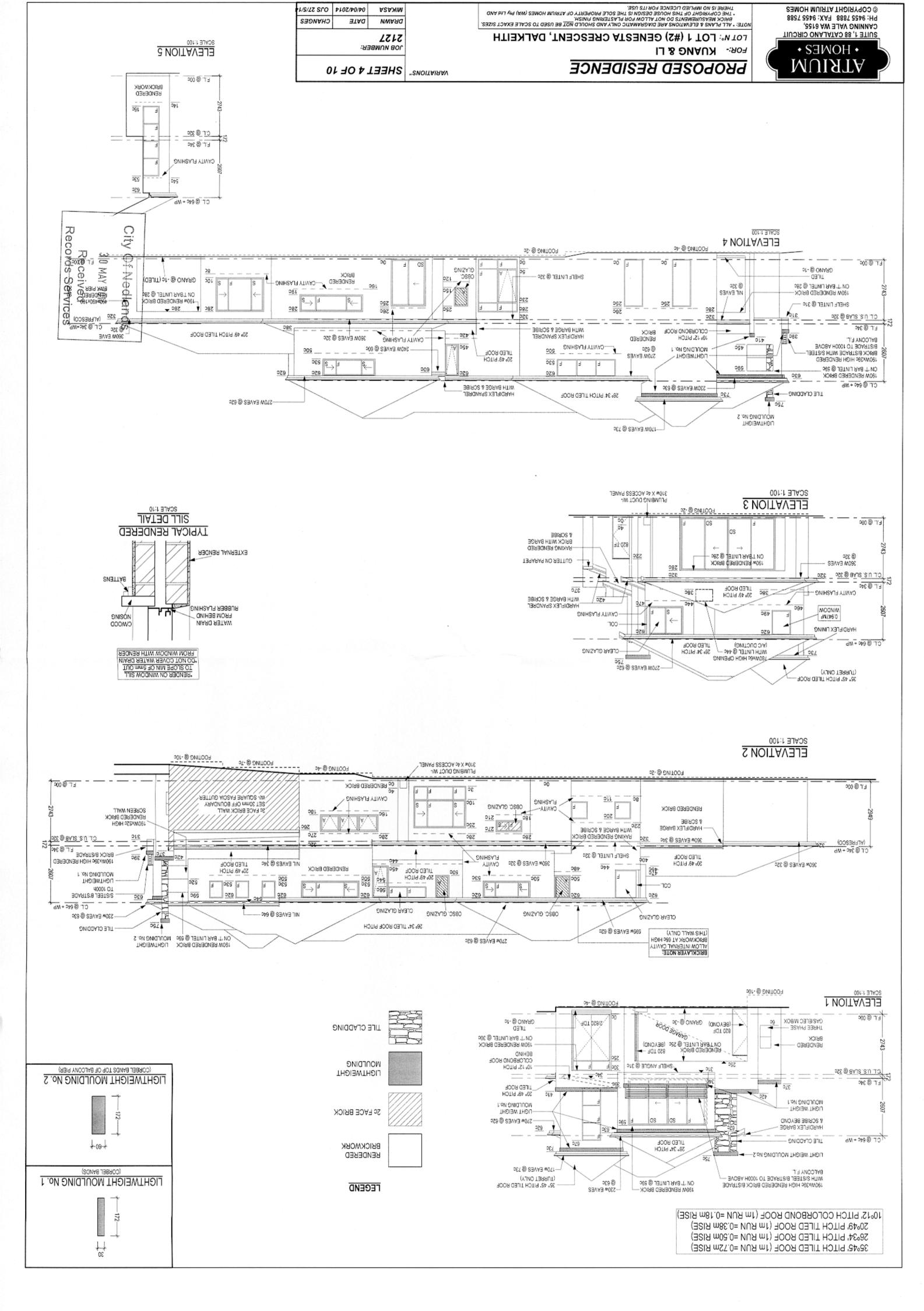












# ATRIUM • HOMES•



#### An Investment in Quality



28 May 2014

Mr Thomas Geddes
Planning Services
City of Nedlands
PO Box 9
NEDLANDS WA 6909

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Dear Mr Geddes,

# LOT 2 (2) GENESTA CRESCENT, DALKEITH PROPOSED TWO STOREY SINGLE HOUSE

I refer to the application before Council regarding the abovementioned development and the City's subsequent email dated 19 May 2014 requesting additional information be provided in the form of written justification and/or amended plans.

Please see the following response to your email and note that item 1 of this document relates to item 1 of your email and so forth:

#### 1a. Front setback of less than 9m

The plans have been amended to incorporate a 9m front setback. This was achieved by reducing the size of the balcony and repositioning the dwelling further southwards.

#### 2a. Eastern building setback of 1.03m in lieu of 1.5m to the theatre/ensuite 2 wall

Consideration is sought under the design principles regarding the boundary setbacks relative to the eastern property boundary. The relevant design principles state:

- " 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."

It is noted that the reduced setback results from the acute alignment of the eastern property boundary. This angle results in a 6.7m portion of the wall projecting into the 1.5m setback area. Whilst not particularly germane to the design principles, it is a relevant design consideration and requires a stepped wall design. With this in mind, it is considered that the proposed boundary setback meets the relevant design principles because:

i. The Residential Design Codes (RDC) do not specifically provide a method for the assessment of building bulk, therefore, the assessment must objectively determine what constitutes building bulk and what counteracting elements have been incorporated into the design.

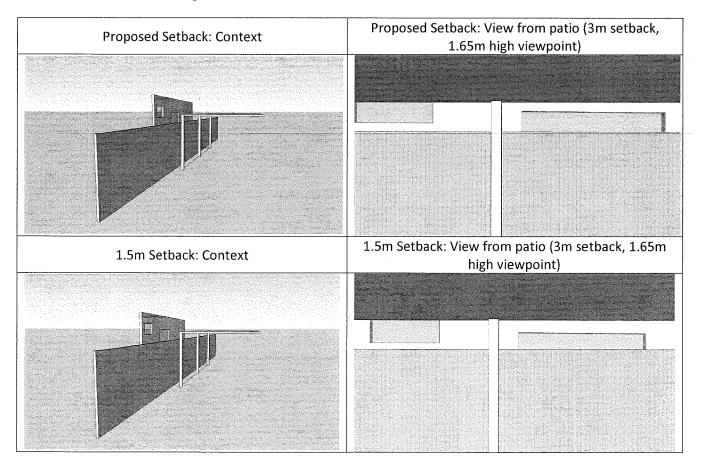
Bulk is typically attributed to long, tall and plain walls. The proposed eastern façade (as a whole) of the building has been designed to include multiple building articulations, architectural mouldings, varying window shapes, sizes and finishes, and varying roof elements (i.e. separating the ground floor and upper floor).

These elements have been incorporated into the building's design to eliminate spans of long, tall and plain walls, improve the visual appearance from the neighbouring property and to moderate the overall bulk/massing of the building.

ii. The 6.7m portion of wall projecting into the 1.5m setback area is located adjacent to what appears to be the neighbour's patio/pergola, which, according to the site survey, is setback 0.3m from the property boundary. The minor setback of the patio/pergola significantly limits a person's outlook when using this area. The below diagrams depicts the difference between the proposed 1.02m to 1.8m setback and a compliant 1.5m to 2.28m setback for the entire theatre to ensuite wall.

The diagrams demonstrate that whilst the wall is 0.48m closer to the boundary, the restricted visual outlook from the patio/pergola, prevents a person from observing the context, location and scale of the proposed building. In effect, this results in the person observing the building in a two-dimensional sense whereby the depth (i.e. setback) of the building does not alter the perceived visual impact.

Please note that the below diagrams assume a 0.3m patio/pergola setback, a 2.1m patio/pergola roof height (typical patio/pergola roof height given its apparent age) and a 1.8m fence height.



iii. Given that the dwelling is located on the west of the neighbouring property, access to sunlight for the neighbouring property is not adversely impacted. The RDC primarily measure the impact of overshadowing at midday on 21 June. At this time, the dwelling does not overshadow the neighbouring property, as the shadow is solely cast over the subject site. Notwithstanding the midday impact consideration, it is noted that the position of the dwelling will result in some overshadowing of the neighbouring property during the afternoon hours.

It is considered that the isolated afternoon impact is acceptable as the neighbouring dwelling maintains unrestricted sunlight during the early morning to mid-afternoon hours. Further, the shadow cast by the ground floor is lesser than the shadow cast by the upper floor (which proposes compliant setbacks).

- iv. Ventilation to the neighbouring dwelling is not considered adversely affected by the proposed dwelling, as both dwellings are separated by a distance of at least 4m. This separation is considered sufficient to maintain ventilation to any windows on the western façade of the neighbouring dwelling.
- v. It is considered that the reduced setback does not adversely impact on sunlight and/or ventilation to the subject dwelling and appurtenant open spaces, given the separation between the non-compliant wall and the main habitable areas, and the multiple major openings designed to provide the dwelling with a high level of sunlight and ventilation.
- vi. The levels of both the subject property and neighbouring property are such that a typical 1.8m high dividing fence will provide sufficient privacy for the neighbouring property.

Given the above, it is considered that whilst the boundary setback does not satisfy the deemed-to-comply provisions of the RDC the boundary setback is considered to meet the relevant design principles, as the boundary setback does not adversely impact on the neighbouring property via bulk, sunlight, ventilation or privacy.

#### 2b. Western building setback of 1.2m in lieu of 1.5m to the entry/stairwell wall

Consideration is sought under the design principles regarding the boundary setbacks relative to the western property boundary. The relevant design principles are identified in '2a' above.

It is considered that the proposed boundary setback meets the relevant design principles because:

- i. As per '2a.i.' above, the building has been designed with a number of features which assist in minimising building bulk.
- ii. Much like '2a.iii.' above, the dwelling is located on the east of the neighbouring property and, therefore, does not overshadow the neighbouring property at midday on 21 June. It is noted that the position of the dwelling will result in some overshadowing of the neighbouring property during the morning hours, however, the shadow will primarily impact the neighbouring property's double garage (currently before Council for approval).

It is considered that the isolated morning impact is acceptable as the neighbouring dwelling maintains unrestricted sunlight during the late morning to later afternoon hours.

- vii. Much like '2a.iv' above, ventilation to the neighbouring dwelling is not considered adversely affected by the proposed dwelling, as both dwellings are separated by a distance of at least 2.2m. This separation is considered sufficient to maintain ventilation to any windows on the eastern façade of the neighbouring dwelling.
- iii. As per '2a.v.' above, it is considered that the reduced setback does not adversely impact on sunlight and/or ventilation to the subject dwelling and appurtenant open spaces, given the location of the main habitable areas and the multiple major openings designed to provide the dwelling with a high level of sunlight and ventilation.
- iv. As per '2a.vi.' above, the levels of both the subject property and neighbouring property are such that a typical 1.8m high dividing fence will provide sufficient privacy for the neighbouring property. Further, the proposed wall does not contain any major openings.

Given the above, it is considered that whilst the boundary setback does not satisfy the deemed-to-comply provisions of the RDC the boundary setback is considered to meet the relevant design principles, as the boundary setback does not adversely impact on the neighbouring property via bulk, sunlight, ventilation or privacy.

#### 2c. Eastern building setback of 1.195m in lieu of 1.2m to the wall of bedroom 2

The plans have been amended to achieve a 1.2m building setback.

#### 2d. Western building setback of 1m in lieu of 1.2m to the wall of bedroom 1

The plans have been amended to achieve a 1.2m building setback.

#### 2e. Garage door width of 50.8% in lieu of 50% of the frontage

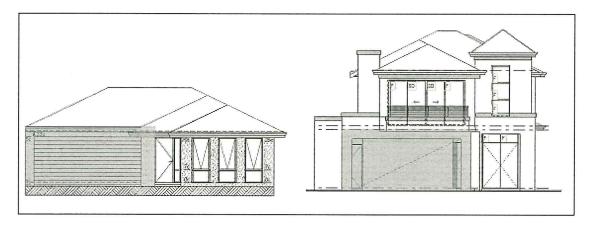
Consideration is sought under the design principles regarding the boundary setbacks relative to the eastern property boundary. The relevant design principles state:

"P2 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors."

It is considered that the proposed boundary setback meets the relevant design principles because:

- i. The garage is positioned to ensure clear views are retained between the main entrance and upper floor habitable areas. This ensures that the dwelling maintains visual connectivity between the dwelling and the street.
- ii. The RDC permit 50% of the frontage to be occupied by garages under the deemed-to-comply provisions. For a single storey dwelling, this could translate to a total façade dominance of approximately 60% on a 12m wide lot (i.e. 6m wide garage [with boundary wall], 4m wide dwelling and 1m setback), compared to a façade dominance of approximately 40% for a two storey dwelling. The below diagram compares the façade dominance of a single storey dwelling to the façade dominance of the proposed two storey dwelling.

It is considered that the two-storey element minimises the dominance of the garage, thereby ameliorating any streetscape impacts.



iii. The dwelling has been designed to include a balcony above the garage. Whilst the balcony does not occupy the entire width of the garage, which would thereby qualify the garage to occupy 60% of the frontage, the balcony further assists in moderating the dominance of the garage on the streetscape.

Given the above, it is considered that whilst the proposed garage width does not satisfy the deemed-to-comply provisions of the RDC, the proposed garage width is considered to meet the relevant design principles, as the positioning of the garage maintains visual connectivity between the dwelling and the street, and the design of the dwelling assists in minimising the dominance of the garage.

#### 2f. Reduced privacy setback of bedroom 1

The plans have been amended to include a West facing highlight window and reducing the rear facing window to less than 1sqm in area. Therefore, the two windows are regarded as minor openings and are not subject to the privacy requirements of the RDC.

#### 2g. Reduced privacy setback of the balcony

The plans have been amended to include further privacy screening to the western face of the balcony. This limits overlooking of the neighbouring property behind the 9m primary street setback line.

Consideration is sought under the design principles regarding the reduce privacy setbacks relative to the eastern property boundary. The relevant design principles state:

"P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- · building layout and location;
- · design of major openings;
- · landscape screening of outdoor active habitable spaces; and/or
- location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:

- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
- · building to the boundary where appropriate;
- setting back the first floor from the side boundary;
- providing higher or opaque and fixed windows; and/or
- screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters)."

It is considered that the proposed privacy setback meets the relevant design principles because:

i. An assessment of the neighbouring property has been undertaken and it is noted that the property contains two outdoor living areas – the balcony and the rear garden area.

The explanatory guidelines of the RDC generally state that privacy priority should be given to major openings and areas required to be set aside as an outdoor living area under 5.3.1 of the RDC.

In the context of the neighbouring development, the primary outdoor living area is best defined as the rear garden area, as this area is connected to the main habitable areas of the dwelling and also meets the general outdoor living area requirements under the RDC. Therefore, the balcony is considered a secondary outdoor living area.

The proposed balcony is positioned to primarily overlook the neighbouring garage (ground floor), retreat (upper floor with no major openings) and balcony (upper floor). The overlooking of the garage and retreat are acceptable as these areas are either non-habitable or do not contain any major openings.

It is noted that the proposed balcony in no way overlooks the neighbouring primary outdoor living area, however, the proposed balcony is positioned to overlook the neighbouring secondary outdoor living area.

Given that the RDC primarily aim to control overlooking of the primary outdoor living area, it is considered that the overlooking of the secondary outdoor living does not adversely impact on the neighbour's privacy, as the neighbour retains maintains complete privacy to their primary outdoor living area.

ii. The neighbouring dwelling also proposes a similar balcony. Both neighbours are aware of each other's development proposal and both neighbours consent to the extent of overlooking.

In circumstances of overlooking, the RDC promote open dialogue between neighbours, in order to achieve a privacy outcome which may be mutually beneficial to both neighbours (see page 64 of the RDC Explanatory Guidelines).

In this instance, both neighbours' seek approval for an unenclosed balcony in order to maintain passive surveillance of each other's property and to allow for a partially unenclosed balcony (to provide an open balcony setting, in turn enhancing the amenity of the occupants).

Given the above, it is considered that whilst the reduced privacy setback does not satisfy the deemed-to-comply provisions of the RDC the privacy setback is considered to meet the relevant design principles, as the reduced privacy setback does not adversely impact the neighbour's privacy.

#### 2h. Window dimension of bedrooms 2 and 3

The plans have been amended to include a notation clarifying that these windows are less than 1sqm in area. Therefore, they are minor openings and are not subject to the privacy requirements of the RDC.

Should you require any further information, please don't hesitate to contact me on 9455 7888.

Yours sincerely,

Oliver Standing Design Manager Atrium Homes

Encl. Two sets of amended plans

#### 13.6 Town Planning Scheme Amendments

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Peter Mickleson – Director Planning & Development
Director	Peter Mickleson – Director Planning & Development
CEO	Greg Trevaskis
File ref.	
Previous Item	
No's	

Mr M Goodlet, Director Technical Services rejoined the meeting at 9.58 pm

#### **Mayor Hipkins – Proximity Interest**

His interest being that his wife owns property at 7A Vincent Street, Nedlands. He believed his interest is trivial. He advised that he would like to participate in the meeting on the matter and would leave meeting while the Council voted on whether he was permitted to stay or not.

#### **Councillor Argyle – Proximity Interest**

His interest being that his daughter owns property in the area. He advised that he would leave the meeting during this matter.

Mayor Hipkins & Councillor Argyle left the room at 9.58 pm.

Deputy Mayor Collins assumed the chair as Presiding Member.

Moved – Councillor Hassell Seconded – Councillor Porter

That Mayor Hipkins be permitted to participate in the meeting for this item, be permitted to vote and chair the meeting.

CARRIED 6/2

(Against: Crs. Binks & Hodsdon)

Mayor Hipkins returned to the room at 10.01 pm and resumed the Chair.

Regulation 11(da) - Council discussed the contents of the proposed "Omnibus" amendment to Town Planning Scheme 2 and after considering each main theme resolved to make a number of detailed changes to the amendment as follows.

Moved – Councillor Hassell Seconded – Councillor Hodsdon

That there is no action on Item 1.

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Shaw Seconded – Councillor Porter

Council approves clause 2 subject to including investigating options for the provision of public access to the rear lane.

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Somerville-Brown Seconded – Councillor McManus

Council approves clause 3 subject to attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For lots less than 800 m2 replace "(d) Building heights shall be a maximum of 8.5m" with "(d) Building heights shall be a maximum of 10m".

CARRIED 6/3

(Against: Mayor Hipkins Crs. Collins & Shaw)

Moved – Councillor Somerville-Brown Seconded – Councillor McManus

Council approves clause 3 subject to attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For large lots replace "(e) (vi) Carparking, nothwithstanding the carparking specified in (c) above minimum of 3 covered parking spaces for the storage of wheeled vehicles, boats and other goods, provided that one space may be behind another" with "(e) (vi) Carparking, nothwithstanding the carparking specified in (c) above minimum of 2 covered parking spaces for the storage of wheeled vehicles, boats and other goods".

CARRIED 7/2

(Against: Mayor Hipkins Cr. Hodsdon)

Moved – Councillor Hassell Seconded – Councillor Shaw

That clause 4 is approved.

CARRIED 8/1 (Against: Cr. Hodsdon)

Moved – Councillor Shaw Seconded – Councillor Hodsdon

That clause 5 is approved subject to amending "not apply" to "exclusively residential developments"

Lost 3/6

(Against: Crs. Collins McManus Porter Binks Hodsdon & Somerville-Brown)

Moved – Councillor Hassell Seconded – Councillor Binks

That clause 6 is approved.

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Hassell Seconded – Councillor McManus

That clause 7 paragraph 1 is approved.

CARRIED 8/1 (Against: Cr. Binks)

Moved – Councillor McManus Seconded – Councillor Somerville-Brown

That clause 7 paragraph 2 is changed to allow Child Care Centres as a discretionary use.

**CARRIED 9/-**

Moved – Councillor Hassell Seconded – Councillor Porter

That clause 8 included except for the first sentence

Lost 3/6

(Against: Crs. Collins McManus Hassell Porter Binks & Hodsdon)

Moved – Councillor Hodsdon Seconded – Councillor Shaw

#### That clause 8 be approved

CARRIED 7/2

(Against: Crs. McManus & Binks)

Councillor Argyle returned to the room at 11.00 pm.

Moved – Councillor Porter Seconded – Councillor Hassell

That the meeting continue past 11.00 pm.

CARRIED 9/1

(Against: Cr. Somerville-Brown)

#### **Council Resolution**

Council instructs Administration to draft an "Omnibus" amendment to Town Planning Scheme 2. The intent of the proposed changes is detailed as follows:

1. Revision of Amendment No. 192 – Dalkeith Special Control Area Provisions

Intent - to remove a conflict between two opposing clauses - one that allows setbacks to be varied and another that says they cannot be varied, by modifying clause 1.5. To define Universal Access, align permitted use symbols in the use class table and correct clause 2.5. Investigating options for the provision of public access to the rear lane.

2. Revision of clause 5.3 - Residential Planning Codes

Intent – To protect and enhance the "garden suburb" character of the City by: Requiring more covered car parking spaces and landscaping to be provided with all new residential development. (Note: landscaping comprises unroofed

planting, and may include pedestrian areas and swimming pools).

For lots larger than 800 sq. metres with a frontage of 15m or more, there should be increased mandatory setbacks. Only development completed prior to 2013 would be permitted to have a carport in the front setback area.

Attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For lots less than 800 m2 replace "(d) Building heights shall be a maximum of 8.5m" with "(d) Building heights shall be a maximum of 10m".

Attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For large lots replace "(e) (vi) Carparking, nothwithstanding the carparking specified in (c) above minimum of 3 covered parking spaces for the storage of wheeled vehicles, boats and other goods, provided that one space may be behind another" with "(e) (vi) Carparking, nothwithstanding the carparking specified in (c) above minimum of 2 covered parking spaces for the storage of wheeled vehicles, boats and other goods".

3. Revision of clause 5.4 – Standards for Development in other than Residential Zones

Intent - To introduce a small amount of landscaping for nonresidential uses, in the form of either decorative planting adjoining the street or a buffer adjoining residential use at the rear. The land would remain in private ownership.

In the Controlled Development Area along the river, it is proposed to include in the Town Planning Scheme the Swan River Trust's requirement for a 10m setback adjoining the river reserve and to allow the rear setback (designed to protect views over buildings below) to be reduced provided side setbacks are increased (designed to see around buildings)

Changes to the definition of height are to encourage buildings to step down sloping ground, rather than being a fixed height related to the centroid of the lot. It is intended to specify overall height, not number of floors.

Intended changes to commercial and industrial zones mainly relate to Stirling Highway but also affect other areas. Along Stirling Highway there is a minimum permitted height of 10m for redevelopment (approximately 3 storeys). Where new

development has a lot area of at least 2,000 square metres, has entry off a side street or rear laneway, has at least one storey of residential use and land is freely given up for the widening of Stirling Highway, an additional storey is permitted; and if land is freely given up to create a rear laneway, a further storey is permitted (maximum of five storeys). In addition to the widening of the Highway, a front setback of 9m is proposed, to create a "Kings Park Road" type of environment.

4. Additional clause to Part V – General Provisions – introducing a requirement for public art with other than single residential development

Intent - To require 1% of the building contract sum to be spent on public artworks.

5. Revision of clause 6.1 – Planning Approval – specifying where planning approval is not required

Intent - To reduce the number of planning applications, specifying that planning approval is not required for internal work, demolition of any building not on the Municipal Inventory, home occupations, temporary work, certain advertising signs, erection of standard fences, below ground pools, TV aerials, solar panels, letter boxes, and the like.

6. Modifications of table 1 - use class table

Intent – To make changes to the use class table primarily to allow residential use (multiple dwellings) in the Office, Retail Shopping and Office/Showroom Zones and to restrict uses to those of an institutional nature in the Development Zone within the buffer around the Shenton Park waste water treatment plant.

To make a Child Day Care Centre a use that is permitted as a discretionary use within a Residential Zone.

7. Other miscellaneous minor revisions

Intent - To include changes to require on-site power generation for every new dwelling, by solar or other means, specification of minimum floor levels for habitable rooms because of rising sea levels, clarification that a Home Business (including rental of car spaces) requires planning approval, minimum development requirements for development on reserved land and an enabling clause to facilitate web-based processing of development applications.

#### Amended Recommendation

Council instructs Administration to draft an "Omnibus" amendment to Town Planning Scheme 2. The intent of the proposed changes is detailed as follows:

 Revision of Schedule V – Special Use Zone – Hollywood Master Plan

Intent - To allow Council to up-date the Master Plan for the Regis site, as required.

2. Revision of Amendment No. 192 – Dalkeith Special Control Area Provisions

Intent - to remove a conflict between two opposing clauses - one that allows setbacks to be varied and another that says they cannot be varied, by modifying clause 1.5. To define Universal Access, align permitted use symbols in the use class table and correct clause 2.5.

3. Revision of clause 5.3 – Residential Planning Codes

Intent – To protect and enhance the "garden suburb" character of the City by: Requiring more covered car parking spaces and landscaping to be provided with all new residential development. (Note: landscaping comprises unroofed planting, and may include pedestrian areas and swimming pools).

For lots larger than 800 sq. metres with a frontage of 15m or more, there should be increased mandatory setbacks. Only development completed prior to 2013 would be permitted to have a carport in the front setback area.

4. Revision of clause 5.4 – Standards for Development in other than Residential Zones

Intent - To introduce a small amount of landscaping for non-residential uses, in the form of either decorative planting adjoining the street or a buffer adjoining residential use at the rear. The land would remain in private ownership.

In the Controlled Development Area along the river, it is proposed to include in the Town Planning Scheme the Swan River Trust's requirement for a 10m setback adjoining the river reserve and to allow the rear setback (designed to protect views over buildings below) to be reduced provided side setbacks are increased (designed to see around buildings)

Changes to the definition of height are to encourage buildings to step down sloping ground, rather than being a fixed height related to the centroid of the lot. It is intended to specify overall height, not number of floors.

Intended changes to commercial and industrial zones mainly relate to Stirling Highway but also affect other areas. Along Stirling Highway there is a minimum permitted height of 10m for redevelopment (approximately 3 storeys). Where new development has a lot area of at least 2,000 square metres, has entry off a side street or rear laneway, has at least one storey of residential use and land is freely given up for the widening of Stirling Highway, an additional storey is permitted; and if land is freely given up to create a rear laneway, a further storey is permitted (maximum of five storeys). In addition to the widening of the Highway, a front setback of 9m is proposed, to create a "Kings Park Road" type of environment.

5. Additional clause to Part V – General Provisions – introducing a requirement for public art with other than single residential development

Intent - To require 1% of the building contract sum to be spent on public artworks.

6. Revision of clause 6.1 – Planning Approval – specifying where planning approval is not required

Intent - To reduce the number of planning applications, specifying that planning approval is not required for internal work, demolition of any building not on the Municipal Inventory, home occupations, temporary work, certain advertising signs, erection of standard fences, below ground pools, TV aerials, solar panels, letter boxes, and the like.

7. Modifications of table 1 – use class table

Intent – To make changes to the use class table primarily to allow residential use (multiple dwellings) in the Office, Retail Shopping and Office/Showroom Zones and to restrict uses to those of an institutional nature in the Development Zone within the buffer around the Shenton Park waste water treatment plant.

To make a Child Day Care Centre a use that is not permitted within a Residential Zone – for one to be established, a rezoning would be required.

#### 8. Other miscellaneous minor revisions

Intent - To include changes to require on-site power generation for every new dwelling, by solar or other means, specification of minimum floor levels for habitable rooms because of rising sea levels, clarification that a Home Business (including rental of car spaces) requires planning approval, minimum development requirements for development on reserved land and an enabling clause to facilitate web-based processing of development applications.

#### Committee Recommendation

That this item be deferred pending the outcome of the Councillor Briefing Session to be held on Tuesday 19 February 2013.

#### Recommendation to Council

- Council resolves to initiate an "omnibus" amendment to Town Planning Scheme No. 2 generally in accordance with Attachment 1.
- 2. A draft of the scheme amendment, suitable for public advertising, is to be presented to Council for approval.

# City of Nedlands Town Planning Scheme No 2 Omnibus Scheme Amendment 199

# PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION TO AMEND TOWN PLANNING SCHEME

### CITY OF NEDLANDS TOWN PLANNING SCHEME NO.2 OMNIBUS AMENDMENT NO. 199

RESOLVED that the Council, pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the above Local Planning Scheme by:

#### **Council Resolution**

#### **That Council:**

Initiates the omnibus amendment to change the following:

- 1. Amending the following clauses:
  - a) Clause 1.8 by deleting the following definitions:

#### **Mean Natural Ground Level**

#### Shop

- b) Clause 1.8 by adding the following sentence before the words "Amusement Parlour"
  - "Any term not listed below shall have the meaning as defined in the Residential Design Codes as amended, and where the term is not listed in the Residential Design Codes, the term shall have its ordinary meaning as defined in the English Oxford Dictionary".
- c) Clause 1.8 by adding the following definition:
  - "Landscaping means unroofed area comprising planted vegetation including trees, shrubs and grass and may at the discretion of Council include paved pedestrian areas, water features and swimming pools;

**Public Purpose** – means any use of land or a building by an institutional, governmental or charitable organisation that operates on a non-profit basis;

**Residential Design Codes** – means the document referred to in Appendix 2 to the statement of Planning Policy No. 1 together with any amendments thereto and was previously known as the Residential Planning Codes;

**Showroom** – means premises used to display, sell by wholesale or retail, or hire, goods generally of a bulky nature including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, but does not include the sale by retail of foodstuff, liquor or beverages, items of personal adornment, goods commonly sold in news agencies and medicinal or pharmaceutical products;

- **Shop** means premises used to sell goods by retail, for the hire of goods, or to provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet."
- d) Clause 1.8 by replacing the existing definitions for the uses shown in bold with the following wording:
  - "Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:
    - i) does not employ more than 2 people not members of the occupier's household;
    - ii) does not cause injury to or adversely affect the amenity of the neighbourhood;
    - iii) does not occupy an area greater than 50 square metres;
    - iv) does not involve the retail sale, display or hire of goods of any nature;
    - v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
    - vi) does not involve the use of an essential service of greater capacity than normally required in the zone; and includes
    - vii) does not involve use of land for the rental of car bays on private property; and
    - viii) does not display a sign exceeding 0.2 square metres in area."
- e) Part II Reserved Land by adding the following subclause :
  - "2.3 the following development standards shall apply on land reserved under this Scheme, unless otherwise determined by Council:
    - i) Street setbacks 20m minimum
    - ii) Other boundary setbacks 5.0m minimum
    - iii) Landscaping in accordance with clause 5.4.2, provided that a minimum of 50% of the site area shall be landscaped;
    - iv) Sufficient for each person employed on-site plus visitors"
- f) Clause 5.4.2 by adding the following at the foot of the paragraph:
  - "A minimum of 20% of the lot shall be landscaping".
- g) Table III, Note (2) replace the word "nil" with "9m".
- h) Clause 5.10.3 by adding a new subclause (c) which states:
  - "The Council may approve a lesser setback than 7.5m as shown on the maps in Appendix 1 provided that there are greater side setbacks to compensate for the reduced rear setback."
- i) Clause 5.10.3 by adding a new subclause (d) which states:
  - "A minimum setback of 10m shall be provided along any boundary abutting the river reserve."

#### 2. Adding the following new clauses:

#### a. Clause 5.3.11 (e) which states:

"The maximum heights for all other lots shall be in accordance with Swanbourne Design Guidelines A & B."

#### **b.** Clause 5.3.12 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme every dwelling shall be provided with a minimum of two covered car spaces for the storage of wheeled vehicles, boats and other goods.

#### **c.** Clause 5.3.13 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme landscaping shall be provided at the following rates:

- a) for lots less than 800m² in extent the minimum area of landscaping shall be 20% of the site area; and
- b) for lots 800m<sup>2</sup> or more in extent the minimum area of landscaping shall be 30% of the site area.

#### d. Clause 5.17 which states:

#### **"5.17 CONTRIBUTION TO ART**

- (a) Council may establish a special fund for the purchase, installation and maintenance of public artwork throughout the district;
- (b) As a condition of approval of a development on a lot with a residential zoning comprising 10 or more dwellings or a non-residential zoning the Council shall require a contribution up to 1% of the estimated cost of the development for the provision of art. This contribution can be:
  - by way of providing artwork on the development site or in the locality so that it is visible from the street and contributes positively to the streetscape and public amenity; or
  - ii) by the payment to the City of cash-in-lieu.
- (c) The Council may accept a bond equal to the value of the contribution.
- (d) All cash contributions towards a public artwork shall be paid into the special fund established under sub-clause 5.17 (a) and shall be enforced as a condition of planning approval.
- (e) All artwork shall be approved by the Council prior to installation.
- (f) The Council is not restricted to installing artwork obtained through contributions to the special fund in a location that is in close proximity to any development that has contributed to the special fund."

#### e. Clause 5.18 which states:

#### "5.18 MINIMUM FLOOR LEVELS

To allow for rising sea levels the minimum reduced level for any habitable room shall be in accordance with the Floodplain Development Strategy of the Department of Water as amended from time to time but not less than a level of 3.0 Australian Height Datum (AHD)."

#### f. Clause 5.19 which states:

#### "5.19 DEVELOPMENT ADJOINING STIRLING HIGHWAY

Notwithstanding any other provisions in this scheme all development adjoining Stirling Highway shall be in accordance with the following:

(a) Minimum setbacks from boundaries:

Primary Street Setback

Ground Floor - 9.0 metres

Upper Floor - 12 metres

Secondary Street Setback

Ground Floor - 4.5 metres

Upper Floors - 6.0 metres

Rear Setback - 6.0 metres

Side Setback

Ground Floor – 1.5m on the one side and 2.5m on the other provided that where the lot adjoins any Residential Zone 5.0m

Upper Floors – 1.5m per storey, but not less than 5.0m where adjoining any Residential Zone

#### (b) Building Height:

In addition to the requirements of clause 5.11 for properties adjoining Stirling Highway, the building height may be increased by a further four (4) metres where four of the following criteria are met and a further eight (8) metres where all five criteria are met:

- (i) Minimum lot area of 2000m<sup>2</sup>;
- (ii) Vehicular entry and exit other than from Stirling Highway;
- (iii) Additional floor space is used for residential purposes;
- (iv) / Land is freely ceded or already provided for the widening of Stirling Highway; and
- (v) Land is freely ceded for the creation of a new laneway with a minimum width of 7m."

#### g. Clause 5.20 which states:

#### "5.20 ON-SITE POWER GENERATION FOR RESIDENTIAL DEVELOPMENT

Each dwelling shall include a power generation device in order to be able to produce a minimum of 1.5 kW of power on site. The power generation device may be solar, wind or any other form approved by Council."

- 3. Replacing the wording of the following existing clauses
- a) Clauses 5.3.3 and 5.6.2 with a new clause 5.3.3 to provide for street setbacks:

"Notwithstanding the provisions of the Residential Design Codes, the following provisions apply:

- (a) A minimum primary street setback of 9 metres to dwellings, carports and garages (attached or detached) shall apply except in areas designated in Appendix IV entitled "Front Setbacks".
- (b) For lots that are 800m<sup>2</sup> or more and a frontage of 15m or more, the following absolute minimum setbacks shall apply:
  - (i) Primary Street Setback:

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Ground floor – 9.0m
Upper floors – 12.0m
Basement – 9.0m
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(ii) Other Street Setbacks:

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Ground floor – 4.5m
Upper floors – 6.0m
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(iii) Side Setback:

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Ground floor – 1.5m on one side and 2.5m on the other
First floor – 3m
Additional floors – 1.5m per floor
Basement – nil where fully below natural ground level
```

- (iv) Rear Setback:
  - 6.0m, provided that a single storey garage or carport may be constructed 1.5m from a right of way for no more than half the width of the rear boundary
- (c) Notwithstanding Clause 5.3.3 (a),a carport may be constructed within the 9m primary street setback area with development constructed prior to the gazettal date of this amendment if covered car spaces cannot be located elsewhere on site, subject to the following conditions:
  - (i) The area of the carport shall not be greater than 36m<sup>2</sup> in area;
  - (ii) The minimum primary street setback shall be 3.5m and the minimum side setback shall be 1.0m;
  - (iii) The carport shall be open on all sides except to the extent that it abuts a dwelling or a property boundary on one side and shall not have a door.
- (d) Minor structures such as gate houses, lichgates, porticos, pergolas and similar structures are permitted in a street setback area provided the roofed area of the minor structure does not exceed 4m<sup>2</sup> in area or 3.5m in height.
- b) Clause 5.3.11(a) and (b) with the following new wording:
  - (a) "In respect of proposed Lots 52 59 a height restriction of 12m shall apply. The 12m in height shall be calculated from the finished level for each site at the front property boundary

- established as part of the subdivision works. The height of the building envelope does not change with the changes in lot levels."
- (b) "In respect of proposed Lot 60 a height restriction of 21 shall apply, and the development shall be a maximum of 5 storeys from the street front. The natural ground level for measurement of height shall coincide with the finished lot level created at subdivision."
- c) Clause 5.11- Building Height with a new clause 5.11-Building Height
  - 5.11.1 Unless provided elsewhere in the Scheme, no site shall be developed or building constructed:
    - (i) With the primary street facade greater than 8.5m in height, measured from midpoint of the lot frontage;
    - (ii) With a height of any other exterior wall greater than 8.5m at any point;
    - (iii) So that any point of the building exceeds a height of 10m measured from natural ground level or other level determined by council;
  - 5.11.2 The height of a wall is measured from natural ground level in accordance with the definition of "wall height" in the Residential Design Codes;
  - 5.11.3 Dormer windows comprising an opening framed into a pitched roof to provide natural lighting to a roof space are exempt from clause 5.11 (i) & (ii).
- d) Clause 6.1.1 b) with a new clause 6.1.1 b):

"Notwithstanding the above clause 6.1.1 (a), the Council's planning approval is not required for the following:

- 1) the demolition of any building except where the building is:
  - (i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
  - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990:
  - (iii) included in Appendix II; or
  - (iv) included on the City's Municipal Inventory prepared under the Heritage of Western Australia Act 1990:
- 2) the carrying out of any building work which affects only the interior of a building which does not materially affect the external appearance of the building except where the heritage value of the interior is specifically identified in documents listed in sub-clauses 1) (i) to (iv) above.
- 3) a home occupation;
- 4) any use or works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
- 5) any building or other works undertaken by the Council or a public authority in connection with the maintenance or improvement of a public street or for any public utility;
- 6) the carrying out of works urgently necessary in the interest of public safety or for the safety or security of plant or equipment;

- 7) the erection of fences not exceeding 1.8m in height, other than fencing in the street setback area.
- 8) structures incidental to residential development that are not located in a street setback area including:
  - i) a cubby house with a finished floor level not exceeding 500mm above the natural ground level;
  - ii) a dog house not exceeding 4 m² in area;
  - iii) a domestic animal/bird enclosure not exceeding 4 m² in area;
  - iv) a shed with a maximum floor area of 9 m<sup>2</sup>, located less than 500mm above natural ground level, with a maximum wall height of 2.4m and a maximum ridge height of 3m;
  - v) a pergola behind the front setback line;
  - vi) a swimming pool where:
    - (aa) no part of the swimming pool is more than 500mm above the surrounding ground level; or
    - (bb) no part of the area surrounding the swimming pool is raised more than 450mm above natural ground level.
  - vii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
  - viii) a satellite dish, located on a lot used solely for residential purposes which:
    - (aa) does not exceed 0.9 metres in diameter;
    - (bb) is not located in the street setback area;
    - (cc) is not visible from a public street; and
    - (dd) if located on a roof, is of similar colour to the roof and is the sole satellite dish on the site.
  - ix) television aerial or radio antenna which does not exceed 3.0 metres in height and which is contained within the maximum building height applicable to the site, or, if located on the ground, is not more than 6.0 metres in height from natural ground level and setback a minimum of 3 metres from the property boundary;
  - x) air conditioner units mounted alongside a wall other than a wall visible from a public street;
  - xi) solar panels;
  - xii) a water tank which does not exceed 3.0 metres in height above natural ground level and is not located in the street setback area;
  - xiii) plumbing vents and pipes not visible from the street;

- xiv) an external hot water heater mounted alongside a wall;
- xv) one letter box per lot;
- xvi) clothes lines not visible from a street;
- 9) screening for visual privacy provided the proposed screening;
  - i) is not a fence;
  - ii) does not exceed a height of 3.0 metres above natural ground level; and
- 10) retaining walls with a maximum height of 300mm calculated from natural ground level.

#### 4. Replacing the existing Table 1 with the following Table 1

ZONES

#### TABLE I - USE CLASS TABLE

KEY TO COLUMNS:

5 LIGHT INDUSTRIAL 1 OFFICE

2 RESIDENTIAL 3 RETAIL SHOPPING

- 6 HOTEL SERVICÉ STATION
- 4 OFFICE/SHOWROOM 8 DEVELOPMENT
  - 9 SPECIAL PURPOSE SITE 1
  - 10 SPECIAL USE

	1	2	3	4	5	6	7	8	9	10
1. Amusement Parlour	X	X	X	X	X	X	X	X		R
2. Auction Mart	X	X	X.	X	AA	X	X	X		E F
3. Betting Shop	AA	X	AA	X	X	AA	X	X		E R
4. Boarding House	X	x	X	X	X	X	X	AA		Т
5. Boat Sales Yard	X	X	X	X	AA	X	X	X		0
6. Cabin or Chalet	/ x	X	X	X	X	X	X	X		S
7. Camping Area	X	X	X	X	X	X	X	AA		C H
8. Caravan or Trailer Yard	X	X	X	X	AA	X	X	X		E D
9. Caravan Park	X	X	X	X	X	X	X	X		U L
10. Caretaker's Dwelling	AA	P	IP	AA	IP	AA	X	AA		E
11. Car Park	AA	AA	P	P	P	P	P	AA		5
12. Car Sales Yard	X	X	X	X	AA	X	X	X		
13. Car Wash Station	X	X	X	X	AA	X	P	X		
14. Child Day Care Centre	AA	X	AA	AA	X	X	X	X		
15. Cinema/Theatre	X	X	AA	AA	X	X	X	<u>X</u>		
16. Civic Building	P	X	X	X	X	X	X	AA		
17. Club Premises	AA	X	AA	AA	X	AA	X	X		

18. Construction Yard X X X X P X X X 19. Consulting Room P X P P X X X AA  20. Consulting Rooms P X P P X X X AA
20. Consulting Rooms P X P P X X X AA
21. Drive-in Theatre X X X X X X X X X
22. Dwelling House – Single AA P X X X X AA
23. Dwelling House – AA AA X X X X AA Grouped/Attached
24. Dwelling House – Multiple <u>AA</u> X <u>AA</u> X X X
25. Educational Establishment AA X X X X X AA X
26. Fast Food Outlet X X X X X X X AA
27. Fuel Depot X X X X AA X X X
28. Funeral Parlour AA X AA AA AA X X X
29. Health Studio AA X AA AA X IP X <u>X</u>
30. Hire Service X X AA X AA X X X X
31.Home Business AA AA X X X X X X
32. Home Occupation IP P X X X X AA
33. Horticultural Pursuit X X X X X X AA
34. Hospital X X X X X X AA
35. Hostel X X X X X X AA
36. Hotel X X X X P X AA
37. Industrial – extractive X X X X X X X X
38. Industrial – general X X X X AA X X X
39. Industrial – hazardous X X X X X X X X X
40. Industrial – light X X X X P X X X
41. Industrial – noxious X X X X X X X X X
42. Industrial – service X X X X AA X X X
43. Kennels X X X X X X X AA
44. Lunch Bar AA X P AA AA X X X
45. Market X X P X X X X <u>X</u>
46. Medical Centre AA X P P X X AA
47. Milk Depot X X X X P X X X
48. Motel X X X X X AA X <u>X</u>
49. Motor Vehicle Assembly X X X X AA X X X
50. Museum AA X X AA X X AA
51. Night Club X X X X X IP X X

53. Office – general	P	X	IP	P	AA	IP	IP	X	
54. Office – professional	P	X	P	P	AA	X	X	X	
55. Office - service	P	X	P	P	X	X	X	X	
56, Prison	X v	X	X	X	X	X	X	X,	
57. Produce Store	X	X	AA	X	X	X	X	X	
58. Public Assembly	X AA	X v	X	X	X v	Х тр	X v	X <sub>D</sub>	
59. Public Utility	AA	AA	AA	AA	AA	AA	AA	AA	
60. Public Purpose	AA	AA	AA	AA	AA	AA	AA	AA A	
61 Rublic Worship	X v	X v	AA <sub>D</sub>	AA <sub>ID</sub>	X A A	Х тр	X <sub>TD</sub>	¥ <sub>D</sub>	
62. Reception Lodge	X	X	AA	X	X	IP A	X	<u>X</u>	
63. Recreation – Private	AA <sub>V</sub>	X v	AA AA	AA <sub>D</sub>	AA <sub>ID</sub>	AA <sub>V</sub>	X v	AĄ	
64. Recreation – Public	AA	AA	AA	AA	AA	AA	X	AA	
6S. Reformatory	x x	x X	$\mathbf{x}^{-\mathbf{X}}$	$\mathbf{x}$ $\mathbf{x}$	$\mathbf{x}^{\mathbf{X}}$	X AA	$\mathbf{x}^{\mathbf{X}}$	¥	
66. Residential Building	X	AA	X	X	X	X	X	<u>X</u>	
75. Transport Depot 67. Restaurant	AA X	x X	AA X	AA X	$\mathbf{x}^{-\mathbf{A}\mathbf{A}}$	IP X	$\mathbf{x}^{\mathbf{X}}$	×	
68. Salvage Yard	X	X	X	X	AA	X	X	X	I I
77. Veterinary Consulting Rooms 69. Service Station	X AA	X X	X P	X AA	$\mathbf{x}^{-\mathbf{X}}$	x X	$\mathbf{P}^{\mathbf{X}}$	<u>A</u> A	I
70. Shop	X	X	P	IP	AA	IP	IP	X	ĺ
79. Warehouse 71. Shopping Centre	x X	X X	P IP	X IP	X P	$\mathbf{x}^{\mathbf{X}}$	$\mathbf{x}^{\mathbf{X}}$	×	7
72. Showroom	X	X	AA	P	IP	X	X	X	(
81. Any other use not included above 73. Storage Yard	X AA	$\mathbf{x}^{\mathbf{A}\mathbf{A}}$	X AA	X AA	AA AA	$\mathbf{x}^{\mathbf{A}\mathbf{A}}$	$\mathbf{x}^{\mathbf{A}\mathbf{A}}$	AA X	6
74. Tavern	X	X	X	X	X	AA	X	X	(
75. Trade Display	X	X	X	X	AA	X	X	X	Î
76. Transport Depot	X	X	X	X	AA	X	X	X	J I
77. Vehicle Wrecking	X	X	X	X	X	X	X	X	I
78. Veterinary Consulting Rooms	AA	X	P	AA	X	X	X	AA	5
79. Veterinary Hospital	X	X	X	X	AA	X	X	AA	
80. Warehouse	X	X	IP	IP	P	X	X	X	
81. Woodyard	X	X	X	X	P	X	X	X	
82. Any other use not included above (See Clause 3.6) above (see clause 3.6)	AA	AA	AA	AA	AA	AA	AA	AA	

5. Replacing the existing Schedule 1 – Additional Uses with the following Schedule 1 – Additional Uses

#### **SCHEDULE 1 – ADDITIONAL USES**

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 1	477,476	Cnr Viking Road and Alexander Avenue	Residential	Church
A 2	342	Waratah Avenue	Residential	Church
A 3	Pt. 134	Adelma Road, Hotchin Street, Sutcliffe Street and Gallop Road	Residential	Convent and Church
A 4	614,613	Princess Road, Bruce Street and Viewway	Residential	Church
A 5	1,2	Dalkeith Road and Edward Street	Residential	Church
A 6	498,499 500,501	Tyrell Street and Elizabeth Street	Residential	Church
A 7	570,569	Kingsway	Residential	Church
A 8	80	Stirling Highway and Napier Street	Office/Showroom	Church
A 9	321,322	Leura Street and Hardy Street	Residential	Church
A 10	115,116,117	Watt Street and Walpole Street	Residential	Church
A 11		DELETED BY AMD 140	GG 7/5/04	
A 12	556,557	Princess Road and Broadway	Residential	Hospital
A 13	414-420 431-441	Stanley Street, Elizabeth Street and Webster Street	Residential	Private College
A 14	1	Thomas Street, Elizabeth Street and Tyrell Street	Residential	Private College
A 15	509,510	Meriwa Street	Residential	Hall
A 16	554	Broadway	Residential	<b>Professional Office</b>
A 17	551	Broadway	Residential	Office
A 18	2	Broadway	Residential	<b>Professional Office</b>
A 19	544	Broadway	Residential	<b>Professional Office</b>
A 20	1	Broadway	Residential	Office
A 21	541	Broadway	Residential	<b>Professional Office</b>
A 22	320	Leura Street and Hardy Street	Residential	Office
A 23	316	Leura Street	Residential	Office
A 24	314	Leura Street	Residential	Office
A 25	311	Leura Street	Residential	Office
A 26	308	Leura Street and Karella Street	Residential	Office
A 27	571	Hampden Rd & Park Rd	DELETED BY AMD 9	GG 1/9/89
A 28	570	Hampden Rd	DELETED BY AMD 9	GG 1/9/89
A 29	57 AMD 75 GG 24/2/95	Loch Street and Bedford Street	Residential	Shop/Cafe
A 30	71	Aberdare Road and Croydon Street	Residential	Shop
A 31	349	Walpole Street and North Street	Residential	Shop

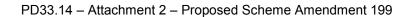
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A 32	10	Asquith Street	Residential	Shop
A 33	726,742	Hillway/The Avenue DELETED BY AMD 167 GG 18/7/06	Residential	Police Station
A 34	531	Broadway	Residential	Office
A 35	529	Broadway	Residential	<b>Professional Office</b>
A 36	429	Broadway	Residential	<b>Professional Office</b>
A 37	428	Broadway	Residential	<b>Professional Office</b>
A 38	Pt. 64	Stirling Highway - balance of lot from a line measured 45m parallel to Stirling Highway	Residential	Car Parking
A 39	62	Robinson Street	Residential	Car Parking
A 40	569	Hampden Road	DELETED BY	AMD 9 GG 1/9/89
A 41	Pt. 306	Philip Road	Residential	Second Dwelling Permitted
A 42	1	Leura Street	Residential	Office
A 43	569	Hampden Road	DELETED BY	AMD 9 GG 1/9/89
A 44	1,2,3 & 272	Hampden Road	DELETED BY	AMD 9 GG 1/9/89
A 45	119	Aberdare Road	Residential	Additional Dwelling
A 46	315 AMD 1 GG 17/1/86	Leura	Residential	Office
A 47	73 AMD 2 GG 7/2/86	Aberdare Road	Residential	Additional Dwelling
A 48	319 AMD 19 GG 1/9/89	Leura Street	Residential	Professional Office
A 49	369,370 AMD 22 GG 9/2/90	Philip Road, Dalkeith	Residential	(Six) 6 Grouped Units in accordance with plans submitted and approved by the Council on 6/7/89.
A 50	318 AMD 35 GG 4/1/91	Leura Street, Nedlands	Residential	Office (to be developed in accordance with the development plans forming part of this amendment).
A 51	225 AMD 26 GG 19/1/90	Waratah Avenue	Residential	Three 3 Grouped Units in accordance with plans submitted and approved by Council on August 3, 1989.
A 52	218 & 219 AMD 27 GG 15/12/89	Tyrell Street, corner Edward Street, Nedlands	Residential	Community Centre
A 54	317 AMD 33 GG 4/1/91 AMD 51 GG 21/5/93	Leura Street, Nedlands	Residential	Consulting Room
A 55	92	Corner Asquith Street & Strickland Street	Residential	Consulting Rooms
A 55	92 AMD 32 GG 21/9/90	Strickland Street, Mt Claremont	Residential	Medical Consulting Rooms in accordance with plans submitted and approved by
				Council on 1/2/1990.
A 56	169	Mooro Drive (Unit No 6)	Residential	<b>Medical Consulting Rooms</b>

A 58					<u> </u>
A 58		AMD 41 GG 20/3/92			
A 58	A 57	100 (strata lots 3 &	Corner Stirling Highway and Dalkeith	Office/	Sale of Motor Vehicles
A 58		-/	Road	Showroom	
AMD 49 GG 23/4/93   19 and 20		AMD 48 GG 3/11/92			
A 59	A 58		Waratah Avenue	Residential	Two (2) Grouped units
A 60					
A 60	A 59		Carrington Street	Light Industrial	Child Day Care Centre
A 61	4.60		Processo Street	Dogidantial	Two (2) Channed
A 62   50-53   Nandina Avenue   Residential   Aged Persons Units (accordance with R40 concordance with R40 conco	A 00	_	Broome Street	Residential	
A 62   50-53   Nandina Avenue   Residential   Aged Persons Units (accordance with R40 concordance with R40 conco	4 61	299	Waratah Avenue	Residential	Two (2)Grouped Units
A 63   237,238	11 01		TY WI WHILE IX YOU WE		1 W (2) Glouped Cines
A 63   237,238	A 62	50-53	Nandina Avenue	Residential	Aged Persons Units (in
A 63		AMD 52 CC 12/7/02			accordance with R40 code)
AMD 4 GG 19/12/86  AMD 4 GG 19/12/86  A 64 18 AMD 64 GG 22/4/94  A 65 177 AMD 67 GG 11/3/94  A 66 450 AMD 66 GG 8/4/94  A 67 377 Philip Road, Dalkeith  AMD 38 GG 5/4/91  A 68 188 AMD 68 GG 12/4/94  A 69 ASSA AMD 61 GG 197/94  A 70 130 AMD 73 GG 18/1/94  A 71 147 AMD 80 GG 1/9/95  A 72 34 AMD 82 GG 19/9/95  A 74 134  Stirling Highway  Units in accordance w plans submitted and approved by Council of February 1986  Two (2) Grouped Un Residential Residential Residential Residential Residential Residential Residential Residential Residential Two (2) Grouped Un Residential Residential Two (2) Grouped Un Residential Residential Two (2) Grouped Un Residential Two (3) Grouped Un Residential Two (4) Grouped Un Residential Two (5) Grouped Un Residential Two (6) Grouped Un Residential Two (8) Grouped Un Residential Two (9) Grouped Un Residential Residential Two (9) Grouped Un Residential Two (9) Grouped Un Residential					
AMD 4 GG 19/12/86	A 63	237,238	Waratah Avenue	Residential	
A 64		AMD 4 GG 19/12/86			plans submitted and
A 64				/	approved by Council on 6
AMD 64 GG 22/4/94         Waroonga Road         Residential         Two (2) Grouped Un           A 65         177 AMD 67 GG 11/3/94         Circe Circle         Residential         Two (2) Grouped Dwellings           A 66         450 AMD 66 GG 8/4/94         Circe Circle         Residential Retail         Three (3) Grouped Un           A 67         377         Philip Road, Dalkeith         Residential Retail         Three (3) Grouped Un           A 68         188 AMD 68 GG 5/4/91         Neville Road         Residential         Two (2) Grouped Dwellings           A 69         365 AMD 61 GG 19/7/94         Dalkeith Road         Residential         Two (2) Grouped Un           A 70         130 AMD 73 GG 18/11/94         Hynes Road         Residential         Two (2) Grouped Dwellings           A 71         147 AMD 80 GG 1/9/95         Bulimba Road         Residential         Two (2) Grouped Dwellings           A 72         34 AMD 82 GG 19/9/95         Doonan Road         Residential         Two (2) Grouped Dwellings           A 74         134         Stirling Highway         Retail Shopping         Dwellings in accordan		10	0.10		
A 65	A 64		Ord Street	Residential	Two (2)Grouped Dwellings
A 66         450         Circe Circle         Residential         Two (2) Grouped Dwellings           A 67         377         Philip Road, Dalkeith         Residential Retail Shopping         Three (3) Grouped Unin accordance with plass ubmitted and approve by Council on August 1990           A 68         188 AMD 68 GG 12/4/94         Neville Road         Residential         Two (2) Grouped Dwellings           A 69         365 AMD 61 GG 19/7/94         Dalkeith Road         Residential         Two (2) Grouped Unings           A 70         130 AMD 73 GG 18/11/94         Hynes Road         Residential         Two (2) Grouped Unings           A 71         147 AMD 80 GG 1/9/95         Bulimba Road         Residential         Two (2) Grouped Dwellings           A 72         34 AMD 82 GG 19/9/95         Doonan Road         Residential         Two (2) Grouped Dwellings           A 74         134         Stirling Highway         Retail Shopping         Dwellings in accordance with plass ubmitted and approve by Council on August 1990	1 65		Waraanga Daad	Dogidantial	Two (2) Crowned Units
A 67 377 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Residential  AMD 38 GG 5/4/91 Submitted and approve by Council on August 1990  A 68 AMD 68 GG 12/4/94 Philip Road Residential  A 69 AG AMD 61 GG 19/7/94 Philip Road Residential  A 70 AG AMD 73 GG AMD 73 GG AMD 73 GG AMD 80 GG 1/9/95 Philip Road Residential  A 71 AMD 80 GG 1/9/95 Philip Road Residential Two (2) Grouped Dwellings  A 72 AG AMD 82 GG 19/9/95 Philip Road Residential Two (2) Grouped Dwellings  A 74 AT AT AMD 80 GG 1/9/95 Philip Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 74 AMD 82 GG 19/9/95 Philip Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 74 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 75 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 76 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 77 Doonan Road Residential Dwellings	A 03		waroonga Koau	Residential	1 wo (2) Grouped Units
A 67 377 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Philip Road, Dalkeith  AMD 38 GG 5/4/91 Residential  AMD 38 GG 5/4/91 Submitted and approve by Council on August 1990  A 68 AMD 68 GG 12/4/94 Philip Road Residential  A 69 AG AMD 61 GG 19/7/94 Philip Road Residential  A 70 AG AMD 73 GG AMD 73 GG AMD 73 GG AMD 80 GG 1/9/95 Philip Road Residential  A 71 AMD 80 GG 1/9/95 Philip Road Residential Two (2) Grouped Dwellings  A 72 AG AMD 82 GG 19/9/95 Philip Road Residential Two (2) Grouped Dwellings  A 74 AT AT AMD 80 GG 1/9/95 Philip Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 74 AMD 82 GG 19/9/95 Philip Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 74 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 75 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 76 Doonan Road Residential Two (2) Grouped Dwellings  Bulimba Road Residential Two (2) Grouped Dwellings  A 77 Doonan Road Residential Dwellings	A 66	450	Circe Circle	Residential	Two (2) Grouned
AMD 38 GG 5/4/91  AMD 38 GG 5/4/91  Retail Shopping in accordance with plasubmitted and approve by Council on August 1990  Residential Two (2) Grouped Dwellings  A 69 365 AMD 61 GG 19/7/94  A 70 130 Hynes Road Residential Two (2) Grouped Under AMD 73 GG 18/11/94  A 71 147 AMD 80 GG 1/9/95  A 72 34 AMD 82 GG 19/9/95  A 74 134 Stirling Highway Retail Shopping Dwellings in accordance with plasubmitted and approve by Council on August 1990  Residential Two (2) Grouped Dwellings  Two (2) Grouped Dwellings  Two (2) Grouped Dwellings  Two (2) Grouped Dwellings	12 00		on or on one	/	
AMD 38 GG 5/4/91  A 68  AMD 68 GG 12/4/94  A 69  A 69  A 70  A 70	A 67	377	Philip Road, Dalkeith	Residential	Three (3) Grouped Units
by Council on August 1990  A 68		AMD 20 CC 5/4/01			in accordance with plans
A 68		AMD 38 GG 3/4/91		Snopping	
AMD 68 GG 12/4/94         Dwellings           A 69         365 AMD 61 GG 19/7/94         Dalkeith Road         Residential         Two (2) Grouped University           A 70         130 AMD 73 GG 18/11/94         Hynes Road         Residential         Two (2) Grouped Dwellings           A 71         147 AMD 80 GG 1/9/95         Bulimba Road         Residential         Two (2) Grouped Dwellings           A 72         34 AMD 82 GG 19/9/95         Doonan Road         Residential         Two (2) Grouped Dwellings           A 74         134         Stirling Highway         Retail Shopping         Dwellings in accordance					
A 69         365 AMD 61 GG 19/7/94         Dalkeith Road         Residential         Two (2) Grouped Unit           A 70         130 AMD 73 GG 18/11/94         Hynes Road         Residential         Two (2) Grouped Dwellings           A 71         147 AMD 80 GG 1/9/95         Bulimba Road         Residential         Two (2) Grouped Dwellings           A 72         34 AMD 82 GG 19/9/95         Doonan Road         Residential         Two (2) Grouped Dwellings           A 74         134         Stirling Highway         Retail Shopping         Dwellings in accordance	A 68		Neville Road	Residential	
A 70       130       Hynes Road       Residential       Two (2) Grouped Dwellings         A 71       147       Bulimba Road       Residential       Two (2) Grouped Dwellings         A 71       147       Doonan Road       Residential       Two (2) Grouped Dwellings         A 72       34       Doonan Road       Residential       Two (2) Grouped Dwellings         A 74       134       Stirling Highway       Retail Shopping       Dwellings in accordance		AMD 68 GG 12/4/94	/		Dwellings
A 70 130 Hynes Road Residential Two (2) Grouped Dwellings  A 71 147 AMD 80 GG 1/9/95 Bulimba Road Residential Two (2) Grouped Dwellings  A 72 34 AMD 82 GG 19/9/95 Poonan Road Residential Two (2) Grouped Dwellings  A 74 134 Stirling Highway Retail Shopping Dwellings in accordance.	A 69		Dalkeith Road	Residential	Two (2) Grouped Units
AMD 73 GG 18/11/94  A 71			/		
A 71 147 AMD 80 GG 1/9/95  A 72 34 AMD 82 GG 19/9/95  A 74 134 Stirling Highway  Bulimba Road Residential Two (2) Grouped Dwellings  Residential Two (2) Grouped Dwellings  Residential Two (2) Grouped Dwellings	A 70		Hynes Road	Residential	
AMD 80 GG 1/9/95  A 72  34 AMD 82 GG 19/9/95  A 74  134  Stirling Highway  Dowellings  Residential  Two (2) Grouped Dwellings  Retail Shopping  Dwellings in accordance of the control of					Dweinings
AMD 80 GG 1/9/95  A 72  34 AMD 82 GG 19/9/95  A 74  134  Stirling Highway  Dowellings  Residential  Two (2) Grouped Dwellings  Retail Shopping  Dwellings in accordance of the control of	A 71	147	Bulimba Road	Residential	Two (2) Grouped
AMD 82 GG 19/9/95 Dwelling  A 74 134 Stirling Highway Retail Shopping Dwellings in accordan		AMD 80 GG 1/9/95	7		
A 74 134 Stirling Highway Retail Shopping Dwellings in accordan	A 72	-	Doonan Road	Residential	
		AMD 82 GG 19/9/95			
(Lot 5) with R35 Code	A 74	_	Stirling Highway	Retail Shopping	Dwellings in accordance
AMD 74 GG					with K35 Code
25/11/94					
A 75 314 Dalkeith Road Residential Two (2) Grouped	A 75	314	Dalkeith Road	Residential	
AMD 85 GG 25/6/96 Dwellings		AMD 85 GG 25/6/96			Dwellings
A 76 224 Mountjoy Road cnr Jenkins Avenue Residential Two (2) Grouped	A 76	224	Mountiov Road cnr Jenkins Avenue	Residential	Two (2) Grouped
(No. 27) Dwellings	/ V	(No. 27)			
AMD 76 GG 21/4/95		AMD 76 GG 21/4/95			
A 77 3 Broadway, Nedlands Antiquarian	A 77	_	Broadway, Nedlands	_	
(No. 69)  AMD 111 GG		, ,		Booksnop	
1/11/96					

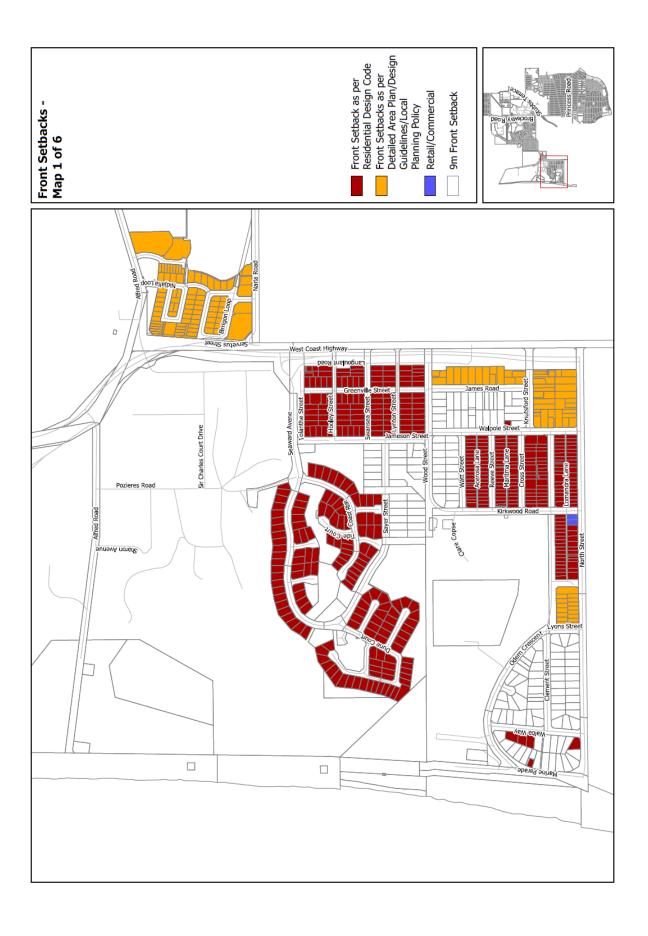
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A 78	798 (No. 59) AMD 78 27/12/96	Esplanade cnr Bessell Ave	Residential	Two (2) Grouped Dwellings
A 79	693 (No. 75) AMD 79 GG 9/6/95	Stanley Street cnr Princess Road	Residential	Two (2) Grouped Dwellings
A 80	259 (No. 2) AMD96 GG 27/12/96	Sherwood Road cnr Melvista Ave	Residential	Two (2) Grouped Dwellings
A 81	252 & 253 AMD 92 GG 25/8/95	Strickland (cnr Asquith)	Retail Shopping	Residential R20
A 82	276 AMD 87 GG 27/12/96	Mountjoy Road	Residential	Two (2) Grouped Dwellings
A 83	28 AMD95 27/12/96	Stanley Street	Residential	Two (2) Grouped Dwellings
A 84	657 AMD 98 GG 27/12/96	Edna Road	Residential	Two (2) Grouped Dwellings
A 86	36 (No. 1) AMD 86 GG 24/10/97	Robinson Street, Nedlands	Residential	Two (2) Grouped Dwellings
A 87	683 AMD 84 GG 11/11/97	Gallop Road	Residential	Two (2) Grouped Dwellings
A 88	372 (No 65) AMD 108 GG	Florence Road Cnr Princess Road, Nedlands	Residential R10	Two (2) Grouped Dwellings, subject to development being restricted to single storey
	29/5/98			building
A 89	5 (No. 63) AMD 122 GG 4/7/00	North Street/Kirkwood Road, Swanbourne		Office – General
A 90	7 (No. 81) AMD 105 GG 7/7/00	Melvista Avenue (corner Vincent Street), Nedlands		Two (2) Grouped Dwellings.
A 91	86 (No. 6) AMD917 GG 27/12/96	Thomas Street	Residential	Two (2) Grouped Dwellings
A 92	26 (No. 110)	Smythe Road, Nedlands	Residential R35	Office - subject to development applications
	500 (No. 71)	Stirling Highway, Nedlands	Residential R12.5	being in accordance with the provisions of Office
	29 (No. 67)	Stirling Highway, Nedlands		Use Ĉlass in Table 1 - Use Class Table
	AMD 127 GG 10/11/00			
A 93	3836 AMD 101 GG 27/12/96	Goldsmith Road	Residential	Two (2) Grouped Dwellings
A 94	64 AMD 94 GG 15/3/96	Loch Street	Residential	Two (2) Grouped Dwellings
A 100	193 (No. 80) AMD 100 GG 16/5/97	Louise Street, Nedlands	Residential	Two (2) Grouped Dwellings

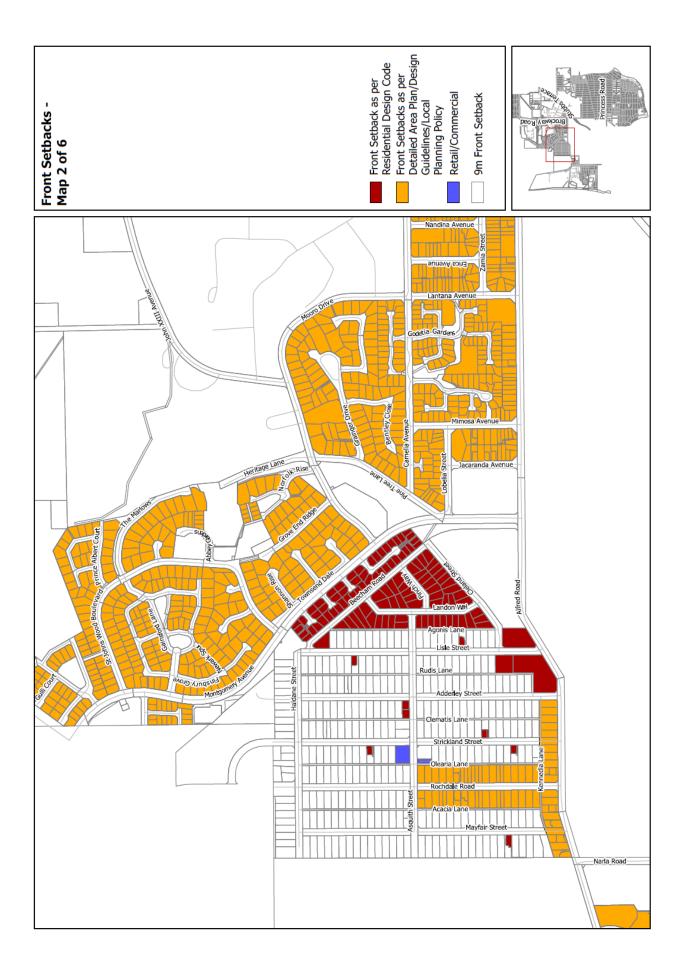
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A 101A	508 AMD 146 GG 7/5/04	Alexander Rd Corner Beatrice Street	Residential	Two Grouped Dwellings
A 101	Lot 380 AMD 154 GG 24/12/04	Carrington Street, Nedlands	Light Industrial	Child Day Care Centre and Child Care Training Facility
A 102	Lot 478 (No. 42) AMD 159 GG 1/7/05	Alexander Road, Dalkeith		Church Purposes
A 103	280 AMD 161 GG 6/1/06	Stirling Highway	Office/Showroom	Residential R60 Grouped and Multiple dwellings
A 106	564 AMD 165 GG 7/3/06	Bruce Street	Residential R 12.5	Two Grouped Dwellings
A 108	Lot 204, 205 AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Grouped and Multiple Dwellings: Residential R50
				Residential Density – In relation to density, Residential development shall not exceed the Residential Design R50 standards.
				Development Standards – Where a development standard mentioned in this Schedule differs from a development standard contained elsewhere in this Scheme or the Residential Design Codes, the provisions of this Schedule shall prevail. Unless otherwise specified below, the development standards mentioned in this Schedule shall apply irrespective of whether the development contains Dwelling uses.  Plot Ratio – Maximum of 1.33 except where a mixed use development comprising residential use is proposed. In this instance the maximum plot ratio may be increased to 2 provided that in any development not more than 30% of the total floor space will be used for non-residential purposes.  Setbacks – At Council's discretion.  Building Heights – Maximum building height of 12m.  i) New building facades should be compatible height with existing buildings and be in harmony with the neighbouring streetscape.

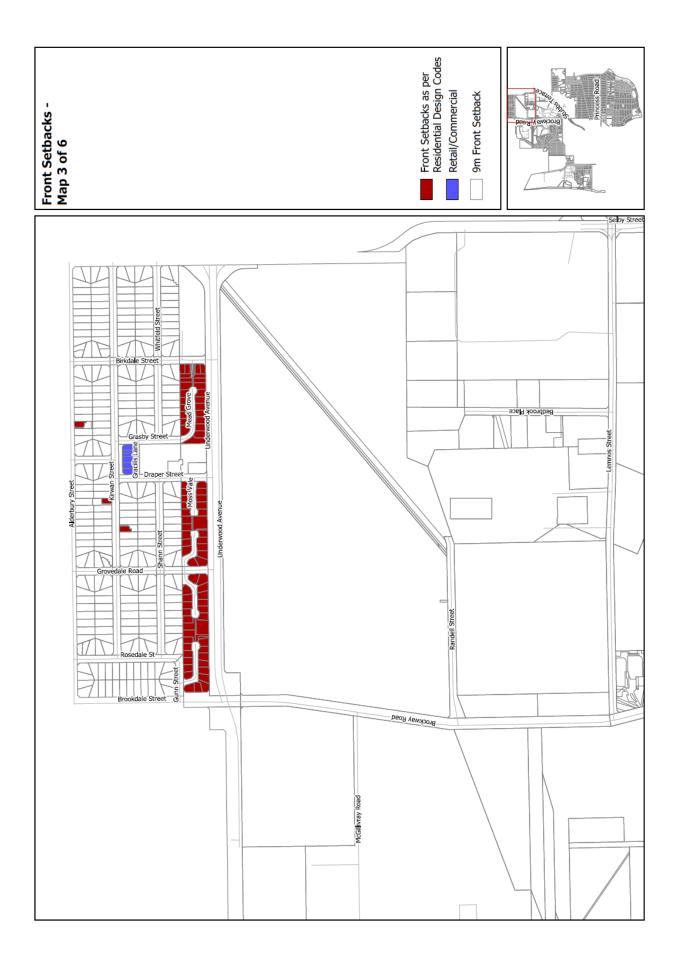
				ii) Portion of the building fronting the street shall not exceed 8.5m. iii) Council may permit an overall height variation permitting a maximum height of 15m or 4 storeys where the major portion of the building is setback at least 6m from the street boundary and where the overall development will not have an adverse effect on adjoining residential landuses or future residential landuses, by way of overshadowing and the loss of privacy. An 8.5m facade is required to be maintained in keeping with the pedestrian scale of the street.  Car Parking Office – 1 per 50m² of Gross Floor Area Showroom – 1 per 70m² of Gross Floor Area.  Non-Residential and Residential Development – In considering an application for a mix of non-residential and residential purposes, the Council will have particular regard to measures taken to minimize conflict between non-residential and residential use.
A 109	409 (No. 27 and 27A) AMD 180 GG 4/12/07	Clark Street, Nedlands	Residential R12.5	Two Grouped Dwellings
A 110	50	Langham Street	Residential R12.5	Two Grouped Dwellings
	AMD 170 GG 10/10/06			
A 111	382	Cooper Street	Residential R12.5	Two Grouped Dwellings
	AMD 171 GG 22/12/06			
A 112	160	Alderbury Street	Residential R12.5	Two Grouped Dwellings
	AMD 188 GG 2/5/08			

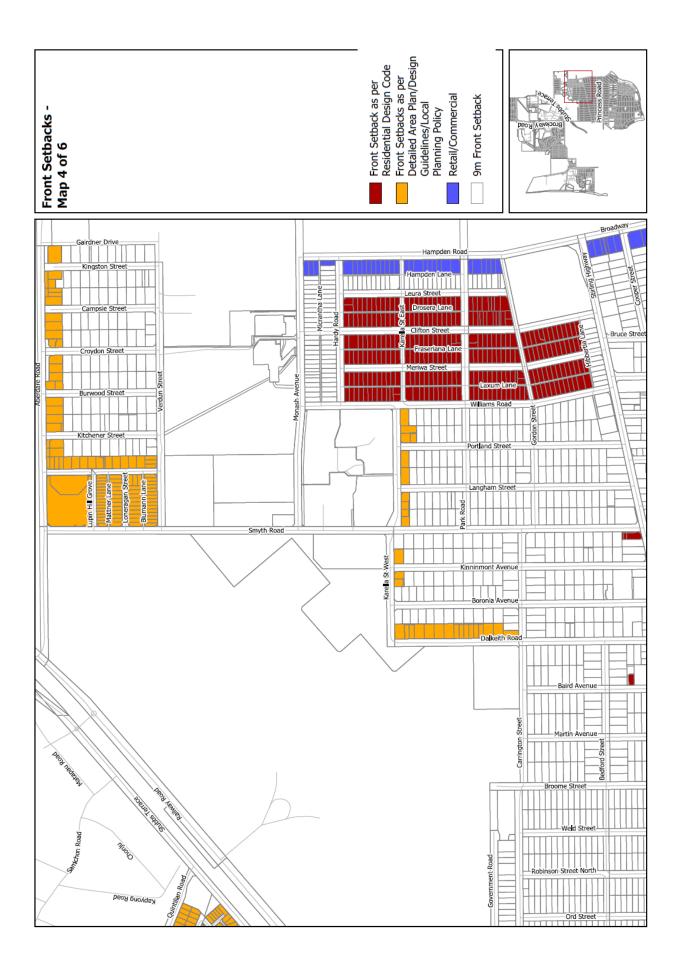


- 6. Adding the following as an Appendix to the scheme:
  - a) "Appendix IV: Street Setbacks"

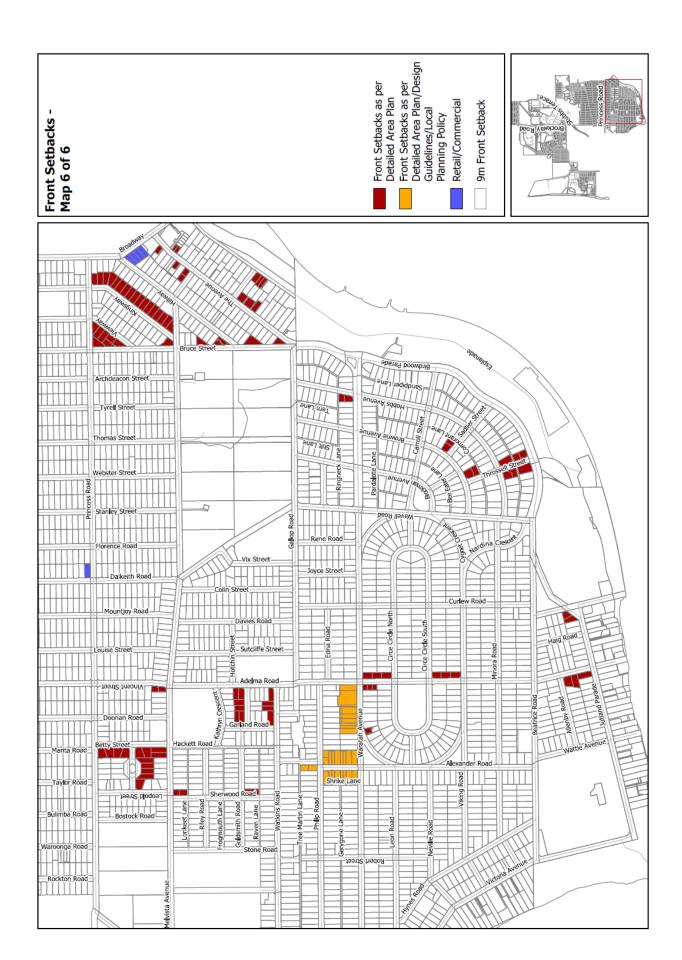








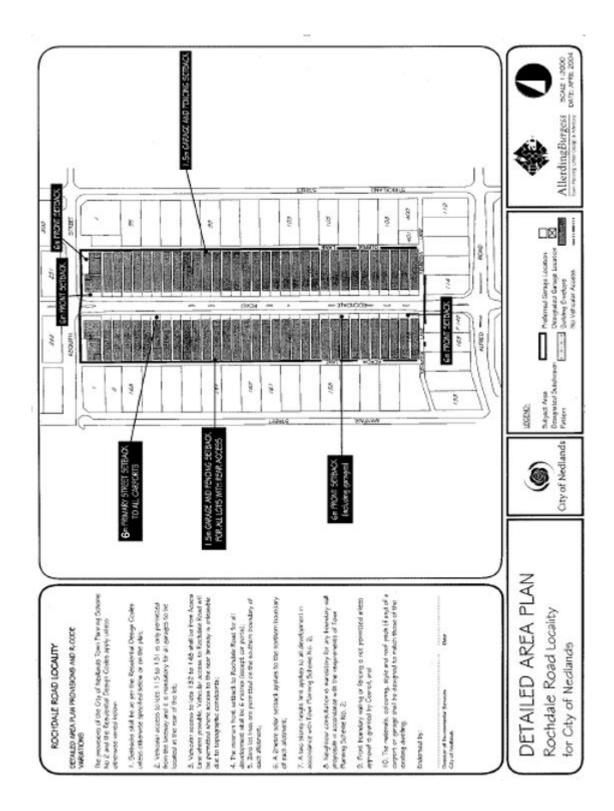




## 7. Amending Appendix VI Dalkeith Redevelopment Special Control Area Provisions as follows:

- a) Delete existing Clause 1.5 and replace with the following new clause 1.5:
  - "Council may vary clauses in these guidelines but limited to car parking, setbacks, land-use and side (north/south) laneways."
- b) Delete the following words from existing clause 2.5 (c)
  - "...and are not discretionary in order to ensure high quality amenity."
- c) Add a new clause 2.8 (b)
  - "(b) Universal access shall be the design standard as required by the relevant Australian Standards and Building Code Australia as amended in regard to lifts, ramps, door and corridor widths and toilets"
- d) Remove the word "Draft" and the numbers "2" and "3" from the Precinct Plans

- i) Replacing the following Appendix in the scheme with the following:
  - a) "Appendix V: Residential Design Guidelines and Detailed Area Plan Rochdale Road Locality"



PD33 14 -	Attachment 2 -	- Proposed	Scheme	Amendment	199
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Dated this	day of	2014
CHIEF EXECUTIVE OFFICER		

# City of Nedlands Town Planning Scheme No 2 Omnibus Scheme Amendment 199

"Justification" Report

# 1. Executive Summary

The City of Nedlands has proposed to amend its Town Planning Scheme No. 2 by recommending a variety of amendments to the current scheme. The purpose of the proposed amendments to the City's Town Planning Scheme No. 2 is to:

- Protect and enhance the City's "Garden Suburb" characteristics;
- Improve the planning processes for Controlled Development Areas;
- Correctly define developments exempt from planning approval;
- Align the provisions on building heights with Council expectations; and
- Correct clauses that contradict one another.

The proposed amendments also provide the opportunity for development contributions towards public art, allow for multiple dwellings, and expand the concept of "Home Business" to include the provision of space on private land for parking.

# 2. Background

## 2.1 Summary Information

LOCAL AUTHORITY: City of Nedlands

DESCRIPTION OF TOWN PLANNING SCHEME:

Town Planning Scheme No. 2

TYPE OF SCHEME:

Town Planning Scheme

SERIAL NO. OF AMENDMENT: Amendment No. 199

#### 2.2 Council Resolution

This latest proposal is to incorporate measures that Council wishes to address via TPS 2 as per the council resolution of 26 February 2013 below:

"Council instructs Administration to draft an "Omnibus" amendment to Town Planning Scheme 2. The intent of the proposed changes is detailed as follows:

1. Revision of Amendment No. 192 – Dalkeith Special Control Area Provisions

Intent - to remove a conflict between two opposing clauses – one that allows setbacks to be varied and another that says they cannot be varied, by modifying clause 1.5; to define Universal Access, align permitted use symbols in the use class table and correct clause 2.5; investigate options for the provisions of public access to the rear lane.

2. Revision of clause 5.3 – Residential Planning Codes

Intent – To protect and enhance the "garden suburb" character of the City by: Requiring more covered car parking spaces and landscaping to be provided with all new residential development. (Note: landscaping comprises unroofed planting, and may include pedestrian areas and swimming pools).

For lots larger than 800 sq. metres with a frontage of 15m or more, there should be increased mandatory setbacks. Only development completed prior to 2013 would be permitted to have a carport in the front setback area.

Attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For lots less than 800m2 replace "(d) Building heights shall be a maximum of 8.5m" with "(d) Building heights shall be a maximum of 10m".

Attachment 1, revision of Clause 5.3 – Residential Planning Codes be amended as follows:

For large lots replace "(e)(vi) Carparking, notwithstanding the carparking specified in (c) above minimum 3 covered parking spaces for the storage of wheeled vehicles, boats and other goods, provided that one space may be behind another" with "(e)(vi) Carparking, notwithstanding the carparking specified in (c) above minimum of 2 covered parking spaces for the storage of wheeled vehicles, boats and other goods".

3. Revision of clause 5.4 – Standards for Development in other than Residential Zones

Intent - To introduce a small amount of landscaping for non-residential uses, in the form of either decorative planting adjoining the street or a buffer adjoining residential use at the rear. The land would remain in private ownership.

In the Controlled Development Area along the river, it is proposed to include in the Town Planning Scheme the Swan River Trust's requirement for a 10m setback adjoining the river reserve and to allow the rear setback (designed to protect views over buildings below) to be reduced provided side setbacks are increased (designed to see around buildings)

Changes to the definition of height are to encourage buildings to step down sloping ground, rather than being a fixed height related to the centroid of the lot. It is intended to specify overall height, not number of floors.

Intended changes to commercial and industrial zones mainly relate to Stirling Highway but also affect other areas. Along Stirling Highway there is a minimum permitted height of 10m for redevelopment (approximately 3 storeys). Where new development has a lot area of at least 2,000 square metres, has entry off a side street or rear laneway, has at least one storey of residential use and land is freely given up for the widening of Stirling Highway, an additional storey is permitted; and if land is freely given up to create a rear laneway, a further storey is permitted (maximum of five storeys). In addition to the widening of the Highway, a front setback of 9m is proposed, to create a "Kings Park Road" type of environment.

4. Additional clause to Part V – General Provisions – introducing a requirement for art with other than single residential development

Intent - To require 1% of the building contract sum to be spent on artworks.

5. Revision of clause 6.1 – Planning Approval – specifying where planning approval is not required

Intent - To reduce the number of planning applications, specifying that planning approval is not required for internal work, demolition of any building not on the Municipal Inventory, home occupations, temporary work, certain advertising signs, erection of standard fences, below ground pools, TV aerials, solar panels, letter boxes, and the like.

6. Modifications of table 1 – use class table

Intent – To make changes to the use class table primarily to allow residential use (multiple dwellings) in the Office, Retail Shopping and Office/Showroom Zones and to restrict uses to those of an institutional nature in the Development Zone within the buffer around the Shenton Park waste water treatment plant.

To make a Child Day Care Centre a use that is not permitted within a Residential Zone – for one to be established, a rezoning would be required.

7. Other miscellaneous minor revisions

Intent - To include changes to require on-site power generation for every new dwelling, by solar or other means, specification of minimum floor levels for habitable rooms because of rising sea levels, clarification that a Home Business (including rental of car spaces) requires planning approval, minimum development requirements for development on reserved land and an enabling clause to facilitate web-based processing of development applications."

## 2.3 Proposal Description

This proposal is a request to initiate an omnibus amendment to the City of Nedlands Town Planning Scheme No. 2 (TPS2). The purpose of the amendment is to:

- a. Remove inconsistencies within the scheme and internal conflicts.
- b. Bring the Scheme closer to the model scheme text.
- c. Facilitate development by administering the need for planning approval for specific types of development / uses.
- d. Clarify the extent of discretion within variations to simplify administrative processes.
- e. Remove ambiguity in provisions and provide greater certainty.
- f. Address, protect and enhance the "Garden Suburb" character of the City by:
  - Making front and rear setback requirements mandatory and increasing side setback requirements;
  - ii) Introducing landscaping requirements for all development; and
  - iii) Increasing requirements for covered parking.
- g. Allow discretion for setbacks in Controlled Development Areas.
- h. Correct the building height provisions so that building height is measured in accordance with the City's preferred approach as opposed to the literal meaning of the provisions.
- i. Include provisions enabling the City to collect contributions towards public art.
- j. Include provisions for minimum floor levels for habitable rooms taking account rising sea levels.
- k. Widen the definition of "Home Business" to include the rental of car parking spaces on privately owned land.
- I. Make modifications to the use class table to allow Multiple Dwellings in selected use classes and introduce a new "Public Purpose" use.
- m. Clarify the wording of approved scheme amendment 192, attached to Town Planning Scheme No.
   2 as Schedule VI, by aligning clauses 1.5 and 2.5 which have the effect that minimum setbacks are not discretionary, and introduce a definition for Universal Access.

#### 2.4 Information

The City of Nedlands Town Planning Scheme No 2 (TPS2) was gazetted on 18 April 1985. Since the scheme's date of gazettal, it has been amended almost 200 times.

This latest amendment proposal identified by Council as per the council resolution of 26 February 2013 (outlined below), incorporates measures to address current deficiencies within TPS2.

## 3. Details of Proposal

## 3.1 Amend Existing Clauses

#### 3.1.1 Clause 1.8 by deleting the following terms and their definitions:

"Mean Natural Ground Level"

"Shop"

#### Justification

The term "mean natural ground level" is no longer an appropriate benchmark given the level of development of the area and the difficulty to source the relevant public plans. The current definition for "shop" is proposed to be replaced by the wording for the definition for shop as provided in the Model Scheme Text.

#### 3.1.2 Clause 1.8 by adding the following definitions:

"Landscaping – means unroofed area comprising planted vegetation including trees, shrubs and grass and may at the discretion of Council include paved pedestrian areas, water features and swimming pools.

**Public Purpose** – means any use of land or a building by an institutional, governmental or charitable organisation that operates on a non-profit basis;

**Residential Design Codes** – means the document referred to in Appendix 2 to the statement of Planning Policy No. 1 together with any amendments thereto and was previously known as the Residential Planning Codes;

**Showroom** - means premises used to display, sell by wholesale or retail, or hire, goods generally of a bulky nature including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, but does not include the sale by retail of foodstuff, liquor or beverages, items of personal adornment, goods commonly sold in news agencies and medicinal or pharmaceutical products.

**Shop**- means premises used to sell goods by retail, for the hire of goods, or to provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet."

## Justification

The purpose of these additional definitions is to provide greater clarity as to the meaning of these terms throughout the remainder of the document and to cover omissions and duplications. For example, the scheme has a showroom / warehouse zoning and no definition for showroom. The scheme also has duplicate meanings of the term 'Natural Ground Level'.

#### 3.1.3 Clause 1.8 by replacing the existing definition with the following:

"Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

i. does not employ more than 2 people not members of the occupier's household;

- ii. does not cause injury to or adversely affect the amenity of the neighbourhood;
- iii. does not occupy an area greater than 50 square metres;
- iv. does not involve the retail sale, display or hire of goods of any nature;
- v. in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
- vi. does not involve the use of an essential service of greater capacity than normally required in the zone; and includes
- vii. use of land for the rental of car bays on private property; and
- viii. does not display a sign exceeding 0.2 square metres in area."

#### Justification

The purpose of amending this clause is to introduce subclause vii, enabling the City to manage the practice where property owners located in areas subject to significant parking demand allow space on private property for parking purposes.

#### 3.1.4 Part II – Reserved Land by adding the following subclause 2.3 which states:

"The following development standards shall apply on land reserved under this Scheme, unless otherwise determined by Council:

- v) Street setbacks 20m minimum
- vi) Other boundary setbacks 5.0m minimum
- vii) Landscaping in accordance with clause 5.4.2, provided that a minimum of 50% of the site area shall be landscaped;
- viii) Sufficient for each person employed on-site plus visitors"

#### Justification

The purpose of this amendment is to provide guidelines for the development of reserved land that will protect and enhance the "garden suburb" character of the City.



#### 3.1.5 Clause 5.4.2 by adding the following subclause (c) which states:

"A minimum of 20% of the lot shall be landscaping".

#### Justification

The purpose of this amendment is to provide guidelines for the development on non-residential land that will protect and enhance the "garden suburb" character of the City.

#### 3.1.6 Table II: Note (4) and Table III: Note (2) Replace the word "nil" with "9m".

"On Stirling Highway the minimum front boundary setback shall be 9m exclusive of any road widening."

## Justification

The purpose of this amendment is to remove anomalies and internal conflicts within the scheme for future developments adjoining Stirling Highway in accordance with Clause 5.19 in order to promote a "Kings Park Road" environment for Stirling Highway.

## 3.1.7 Clause 5.10.3 by adding a new subclause (c) which states

"The Council may approve a lesser setback than 7.5m as shown on the maps in Appendix 1 provided that there are greater side setbacks to compensate for the reduced rear setback."

## Justification

Currently, the 7.5m setback required in the Control Development Area is mandatory with no ability to allow for a variation. The proposed amendment will provide the necessary flexibility while still protecting the "garden suburb" character of the City.

#### 3.1.8 Clause 5.10.3 by adding a new subclause (d) which states

"A minimum setback of 10m shall be provided on lots located along the river reserve."

#### Justification

The purpose of this amendment is to align the scheme provisions with the requirements of the Swan River Trust for lots located along the river reserve.

## 3.2 Adding the following new clauses:

#### 3.2.1 Clause 5.3.11 (e) which states:

"The maximum heights for all other lots shall be in accordance with Swanbourne Design Guidelines A & B."

## Justification

The purpose of this amendment is to provide greater clarity in relation to the prevailing planning legislation when it comes to maximum heights within the Swanbourne Special Control Area.

#### 3.2.2 Clause 5.3.12 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme every dwelling shall be provided with a minimum of two covered car spaces for the storage of wheeled vehicles, boats and other goods.

## Justification

Nedlands is an affluent area with more than two-thirds of the households owning more than two vehicles plus boats and trailers. The purpose of this amendment is to ensure that adequate space is provided on privately owned land to accommodate the wheeled belongings of residents.



Overflow of cars and boats into the street



#### 3.2.3 Clause 5.3.13 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme landscaping shall be provided at the following rates:

- a) for lots less than 800m² in extent the minimum area of landscaping shall be 20% of the site area: and
- b) for lots more than 800m² in extent with a minimum frontage of more than 15m the minimum area of landscaping shall be 30% of the site area.

#### Justification

It is the intention with Clause 5.3.13 to distinguish between properties that are larger than 800m² and lots less than 800m² and acknowledge the need for differing development parameters for each. Landscaping can be provided within the existing open space requirements.

#### 3.2.4 Clause 5.17 which states:

"CONTRIBUTION FOR ART

- (a) Council may establish a special fund for the purchase, installation and maintenance of public artwork throughout the district;
- (b) As a condition of approval of a development on a lot with a residential zoning comprising 10 or more dwellings or a non-residential zoning the Council shall require a contribution up to 1% of the estimated cost of the development for the provision of art. This contribution can be:
  - by way of providing artwork on the development site or in the locality so that it is visible from the street and contributes positively to the streetscape and public amenity; or
  - ii) by the payment to the City of cash-in-lieu;
- (c) The Council may accept a bond equal to the value of the contribution.
- (d) All cash contributions towards a public artwork shall be paid into the special fund established under sub-clause 5.17 (a) and shall be enforced as a condition of planning approval.
- (e) All artwork shall be approved by the Council prior to installation.
- (f) The Council is not restricted to installing artwork obtained through the contributions to the special fund in a location that is in close proximity to any development that has contributed to the special fund."

#### Justification

The purpose of including this provision into the scheme is to enable the City to obtain a development contribution for public art from proposals other than single residential developments.

#### 3.2.5 Clause 5.18 which states:

#### "5.18 MINIMUM FLOOR LEVELS

To allow for rising sea levels the minimum reduced level for any habitable room shall be in accordance with the Floodplain Development Strategy of the Department of Water as amended from time to time but not less than a level of 3.0 Australian Height Datum (AHD)"

#### Justification

The purpose of this amendment is to protect new and existing residential dwellings in close proximity to major water bodies from the adverse effects of rising sea levels as a result of climate change.



New house on river foreshore close to high tide level

#### 3.2.6 Clause 5.19 which states:

#### "5.19 DEVELOPMENT ADJOINING STIRLING HIGHWAY

Notwithstanding any other provisions in this scheme all development adjoining Stirling Highway shall be in accordance with the following:

(a) Minimum setbacks from boundaries unless otherwise specified:

Primary Street Setback:

Ground Floor - 9.0 metres

Upper Floor - 12 metres

Secondary Street Setback

Ground Floor - 4.5 metres

Upper Floors - 6.0 metres

Rear Setback - 6.0 metres

Side Setback

Ground Floor – 1.5m on the one side and 2.5m on the other provided that where the lot adjoins any Residential Zone 5.0m

Upper Floors – 1.5m per storey, but not less than 5.0m where adjoining any Residential Zone

#### (b) Building Height

Notwithstanding the requirements of clause 5.11 for properties adjoining Stirling Highway, the building height may be increased by four (4) metres where four of the following criteria are met and eight (8) metres where all five criteria are met:

- (vi) Minimum lot area of 2000m<sup>2</sup>;
- (vii) Vehicular entry and exit other than from Stirling Highway;
- (viii) Additional floor space is used for residential purposes
- (ix) Land is freely ceded or already provided for the widening of Stirling Highway; and
- (x) Land is freely ceded for the creation of a new laneway with a minimum width of 7m.

#### Justification

The purpose of including Clause 5.19 is to introduce new provisions regarding the future development of land adjoining Stirling Highway. The clause introduces new rear, side, primary and secondary street setbacks as well as the establishment of new building height requirements to help facilitate development along Stirling Highway.

#### 3.2.7 Clause 5.20 which states:

#### "5.20 ON-SITE POWER GENERATION FOR RESIDENTIAL DEVELOPMENT

Each dwelling shall include a power generation device in order to be able to produce a minimum of 1.5 kW of power on site. The power generation device may be solar, wind or any other form approved by Council."

#### Justification

The purpose of including Clause 5.20 is to encourage sustainable living and reduce the incidence of power lines within the City.

## 3.3 Replacing the wording of the following existing clauses

## 3.3.1 Clauses 5.3.3 and 5.6.2 with a new clause 5.3.3 to provide for street setbacks:

"Notwithstanding the provisions of the Residential Design Codes, the following provisions apply:

- (a) A minimum primary street setback of 9 metres to dwellings, carports and garages (attached or detached) shall apply except in areas designated in Appendix IV entitled "Front Setbacks".
  - (i) For lots that are 800m² or more and a frontage of 15m or more, the following minimum setbacks shall apply:

(ii) Primary Street Setback:

Ground floor – 9.0m Upper floors – 12.0m Basement – 9.0m

(iii) Other Street Setbacks:

Ground floor – 4.5m Upper floors – 6.0m

(iv) Side Setback:

Ground floor – 1.5m on one side and 2.5m on the other First floor – 3m Additional floors – 1.5m per floor

(v) Rear Setback:

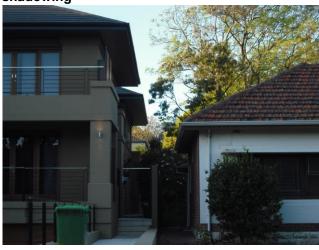
6.0m, provided that a single storey garage or carport may be constructed 1.5m from an right of way for no more than half the width of the rear boundary

- (b) Notwithstanding Clause 5.3.3 (a), a carport may be constructed within the 9m primary street setback area with development constructed prior to the gazettal date of this amendment if covered car spaces cannot be located elsewhere on site, subject to the following conditions:
  - (i) The area of the carport shall not be greater than 36m<sup>2</sup> in area;
  - (ii) The minimum primary street setback shall be 3.5m and the minimum side setback shall be 1.0m;
  - (iii) The carport shall be open on all sides except to the extent that it abuts a dwelling or a property boundary on one side and shall not have a door.
- (c) Minor structures such as gate houses, lichgates, porticos, pergolas and similar structures are permitted in a street setback area provided the roofed area of the minor structure does not exceed 4m<sup>2</sup> in area or 3.5m in height.

## Justification

The purpose of including this new clause is to introduce a mandatory front setback for properties larger than  $800m^2$  and introduce a greater secondary street setback for those properties as well as controlling the number of structures permitted in the respective front setback areas.





PD33.14 – Attachment Proceed Sahama Amandraant 100

**Excessive bulk affecting local amenity** 

## 3.3.2 Clause 5.3.11(a) and (b) with the following new wording:

- (a) "In respect of proposed Lots 52 59 a height restriction of 12m shall apply. The 12m in height shall be calculated from the finished level for each site at the front property boundary established as part of the subdivision works. The height of the building envelope does not change with the changes in lot levels."
- (b) "In respect of proposed Lot 60 a height restriction of 21m shall apply, and the development shall be a maximum of 5 storeys from the street front. The natural ground level for measurement of height shall coincide with the finished lot level created at subdivision."

#### Justification

The purpose of changing the wording for Clause 5.3.11 (a) and (b) is to provide greater clarity in regards to height restrictions between Town Planning Scheme No. 2 and the Swanbourne Design Guidelines A & B. The new wording will remove anomalies between the Scheme and the Design Guidelines.

## 3.3.3 Clause 5.11- Building Height with a new clause 5.11-Building Height

- 5.11.1 Unless provided elsewhere in the Scheme, no site shall be developed or building constructed:
  - (i) With the primary street facade greater than 8.5m in height, measured from midpoint of the lot frontage;
  - (ii) With a height of any other exterior wall greater than 8.5m at any point;
  - (iii) So that any point of the building exceeds a height of 10m measured from natural ground level or other level determined by council;
- 5.11.2 The height of a wall is measured from natural ground level in accordance with the definition of "wall height" in the Residential Design Codes;
- 5.11.3 Dormer windows comprising an opening framed into a pitched roof to provide natural lighting to a roof space are exempt from clause 5.11 (i) & (ii).

#### Justification

The literal meaning of the current provision yields unsatisfactory outcomes particularly on properties with steep gradients, such as the lots along the riverfront. Council wishes to ensure that the provisions on height encourage the building to step down with the topography of the lot rather than being fixed at a certain level arrived at from using the centroid method of calculation.

#### 3.3.4 Clause 6.1.1 b) with a new clause 6.1.1 b):

"Notwithstanding the above clause 6.1.1 (a), the Council's planning approval is not required for the following

- 1) the demolition of any building except where the building is:
  - located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
  - ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
  - iii) included in Appendix II; or
  - iv) included on the City's Municipal Inventory prepared under the Heritage of Western Australia Act 1990;
- 2) the carrying out of any building work which affects only the interior of a building which does not materially affect the external appearance of the building except where the heritage value of the interior is specifically identified in documents listed in sub-clauses 1) (i) to (iv) above;
- a home occupation;
- 4) any use or works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
- 5) any building or other works undertaken by the Council or a public authority in connection with the maintenance or improvement of a public street or for any public utility;
- 6) the carrying out of works urgently necessary in the interest of public safety or for the safety or security or plant or equipment;
- 7) the erection of fences not exceeding 1.8m in height, other than fencing in the street setback area.
  - structures incidental to residential development that are not located in a street setback area including:
    - a cubby house with a finished floor level not exceeding 500mm above the natural ground level;
    - ii) a dog house not exceeding 4m<sup>2</sup> in area
    - iii) a domestic animal/bird enclosure not exceeding 4m<sup>2</sup> in area:
    - iv) a shed with a maximum floor area of 9m<sup>2</sup>, located less than 500mm above natural ground level, with a maximum wall height of 2.4m and a maximum ridge height of 3m;
    - v) a pergola behind the front setback line;

- vi) a swimming pool where:
  - a. no part of the swimming pool is more than 500mm above the surrounding ground level; or
  - b. no part of the area surrounding the swimming pool is raised more than 450mm above natural ground level.
- ii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
- iii) a satellite dish, located on a lot used solely for residential purposes which:
  - a. does not exceed 0.9 metres in diameter;
  - b. is not located in the street setback area;
  - c. is not visible from a public street; and
  - d. if located on a roof, is of similar colour to the roof and is the sole satellite dish on the site.
- iv) Television aerial or radio antenna which does not exceed 3.0 metres in height and which is contained within the maximum building height applicable to the site, or, if located on the ground, is not more than 6.0 metres in height from natural ground level and setback a minimum of 3 metres from the property boundary;
- v) air conditioner units mounted alongside a wall other than a wall visible from a public street;
- vi) solar panels;
- vii) a water tank which does not exceed 3.0 metres in height above natural ground level and is not located in the street setback area;
- viii) plumbing vents and pipes not visible from a street;
- ix) an external hot water heater mounted alongside a wall;
- x) one letter box per lot;
- xi) clothes lines not visible from a street:
- 9) screening for visual privacy provided the proposed screening;
  - a. is not a fence;
  - b. does not exceed a height of 3.0 metres above natural ground level;
- 10) retaining walls with a maximum height of 300mm calculated from natural ground level.

#### Justification

Currently the scheme does not exempt any development from planning approval. In order to streamline the planning approvals process Council would like the above provision included into the scheme so that a number of developments are automatically permissible and do not require planning approval.

#### Replace an existing Table 3.4

#### 3.4.1 Replacing the existing Table 1 with the following Table 1

## TABLE I - USE CLASS TABLE

KEY	TO	COL	TIN	ANS.

1 OFFICE 5 LIGHT INDUSTRIAL

ZONES 2 RESIDENTIAL 6 HOTEL

3 RETAIL SHOPPING SERVICE STATION 8 DEVELOPMENT 9 SPECIAL PURPOSE – SITE 1 4 OFFICE/SHOWROOM

10 SPECIAL USE

TABLE I - USE CLASS TABLE

1. Amusement Parlour         X	ADLE I - USE CLASS		•								
2. Auction Mart  X X X X AA X X X  3. Betting Shop  AA X AA X X X X X X X X X X  4. Boarding House  X X X X X X X X X X X X X X X  6. Cabin or Chalet  X X X X X X X X X X X X X X X X X X X		1	2	3	4	5	6	7	8	9	10
3. Betting Shop  AA X AA X X AA X X AA X X AA X X AA A X X AA A A A A A A A A A A A A A A A A A A	1. Amusement Parlour	X	X	X	X	X	X	X	X		
4. Boarding House	2. Auction Mart	X	X	X	X	AA	X	X	X		
5. Boat Sales Yard         X	3. Betting Shop	AA	X	AA	X	X	AA	X	X		
6. Cabin or Chalet	4. Boarding House	X	X	X	X	X	X	X	AA		
7. Camping Area	5. Boat Sales Yard	X	X	X	X	AA	X	X	X		
8. Caravan or Trailer Yard	6. Cabin or Chalet	X	X	X	X	X	X	X	X		
9. Caravan Park    X   X   X   X   X   X   X   X   X	7. Camping Area	X	X	X	X	X	X	X	AA		
10. Caretaker's Dwelling	8. Caravan or Trailer Yard	X	X	X	X	AA	X	X	X		
11. Car Park	9. Caravan Park	X	X	X	X	X	X	X	X		
11. Car Park	10. Caretaker's Dwelling	AA	P	IP	AA	IP	AA	X	AA		n
12. Car Sales Yard	11. Car Park	AA	AA	P	P	P	P	P	AA		E
13. Car Wash Station	12. Car Sales Yard	X	X	X	X	AA	X	X	X		E
15. Cinema/Theatre	13. Car Wash Station	X	X	X	X	AA	X	P	<u>X</u>		R
15. Cinema/Theatre	14. Child Day Care Centre	AA	X	AA	AA	X	X	X	X		
17. Club Premises	15. Cinema/Theatre	X	X	AA	AA	X	X	X	X		0
17. Club Premises	16. Civic Building	P	X	X	X	X	X	X	AA		S
18. Construction Yard	17. Club Premises	AA	X	AA	AA	X	AA	X	X		
19. Consulting Room	18. Construction Yard	X	X	x/	X	P	X	X	X		
20. Consulting Rooms    P   X   P   P   X   X   X   X   X   X	19. Consulting Room	P	X	P	P	X	X	X	AA		
22. Dwelling House – Single  AA  P  X  X  X  X  X  AA  23. Dwelling House –  AA  AA  X  X  X  X  X  X  AA  AA  24. Dwelling House – Multiple  AA  X  X  X  X  X  X  X  X  X  X  X  X	20. Consulting Rooms	P	x	P	P	X	X	X	AA		E
22. Dwelling House – Single	21. Drive-in Theatre	X	X	X	X	X	X	X	X		5
24. Dwelling House – Multiple         AA         X         AA         AA         X         X         X         X         X         X         AA           25. Educational Establishment         AA         X         X         X         X         X         X         AA         AA<	22. Dwelling House – Single	AA	P	X	X	X	X	X	AA		
25. Educational Establishment  AA	23. Dwelling House –	AA	AA	X	X	X	X	X	AA		
X	24. Dwelling House – Multiple	AA	X	AA	AA	X	X	X	X		
27. Fuel Depot         X         X         X         X         X         AA         X         X         AA           28. Funeral Parlour         AA         X         AA         AA         AA         X	25. Educational Establishment	AA	X	X	X	X	X	X	AA		
28. Funeral Parlour         AA         X         AA         AA         X         X         X           29. Health Studio         AA         X         AA         AA         X         IP         X         X           30. Hire Service         X         X         AA         X         X         X         X         X           31. Home Business         AA         AA         X         X         X         X         X	26. Fast Food Outlet	X	X	X	X	X	X	X	AA		
29. Health Studio  AA	27. Fuel Depot	X	X	X	X	AA	X	X	AA		
30. Hire Service	28. Funeral Parlour	AA	X	AA	AA	AA	X	X	X		
31. Home Business AA AA X X X X X X X	29. Health Studio	AA	X	AA	AA	X	IP	X	X		
31. Home Business AA AA X X X X X X X	30. Hire Service	X	X	AA	X	AA	X	X	X		
32. Home Occupation IP P X X X X AA	31.Home Business	AA	AA	X	X	X	X	X			
	32. Home Occupation	IP	P	X	X	X	X	X	AA		

TABLE I - USE CLASS TABLE (continued)

TABLE I - USE CLAS	5 1 A I	SLE (	contii	iuea)						1
	1	2	3	4	5	6	7	8	9	10
33. Horticultural Pursuit	X	X	X	X	X	X	X	AA		
34. Hospital	X	X	X	X	X	X	X	AA		
35. Hostel	X	X	X	X	X	X	X	AA		
36. Hotel	X	X	X	X	X	P	X	AA		
37. Industrial – extractive	X	X	X	X	X	X	X	X		
38. Industrial – general	X	X	X	X	AA	X	X	X		
39. Industrial – hazardous	X	X	X	X	X	X	X	X		
40. Industrial – light	X	X	X	X	P	X	X	X		
41. Industrial – noxious	X	X	X	X	X	X	X	X		
42. Industrial – service	X	X	X	X	AA	X	X	X		D
43. Kennels	X	X	X	X	X	X	X	AA		R E
44. Lunch Bar	AA	X	P	AA	AA	X	X	X		F E
45. Market	X	X	P	X	X	X	X	X		R
46. Medical Centre	AA	X	P	P	X	X	X	AA		T
47. Milk Depot	X	X	X	X	P	X	X	X		О
48. Motel	X	X	X	X /	X	AA	X	X		S
49. Motor Vehicle Assembly	X	X	X	X	AA	X	X	X		C H
50. Museum	AA	X	x /	AA	X	X	X	AA		E D
51. Night Club	X	X	X	X	X	IP	X	X		U L
52. Nursery	X	X	AA	X	AA	X	X	AA		E
53. Office – general	P	X	IP	P	AA	IP	IP	X		5
54. Office – professional	P	X	P	P	AA	X	X	X		
55. Office – service	P	X	P	P	X	X	X	X		
56. Prison	X	X	X	X	X	X	X	X		
57. Produce Store	X	X	AA	X	X	X	X	X		
58. Public Assembly	X	X	X	X	X	X	X	X		
59. Public Utility	AA	AA	AA	AA	AA	AA	AA	AA		
60. Public Purpose	AA	AA	AA	AA	AA	AA	AA	AA		
61. Public Worship	X	X	AA	AA	X	X	X	X		
62. Reception Lodge	X	X	AA	X	X	IP	X	X		
63. Recreation – Private	AA	X	AA	AA	AA	AA	X	AA		
64. Recreation – Public	AA	AA	AA	AA	AA	AA	X	AA		

TABLE I - USE CLASS TABLE (continued)

TIDLE 1 - ODL CLINDD 11	DLL	(0011	umaca	./						1
	1	2	3	4	5	6	7	8	9	10
65. Reformatory	X	X	X	X	X	X	X	X		
66. Residential Building	X	AA	X	X	X	X	X	X		
67. Restaurant	AA	X	AA	AA	X	IP	X	X		
68. Salvage Yard	X	X	X	X	AA	X	X	X		R E
69. Service Station	X	X	X	X	X	X	P	X		F E
70. Shop	X	X	P	IP	AA	IP	IP	X		R
71. Shopping Centre	X	X	P	X	X	X	X	X		Т
72. Showroom	X	X	AA	P	IP	X	X	X		О
73. Storage Yard	X	X	X	X	AA	X	X	X		S
74. Tavern	X	X	X	X	X	AA	X	X		C H
75. Trade Display	X	X	X	X	AA	X	X	X		E D
76. Transport Depot	X	X	X	X	AA	X	X	X		U L
77. Vehicle Wrecking	X	X	X	X	X	X	X	X		E
78. Veterinary Consulting Rooms	AA	X	P	AA	X	X	X	AA		5
79. Veterinary Hospital	X	X	X	X	AA	X	X	AA		
80. Warehouse	X	X	IP	IP	P	X	X	X		
81. Woodyard	X	X	x	X	P	X	X	X		
82. Any other use not included above (See Clause 3.6)	AA	AA	AA	AA	AA	AA	AA	AA		

## Justification

The purpose of the proposed amendment of the Use Class Table is to limit the number of uses permitted in the development zone to protect the Waste Water Treatment Plant, allow multiple residential in Office, Retail Shopping and Office/Showroom zones, prevent additional child care centres from developing in residential areas, and provide a guidance in which zones the public purpose use would be permitted. The underlined symbols have been changed.

## 3.5 Replacing Existing Schedule 1- Additional Uses

3.5.1 Replacing the existing Schedule 1 – Additional Uses with the following Schedule 1 – Additional Uses

## **SCHEDULE I - ADDITIONAL USES**

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 1	477,476	Cnr Viking Road and Alexander Avenue	Residential	Church
A 2	342	Waratah Avenue	Residential	Church
A 3	Pt. 134	Adelma Road, Hotchin Street, Sutcliffe Street and Gallop Road	Residential	Convent and Church
A 4	614,613	Princess Road, Bruce Street and Viewway	Residential	Church
A 5	1,2	Dalkeith Road and Edward Street	Residential	Church
A 6	498,499 500,501	Tyrell Street and Elizabeth Street	Residential	Church
A 7	570,569	Kingsway	Residential	Church
A 8	80	Stirling Highway and Napier Street	Office/Showroom	Church
A 9	321,322	Leura Street and Hardy Street	Residential	Church
A 10	115,116,117	Watt Street and Walpole Street	Residential	Church
A 11		DELETED BY AMD 14	0 GG 7/5/04	
A 12	556,557	Princess Road and Broadway	Residential	Hospital
A 13	414-420 431-441	Stanley Street, Elizabeth Street and Webster Street	Residential	Private College
A 14	1	Thomas Street, Elizabeth Street and Tyrell Street	Residential	Private College
A 15	509,510	Meriwa Street	Residential	Hall
A 16	554	Broadway	Residential	<b>Professional Office</b>
A 17	551	Broadway	Residential	Office
A 18	2	Broadway	Residential	<b>Professional Office</b>
A 19	544	Broadway	Residential	<b>Professional Office</b>
A 20	1	Broadway	Residential	Office
A 21	541	Broadway	Residential	<b>Professional Office</b>
A 22	320	Leura Street and Hardy Street	Residential	Office
A 23	316	Leura Street	Residential	Office
A 24	314	Leura Street	Residential	Office
A 25	311	Leura Street	Residential	Office
A 26	308	Leura Street and Karella Street	Residential	Office
A 27	571	Hampden Rd & Park Rd	DELETED BY AMD 9 GG	1/9/89
A 28	570	Hampden Rd	DELETED BY AMD 9 GG	1/9/89
A 29	57 AMD 75 GG 24/2/95	Loch Street and Bedford Street	Residential	Shop/Cafe
A 30	71	Aberdare Road and Croydon Street	Residential	Shop
A 31	349	Walpole Street and North Street	Residential	Shop
A 32	10	Asquith Street	Residential	Shop
A 33	726,742	Hillway/The Avenue DELETED BY AMD 167 GG 18/7/06	Residential	Police Station

## SCHEDULE I - ADDITIONAL USES (CONTINUED)

OOTIL	DOLL I - ADDII	IONAL USES (CONTINUED)		
A 34	531	Broadway	Residential	Office
A 35	529	Broadway	Residential	Professional Office
A 36	429	Broadway	Residential	<b>Professional Office</b>
A 37	428	Broadway	Residential	<b>Professional Office</b>
A 38	Pt. 64	Stirling Highway - balance of lot from a line measured 45m parallel to Stirling Highway	Residential	Car Parking
A 39	62	<b>Robinson Street</b>	Residential	Car Parking
A 40	569	Hampden Road	DELETED BY	/ AMD 9 GG 1/9/89
A 41	Pt. 306	Philip Road	Residential	Second Dwelling Permitted
A 42	1	Leura Street	Residential	Office
A 43	569	Hampden Road	DELETED BY	/ AMD 9 GG 1/9/89
A 44	1,2,3 & 272	Hampden Road	DELETED BY	/ AMD 9 GG 1/9/89
A 45	119	Aberdare Road	Residential	Additional Dwelling
A 46	315 AMD 1 GG 17/1/86	Leura	Residential	Office
A 47	73 AMD 2 GG 7/2/86	Aberdare Road	Residential	Additional Dwelling
A 48	319 AMD 19 GG 1/9/89	Leura Street	Residential	Professional Office
A 49	369,370 AMD 22 GG 9/2/90	Philip Road, Dalkeith	Residential	(Six) 6 Grouped Units in accordance with plans submitted and approved by the Council on 6/7/89.
A 50	318 AMD 35 GG 4/1/91	Leura Street, Nedlands	Residential	Office (to be developed in accordance with the development plans forming part of this amendment).
A 51	225 AMD 26 GG 19/1/90	Waratah Avenue	Residential	Three 3 Grouped Units in accordance with plans submitted and approved by Council on August 3, 1989.
A 52	218 & 219 AMD 27 GG 15/12/89	Tyrell Street, corner Edward Street, Nedlands	Residential	Community Centre
A 54	317 AMD 33 GG 4/1/91 AMD 51 GG 21/5/93	Leura Street, Nedlands	Residential	Consulting Room
A 55	92	Corner Asquith Street & Strickland Street	Residential	Consulting Rooms
	AMD 32 GG 21/9/90			with plans submitted and approved by Council on 1/2/1990.

A 56	169 AMD 41 GG 20/3/92	Mooro Drive (Unit No 6)	Residential	Medical Consulting Rooms
A 57	100 (strata lots 3 & 4)	Corner Stirling Highway and Dalkeith Road	Office/ Showroom	Sale of Motor Vehicles
A 58	AMD 48 GG 3/11/92 328 AMD 49 GG 23/4/93	Waratah Avenue	Residential	Two (2) Grouped units
A 59	19 and 20 AMD 54 GG 4/6/93	Carrington Street	Light Industrial	Child Day Care Centre
A 60	372 AMD55 GG 6/7/93	Broome Street	Residential	Two (2) Grouped Dwellings
A 61	299 AMD 58 GG 1/10/93	Waratah Avenue	Residential	Two (2) Grouped Units
A 62	50-53	Nandina Avenue	Residential	Aged Persons Units (in accordance with R40
A 63	AMD 52 GG 13/7/93 237,238	Waratah Avenue	Residential	code) Seven (7) Grouped
A 03	AMD 4 GG 19/12/86	vv ai atan Avenue	Residential	Units in accordance with plans submitted and approved by Council on 6 February 1986
A 64	18 AMD 64 GG 22/4/94	Ord Street	Residential	Two (2) Grouped Dwellings
A 65	177 AMD 67 GG 11/3/94	Waroonga Road	Residential	Two (2) Grouped Units
A 66	450 AMD 66 GG 8/4/94	Circe Circle	Residential	Two (2) Grouped Dwellings
A 67	377 AMD 38 GG 5/4/91	Philip Road, Dalkeith	Residential Retail Shopping	Three (3) Grouped Units in accordance with plans submitted and approved by Council on August 2, 1990
A 68	188 AMD 68 GG 12/4/94	Neville Road	Residential	Two (2) Grouped Dwellings
A 69	365 AMD 61 GG 19/7/94	Dalkeith Road	Residential	Two (2) Grouped Units
A 70	130 AMD 73 GG 18/11/94	Hynes Road	Residential	Two (2) Grouped Dwellings
A 71	147 AMD 80 GG 1/9/95	Bulimba Road	Residential	Two (2) Grouped Dwellings
A 72	34 AMD 82 GG 19/9/95	Doonan Road	Residential	Two (2) Grouped Dwelling
A 74	134 (Lot 5) AMD 74 GG 25/11/94	Stirling Highway	Retail Shopping	Dwellings in accordance with R35 Code
A 75	314 AMD 85 GG 25/6/96	Dalkeith Road	Residential	Two (2) Grouped Dwellings
A 76	224 (No. 27) AMD 76 GG 21/4/95	Mountjoy Road cnr Jenkins Avenue	Residential	Two (2) Grouped Dwellings

A 77	3 (No. 69) AMD 111 GG 1/11/96	Broadway, Nedlands	Antiquarian Bookshop	
A 78	798 (No. 59) AMD 78 27/12/96	Esplanade cnr Bessell Ave	Residential	Two (2) Grouped Dwellings
A 79	693 (No. 75) AMD 79 GG 9/6/95	Stanley Street cnr Princess Road	Residential	Two (2) Grouped Dwellings
A 80	259 (No. 2) AMD96 GG 27/12/96	Sherwood Road cnr Melvista Ave	Residential	Two (2) Grouped Dwellings
A 81	252 & 253 AMD 92 GG 25/8/95	Strickland (cnr Asquith)	Retail Shopping	Residential R20
A 82	276 AMD 87 GG 27/12/96	Mountjoy Road	Residential	Two (2) Grouped Dwellings
A 83	28 AMD95 27/12/96	Stanley Street	Residential	Two (2) Grouped Dwellings
A 84	657 AMD 98 GG 27/12/96	Edna Road	Residential	Two (2) Grouped Dwellings
A 86	36 (No. 1) AMD 86 GG 24/10/97	Robinson Street, Nedlands	Residential	Two (2) Grouped Dwellings
A 87	683 AMD 84 GG 11/11/97	Gallop Road	Residential	Two (2) Grouped Dwellings
A 88	372 (No 65) AMD 108 GG 29/5/98	Florence Road Cnr Princess Road, Nedlands	Residential R10	Two (2) Grouped Dwellings, subject to development being restricted to single storey
	_			building
A 89	5 (No. 63) AMD 122 GG 4/7/00	North Street/Kirkwood Road, Swanbourne		Office - General
A 90	7 (No. 81) AMD 105 GG 7/7/00	Melvista Avenue (corner Vincent Street), Nedlands		Two (2) Grouped Dwellings.
A91	86 (No. 6) AMD917 GG 27/12/96	Thomas Street	Residential	Two (2) Grouped Dwellings
A 92	26 (No. 110)	Smythe Road, Nedlands	Residential R35	Office - subject to development applications
	500 (No. 71) 29 (No. 67)	Stirling Highway, Nedlands Stirling Highway, Nedlands	Residential R12.5	being in accordance with the provisions of Office Use Class in Table 1 - Use Class Table
	AMD 127 GG 10/11/00			
A 93	3836 AMD 101 GG 27/12/96	Goldsmith Road	Residential	Two (2) Grouped Dwellings
A 94	64 AMD 94 GG 15/3/96	Loch Street	Residential	Two (2) Grouped Dwellings

II	1		I	 
A 100	193 (No. 80) AMD 100 GG 16/5/97	Louise Street, Nedlands	Residential	Two (2) Grouped Dwellings
A 101A	508 AMD 146 GG 7/5/04	Alexander Rd Corner Beatrice Street	Residential	Two Grouped Dwellings
A 101	Lot 380 AMD 154 GG 24/12/04	Carrington Street, Nedlands	Light Industrial	Child Day Care Centre and Child Care Training Facility
A 102	Lot 478 (No. 42) AMD 159 GG 1/7/05	Alexander Road, Dalkeith		Church Purposes
A 103	280 AMD 161 GG 6/1/06	Stirling Highway	Office/Showroom	Residential R60 Grouped and Multiple dwellings
A 106	564 AMD 165 GG 7/3/06	Bruce Street	Residential R 12.5	Two Grouped Dwellings
A 108	Lot 204, 205 AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Grouped and Multiple Dwellings: Residential R50
				Residential Density – In to density, Residential development shall not exceed the Residential Design R50 standards.
				Development Standards – Where a development standard mentioned in this Schedule differs from a development standard contained elsewhere in this Scheme or the Residential Design Codes, the provisions of this Schedule shall prevail. Unless otherwise specified below, the development standards mentioned in this Schedule shall apply irrespective of whether the development contains Dwelling uses.
				Plot Ratio – Maximum of 1.33 except where a mixed use development comprising residential use is proposed. In this instance the maximum plot ratio may be increased to 2 provided that in any development not more than 30% of the total floor space will be used for non- residential purposes.
				Setbacks – At Council's discretion.
				Building Heights – Maximum building height of 12m. i) New building facades should be compatible height with existing buildings and be in harmony with the neighbouring streetscape.

				ii) Portion of the building fronting the street shall not exceed 8.5m. iii) Council may permit an overall height variation permitting a maximum height of 15m or 4 storeys where the major portion of the building is setback at least 6m from the street boundary and where the overall development will not have an adverse effect on adjoining residential landuses or future residential landuses, by way of overshadowing and the loss of privacy. An 8.5m facade is required to be maintained in keeping with the pedestrian scale of the street.  Car Parking Office – 1 per 50m² of Gross Floor Area Showroom – 1 per 70m² of Gross Floor Area.  Non-Residential and Residential Development – In considering an application for a mix of non-residential purposes, the Council will have particular regard to measures taken to minimize conflict between non-residential use.
A 109	409 (No. 27 and 27A) AMD 180 GG 4/12/07	Clark Street, Nedlands	Residential R12.5	Two Grouped Dwellings
A110	50 AMD 170 GG 10/10/06	Langham Street	Residential R12.5	Two Grouped Dwellings
A 111	382	Cooper Street	Residential R12.5	Two Grouped Dwellings
	AMD 171 GG 22/12/06			
A 112	160	Alderbury Street	Residential R12.5	Two Grouped Dwellings
	AMD 188 GG 2/5/08			

#### Justification

The purpose of the proposed amendment to Schedule I – Additional Uses is to remove the restrictive words of 'Aged' and 'Senior' persons from the additional use table, allowing for a greater diversity of occupants to reside in the existing additional dwellings.

## 3.6 Amending an Appendix VI Dalkeith Redevelopment Special Control Area Provisions as follows:

#### 3.6.1 Delete existing Clause 1.5 and replace with the following new clause 1.5:

"Council may vary clauses in these guidelines but limited to car parking, setbacks, land-use and side (north/South) laneways."

#### Justification

Currently, clauses 1.5 and 2.5 in the Appendix contradict each other in that clause 1.5 allows variation of setback provisions, which clause 2.5 does not. The purpose of this amendment is to align the provisions so that minimum setback requirements are discretionary.

#### 3.6.2 Delete the following words from existing clause 2.5 (c)

"...and are not discretionary in order to ensure high quality amenity."

#### Justification

the purpose of making this change is to provide greater certainty regarding minimum setbacks unless specified within Precinct Plans.

#### 3.6.3 Add a new clause 2.8 (b)

"(b) Universal access shall be the design standard as required by the relevant Australian Standards and Building Code Australia as amended in regard to lifts, ramps, door and corridor widths and toilets"

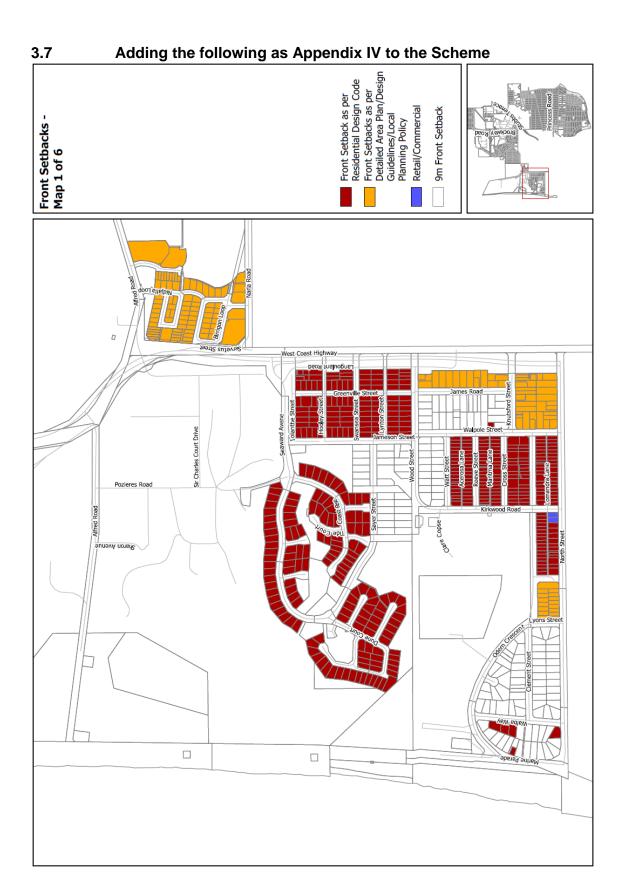
#### Justification

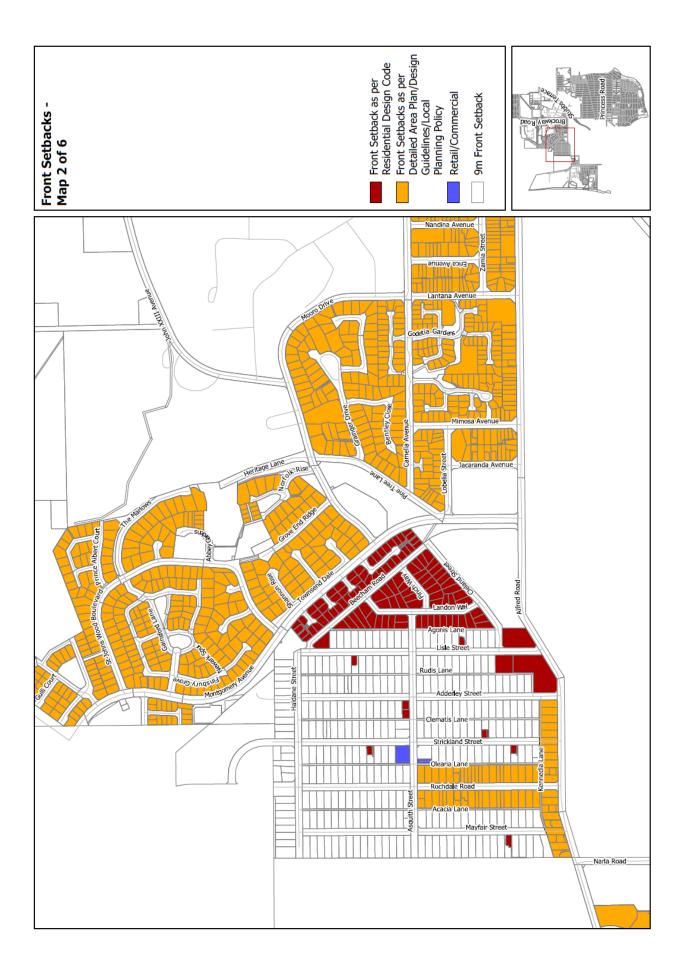
Universal access dwellings are required to be provided in proposed developments in the Dalkeith Special Control Area, although there is no definition as to what is meant by the term "Universal Access".

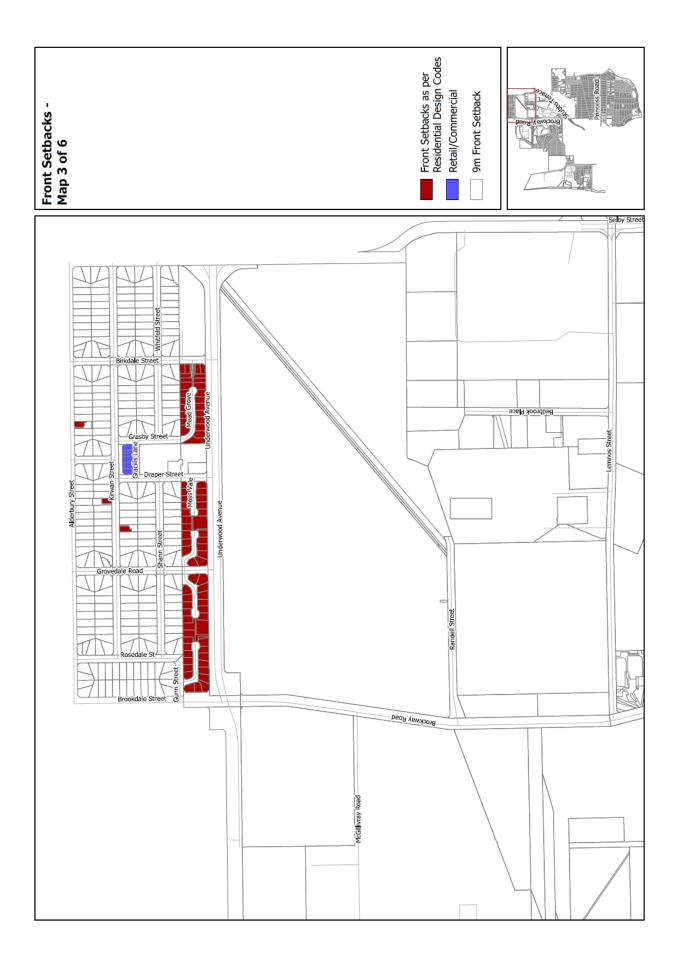
#### 3.6.4 Remove the word "Draft" and the numbers "2" and "3" from the Precinct Plans

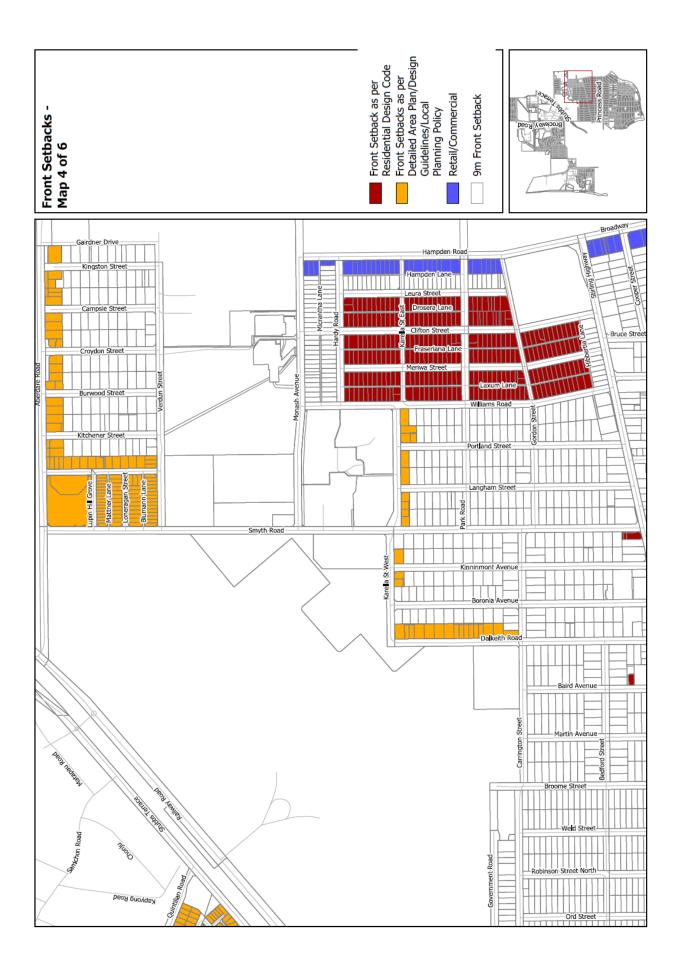
#### Justification

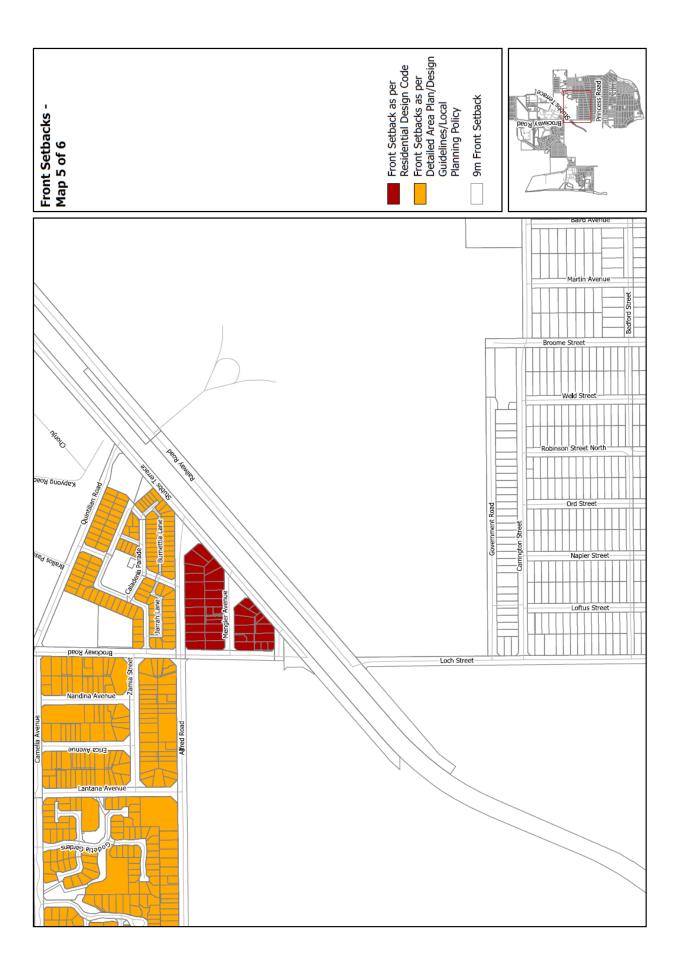
The purpose of this amendment to the Precinct Plans is due to the fact the plans are no longer in the Draft stage and have been approved as a result of scheme Amendment No. 192.

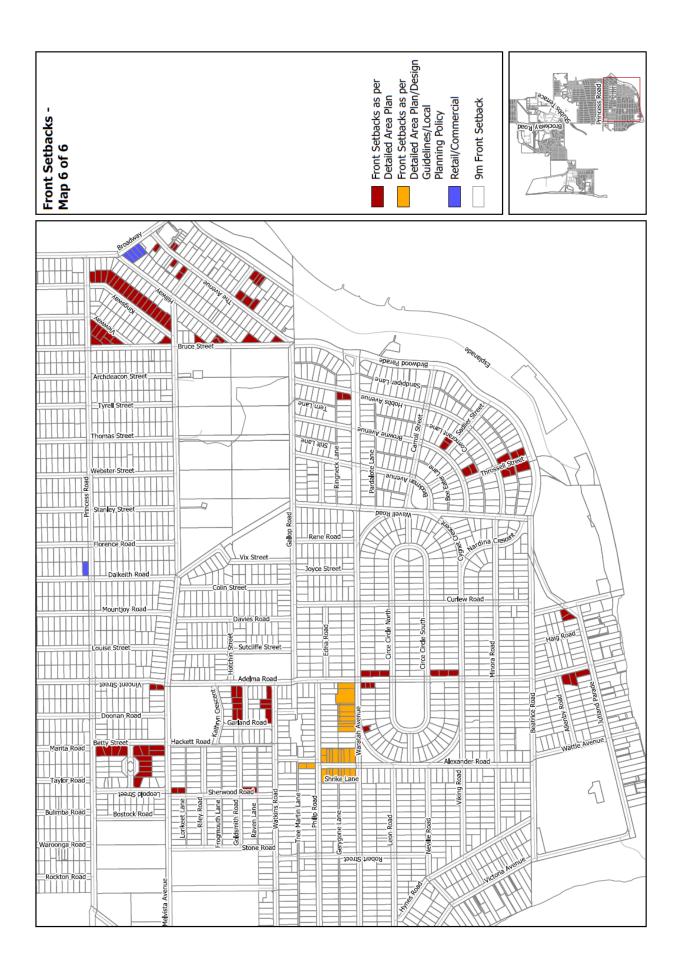








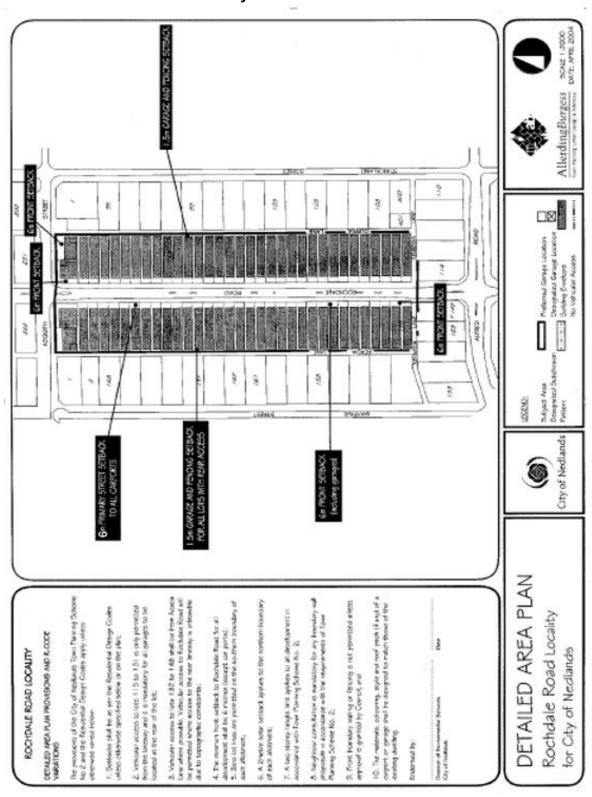




## Justification

These maps provide the spatial context for the new provisions under clause 5.3.3.

# 3.8 Amending Appendix V Residential Design Guidelines and Detailed Area Plan for Rochdale Road Locality as follows:



#### Justification

This change is proposed to make the design guidelines consistent with the Residential Design Codes, with the same front setback for garages and carports. It avoids the problem of carports being approved with a reduced setback and later being enclosed, thereby not then meeting the garage setback requirements.

## 4. Summary of Justification for proposed changes

The justification for the proposed changes are various. They are based on the desire to protect and enhance the "garden suburb" character of the City, reorganise and correct contradictory provisions in the scheme, and to help streamline the planning approval process.

## 5. Conclusion

The proposed amendment includes various changes to the Town Planning Scheme No 2, which are designed to update the current town planning scheme in order to help facilitate the development of Nedlands in accordance with the expectations of Council

## Consultation

The standard consultation process as required by the Planning and Development Act 2005 will be completed as part of the amendment process.

#### 6.1 Consultation Outcome

To be advised once the consultation process has been completed.

# City of Nedlands Town Planning Scheme No 2 Omnibus Scheme Amendment 199

Complete list of "changes only" to the Scheme

#### Planning and Development Act 2005

#### RESOLUTION TO AMEND TOWN PLANNING SCHEME

#### CITY OF NEDLANDS

#### **TOWN PLANNING SCHEME NO. 2**

RESOLVED that the Council, pursuant to Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

#### **Council Resolution**

#### **That Council:**

Initiates the omnibus amendment to change the following:

- 1. Amending the following clauses:
  - a) Clause 1.8 by deleting the following definitions:

#### **Mean Natural Ground Level**

#### Shop

- b) Clause 1.8 by adding the following sentence before the words "Amusement Parlour"
  - "Any term not listed below shall have the meaning as defined in the Residential Design Codes as amended, and where the term is not listed in the Residential Design Codes, the term shall have its ordinary meaning as defined in the English Oxford Dictionary".
- c) Clause 1.8 by adding the following definition:
  - "Landscaping means unroofed area comprising planted vegetation including trees, shrubs and grass and may at the discretion of Council include paved pedestrian areas, water features and swimming pools;

**Public Purpose** – means any use of land or a building by an institutional, governmental or charitable organisation that operates on a non-profit basis;

**Residential Design Codes** – means the document referred to in Appendix 2 to the statement of Planning Policy No. 1 together with any amendments thereto and was previously known as the Residential Planning Codes;

**Showroom** – means premises used to display, sell by wholesale or retail, or hire, goods generally of a bulky nature including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, but does not include the sale by retail of foodstuff, liquor or beverages, items of personal adornment, goods commonly sold in news agencies and medicinal or pharmaceutical products;

**Shop** – means premises used to sell goods by retail, for the hire of goods, or to provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet"

- d) Clause 1.8 by replacing the existing definitions for the uses shown in bold with the following wording:
  - "Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:
    - i) does not employ more than 2 people not members of the occupier's household;
    - ii) does not cause injury to or adversely affect the amenity of the neighbourhood;
    - iii) does not occupy an area greater than 50 square metres;
    - iv) does not involve the retail sale, display or hire of goods of any nature;
    - v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
    - vi) does not involve the use of an essential service of greater capacity than normally required in the zone;
    - vii) does not involve use of land for the rental of car bays on private property; and
    - viii) does not display a sign exceeding 0.2 square metres in area."
- e) Part II Reserved Land by adding the following subclause :
  - "2.3 The following development standards shall apply on land reserved under this Scheme, unless otherwise determined by Council:
    - i) Street setbacks 20m minimum
    - ii) Other boundary setbacks 5.0m minimum
    - iii) Landscaping in accordance with clause 5.4.2, provided that a minimum of 50% of the site area shall be landscaped:
    - iv) Sufficient for each person employed on-site plus visitors"
- f) Clause 5.4.2 by adding the following at the foot of the paragraph:
  - "A minimum of 20% of the lot shall be landscaping".
- g) Table III, Note (2) replace the word "nil" with "9m".
- h) Clause 5.10.3 by adding a new subclause (c) which states:
  - "The Council may approve a lesser setback than 7.5m as shown on the maps in Appendix 1 provided that there are greater side setbacks to compensate for the reduced rear setback."
- i) Clause 5.10.3 by adding a new subclause (d) which states:
  - "A minimum setback of 10m shall be provided along any boundary abutting the river reserve."
- 2. Adding the following new clauses:
  - a. Clause 5.3.11 (e) which states:

"The maximum heights for all other lots shall be in accordance with Swanbourne Design Guidelines A & B."

#### b. Clause 5.3.12 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme every dwelling shall be provided with a minimum of two covered car spaces for the storage of wheeled vehicles, boats and other goods."

#### c. Clause 5.3.13 which states:

"Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme landscaping shall be provided at the following rates:

- c) for lots less than 800m² in extent the minimum area of landscaping shall be 20% of the site area; and
- d) for lots 800m<sup>2</sup> or more in extent the minimum area of landscaping shall be 30% of the site

#### d. Clause 5.17 which states:

#### **"5.17 CONTRIBUTION TO ART**

- (a) Council may establish a special fund for the purchase, installation and maintenance of public artwork throughout the district;
- (b) As a condition of approval of a development on a lot with a residential zoning comprising 10 or more dwellings or a non-residential zoning the Council shall require a contribution up to 1% of the estimated cost of the development for the provision of art. This contribution can be:
  - i) by way of providing artwork on the development site or in the locality so that it is visible from the street and contributes positively to the streetscape and public amenity; or
  - ii) by the payment to the City of cash-in-lieu.
- (c) The Council may accept a bond equal to the value of the contribution.
- (d) All cash contributions towards a public artwork shall be paid into the special fund established under sub-clause 5.17 (a) and shall be enforced as a condition of planning approval.
- (e) All artwork shall be approved by the Council prior to installation.
- (f) The Council is not restricted to installing artwork obtained through contributions to the special fund in a location that is in close proximity to any development that has contributed to the special fund."

#### e. Clause 5.18 which states:

#### "5.18 MINIMUM FLOOR LEVELS

To allow for rising sea levels the minimum reduced level for any habitable room shall be in accordance with the Floodplain Development Strategy of the Department of Water as amended from time to time but not less than a level of 3.0 Australian Height Datum (AHD)."

#### f. Clause 5.19 which states:

#### "5.19 DEVELOPMENT ADJOINING STIRLING HIGHWAY

Notwithstanding any other provisions in this scheme all development adjoining Stirling Highway shall be in accordance with the following:

a) Minimum setbacks from boundaries:

Primary Street Setback

Ground Floor - 9.0 metres

Upper Floor - 12 metres

Secondary Street Setback

Ground Floor - 4.5 metres

Upper Floors - 6.0 metres

Rear Setback - 6.0 metres

Side Setback

Ground Floor – 1.5m on the one side and 2.5m on the other provided that where the lot adjoins any Residential Zone 5.0m

Upper floors – 1.5m per storey, but not less than 5.0m where adjoining any Residential Zone

#### b) Building Height:

In addition to the requirements of clause 5.11 for properties adjoining Stirling Highway, the building height may be increased by a further four (4) metres where four of the following criteria are met and a further eight (8) metres where all five criteria are met:

- (i) Minimum lot area of 2000m<sup>2</sup>;
- (ii) Vehicular entry and exit other than from Stirling Highway;
- (iii) Additional floor space is used for residential purposes;
- (iv) Land is freely ceded or already provided for the widening of Stirling Highway;
- (v) Land is freely ceded for the creation of a new laneway with a minimum width of 7m."

#### g. Clause 5.20 which states:

#### "5.20 ON-SITE POWER GENERATION FOR RESIDENTIAL DEVELOPMENT

Each dwelling shall include a power generation device in order to be able to produce a minimum of 1.5 kW of power on site. The power generation device may be solar, wind or any other form approved by Council."

- 3. Replacing the wording of the following existing clauses
- a) Clauses 5.3.3 and 5.6.2 with a new clause 5.3.3 to provide for street setbacks:

"Notwithstanding the provisions of the Residential Design Codes, the following provisions apply:.

- (a) A minimum primary street setback of 9 metres to dwellings, carports and garages (attached or detached) shall apply except in areas designated in Appendix IV entitled "Front Setbacks".
- (b) For lots that are 800m<sup>2</sup> or more and a frontage of 15m or more, the following minimum setbacks shall apply:
  - (i) Primary Street Setback:

```
Ground floor – 9.0m
Upper floors – 12.0m
Basement – 9.0m
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(ii) Other Street Setbacks:

```
Ground floor – 4.5m
Upper floors – 6.0m
```

(iii) Side Setback:

```
Ground floor – 1.5m on one side and 2.5m on the other
First floor – 3m
Additional floors – 1.5m per floor
```

(iv) Rear Setback:

6.0m, provided that a single storey garage or carport may be constructed 1.5m from a right of way for no more than half the width of the rear boundary

- (c) Notwithstanding Clause 5.3.3 (a), a carport may be constructed within the 9m primary street setback area with development constructed prior to the gazettal date of this amendment if covered car spaces cannot be located elsewhere on site, subject to the following conditions:
  - (i) The area of the carport shall not be greater than 36m² in area;
  - (ii) The minimum primary street setback shall be 3.5m and the minimum side setback shall be 1.0m;
  - (iii) The carport shall be open on all sides except to the extent that it abuts a dwelling or a property boundary on one side and shall not have a door.
- (d) Minor structures such as gate houses, lichgates, porticos, pergolas and similar structures are permitted in a street setback area provided the roofed area of the minor structure does not exceed 4m<sup>2</sup> in area or 3.5m in height.
- b) Clause 5.3.11(a) and (b) with the following new wording:
  - (a) "In respect of proposed Lots 52 59 a height restriction of 12m shall apply. The 12m in height shall be calculated from the finished level for each site at the front property boundary established as part of the subdivision works. The height of the building envelope does not change with the changes in lot levels."

- (b) "In respect of proposed Lot 60 a height restriction of 21 shall apply, and the development shall be a maximum of 5 storeys from the street front. The natural ground level for measurement of height shall coincide with the finished lot level created at subdivision."
- c) Clause 5.11 Building Height with a new clause 5.11 Building Height
  - 5.11.1 Unless provided elsewhere in the Scheme, no site shall be developed or building constructed:
    - (i) With the primary street facade greater than 8.5m in height, measured from midpoint of the lot frontage;
    - (ii) With a height of any other exterior wall greater than 8.5m at any point;
    - (iii) So that any point of the building exceeds a height of 10m measured from natural ground level or other level determined by council;
  - 5.11.2 The height of a wall is measured from natural ground level in accordance with the definition of "wall height" in the Residential Design Codes;
  - 5.11.3 Dormer windows comprising an opening framed into a pitched roof to provide natural lighting to a roof space are exempt from clause 5.11 (i) & (ii).
- d) Clause 6.1.1 b) with a new clause 6.1.1 b):

"Notwithstanding the above clause 6.1.1 (a), the Council's planning approval is not required for the following:

- 1) the demolition of any building except where the building is:
  - (i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990:
  - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
  - (iii) included in Appendix II; or
  - (iv) included on the City's Municipal Inventory prepared under the Heritage of Western Australia Act 1990:
- 2) the carrying out of any building work which affects only the interior of a building which does not materially affect the external appearance of the building except where the heritage value of the interior is specifically identified in documents listed in sub-clauses 1) (i) to (iv) above;
- 3) a home occupation;
- 4) any use or works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;
- 5) any building or other works undertaken by the Council or a public authority in connection with the maintenance or improvement of a public street or for any public utility;
- 6) the carrying out of works urgently necessary in the interest of public safety or for the safety or security of plant or equipment;
- 7) the erection of fences not exceeding 1.8m in height, other than fencing in the street setback area;

- 8) structures incidental to residential development that are not located in a street setback area including:
  - i) a cubby house with a finished floor level not exceeding 500mm above the natural ground level;
  - ii) a dog house not exceeding 4 m² in area;
  - iii) a domestic animal/bird enclosure not exceeding 4 m² in area;
  - iv) a shed with a maximum floor area of 9 m<sup>2</sup>, located less than 500mm above natural ground level, with a maximum wall height of 2.4m and a maximum ridge height of 3m;
  - v) a pergola behind the front setback line;
  - vi) a swimming pool where:
    - (aa) no part of the swimming pool is more than 500mm above the surrounding ground level; or
    - (bb) no part of the area surrounding the swimming pool is raised more than 450mm above natural ground level.
  - vii) a flag pole which does not exceed 6.0 metres in height above natural ground level:
  - viii) a satellite dish, located on a lot used solely for residential purposes which:
    - (aa) does not exceed 0.9 metres in diameter;
    - (bb) is not located in the street setback area;
    - (cc) is not visible from a public street; and
    - (dd) if located on a roof, is of similar colour to the roof and is the sole satellite dish on the site.
  - ix) television aerial or radio antenna which does not exceed 3.0 metres in height and which is contained within the maximum building height applicable to the site, or, if located on the ground, is not more than 6.0 metres in height from natural ground level and setback a minimum of 3 metres from the property boundary;
  - x) air conditioner units mounted alongside a wall other than a wall visible from a public street;
  - xi) solar panels;
  - a water tank which does not exceed 3.0 metres in height above natural ground level and is not located in the street setback area;
  - xiii) plumbing vents and pipes not visible from the street;
  - xiv) an external hot water heater mounted alongside a wall;
  - xv) one letter box per lot;

- xvi) clothes lines not visible from a street;
- 9) screening for visual privacy provided the proposed screening;
  - i) is not a fence;
  - ii) does not exceed a height of 3.0 metres above natural ground level;
- retaining walls with a maximum height of 300mm calculated from natural ground level;
   and
- 4. Replacing the existing Table 1 with the following Table 1

#### TABLE I - USE CLASS TABLE

KEY TO COLUMNS:

1 OFFICE 5 LIGHT INDUSTRIAL ZONES 2 RESIDENTIAL 6 HOTEL

3 RETAIL SHOPPING 7 SERVICE STATION

4 OFFICE/SHOWROOM 8 DEVELOPMENT

9 SPECIAL PURPOSE – SITE 1

10 SPECIAL USE

	1	2	3	4	5	6	7	8	9	10
1. Amusement Parlour	X	X	X	X	X	X	X	X		
2. Auction Mart	X	X	X	X	AA	X	X	X		
3. Betting Shop	AA	X	AA	X	X	AA	X	X		
4. Boarding House	X	X	X	X	X	X	X	AA		
5. Boat Sales Yard	X	X	X	X	AA	X	X	X		
6. Cabin or Chalet	X	X	X	X	X	X	X	X		
7. Camping Area	X	X	X	X	X	X	X	AA		
8. Caravan or Trailer Yard	X	X	X	X	AA	X	X	X		
9. Caravan Park	X	X	X	X	X	X	X	X		
10. Caretaker's Dwelling	AA	P	IP	AA	IP	AA	X	AA		D
11. Car Park	AA	AA	P	P	P	P	P	AA		R E F
12. Car Sales Yard	X	X	X	X	AA	X	×	X		E
13. Car Wash Station	X	X	X	X	AA	X	P	X		R
14. Child Day Care Centre	AA	X	AA	AA	X	X	X	X		T
15. Cinema/Theatre	X	X	AA	AA	X	X	X	X		0
16. Civic Building	P	X	X	X	X	X	X	AA		S
17. Club Premises	AA	X	AA	AA	X	AA	X	X		C H
18. Construction Yard	X	X	X	x	P	X	X	X		E D
19. Consulting Room	P	X	P	P	X	X	X	AA		U L
20. Consulting Rooms	P	X	P	P	X	X	X	AA		E
21. Drive-in Theatre	X	X	X	X	X	X	X	X		5
22. Dwelling House – Single	AA /	P	X	X	X	X	X	AA		
23. Dwelling House – Grouped/Attached	AA	AA	X	X	X	X	X	AA		
24. Dwelling House – Multiple	AA	X	AA	AA	X	X	X	X		
25. Educational Establishment	AA	X	X	X	X	X	X	AA		
26. Fast Food Outlet	X	X	X	X	X	X	X	AA		
27. Fuel Depot	X	X	X	X	AA	X	X	X		
28. Funeral Parlour	AA	X	AA	AA	AA	X	X	X		
29. Health Studio	AA	X	AA	AA	X	IP	X	X		
30. Hire Service	X	X	AA	X	AA	X	X	X		
31.Home Business	AA	AA	X	X	X	X	X	X		
32. Home Occupation	IP	P	X	X	X	X	X	AA		

TABLE I - USE CLASS TABLE (CONTINUED)

TADLI										
33. Horticultural Pursuit	1 X	2	3	4	5 X	6	7	8 AA	9	10
		X	X	X		X	X			
34. Hospital	X	X	X	X	X	X	X	AA		
35. Hostel	X	X	X	X	X	X	X	AA		
36. Hotel	X	X	X	X	X	P	X	AA		
37. Industrial – extractive	X	X	X	X	X	X	X	X		
38. Industrial – general	X	X	X	X	AA	X	X	X		
39. Industrial – hazardous	X	X	X	X	X	X	X	X		
40. Industrial – light	X	X	X	X	P	X	X	X		
41. Industrial – noxious	X	X	X	X	X	X	X	X		
42. Industrial – service	X	X	X	X	AA	X	X	X		R
43. Kennels	X	X	X	X	X	X	X	AA		E F
44. Lunch Bar	AA	X	P	AA	AA	X	x	X		E
45. Market	X	X	P	X	X	X	X	X		R
46. Medical Centre	AA	X	P	P	X	X	X	AA		T
47. Milk Depot	X	X	X	X	P	X	X	X		О
48. Motel	X	X	X	X	X	AA	X	X		S
49. Motor Vehicle Assembly	X	X	X	X	AA	X	X	X		C H
50. Museum	AA	X	X	AA	X	X	X	AA		E D
51. Night Club	X	X	X	X	X	IP	X	X		U L
52. Nursery	X	X	AA	X	AA	X	X	AA		E
53. Office – general	P	X	IP	P	AA	IP	IP	X		5
54. Office – professional	Р /	X	P	P	AA	X	X	X		
55. Office – service	P	X	P	P	X	X	X	X		
56. Prison	X	X	X	X	X	X	X	X		
57. Produce Store	X	X	AA	X	X	X	X	X		
58. Public Assembly	X	X	X	X	X	X	X	X		
59. Public Utility	AA	AA	AA	AA	AA	AA	AA	AA		
60. Public Purpose	AA	AA	AA	AA	AA	AA	AA	AA		
61. Public Worship	X	X	AA	AA	X	X	X	X		
62. Reception Lodge	X	X	AA	X	X	IP	X	X		
63. Recreation – Private	AA	X	AA	AA	AA	AA	X	AA		
64. Recreation – Public	AA	AA	AA	AA	AA	AA	X	AA		
04. Actication - Fublic	AA	AA	AA	AA	AA	AA	Α	AA		

TABLE I - USE CLASS TABLE (continued)

	71 (			<i>J</i> 1711		Ontin	acaj		_	
	1	2	3	4	5	6	7	8	9	10
65. Reformatory	X	X	X	X	X	X	X	X	•	
66. Residential Building	X	AA	X	X	X	X	X	X		
67. Restaurant	AA	X	AA	AA	X	IP	X	$\underline{\mathbf{X}}$		
68. Salvage Yard	X	X	X	X	AA	X	X	X		R E
69. Service Station	X	X	X	X	X	X	P	X		F E
70. Shop	X	X	P	IP	AA	IP	IP	X		R
71. Shopping Centre	X	X	P	X	X	X	X	X		Т
72. Showroom	X	X	AA	P	IP	X	X	X		О
73. Storage Yard	X	X	X	X	AA	X	X	X		S
74. Tavern	X	X	X	X	X	AA	X	X		C H
75. Trade Display	X	X	X	X	AA	X	X	X		E D
76. Transport Depot	X	X	X	X	AA	X	X	X		U L
77. Vehicle Wrecking	X	X	X	X	X	X	X	X		E
78. Veterinary Consulting Rooms	AA	X	P	AA	X	X	X	AA		5
79. Veterinary Hospital	X	X	X	X	AA	X	X	AA		
80. Warehouse	X	X	IP	IP	P	X	X	X		
81. Woodyard	X	X	X	x	P	X	X	X		
82. Any other use not included above (See Clause 3.6)	AA	AA	AA	AA	AA	AA	AA	AA		

## 5. Replacing the existing Schedule 1 – Additional Uses with the following Schedule 1 – Additional Uses

## SCHEDULE I - ADDITIONAL USES

## **SCHEDULE I - ADDITIONAL USES**

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 1	477,476	Cnr Viking Road and Alexander Avenue	Residential	Church
A 2	342	Waratah Avenue	Residential	Church
A 3	Pt. 134	Adelma Road, Hotchin Street, Sutcliffe Street and Gallop Road	Residential	Convent and Church
A 4	614,613	Princess Road, Bruce Street and Viewway	Residential	Church
A 5	1,2	Dalkeith Road and Edward Street	Residential	Church
A 6	498,499 500,501	Tyrell Street and Elizabeth Street	Residential	Church
A 7	570,569	Kingsway	Residential	Church
A 8	80	Stirling Highway and Napier Street	Office/Showroom	Church
A 9	321,322	Leura Street and Hardy Street	Residential	Church
A 10	115,116,117	Watt Street and Walpole Street	Residential	Church
A 11		DELETED BY AMD 14	0 GG 7/5/04	1
A 12	556,557	Princess Road and Broadway	Residential	Hospital
A 13	414-420 431-441	Stanley Street, Elizabeth Street and Webster Street	Residential	Private College
A 14	1	Thomas Street, Elizabeth Street and Tyrell Street	Residential	Private College
A 15	509,510	Meriwa Street	Residential	Hall
A 16	554	Broadway	Residential	<b>Professional Office</b>
A 17	551	Broadway	Residential	Office
A 18	2	Broadway	Residential	<b>Professional Office</b>
A 19	544	Broadway	Residential	<b>Professional Office</b>
A 20	1	Broadway	Residential	Office
A 21	541	Broadway	Residential	<b>Professional Office</b>
A 22	320	Leura Street and Hardy Street	Residential	Office
A 23	316	Leura Street	Residential	Office
A 24	314	Leura Street	Residential	Office
A 25	311	Leura Street	Residential	Office
A 26	308	Leura Street and Karella Street	Residential	Office
A 27	571	Hampden Rd & Park Rd	DELETED BY AMD 9 GG	1/9/89
A 28	570	Hampden Rd	DELETED BY AMD 9 GG	1/9/89
A 29	57 AMD 75 GG 24/2/95	Loch Street and Bedford Street	Residential	Shop/Cafe
A 30	71	Aberdare Road and Croydon Street	Residential	Shop
A 31	349	Walpole Street and North Street	Residential	Shop
A 32	10	Asquith Street	Residential	Shop
A 33	726,742	Hillway/The Avenue DELETED BY AMD 167 GG 18/7/06	Residential	Police Station

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A34	531	Broadway	Residential	Office
A 35	529	Broadway	Residential	<b>Professional Office</b>
A 36	429	Broadway	Residential	<b>Professional Office</b>
A 37	428	Broadway	Residential	<b>Professional Office</b>
A 38	Pt. 64	Stirling Highway - balance of lot from a line measured 45m parallel to Stirling Highway	Residential	Car Parking
A 39	62	Robinson Street	Residential	Car Parking
A 40	569	Hampden Road	DELETED B	Y AMD 9 GG 1/9/89
A 41	Pt. 306	Philip Road	Residential	Second Dwelling Permitted
A 42	1	Leura Street	Residential	Office
A 43	569	Hampden Road	DELETED B	Y AMD 9 GG 1/9/89
A 44	1,2,3 & 272	Hampden Road	DELETED B	Y AMD 9 GG 1/9/89
A 45	119	Aberdare Road	Residential	Additional Dwelling
A 46	315 AMD 1 GG 17/1/86	Leura	Residential	Office
A 47	73 AMD 2 GG 7/2/86	Aberdare Road	Residential	Additional Dwelling
A 48	319 AMD 19 GG 1/9/89	Leura Street	Residential	Professional Office
A 49	369,370 AMD 22 GG 9/2/90	Philip Road, Dalkeith	Residential	(Six) 6 Grouped Units in accordance with plans submitted and approved by the Council on 6/7/89.
A 50	318 AMD 35 GG 4/1/91	Leura Street, Nedlands	Residential	Office (to be developed in accordance with the development plans forming part of this amendment).
A 51	225 AMD 26 GG 19/1/90	Waratah Avenue	Residential	Three 3 Grouped Units in accordance with plans submitted and approved by Council on August 3, 1989.
A 52	218 & 219 AMD 27 GG 15/12/89	Tyrell Street, corner Edward Street, Nedlands	Residential	Community Centre
A 54	317 AMD 33 GG 4/1/91 AMD 51 GG 21/5/93	Leura Street, Nedlands	Residential	Consulting Room
A 55	92	Corner Asquith Street & Strickland Street	Residential	Consulting Rooms

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 56	169 AMD 41 GG 20/3/92	Mooro Drive (Unit No 6)	Residential	Medical Consulting Rooms
A 57	100 (strata lots 3 & 4) AMD 48 GG 3/11/92	Corner Stirling Highway and Dalkeith Road	Office/ Showroom	Sale of Motor Vehicles
A 58	328 AMD 49 GG 23/4/93	Waratah Avenue	Residential	Two (2) Grouped units
A 59	19 and 20 AMD 54 GG 4/6/93	Carrington Street	Light Industrial	Child Day Care Centre
A 60	372 AMD55 GG 6/7/93	Broome Street	Residential	Two (2) Grouped Dwellings
A 61	299 AMD 58 GG 1/10/93	Waratah Avenue	Residential	Two (2) Grouped Units
A 62	50-53 AMD 52 GG 13/7/93	Nandina Avenue	Residential	Aged Persons Units (in accordance with R40 code)
A 63	237,238  AMD 4 GG 19/12/86	Waratah Avenue	Residential	Seven (7) Grouped Units in accordance with plans submitted and
	AIND 4 GG 19/12/00			approved by Council on 6 February 1986
A 64	18 AMD 64 GG 22/4/94	Ord Street	Residential	Two (2) Grouped Dwellings
A 65	177 AMD 67 GG 11/3/94	Waroonga Road	Residential	Two (2) Grouped Units
A 66	450 AMD 66 GG 8/4/94	Circe Circle	Residential	Two (2) Grouped Dwellings
A 67	377	Philip Road, Dalkeith	Residential Retail	Three (3) Grouped Units in accordance with plans
	AMD 38 GG 5/4/91		Shopping	submitted and approved by Council on August 2, 1990
A 68	188 AMD 68 GG 12/4/94	Neville Road	Residential	Two (2) Grouped Dwellings
A 69	365 AMD 61 GG 19/7/94	Dalkeith Road	Residential	Two (2) Grouped Units
A 70	130 AMD 73 GG 18/11/94	Hynes Road	Residential	Two (2) Grouped Dwellings
A 71	147 AMD 80 GG 1/9/95	Bulimba Road	Residential	Two (2) Grouped Dwellings
A 72	34 AMD 82 GG 19/9/95	Doonan Road	Residential	Two (2) Grouped Dwelling
A 74	134 (Lot 5) AMD 74 GG 25/11/94	Stirling Highway	Retail Shopping	Dwellings in accordance with R35 Code
A 75	314 AMD 85 GG 25/6/96	Dalkeith Road	Residential	Two (2) Grouped Dwellings

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 76	224 (No. 27) AMD 76 GG 21/4/95	Mountjoy Road cnr Jenkins Avenue	Residential	Two (2) Grouped Dwellings
A 77	3 (No. 69) AMD 111 GG 1/11/96	Broadway, Nedlands	Antiquarian Bookshop	
A 78	798 (No. 59) AMD 78 27/12/96	Esplanade cnr Bessell Ave	Residential	Two (2) Grouped Dwellings
A 79	693 (No. 75) AMD 79 GG 9/6/95	Stanley Street cnr Princess Road	Residential	Two (2) Grouped Dwellings
A 80	259 (No. 2) AMD96 GG 27/12/96	Sherwood Road cnr Melvista Ave	Residential	Two (2) Grouped Dwellings
A 81	252 & 253 AMD 92 GG 25/8/95	Strickland (cnr Asquith)	Retail Shopping	Residential R20
A 82	276 AMD 87 GG 27/12/96	Mountjoy Road	Residential	Two (2) Grouped Dwellings
A 83	28 AMD95 27/12/96	Stanley Street	Residential	Two (2) Grouped Dwellings
A 84	657 AMD 98 GG 27/12/96	Edna Road	Residential	Two (2) Grouped Dwellings
A 86	36 (No. 1) AMD 86 GG 24/10/97	Robinson Street, Nedlands	Residential	Two (2) Grouped Dwellings
A 87	683 AMD 84 GG 11/11/97	Gallop Road	Residential	Two (2) Grouped Dwellings
A 88	372 (No 65)	Florence Road Cnr Princess Road, Nedlands	Residential R10	Two (2) Grouped Dwellings, subject to
	AMD 108 GG 29/5/98			development being restricted to single storey building
A 89	5 (No. 63)	North Street/Kirkwood Road, Swanbourne		Office - General
A 90	7 (No. 81) AMD 105 GG 7/7/00	Melvista Avenue (corner Vincent Street), Nedlands		Two (2) Grouped Dwellings.

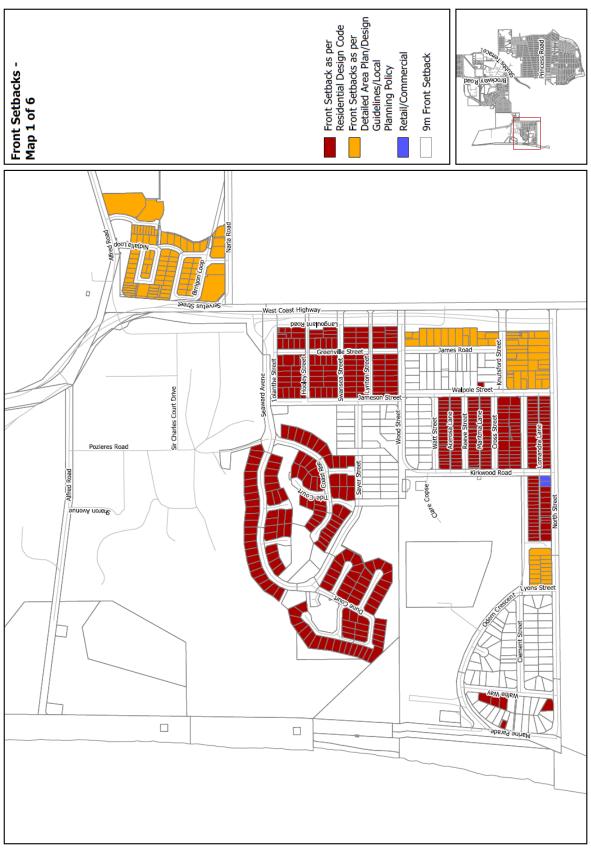
	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 91	86 (No. 6) AMD917 GG 27/12/96	Thomas Street	Residential	Two (2) Grouped Dwellings
A 92	26 (No. 110) 500 (No. 71) 29 (No. 67)	Smythe Road, Nedlands Stirling Highway, Nedlands Stirling Highway, Nedlands	Residential R35 Residential R12.5	Office - subject to development applications being in accordance with the provisions of Office Use Class in Table 1 - Use Class Table
A 93	3836 AMD 101 GG 27/12/96	Goldsmith Road	Residential	Two (2) Grouped Dwellings
A 94	64 AMD 94 GG 15/3/96	Loch Street	Residential	Two (2) Grouped Dwellings
A 100	193 (No. 80) AMD 100 GG 16/5/97	Louise Street, Nedlands	Residential	Two (2) Grouped Dwellings
A 101A	508 AMD 146 GG 7/5/04	Alexander Rd Corner Beatrice Street	Residential	Two Grouped Dwellings
A 101	Lot 380 AMD 154 GG 24/12/04	Carrington Street, Nedlands	Light Industrial	Child Day Care Centre and Child Care Training Facility
A 102	Lot 478 (No. 42) AMD 159 GG 1/7/05	Alexander Road, Dalkeith	/	Church Purposes
A 103	280 AMD 161 GG 6/1/06	Stirling Highway	Office/Showroom	Residential R60 Grouped and Multiple dwellings
A 106	564 AMD 165 GG 7/3/06	Bruce Street	Residential R 12.5	Two Grouped Dwellings
A 108	Lot 204, 205 AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Grouped and Multiple Dwellings: Residential R50
				Residential Density – In relation to density, Residential development shall not exceed the Residential Design R50 standards.
				Development Standards – Where a development standard mentioned in this Schedule differs from a development standard contained elsewhere in this Scheme or the Residential Design Codes, the provisions of this Schedule shall prevail. Unless otherwise specified below, the development standards mentioned in this Schedule shall apply irrespective of whether the development contains Dwelling uses.

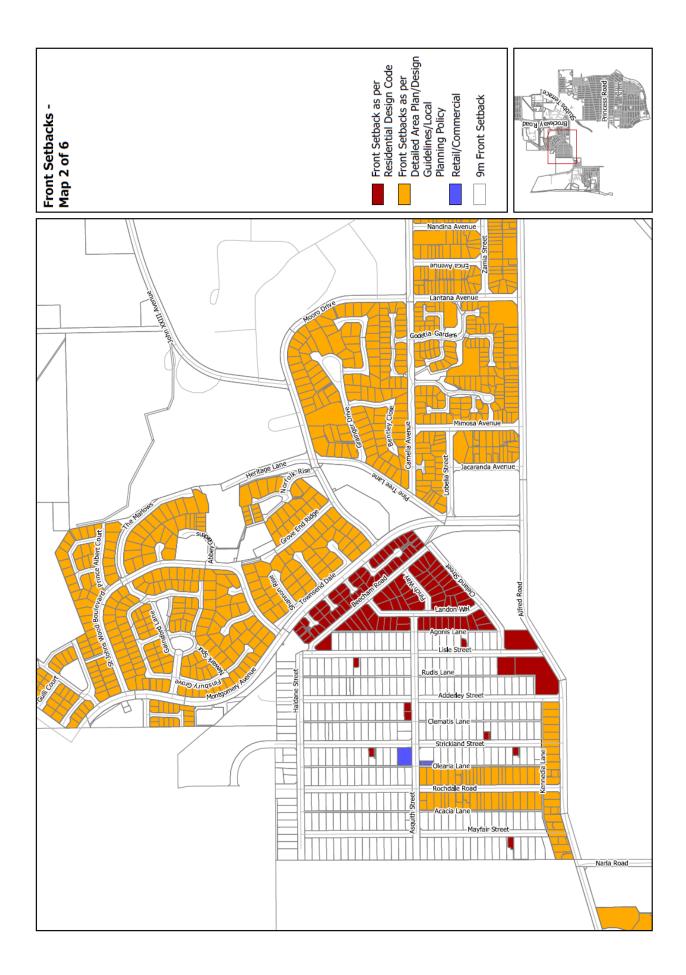
	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 108	Lot 204, 205 (Cont'd) AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Plot Ratio – Maximum of 1.33 except where a mixed use development comprising residential use is proposed. In this instance the maximum plot ratio may be increased to 2 provided that in any development not more than 30% of the total floor space will be used for non- residential purposes.  Setbacks – At Council's discretion.  Building Heights – Maximum building height of 12m. i) New building facades
				should be compatible height with existing buildings and be in harmony with the neighbouring streetscape. ii) Portion of the building fronting the street shall not exceed 8.5m. iii) Council may permit an overall height variation permitting a maximum height of 15m or 4 storeys where the major portion of the building is setback at least 6m from the street boundary and where the overall development will not have an adverse effect on adjoining residential landuses or future residential landuses, by way of overshadowing and the loss of privacy. An 8.5m facade is required to be maintained in keeping with the pedestrian scale of the street.
				Car Parking Office – 1 per 50m² of Gross Floor Area Showroom – 1 per 70m² of Gross Floor Area.
				Non-Residential and Residential Development – In considering an application for a mix of non- residential and residential purposes, the Council will have particular regard to measures taken to minimize conflict between non- residential and residential use.

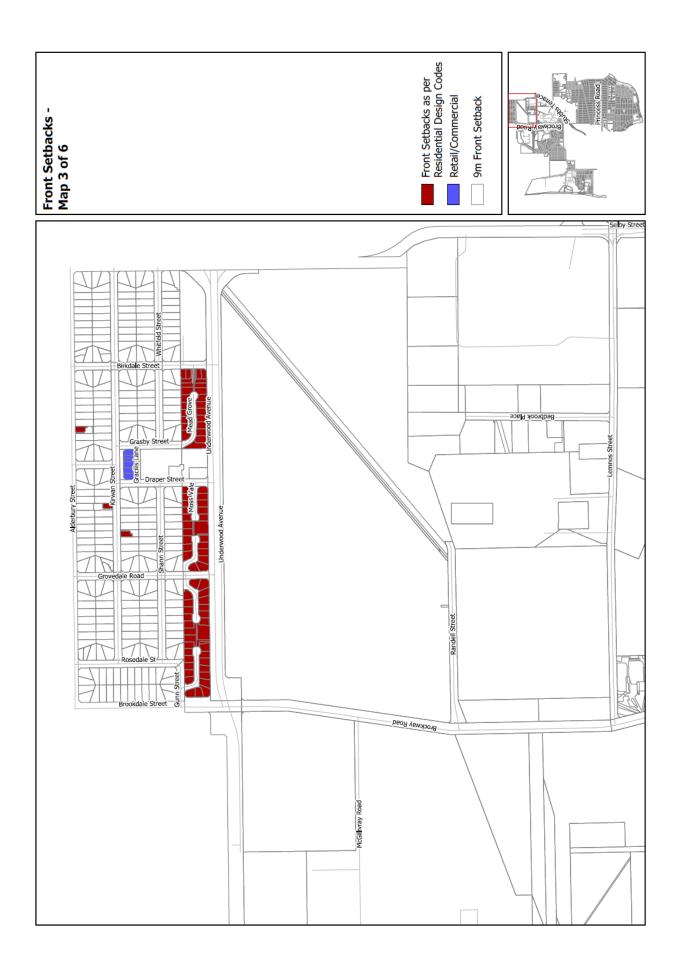
	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 109	409 (No. 27 and 27A) AMD 180 GG 4/12/07	Clark Street, Nedlands	Residential R12.5	Two Grouped Dwellings
A 110	50  AMD 170 GG 10/10/06	Langham Street	Residential R12.5	Two Grouped Dwellings
A 111	382	Cooper Street	Residential R12.5	Two Grouped Dwellings
A 112	AMD 171 GG 22/12/06 160 AMD 188 GG 2/5/08	Alderbury Street	Residential R12.5	Two Grouped Dwellings

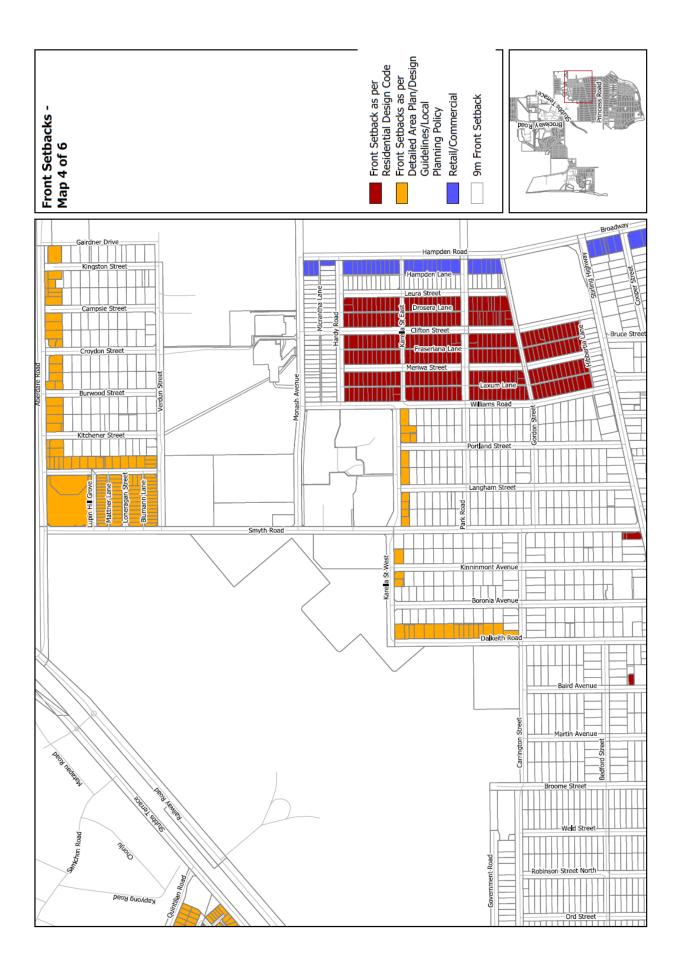
#### 6. Adding the following as an Appendix to the scheme:

a) "Appendix IV: Street Setbacks"

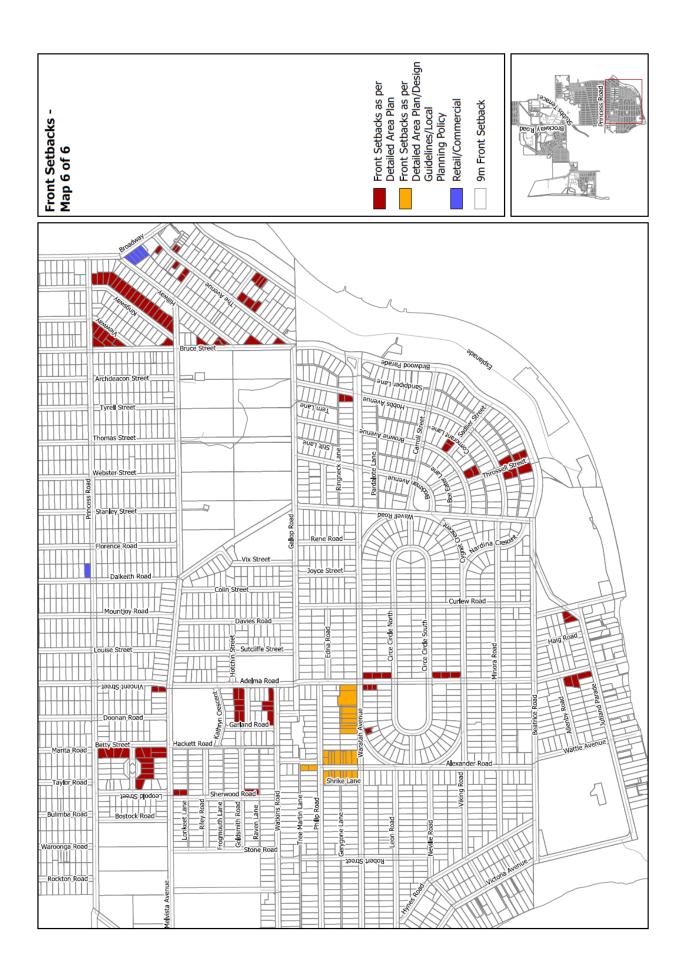








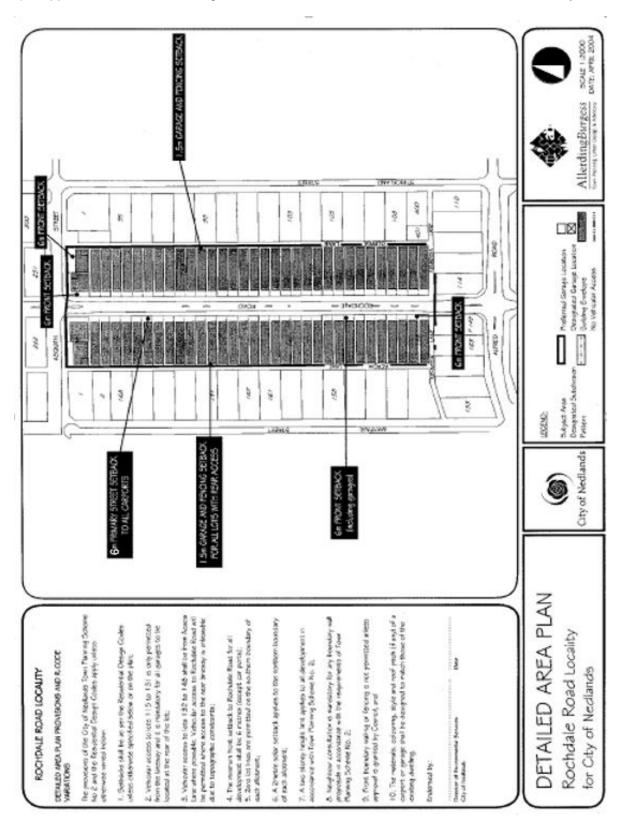




- 7. Amending Appendix VI Dalkeith Redevelopment Special Control Area Provisions as follows:
  - a) Delete existing Clause 1.5 and replace with the following new clause 1.5:
    - "Council may vary clauses in these guidelines but limited to car parking, setbacks, land-use and side (north/south) laneways."
  - b) Delete the following words from existing clause 2.5 (c)
    - "...and are not discretionary in order to ensure high quality amenity."
  - c) Add a new clause 2.8 (b)
    - "(b) Universal access shall be the design standard as required by the relevant Australian Standards and Building Code Australia as amended in regard to lifts, ramps, door and corridor widths and toilets"
  - d) Remove the word "Draft" and the numbers "2" and "3" from the Precinct Plans.

### **8.** Replacing the following Appendix in the scheme:

a) "Appendix V Residential Design Guidelines and Detailed Area Plan Rochdale Road Locality"



### **ADOPTION**

dopted by resolution of the Council of the City of Nedlands at the ordinary n	neeting of the Council held
the day of 20	
C	HIEF EXECUTIVE OFFICER
/	
<del>-</del>	MAYOR
<i>'</i>	

FINAL APPRO	٦V	/AL
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	tion of the City of Nedlands at the Ordinary Meeting of Council held or
that resolution hereunto affixed in the	e presence of:
CHIEF EXECUTIVE OFFICER	
	(Seal)
MAYOR	
Recommended/Submitted for Final Approval	
Tillal Approval	
DELEGATED UNDER SECTION 16	S OF PLANNING
AND DEVELOPMENT ACT 2005	, or i Edulatio
DATE:	
DATE	
	Final Approval Granted
MINISTED FOR DI ANNUNO	
MINISTER FOR PLANNING	

### **GO TO CONTENTS PAGE**

# CITY OF NEDLANDS

### **TOWN PLANNING SCHEME NO. 2**

Updated to include amd 198 gg 07/02/14

### **DISCLAIMER**

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme

Please advise Department of Planning of any errors or omissions in this document.

**Prepared by the Department of Planning** 

Town Planning Scheme Gazettal Date: 18 April 1985

**Ite:** Changes made with Council Resolution and by Administration are <u>underlined</u> Wording removed from the scheme by Administration is <u>lined though</u>

### **TOWN PLANNING AND DEVELOPMENT ACT, 1928**

### **CITY OF NEDLANDS**

### **TOWN PLANNING SCHEME NO. 2**

The City of Nedlands, under and by virtue of the powers conferred in that behalf by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended) hereby makes the following Town Planning Scheme.



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### **PART I - PRELIMINARY**

#### 1.1 CITATION

This Town Planning Scheme may be cited as City of Nedlands Town Planning Scheme No. 2, (hereinafter called "the Scheme") and shall come into operation on publication in the Government Gazette of the Minister's final approval thereof.

### 1.2 SCHEME AREA

The Scheme applies to the land set out in the maps forming part of the Scheme and bounded by a broken black line and comprises the whole of the district of the City of Nedlands.

#### 1.3 INTENT OF SCHEME

The general intent of the Scheme is to create zones for the purposes of land use control and to provide for the setting aside of land for public use, the control of land development and other matters authorised by the enabling Acts.

It is proposed to maintain the existing character and density of residential land with only such non-residential uses as are necessary to service the needs of the district's residential population, except for those uses which may be located along major transport routes within the Scheme area.

#### 1.4 METROPOLITAN REGION SCHEME

This Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended from time to time, continue to have effect.

### 1.5 REVOCATION

The Town Planning Scheme adopted by the Council of the City of Nedlands and which was published in the Government Gazette dated the 5th day of May, 1967, and subsequently amended, is hereby revoked.

### 1.6 RESPONSIBLE AUTHORITY

The responsible authority for carrying out the Scheme is the Council of the City of Nedlands, hereinafter referred to as "the Council", except that where land is shown on the Scheme maps as "Regional Reservation" the responsible authority shall be deemed to be The Metropolitan Region Planning Authority and the provisions of Metropolitan Region Scheme shall apply to such reserves.

### 1.7 ARRANGEMENT OF SCHEME

The Scheme Text is divided into the following parts:

Part 1 - Preliminary

Part 2 - Reserved Land

Part 3 - Zones

Part 4 - Non-conforming Use

Part 5 - General Provisions

Part 6 - Development Approval - Procedures

Part 7 - Administration

Schedule 1 - Additional Uses

Schedule 2 - Carparking Layouts

Schedule 3 - Carparking Requirement by Use Class

Schedule 4 - Form of Application: Form of Approval

Appendix 1 - Controlled Development Area

Appendix 2 - Conservation and Preservation of Places of Natural Beauty and

Historic Buildings and Objects of Historic or Scientific

Appendix 3 - Design Guidelines

The remaining documents of the Scheme are as follows:

(i) Land Use Maps

(ii) Scheme Maps

### 1.8 INTERPRETATION

AMD 25 GG 14/9/90

Any term not listed below shall have the meaning as defined in the Residential Design Codes as amended, and where the term is not listed in the Residential Design Codes, the term shall have its ordinary meaning as defined in the English Oxford Dictionary.

Amusement Parlour - means any land or building used or provided for use by the public where the predominant use is for indoor games and includes the use of amusement machines and other like equipment where there are more than two amusement machines operating within the premises;

Auction Mart - means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock;

Betting Shop - means a building operated in accordance with the Totalisator Board Act 1970;

**Boarding House** - means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but the term does not include:

- (a) a premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Licensing Act 1988;
- (b) premises used as a boarding school approved under the Education Act 1928 as amended;
- a building comprising a number of independently occupied residential units in which there is no unit or units operated together in which provision is made for lodging or boarding more than four persons;

**Boat Sales Yard** - means land or a building used for the sale or display for the purposes of sale of new or secondhand boats, boat trailers, marine engines or boating accessories but does not include a boat motor repair workshop or a boat hull repair workshop;

Cabin or Chalet - means an attached, semi-detached or detached residential type building that

- is used or provided for holiday purposes and is available to the public at large or to a part of the public defined by trade, employment, religion or association;
- **Camping Area** means land set aside for the erection of tents and other similar structures for temporary accommodation, and "camping" has a compatible meaning;
- Caravan or Trailer Yard means any land or building used for:
  - (a) the hire and/or sale of caravans, car trailers, non motorised horse floats and mobile homes; and
  - (b) the hire and/or sale of tents, camping gear and other items of a similar nature, where such use is incidental to the use falling within (a) above;
- Caravan Park means an area set aside for the parking of caravans under the By-laws of the Council or the Health Act (Caravan Parks and Camping Grounds) Regulations 1974, made pursuant to the provisions of the Health Act 1911 or any regulation or by-laws from time to time standing in place of them;
- **Caretakers Dwelling** means a building or part thereof, used as a residence by the proprietor or manager of an industry, business, office building or recreation area carried on or existing on the same site, or by a person having the care of the building plant, equipment or grounds thereof;
- Car Park means any land or building used primarily for the parking of private vehicles or taxis whether open to the public or not but does not include any part of a public road which is used for the through movement of traffic or any land or building on or in which vehicles are displayed for sale;
- **Car Sales Yard** means any land or building used for the display and sale or display for the purpose of sale of motor vehicles whether new or secondhand;
- Car Wash Station means any land or building used for mechanical vehicle washing. Such uses may or may not be associated with a service station and may include such other uses considered by Council to be ancillary to the predominant use of the land;
- Child Day Care Centre means any land or building used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended);
- **Cinema/Theatre** means any land or building where the public may view a motion picture or theatrical production;
- Civic Building means a building designed, used, or intended to be used by Government Departments, statutory bodies representing the Crown, or the Council alone or in combination with other bodies, as offices or for administrative or other like purposes;
- Club Premises means any land or building used by a club or association or other body as a meeting place for formal and/or informal activity, including entertainment and includes any land appurtenant thereto used for recreation and includes a residential club;
- **Commercial Vehicle** has the same meaning as the combination of the terms "motor wagon" and "omnibus" in the First Schedule of the Road Traffic Act, 1974;
- **Construction Yard** means any land or buildings used for the storage of building material, pipes or other similar items related to any trade, and may include manufacture, assembly or dismantling processes where incidental to such use;
- **Consulting Room** means a building or part of a building (other than a hospital or medical centre) used in the practice of his profession by no more than one practitioner who is a legally qualified medical practitioner, dentist, physiotherapist, chiropractor, masseur, or a person ordinarily associated with a medical practitioner in the prevention investigation or treatment of physical or mental injuries or ailments;

- **Consulting Rooms** means a building or part of a building (other than a hospital) used in the practice of the profession of two or more practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, masseurs, or persons ordinarily associated with a medical practitioner in the prevention investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices;
- District means the municipal district of the City of Nedlands;
- **Drive-in Theatre** means land and buildings used to make provision for an audience or group of spectators to view a motion picture while seated in motor vehicles;
- **Dwelling** means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by -
  - \* a single person,
  - \* a family, or
  - \* no more than six (6) persons who do not comprise a single family;
- **Dwelling House Single** has the same meaning as is given to that term in the Residential Planning Codes;
- **Dwelling House Multiple** or **Multiple Dwelling** has the same meaning as is given to that term in the Residential Planning Codes;
- **Educational Establishment** means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a Reformatory or an Institutional Home:
- Fast Food Outlet means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises;
- **Fuel Depot** means any land or building used for the storage of, or bulk sale of solid or liquid or gaseous fuel, but does not include a service station;
- **Funeral Parlour** means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation;
- **Health Studio** means any land and building designed and equipped for physical exercises, recreation and sporting activities including outdoor recreation;
- **Hire Service** means any land or building used for the offering for hire or rent of items including machines and mechanical equipment;
- **Home Business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: AMD 130 GG 8/12/00
  - i) does not employ more than 2 people not members of the occupier's household;
  - ii) will does not cause injury to or adversely affect the amenity of the neighbourhood;
  - iii) does not occupy an area greater than 50 square metres;
  - iv) does not involve the retail sale, display or hire of goods of any nature;
  - v) in relation to vehicles and parking, does not result in traffic difficulties as a

- result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
- vi) does not involve the use of an essential service of greater capacity than normally required in the zone;
- vii) does not involve use of land for the rental of car bays on private property; and
- viii) does not display a sign exceeding 0.2 square metres in area.

**Home occupation** - means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which AMD 130 GG 8/12/00

- i) does not employ any person not a member of the occupier's household;
- ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
- iii) does not occupy an area greater than 20 square metres;
- iv) does not display a sign exceeding 0.2 square metres;
- v) does not involve the retail sale, display or hire of goods of any nature;
- vi) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- vii) does not involve the use of an essential service of greater capacity than normally required in the zone;

**Horticultural Pursuit** - means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith:

- (a) the intensive growing of vegetables, fruit, cereals or food crops for commercial purposes;
- (b) the growing of trees, shrubs, plants or flowers for replanting;
- (c) the sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;
- Hospital means any building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care and (without limiting the generality of the foregoing) includes "C" class hospitals and convalescent homes;
- **Hostel** means a public or private residential type development providing board and lodging on a temporary basis to students and staff of educational establishments or members of societies, institutes or associations and common or distinct community groups;
- Hotel means land and buildings providing accommodation for the public, the subject of an Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended), but does not include a motel, tavern, or a boarding house the subject of a Limited Hotel Licence granted under that Act;
- Industrial: Extractive means an industry involving the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substances from land, and includes the manufacture of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent

thereto, and the storage of such materials or products;

- Industrial: General means an industry other than extractive, hazardous, noxious, rural or service for the carrying out of any process in the course of trade or business for gain, for and incidental to:
  - (a) the winning, processing or treatment of minerals;
  - (b) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
  - (c) the generation of electricity or the production of gas;
  - (d) the manufacture of edible goods for human or animal consumption;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process but does not include:

- (i) the carrying out of agriculture;
- (ii) site works on buildings, work or land;
- (iii) in the case of edible goods the preparation of food for retail sale from the premises;
- Industrial: Hazardous means an industry which by reason of any process of method of manufacture it involves, or the nature of any materials used or produced in or by it, requires isolation from other buildings;

Industrial: Light - means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or prejudicially affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, or other waste products whether solid, liquid or gaseous; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue burden on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities or any other like service;

but does not include vehicle wrecking, panel beating or spray painting;

- Industrial: Noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended) but does not include wet fish shops or piggeries or a waste disposal process operation carried out by or under the direct management and supervision of the Council;
- Industrial: Service means a light industry carried out on land or in buildings which may have a retail shop front and in which goods are manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced:
- **Kennels** means any land or building used for the boarding, housing and/or breeding of domestic animals for remuneration, or offered for sale or purchase;
- <u>Landscaping</u> means unroofed area comprising planted vegetation including trees, shrubs and grass and may at the discretion of Council include paved pedestrian areas, water features and swimming pools;
- **Lunch Bar** means premises used for the preparation and/or sale of take-away sandwiches and similar foodstuffs within industrial and commercial areas in a form ready to be

- consumed without further preparation off the premises;
- Market means land and/or buildings used for a fair or a farmer's or producer's market or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental:
- Mean Natural Ground Level means those levels as depicted by contour lines at 1 metre intervals on the Land and Surveys Department public plans Series B.G. 2000 34 as applicable to the Scheme Area measured at the geometric horizontal centre of the lot;
- **Medical Centre** means a building (other than a hospital or a private hospital) that contains or is designed or intended to contain facilities for use not only by the practitioners as specified under the definition of consulting rooms but also for ancillary services such as chemists, pathologists, radiologists and allied health professions;
- **Milk Depot** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;
- Motel means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles;
- **Motor Repair Station** means any land or building used for or in connection with mechanical repairs and overhauls, including where incidental to such repairs and overhauls, tyre re-capping, retreading, panel beating, spray painting and chassis reshaping;
- **Motor Vehicle Assembly** means the use of any land or building for the assembly of motor vehicle portions and parts into or toward one unit;
- **Museum** means any land or building used for the storing and exhibiting of objects illustrative of antiquities, natural history, art, nature and curiosities;
- **Natural Ground Level** means those levels as depicted by contour lines at 1 metre intervals on the Lands and Surveys Department public plans Series B.G. 2000 34;
- **Night Club** means any land or buildings used for entertainment and/or eating facilities combined and includes a cabaret;
- **Nursery** means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor;
- Office: General means a building wherein is carried on the business of administration, the carrying on of agencies, typist and secretarial services, and services of similar nature or, where not conducted on the site thereof, the administration of, or the accounting in connection with any industry or other business, the administration of commercial transactions generally, civic and public authority offices, and offices generally, but shall exclude Service Offices and Professional Offices;
- Office: Professional means a building used for the purpose of conducting the professional work of an accountant, architect, artist, author, barrister, consular official, engineer, land surveyor, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or town planner of a person having in the opinion of the Council, an occupation of a similar nature, and professional person has a corresponding interpretation;
- Office: Service means a building wherein is carried on a predominantly administrative type of business but which is dependent on direct access to the public and without limiting the generality of the foregoing includes an estate agency, insurance agency, insurance office, travel agency, bank, building society, post office and any other public orientated Government agency and a public transport office;

- Plot Ratio has the same meaning and definition and that of the Uniform Building By-laws;
- **Prison** has the same meaning as is given to that term in the Prisons Act, 1903 (as amended);
- **Produce Store** means any land or building wherein fodders, fertilisers and grain are displayed and offered for sale;
- Public Assembly means any special place of assembly and without limiting the generality of the definition includes grounds for athletics, all sports grounds with spectator provision, race courses, trotting track, stadiums or showgrounds, but does not include club premises;
- <u>Public Purpose</u> means any use of land or a building by an institutional, governmental or charitable organisation that operates on a non-profit basis;
- **Public Utility** means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- **Public Worship** includes buildings used primarily for the religious activities of a church but does not include an institution for primary, secondary or higher education or a residential training institution;
- **Reception Lodge** means a building available for the use of parties on formal or ceremonial occasions, but not for unhosted use on general occasions for entertainment purposes;
- **Recreation: Private** means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge;
- **Recreation: Public** means the use of land for a public park, public gardens, playground or grounds for recreation which are normally open to the public without charge;
- **Reformatory** means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation but shall not include a prison;
- **Residential Building** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation -
  - \* temporarily by two or more persons, or
  - \* permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school;

- <u>Residential Design Codes</u> means the document referred to in Appendix 2 to the Statement of Planning Policy No 1 together with any amendments thereto and was previously known as the Residential Planning Codes;
- Restaurant means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant, or cafe. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;

Salvage Yard - means land used for the storage or sale of materials salvaged from the erection,

demolition, dismantling or renovating, of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles, and boats:

- **Service Station** means land and buildings used for the supply of petroleum products and automotive accessories and for carrying out greasing, tyre repairs, and minor mechanical repairs to motor vehicles but does not include panel beating, spray painting, major repairs or wrecking, and may include a roadhouse in a predominantly rural area;
- **Shop** means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:

shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and secondhand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry cleaning agencies, barbers and hairdressers, and liquor stores;

but shall not include a service office, a general office, a professional office or a market;

means premises used to sell goods by retail, for the hire of goods, or to provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

- Shopping Centre means a building or part of a building wherein goods are displayed and offered for sale by wholesale or by retail, including the sale of foodstuffs, liquor or beverages; items of clothing or apparel, fabrics, footwear, magazines, newspapers, books and paper products; medicinal or pharmaceutical products; china, glassware or domestic hardware; items of personal adornment, small electrical goods of a domestic nature; toys and generally items of a cash and carry nature related to daily household and recreational needs and consumption;
- <u>Showroom</u> means premises used to display, sell by wholesale or retail, or hire, goods generally of a bulky nature including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, but does not include the sale by retail of foodstuff, liquor or beverages, items of personal adornment, goods commonly sold in news agencies and medicinal or pharmaceutical products;
- Storage Yard means any land used for the storage of goods;
- **Tavern** means land and buildings the subject of a Tavern Licence, granted under the provisions of the Liquor Licensing Act 1988 (as amended);
- **Trade Display** means the use of any land or building for the moderate and controlled display of grade goods and equipment for advertisement as approved by the Council;
- **Transport Depot** means any land or building used for the garaging of road motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods of persons from one such motor vehicle to another of such motor vehicles, and including the maintenance and repair of such vehicles, but not other vehicles;
- **Vehicle Wrecking** means the use of any land or building for dismantling of motor vehicles or the sale of spare parts derived from such dismantling;
- **Veterinary Consulting Rooms** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which no patient remains on the premises overnight;
- **Veterinary Hospital** means any land or building used for, or in connection with the treatment of sick animals and pets and includes the accommodation of such animals and pets. A crematorium for the disposal of animal carcasses or remains may be included with the

written consent of the Council;

**Warehouse** - means a building used for the storage and/or wholesale sale of goods and can include a bulk store or depot;

**Wood yard** - means any land on which wood is stored, sawn, or cut for use as domestic firewood and on which no wood or timber is stored, sawn or cut for any other purpose;

### 1.9 THE SCHEDULES AND APPENDICES

The Schedules and Appendices form part of the Scheme.

### 1.10 A REFERENCE TO AN ACT OF PARLIAMENT

A reference to an Act of Parliament or to a section of an Act of Parliament includes a reference to any amendment thereto or re-enactment thereof for the time being in force and to all by-laws and regulations made there under for the time being in force.

### 1.11 HEADINGS

Headings (other than headings of Parts, Schedules and the Appendix) are for reference purposes only and do not affect the construction of this Scheme Text.

### **PART II - RESERVED LAND**

- 2.1 a) Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map, and the reservations of the Metropolitan Region Scheme are shown in the Scheme in order to comply with the provisions of the Metropolitan Region Town Planning Scheme Act 1959. Land reserved under the Metropolitan Region Scheme is not land reserved under this Scheme.
  - b) Except as otherwise provided in this Part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council.
  - c) In giving its approval the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval.
  - d) No provision of this part prevents the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance, for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.
- 2.2 a) Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected by the making of the Scheme claim compensation for such injurious affection.
  - b) Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.
  - c) In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.
- 2.3 The following development standards shall apply on land reserved under this scheme, unless otherwise determined by Council:
  - i) Street setbacks 20m minimum
  - ii) Other boundary setbacks 5.0m minimum
  - iii) <u>Landscaping in accordance with clause 5.4.2, provided that a minimum of 50% of the site area shall be landscaped</u>
  - iv) Sufficient for each person employed on-site plus visitors

### **PART III - ZONES**

### 3.1 ZONES SPECIFIED IN THE SCHEME

Land other than land reserved under Part 2 of the Scheme is divided into the following zones, as indicated on Table 1 appended to Clause 3.3:

- Residential
- \* Retail Shopping
- Office/Showroom
- \* Light Industry
- \* Hotel
- \* Service Station
- \* Development
- \* Special Use AMD 97 GG 22/11/96

### 3.1.1 Zones on Scheme Maps

The zones are delineated and indicated on the Scheme maps according to the legend thereon.

### 3.2 PERMITTED USES

Table 1 appended to Clause 3.3 indicates the uses permitted by the Scheme in the several zones, such uses being determined by cross reference between the list of "Use Classes" and the list of "Zones" in that Table.

### 3.3 SYMBOLS

Table 1 is appended to this clause and contains symbols which carry the following meanings:

"P" - a use that is permitted under this Scheme;

"AA" - a use that is not permitted unless approval is granted by the Council;
"IP" - a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council;

"X" - a use that is not permitted.

### 3.4 GENERAL TERMS AND PARTICULAR CASES

Where in Table 1 a particular use is mentioned it is deemed to be excluded from any use class which by its more general terms would otherwise include that more particular use.

### 3.5 USES MARKED "AA"

Where application is made for approval by the Council of a use marked "AA" in Table 1, Council may if it considers it desirable to do so, require the procedures laid down in Clause 6.3 to be followed.

### 3.6 USES NOT LISTED

Uses not mentioned in Table 1 or not included in the general terms of any use class are deemed to be not permitted, unless special approval is granted by the Council in accordance with the procedures set out in Part 6 of the Scheme.

### TABLE I - USE CLASS TABLE

### **KEY TO COLUMNS:**

**ZONES** 

1 OFFICE 2 RESIDENTIAL 3 RETAIL SHOPPING

4 OFFICE/SHOWROOM

LIGHT INDUSTRIAL

HOTEL

SERVICE STATION

8 DEVELOPMENT 9 SPECIAL PURPOSE - SITE 1

10 SPECIAL USE AMD 97 GG 22/11/96

	1	2	3	4	5	6	7	8	9	10
Amusement Parlour	Х	Х	Х	Х	Х	Х	Х	Х		
2. Auction Mart	х	Х	Х	х	AA	X	Х	<u>x</u>		
3. Betting Shop	AA	Х	AA	Х	Х	AA	Х	<u>X</u>		
4. Boarding House	x	X	Х	Х	X	X	Х	AA		
5. Boat Sales Yard	X	X	X	X	AA	X	X	X		
6. Cabin or Chalet	х	Х	X	X	Х	Х	X	Х		
7. Camping Area	Х	Х	X	Х	Х	Х	Х	AA		
8. Caravan or Trailer Yard	Х	Х	X	Х	AA	х	х	X		
9. Caravan Park	Х	Х	Х	Х	Х	Х	Х	Х		
10. Caretaker's Dwelling	AA	Р	IP	AA	IP	AA	Х	AA		
11. Car Park	AA	AA	Р	Р	Р	Р	Р	AA		R E
12. Car Sales Yard	Х	х	X	Х	AA	Х	Х	Х		F E
13. Car Wash Station	Х	Х	X	Х	AA	Х	Р	<u>X</u>		R
14. Child Day Care Centre	AA	<u>x</u>	AA	AA	Х	X	Х	<u>X</u>		т.
15. Cinema/Theatre	Х	Х	AA	AA	Х	Х	Х	<u>X</u>		T 0
16. Civic Building	Р	Х	X	X	Χ	Х	Х	AA		
17. Club Premises	AA	Х	AA	AA	Х	AA	Х	<u>X</u>		S C
18. Construction Yard	х	X	Х	х	Р	Х	Х	Х		H E
19. Consulting Room	Р	Х	Р	Р	Х	Х	Х	AA		D U
20. Consulting Rooms	Р	Х	Р	Р	Х	Х	Х	AA		L E
21. Drive-in Theatre	Х	Х	Х	Х	Х	Х	Х	Х		
22. Dwelling House – Single	AA	Р	Х	Х	Х	Х	Х	AA		5
23. Dwelling House – Grouped/Attached	AA	AA	X	X	Х	X	Х	AA		
24. Dwelling House – Multiple	<u>AA</u>	Χ	<u>AA</u>	<u>AA</u>	Х	Х	Х	Х		
25. Educational Establishment	AA	X	Х	Х	XX	X	Х	AA		
26. Fast Food Outlet	Х	Х	Х	Х	Х	Х	Х	Х		
27. Fuel Depot	Х	Х	X	Х	AA	Х	Х	Х		
28. Funeral Parlour	AA	Х	AA	AA	AA	Х	Х	Х		
29. Health Studio	AA	Х	AA	AA	Х	IP	Х	<u>X</u>		
30. Hire Service	Х	Х	AA	Х	AA	X	Х	<u>X</u>		
31.Home Business	AA	AA	X	X	X	X	X	<b>X</b>		

### **TABLE I - USE CLASS TABLE (CONTINUED)**

### **KEY TO COLUMNS:**

**ZONES** 

LIGHT INDUSTRIAL HOTEL 6

1 OFFICE 2 RESIDENTIAL 3 RETAIL SHOPPING 4 OFFICE/SHOWROOM

SERVICE STATION

8 DEVELOPMENT
9 SPECIAL PURPOSE - SITE 1
10 SPECIAL USE

### **Use Classes**

5

	1	2	3	4	5	6	7	8	9	10
33. Horticultural Pursuit	Х	Х	Х	Х	Х	Х	Х	AA		
34. Hospital	Х	Х	Х	Х	Х	Х	Х	AA		
35. Hostel	Х	Х	Х	Х	Х	Х	Х	AA		
36. Hotel	Х	Х	Х	Х	Х	Р	Χ	AA		
37. Industrial – extractive	Х	Х	Х	Х	Х	Х	Х	х		
38. Industrial – general	Х	X	X	X	AA	Х	Χ	X		
39. Industrial – hazardous	Х	Х	Х	Х	Χ	Х	Х	X		
40. Industrial – light	Х	Χ	Х	Х	Р	Х	Х	X		
41. Industrial – noxious	Х	Х	Х	Х	Χ	Х	Х	Х		
42. Industrial – service	Х	X	Χ	Х	AA	Х	X	Х		
43. Kennels	Х	Х	Х	Х	Χ	Х	Х	AA		R
44. Lunch Bar	AA	Χ	Р	AA	AA	Х	Х	<u>X</u>		E
45. Market	Х	Х	Р	Х	Χ	Х	Х	X		F E
46. Medical Centre	AA	Х	Р	Р	Χ	Х	Χ	AA		R
47. Milk Depot	Х	Х	Х	Х	Р	Х	Х	Х		Т
48. Motel	Х	Х	Х	Х	Χ	AA	Χ	<u>X</u>		Ö
49. Motor Vehicle Assembly	Х	Х	Х	Х	AA	Х	Х	Х		
50. Museum	AA	Х	Х	AA	Χ	Х	Χ	AA		S C
51. Night Club	Х	Х	Х	Х	Х	IP	Х	<u>X</u>		H E
52. Nursery	Х	Х	AA	Х	AA	Х	Χ	AA		D U
53. Office – general	Р	Х	IP	Р	AA	IP	IP	Х		L
54. Office – professional	Р	Х	Р	Р	AA	Х	Χ	Х		
55. Office – service	Р	Х	Р	Р	Х	Х	Χ	<u>X</u>		5
56. Prison	Х	Х	Х	Х	Х	Х	Χ	Х		
57. Produce Store	Х	Х	AA	Х	Х	Х	Χ	Х		
58. Public Assembly	Х	Х	Х	Х	Χ	Х	Χ	Х		
59. Public Utility	AA									
60. Public Purpose	AA									
61. Public Worship	Х	X	AA	AA	X	Х	X	<u>X</u>		
62. Reception Lodge	Х	Χ	AA	Х	Х	IP	Χ	Х		
63. Recreation – Private	AA	Χ	AA	AA	AA	AA	Χ	AA		
64. Recreation – Public	AA	AA	AA	AA	AA	AA	X	AA		

### **TABLE 1 - USE CLASS TABLE (CONTINUED)**

### KEY TO COLUMNS:

**ZONES** 

1 OFFICE 2 RESIDENTIAL

3 RETAIL SHOPPING 4 OFFICE/SHOWROOM LIGHT INDUSTRIAL

HOTEL

7 SERVICE STATION 8 DEVELOPMENT

9 SPECIAL PURPOSE - SITE 1

10 SPECIAL USE

### **Use Classes**

	1	2	3	4	5	6	7	8	9	10
65. Reformatory	Х	Х	Х	Х	Х	Х	Х	Х		
66 Residential Building	Х	AA	Х	Х	Х	Х	Х	<u>AA</u>		
67. Restaurant	AA	Х	AA	AA	X	IP	Х	ΙP		_
68. Salvage Yard	Х	Х	Х	Х	AA	Х	Х	Х		R E
69. Service Station	Х	Х	Х	Х	Х	Х	Р	<u>X</u>		F E
70. Shop	Х	Х	Р	IP	AA	IP	IP	IP		R
71. Shopping Centre	Х	Х	Р	Х	Х	Х	Х	<u>X</u>		Т
72. Showroom	Х	Х	AA	Р	IP	Х	Х	<u>X</u>		0
73. Storage Yard	Х	Х	Х	Х	AA	Х	Х	Х		S
74. Tavern	Х	Х	Х	Х	Х	AA	Х	<u>X</u>		C H
75. Trade Display	Х	Х	Х	X	AA	Х	Х	<u>X</u>		E D
76. Transport Depot	Х	Х	Х	Х	AA	Х	Х	Х		U L
77. Vehicle Wrecking	Х	Х	Х	X	Х	Х	Х	Х		Ē
78. Veterinary Consulting Rooms	AA	Х	Р	AA	Х	Х	Х	AA		5
79. Veterinary Hospital	Х	Х	Х	Х	AA	Х	Х	AA		Ŭ
80. Warehouse	Х	Х	IP	IP	Р	Х	Х	Х		
81. Woodyard	Х	Х	Х	Х	Р	Х	Х	Х		
82. Any other use not included above (See Clause 3.6)	AA									

### NOTE:

- Group and Attached Dwellings are not permitted in the Residential R10 and R12.5 as per clause (1) 5.3.1.
- (2) **DELETED BY AMD 99 GG 5/9/97**
- The provision of Table 1 relating to Multiple Dwellings (24) in the Residential zone do not apply (3) to development on No 84 (Lot 195) and Lot 343 Clement Street, Swanbourne. 22/4/94
- (4) Refer Clause 5.15 relating to the Development Zone for permissible uses applicable to the Old Swanbourne Hospital Precinct. AMD 158 GG 8/11/05

### 3.7 ADDITIONAL USES

Notwithstanding the requirements of the Use Class Table, land and/or buildings located as described in Schedule 1 appended to this Scheme may be used for the additional purpose set against such land in Schedule 1 but for no other purposes, unless approved by the Council, in accordance with the procedures set out in Part 6 of the Scheme.

### 3.8 DEVELOPMENT ZONE

- 3.8.1 It is the intention of the Council to ensure that development of land within the Development Zone takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.
- 3.8.2 Any person who wishes to develop land within the Development Zone shall make application to the Council for approval in accordance with Part 6 and shall submit with the application, overall concept plan for all the land in the Development Zone or such part thereof as the Council shall require. The Outline Development Plan shall show:-
  - (a) the topography of the area;
  - (b) the existing major road systems;
  - (c) the location and width of proposed roads;
  - (d) the approximate location and quantity of shopping, civic and public facilities proposed;
  - (e) the approximate location of the recreation and open space area proposed;
  - (f) the population and residential densities proposed including the spatial location of appropriate Residential Planning Code densities;
  - (g) the basic layout of a sewerage system;
  - (h) the layout of comprehensive drainage, both land and stormwater;
  - (i) land holdings adjacent to or in the vicinity of the area the subject of the application;
  - (j) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
  - (k) such other information as shall be required by the Council.
- 3.8.3 If the Council shall approve the Outline Development Plan in principle it shall submit it to the Town Planning Board.
- 3.8.4 If the Board shall have approved the Outline Development Plan in principle Council on behalf of the applicant and at the applicant's expense shall advertise that the Outline Development Plan has been prepared and will be available for public inspection at the offices of the Council inviting submissions in relation to the Outline Development Plan which shall be made to the Town Clerk of the Council. A minimum period of 21 days from the date of the last advertising shall be made available for submissions.
- 3.8.5 The advertisement of the preparation of the Outline Development Plan shall be by notice at weekly intervals for each of three consecutive weeks in a newspaper circulating in the district. The notice shall be of such size as determined by Council.
- 3.8.6 The Council shall consider the submissions, if any, to the Outline Development Plan and may after consultation with the applicant amend the Outline Development Plan

after consideration of such submissions.

3.8.7 The Council may decide not to proceed with the proposal or may submit the Outline Development Plan so prepared to the Town Planning Board together with the objections and request the Board to adopt the plan submitted as the basis for approval of subdivision and development applications within the area covered by the plan.

### 3.9 CASH IN LIEU OF PROVIDING CAR PARKING

AMD 25 GG 14/9/90

The Council may agree with an applicant for approval to commence development to accept a cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this subclause:

- (a) a cash in lieu of payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by this Scheme, plus the value of that area of land which would have been occupied by the parking spaces and manoeuvring area;
- (b) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have provided a public parking station nearby, or must have firm proposals for providing a public station nearby within a period of not more than twenty four months from the time of agreeing to accept the cash payment;
- (c) payments under this Clause shall be paid into a special fund to be used to provide public parking stations anywhere in the District.

### 3.10 SPECIAL USE ZONE

AMD 97 GG 22/11/96

No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Schedule 5 and subject to compliance with any conditions specified in the Schedule with respect to the land.

### PART IV - NON-CONFORMING USE

### 4.1 CONTINUANCE OF NON-CONFORMING USE

No provision of the Scheme prevents:

- (i) The continued use of any land or building for the purpose for which it was being lawfully used at the time of the coming into force of the Scheme; or
- (ii) The carrying out of development thereon for which, immediately prior to that time, any approval under any law then in force authorising the development to be carried out had been duly obtained and was current.
- 4.1.1 Where in respect of land reserved under Part 2 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 on that land all or any erections, alterations or extensions of the buildings thereon or use thereof shall not be carried out unless the approval of the Council has been obtained in writing.
- 4.1.2 Where in respect of land zoned under Part 3 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 of this Part on that land, and provided the prior consent in writing of the Council has been obtained, buildings may be extended to the limits prescribed by the Uniform Building By-Laws made under the Local Government Act 1960 (as amended), or by any other by-laws made under that Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the coming into force of the Scheme.

### 4.2 CHANGE OF NON-CONFORMING USE

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

### 4.3 DISCONTINUANCE OF NON-CONFORMING USE

- 4.3.1 Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 4.2, when a non-conforming use of any land or building has been discontinued for a period of six months or more, that land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- 4.3.2 The Council may affect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or occupier or to both the owner and the occupier of that property, any may enter into an agreement with the owner, or the occupier, for that purpose.

### 4.4 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

### **PART V - GENERAL PROVISIONS**

### 5.1 DEVELOPMENT STANDARDS

AMD 25 GG 14/9/90

### Applicable Standards

Subject to the provisions of the Scheme, a person shall not commence or carry out the development of any land -

- (a) within a residential zone, except in accordance with the provisions of the Residential Planning Codes;
- (b) within a zone other than a residential zone except in accordance with the development standards set out in Table 2:
- (c) being land which may be used for an additional purpose pursuant to an approval under Clause 3.7 except in accordance with the development standards set out in Table 3.

#### 5.2 RESIDENTIAL DEVELOPMENT: RESIDENTIAL PLANNING CODES

- 5.2.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.
- 5.2.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- 5.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.

### 5.3 RESIDENTIAL PLANNING CODES: VARIATIONS AND EXCLUSIONS

- 5.3.1 Notwithstanding the provisions of the Residential Planning Codes and notwithstanding that the Use Class 'Dwelling House Grouped' is designated "AA" in the Residential Zone, the coding designations shown on the Scheme Map shall have the following meanings and effects: AMD 25 GG 14/9/90
  - (a) where an area is designated with an R. Code R.10 or R12.5, no development other than a single dwelling house or a ancillary accommodation unit is permitted; AMD 123 GG 31/3/2000
  - (b) where an area is designated with an R. Code R.12.5/R.20 or R.10/R.20 no development other than a single dwelling house complying with R.12.5 or R.10 requirements (as the case may be) is permitted except that the Council may approve a grouped dwelling development containing a maximum of two dwellings subject to R.20 requirements if the following conditions are satisfied:
    - (i) grouped dwellings do not occur at a frequency greater than one lot in five of all lots within an area bounded by four streets or other natural boundary; AMD 46 GG 6/10/92
    - (ii) grouped dwellings are separated from any other grouped dwelling by not less than two single dwellings in the same street frontage; and
    - (iii) the setback requirements of the first mentioned R. Code designation are observed.

- (c) Where an area is designated with an R code R12.5/R40 development to the density and standards of the R40 code shall be permitted subject to compliance with the design guidelines outlined in Appendix 3 of the Scheme.

  AMD 57 GG 5/7/94
- (d) Recognising that the Western Australian Planning Commission determines subdivision applications, in order to protect the amenity of the dual-coded areas (R10/R20, R12.5/R20 & R12.5/R40) Council will only support Survey Strata or Green Title subdivision of land in accordance with the lower coding.

  AMD 123 GG 31/3/00
- 5.3.2 Nothing in the Residential Planning Codes as they are applied in the Scheme operates to preclude the erection of a dwelling house on a lot which was in existence at the date of coming into operation of the Scheme and which is situated within the Residential zone and is smaller in area or in any dimension than the minimum area of dimension set out in the code for that lot.
- 5.3.3 Notwithstanding the provisions of the Residential Design Codes the following provisions apply:
  - (a) A minimum primary street setback of 9 metres to dwellings, carports and garages (attached or detached) shall apply except in areas designated in Appendix IV entitled "Front Setbacks".
  - (b) For lots within an area of 800m² or more and a frontage of 15m or more, the following absolute minimum setbacks shall apply:
    - (i) Primary Street Setback:

<u>Ground Floor – 9.0m</u> <u>Upper Floors – 12.0m</u> Basement – 9.0 m

(ii) Other Street Setback:

<u>Ground Floor – 4.5m</u> Upper Floors – 6.0m

(iii) Side Setback:

Ground Floor – 1.5m on one side and 2.5m on the other
First Floor – 3m
Additional floors – 1.5m per floor
Basement – nil where fully below natural ground level

(iv) Rear Setback:

6.0m, provided that a single storey garage or carport may be constructed 1.5m from any right of way for no more than half the width of the rear boundary.

- (c) Notwithstanding clause 5.3.3 (a), a carport may be constructed within the 9m primary street setback area with development constructed prior to the gazettal date of this amendment if covered car spaces cannot be located elsewhere on site, subject to the following conditions:
  - (i) The area of the carport shall not be greater than 36m<sup>2</sup> in area;
  - (ii) The minimum primary street setback shall be 3.5m and the minimum side setback shall be 1.0m;

- (iii) The carport shall be open on all sides except to the extent that it abuts a dwelling or a property boundary on one side and shall not have a door.
- (d) Minor structures such as gate houses, lichgates, porticos, pergolas and similar structures are permitted in street setback areas provided the roofed area of the minor structure does not exceed 4m² in area or 3.5m in height.
- 5.3.4 Notwithstanding the provisions of the Residential Planning Codes, with regard to Ancillary Accommodation as set out in Clause 2.3.1 of the Codes, the Council subject to the procedures set out in Part 6 of the Scheme, may approve an Ancillary Accommodation unit in the Residential zone if the following requirements are satisfied: *AMD 123 GG 31/3/00* 
  - (a) the lot on which it is proposed is not less than 730m<sup>2</sup> in area;
  - (b) the total floor space of the Ancillary Accommodation does not exceed 60m² in area:
  - (c) the Ancillary Accommodation contains no more than two habitable rooms; and
  - (d) the Ancillary Accommodation will be occupied by a person related to the persons occupying the remainder of the dwelling.
- 5.3.5 The owner of any premises for which approval has been granted for use as a Ancillary Accommodation shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as Ancillary Accommodation without prior approval of the Council.

AMD 123 GG 31/3/00

- 5.3.8 Notwithstanding the provisions of the Residential Planning Codes, the following development standards shall apply for land contained within Amendment No. 121, being Lot 2 of Swan Locations 2105 and 9149:

  AMD 134 GG 4/7/00
  - the Council may approve the development of a single house on a lot less than 350m² where the provision of open space on the site is not less than 40%;
  - (ii) building height shall be limited to 2 storey, generally in accordance with the conceptual plans submitted in support of the rezoning application; and
  - (iii) the density bonus provisions for Aged and Dependent Dwellings under the R Codes shall not apply to the R40 and R60 sites.
- 5.3.9 Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the Scheme, the following development standards shall apply for land contained within the site bounded by Aberdare Road, Smyth Road, Verdun Street and the rear of the western lots on Kitchener Street:

  AMD 144 GG 15/10/04; Correction Notice GG 30/8/05; AMD 72 GG 29/8/06
  - (a) In respect of the area coded R30, the minimum total open space requirement for lots will equate to 40% of the area of the lot.
  - (b) In respect of the area coded R50, the minimum total open space requirement for lots will equate to 30% of the area of the lot.
  - (c) In respect of the area coded R60, the following design and development elements shall apply:
    - no less than 30% of dwellings proposed in any Application for Approval to Commence Development shall have a maximum plot ratio area of

60m<sup>2</sup>;

- ii. no less than 30% of dwellings proposed in any Application for Approval to Commence Development shall have a maximum plot ratio area of 90m<sup>2</sup>:
- iii. no development shall occur unless it is on a green title lot which is greater than 4,000m<sup>2</sup>;
- iv. buildings shall not exceed a 3 storey height limit or the equivalent building height applicable to Category C area building in Table 3 of the Residential Design Codes;
- v. single dwellings shall be permitted;
- vi. multiple dwellings shall be permitted; and
- vii. grouped dwellings shall only be permitted as complementary to multiple dwellings.
- 5.3.10 Notwithstanding the requirements under 5.3.1 and 5.3.3 the land identified under Appendix V of the Scheme shall be developed in accordance with the Residential Design Codes and or variations as indicated in Residential design Guidelines and Detail Area Plan for Rochdale Road, James Road, Knutsford Street/North Street and Alexander Road localities as well as Aberdare Road, Alfred Road, Karella Street and Dalkeith Road localities. AMD 148 GG 15/2/05; AMD 175 GG 14/11/06
  - recognising that the Western Australian Planning Commission determines subdivision applications, in order to protect the amenity of the area the City will only support 'Townhouse' and 'corner lot' subdivision forms, unless otherwise provided for in the Residential Design Guidelines for a specified locality under Appendix V.
- 5.3.11 Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme, the following development standards shall apply to the specified lots within the subdivision formerly known as Swanbourne High School: *AMD 189 GG 1/2/08* 
  - (a) In respect of proposed Lots 52 59 a height restriction of 12m shall apply. The 12m in height shall be calculated from the finished level for each site at the front property boundary established as part of the subdivision works. The height of the building envelope does not change with the changes in lot levels.
  - (b) In respect of proposed Lot 60 a height restriction of 21m shall apply, and the development shall be a maximum of 5 storeys from the street front. The natural ground level for measurement of height shall coincide with the finished lot level created at subdivision.
  - (c) In respect of proposed Lots 60 and 61 multiple dwellings shall be permitted.
  - (d) In respect to Lots 49, 50 and 51 Nidjalla Loop, Swanbourne, a height restriction of 10 metres applies to buildings except a mezzanine level which may be developed up to 12 metres in addition to two storeys only in accordance with the Detailed Area Plan and Design Guidelines for the area as adopted by the Council.

    AMD 195 GG 8/3/13
  - (e) The maximum heights for all other Lots shall be in accordance with the Swanbourne Design Guidelines A & B.
- 5.3.12 Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme every dwelling shall be provided with a minimum of two covered car spaces for the storage of wheeled vehicles, boats and other goods.
- 5.3.13 Notwithstanding the provisions of the Residential Design Codes or any other provision specified elsewhere in the scheme landscaping shall be provided at the following rates:
  - a) for lots less than 800m2 in extent the minimum area of landscaping shall be 20% of the site area; and

b) for lots 800m2 or more in extent the minimum area of landscaping shall be 30% of the site area.

## 5.4 STANDARDS FOR DEVELOPMENT IN OTHER THAN RESIDENTIAL ZONES AMD 25 GG 14/9/90

### 5.4.1 Application of Standards

- 5.4.1.1 Subject to paragraph 5.4.1.3 the standards set out in Table 2 shall apply to all developments in the district in zones other than the Residential Zone.
- 5.4.1.2 Subject to paragraph 5.4.1.3 the standards set out in Table 3 shall apply to the development of land for use for an additional purpose approved by the Council pursuant to Clause 3.7 of this Scheme.
- 5.4.1.3 The Council may on application by a person seeking planning approval agree to vary a standard in Table 2 or Table 3.
- 5.4.1.4 Without limiting the generality of paragraph 5.4.1.3 in the case of development for any purpose other than residential the Council may on application by a person seeking planning approval vary the parking requirements in Schedule 3 hereto, or impose conditions on the location and design of car parking spaces, taking into account:
  - (i) the number to be roofed or covered and the manner of roofing or covering;
  - (ii) the number to be below natural ground level;
  - (iii) the means of access to each space and the adequacy of vehicular manoeuvring areas;
  - (iv) the effect on the amenity of adjoining premises, including potential effects if spaces should later be roofed or covered and the suitability or adequacy of proposed screening or natural planting;
  - (v) the provision of suitable pick up and setting down bays.

### 5.4.2 Landscaping Requirements

In the case of development for a purpose other than residential -

- (a) the portion of the lot between the street boundary and the setback line; and
- (b) the portion of the lot between any adjoining residential lot and the setback line from the respective lot boundary

shall be designed and developed to the satisfaction of the Council as landscaping or natural planting BUT the Council may approve the paving and draining of portion of the area of the lot between the street boundary and the setback line in order to provide vehicular access. A minimum of 20% of the lot shall be landscaping.

# TABLE II - COMMERCIAL & INDUSTRIAL ZONES - OTHER THAN RESIDENTIAL ZONES

Minimum setback from Front: 4.5 metres (see Notes 4)

Boundaries

(see note 1 below) Side: 5.0 m where the lot adjoins any Residential zone.

2.5 m where the side boundary of the lot adjoins any

other street.

Rear: 5.0 m where the lot adjoins any Residential zone.

Maximum Plot Ratio 0.75

NOTE (1) In the Light Industry and Retail Shopping Zones, where development on adjoining lots is set back less than 4.5 m, Council may vary front setback requirements to not less than that of the buildings on the side having the least

setback, subject to Note 4. AMD 137 GG 9/1/01

NOTE (2) In the case of lots in Hampden Road adjacent to a right-of-way, the rear

setback shall be not less than 1.5 m.

NOTE (3) Residential Development in other than Residential zones shall conform with the standards and requirements of the R35 Code. However, Council may vary

the requirements of this Code if in the opinion of Council the proposed

development is in keeping with the amenity of the area.

NOTE (4) On Stirling Highway the minimum front boundary setback shall be nil

exclusive of any road widening. AMD 138 GG 5/1/01

NOTE (4) In accordance with Clause 5.19 on Stirling Highway the minimum front

boundary setback shall be 9 metres exclusive of any road widening.

### TABLE III - LAND PERMITTED FOR ADDITIONAL USES

AMD 137 GG 9/1/01

Minimum setbacks from

Boundaries

Front: 6 metres (see Note 2)

Side: 5 metres where the lot adjoins any residential zone.

Otherwise in accordance with the R Codes.

average of 8m Rear:

minimum of 5m

Maximum Plot Ratio 0.5

NOTE (1) No car parking is permitted in the front setback unless special approval is granted by Council. Rear and side setbacks are to be predominantly landscape

buffers.

On Stirling Highway the minimum front boundary setback shall be nil 9m NOTE (2)

exclusive of any road widening. AMD 138 GG 5/1/01

NOTE (3) Where possible existing structures are to be retained and the residential use

converted to the particular permitted 'Additional Use'. AMD 137 GG 9/1/01

#### 5.5 PRESERVATION OF AMENITY

- 5.5.1 Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any factor inconsistent with the use for which the lot is zoned.
- 5.5.2 Unless otherwise approved by the Council, no person shall erect or add to any building unless the external walls are constructed of brick, stone or concrete, other than in the case of:
  - (a) outbuildings complying with the Uniform Building By-laws, and not exceeding 37m<sup>2</sup> in floor area:
  - (b) the upper floor of a dwelling of which the external walls of the ground floor are to be, or have been, constructed of brick, stone or concrete;
  - (c) an historic building;

#### except that -

up to 25% of the external elevation of any wall of a building in any residential zone may be of materials other than brick, stone or concrete.

- 5.5.3 In the case of development within the Retail Shopping Zone, provision shall be made for landscaping and natural planting to enhance the appearance of the development and to secure a harmonious relationship between the development and existing or potential development on adjoining land.
- 5.5.4 Unless otherwise approved by the Council, no person shall erect or construct a retaining wall other than in accordance with the Council's By-laws and in no case without Council approval if the wall is greater than 0.5m in height at any point. In determining an application to erect or construct a retaining wall, Council shall have regard to:
  - (a) its likely impact on the amenity or appearance of the land immediately surrounding the proposed retaining wall;
  - (b) the materials, shape, height or proximity of the retaining wall to, and their likely effect on the outlook from, surrounding land;
  - (c) the effect on the usability of the land on which the retaining wall is proposed.
- 5.5.5 Within the Residential zone no person shall without the written approval of the Council construct, alter, repair or carry out any other work on any boat or any recreational vehicle or object unless the boat, recreational vehicle or object is completely housed within a building.

  AMD 25 GG 14/9/90
- 5.5.6 Within the residential zone the following parking requirements apply AMD 193 GG 14/02/12
  - (i) Covered parking behind the front setback line for a minimum of two cars must be provided and maintained for each new dwelling;
  - (ii) No alterations to convert an existing garage or carport to a use other than for parking purposes shall be permitted unless covered parking for a minimum number of bays as determined under clause 5.5.6(i) is provided and maintained behind the front setback line;

(iii) Excluding any parking provided within a fully enclosed building, a maximum of 6 cars shall be permitted to be parked on any residential lot that accommodates a single residential dwelling/house.

## 5.6 OUTBUILDINGS, GARAGES, CARPORTS & FENCES

- 5.6.1 Without limiting the generality of Clause 6.5 where in the opinion of the Council an outbuilding, by reason of its height, bulk or proposed use may adversely affect the amenity of the surrounding area, the Council may impose conditions on its approval.
- 5.6.2 Without limiting the generality of Clause 6.5 where in the opinion of the Council a carport to be constructed on the portion of the lot between the street boundary and the setback line, by reason of its height, bulk or proposed use may adversely affect the amenity of the surrounding area the Council may impose conditions on its approval and without limiting the generality of the foregoing the following shall apply:
  - (a) the roof plan area of the carport shall not be greater in area than 36m<sup>2</sup>;
  - (b) no fence or wall erected or used in conjunction with the carport shall be more than 1.8m above natural ground level measured at the centre of the carport; and
  - (c) no gate erected in front of the carport shall be more than 1.8m above natural ground level, or shall open in such a manner as to obstruct vision through an area enclosed by a 1.5m x 2.5m truncation to each side of the driveway at the street boundary.
  - (d) the carport shall be open on all side unless constructed adjoining a boundary fence or wall of a building, in accordance with Council policy.

    AMD 123 GG 31/3/00
- 5.6.2 The Council may approve a garage to be erected on the side boundary of any lot, if:
  - there is an existing garage on the adjoining lot within 1 m of that boundary and adjacent to the proposed garage; or
  - (b) any house on the adjoining lot is of substantial construction and located not more than 2.5 m from that boundary, but constructed in such a manner that light and ventilation to the rooms overlooking that boundary are not adversely affected; and
  - (c) no danger of spread of fire exists due to the proximity of overhanging eaves;
- 5.6.3 Dividing Boundaries Fence or Screen Wall Heights

No fence or screen wall shall be erected within 0.9m of a dividing boundary to a height greater than 1.8m above natural ground level without the approval of the Council. The Council may refuse to grant approval of a screen wall or fence higher than 1.8m above natural ground level if in the opinion of the Council such additional height would adversely affect the amenity of the occupants of the adjoining lot.

## 5.7 DEVELOPMENT IN RETAIL SHOPPING ZONES

- 5.7.1 Without limiting the generality of Clause 6.5, in considering a proposal to undertake development or redevelopment on land in a retail shopping zone the Council shall have regard to the following matters and may impose conditions to ensure that:
  - (a) any building on a lot is constructed so as to have regard to the development or likely development of adjoining lots;
  - (b) where agreements between adjacent owners are made with the intent of achieving a co-ordinated development, such development is completed within

1 year of approval;

- (c) any group of buildings has an integrated layout in terms of vehicular and pedestrian circulation, appearance, colour and texture of external materials and landscaping;
- (d) the design of the development or redevelopment makes provision for general uniformity of advertising signs;
- (e) vehicular servicing to shops is provided to the rear of such shops and is screened from public view in a manner satisfactory to the Council;
- (f) off-street carparking is laid out to provide for both the convenience and safety of shoppers;
- (g) vehicular access from public roads is so sited as to minimise hazards to passing traffic.

## 5.8 SHOPS IN ZONES OTHER THAN RETAIL SHOPPING

- 5.8.1 A shop may be incorporated within a building in an Office/Showroom or Light Industry Zone, if:
  - (a) not more than one shop is provided on any lot;
  - (b) the shop is no greater than 20m<sup>2</sup> in floor area (including storage space);
  - (c) the shop is used only for the sale at retail of:
    - lunches, confectionery, non-alcoholic beverages, newspapers, magazines, cigarettes and similar goods;
  - (d) in an Office/Showroom zone the shop has no direct frontage to the street; and
  - (e) such shop is not used as a retail outlet for any showroom located in the building.

# 5.9 CONSERVATION AND PRESERVATION OF PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST - REFER APPENDIX I

AMD 25 GG 14/9/90

- 5.9.1 Council considers that the places of natural beauty and historic buildings and objects of historical or scientific interest contained in Appendix II should be conserved and preserved.
- 5.9.2 If the Council resolves that any place of natural beauty or any historic building or object of historical or scientific interest should be protected by the conservation and preservation provisions of this Clause the Council may initiate an amendment to the Scheme to add the place, building or object to Appendix II.
- 5.9.3 If the Council at any time considers that any Place, Building or Object should no longer be protected by the conservation and preservation provisions of this Part the Council may initiate an amendment to the Scheme for the deletion of the place, building or object from Appendix II.
- 5.9.4 No person shall without the consent in writing of the Council commence or carry out or permit or suffer the commencement or carrying out of any development on or in relation to any Appendix II Place, Building or Object and without in any way limiting the generality of the foregoing shall not:
  - (a) clear, excavate or fill any land;

- (b) fell, remove, kill or irreparably damage any tree;
- (c) erect any fence;
- (d) commence or carry out any renovation, modification, refitting, decoration or demolition of any building;
- (e) alter or remove any building or object or any part thereof.
- 5.9.5 The provisions of this sub-clause shall not affect any obligation imposed by other provisions of this Text or by the Metropolitan Region Scheme to apply for and obtain the approval of the Council or of the State Planning Commission prior to the commencement or carrying out of any development, and the written consent of the Council under this sub-clause is required in addition to any such approval to commence or carry out development.
- 5.9.6 If the Council decides to give its written consent to the commencement or carrying out of any development or other work, the Council may give that written consent notwithstanding that the development or work involved does not comply with the Building Regulations 1989 or the Residential Planning Codes or with any requirement or standard specified in or arising out of this Text.
- 5.9.7 The Council when considering an application for its consent in writing pursuant to the provisions of Clause 5.9.4 may:
  - (a) give its consent in writing with or without conditions and limit the time for which the consent remains valid prior to completion or substantial commencement of the development or other work; or
  - (b) refuse to give its consent in writing.
- 5.9.8 The Council may purchase or subject to the Act, resume the parcel of land on or in which any Appendix II Place, Building or Object is situated, or so much or such interest in that parcel of land as in the opinion of the Council is necessary for the preservation of the Appendix II Place, Building or Object.
- 5.9.9 The Council may:
  - enter into agreements with the owners or occupiers of land on or in which any Appendix II Place, Building or Object is situated, for the purpose of ensuring the preservation or conservation of such place, building or object;
  - (b) enter into agreements with the National Trust of Australia (WA), the Royal Western Australian Historical Society (Inc) or any Government Department, Authority or other body in Western Australia responsible for tourism or with any other Authority, body or person, for the preservation or conservation of any Appendix II Place, Building or Object; and
  - (c) enter into agreements relating to the payment of monies and financial arrangements for the purpose of conserving Places, Buildings or Objects listed in Appendix II.

# 5.10 CONTROLLED DEVELOPMENT AREA

- 5.10.1 Any development within the areas bounded by:
  - (a) Reserve 17391, The Esplanade, Broadway, lots on the north side of Elizabeth Street and Bruce Street:
  - (b) Victoria Avenue, the City boundary, the Metropolitan Region Recreation reserve abutting the Swan River and Reserve 16668;

(c) Jutland Parade, Iris Avenue, the Metropolitan Region Recreation reserve abutting the Swan River and Point Resolution Reserve;

shall require the Council's special approval.

- 5.10.2 Without limiting the generality of Clause 6.5 in determining an application for approval of development in a Controlled Development Area:
  - (a) the Council shall consider the effect of the development on the amenity of the surrounding area, the visual effect of the development as perceived from the Swan River and the effect on the amenity of the parks and recreation reserves in that area in accordance with Council policy from time to time determined for each Controlled Development Area;
  - (b) if the Council so requires, the applicant shall furnish such further information, as deemed necessary by Council to determine the application (including perspectives and elevations, or any other data);
  - (c) the Council may refuse development approval or impose conditions on a development approval where it considers that the amenity of the area may be detrimentally affected by the proposal.
- 5.10.3 Within a Controlled Development Area the following provisions shall apply:-
  - (a) the Council shall not permit the ground level of any portion of any lot to be raised by an amount greater than 0.5m above natural ground level whether by means of a retaining wall or not, unless it is satisfied that such changes in level will not unduly affect the amenity of the area including amenity of neighbouring properties. AMD 25 GG 14/9/90
  - (b) for the purpose of this clause the rear boundaries of certain lots shall be as delineated in Appendix I and the rear setback applicable to boundaries of lots so delineated shall be 7.5m. Where the 7.5m setback is a front boundary the provisions of clause 5.3.3 (a) shall apply and the setback shall be 9.0m unless varied by Council.

    AMD 25 GG 14/9/90
  - (c) The Council may approve a lesser setback than 7.5m as shown on the maps in Appendix 1 provided that there are greater side setbacks to compensate for the reduced rear setback.
  - (d) A minimum setback of 10m shall be provided along any boundary abutting the river reserve.

# 5.11 MAXIMUM BUILDING HEIGHT

- 5.11.1 Unless provided elsewhere in the Scheme, no site shall be developed or building constructed:
  - (i) With the primary street facade greater than 8.5m in height measured from midpoint of the lot frontage;
  - (ii) With a height of any other exterior wall greater than 8.5m at any point;
  - (iii) So that any point of the building exceeds a height of 10m measured from natural ground level or other level determined by council;
- 5.11.2 The height of a wall is measured from natural ground level in accordance with the definition of "wall height" in the Residential Design Codes;
- 5.11.3 Dormer windows comprising an opening framed into a pitched roof to provide natural lighting to a roof space are exempt from clause 5.11 (i) & (ii).

No site shall be developed or building constructed:

- to contain more than two storeys directly above each other in the case of residential use or three storeys in the case of other users, excluding areas for plant and equipment, storage, toilets and the parking of wheeled vehicles;
- ii) with the height of any part of an exterior wall greater than 8.5m from mean natural ground level at the base of the walls; and
- iii) to exceed 8.5 metres in overall height facing the primary street frontage, measured from the mean level of the lots boundary at the primary street frontage; and
- iv) so that any point of the building exceeds a height of 10m, measured from the mean natural ground level around the base of the building or from such other level determined by council.

#### 5.12 PARKING OF COMMERCIAL VEHICLES

AMD 25 GG 14/9/90; AMD 130 GG 8/12/00

- 5.12.1 A person shall not park or stand on a road reserve or park or stand or suffer or permit the parking or standing on private property in either case within a residential zone of a commercial vehicle with a tare weight in excess of 3.5 tonnes for a continuous period in excess of four (4) hours.
- 5.12.2 A person shall not park or stand or suffer or permit a commercial vehicle of more than 3.5 tonnes to be parked or allowed to stand on land within the residential zone unless it is garaged or otherwise screened from view from any street.
- 5.12.3 A person shall not park or stand or suffer or permit the parking or standing on any lot within the residential zone more than one commercial vehicle and shall not park or stand more than one commercial vehicle on a road reserve or any other reserve within the residential zone without the approval in writing of the Council.
- **5.13 TREE MANAGEMENT** AMD 116 GG 17/10/97; DELETED BY AMD 126 GG 11/2/00
- 5.14 DEVELOPMENT STANDARDS FOR LAND CONTAINED IN AMENDMENT NO. 121, BEING LOT 2 OF SWAN LOCATIONS 2105 AND 9149

  AMD 121 GG 23/10/98; DELETED BY AMD 134 GG 4/7/00

# 5.15 OLD SWANBOURNE HOSPITAL PRECINCT

AMD 158 GG 8/11/05

- 5.15.1 Prior to Council considering any application for subdivision and/or development on the site, a suitable and sustainable low-key adaptive re-use for Montgomery Hall shall be identified;
- 5.15.2 Council shall require subdivision and development to be generally in accordance with the Development Plan No. 03/16/12A, dated July 2005, annexed to Local Planning Policy: Old Swanbourne Hospital Precinct;
- 5.15.3 Council shall require subdivision and development to have regard to, and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct;
- 5.15.4 Notwithstanding the provisions of Table 1: use Class Table, and in accordance with the Development Plan referred to in 5.15(a), the following uses are 'AA':

i. Caretakers Dwelling

- ii. Carpark
- iii. Civic Building
- iv. Club Premises
- v. Consulting Room(s)
- vi. Dwelling House Single
- vii. Dwelling House Grouped
- viii. Dwelling House Multiple ix. Educational Establishment
- x. Home Business
- xi. Home Occupation
- xii. Medical Centre
- xiii. Office General
- xiv. Office Professional
- xv. Recreation Private
- xvi. Recreation Public
- xvii. Residential Building
- xviii. Restaurant.

All other uses are 'X' - not permitted.

- 5.15.5 Prior to Council considering any application for subdivision and/or development on the site, in accordance with clause 3.8 of the Scheme, the applicant shall submit an Outline Development Plan for the approval of the Council, in consultation with the Heritage Council of Western Australia:
- 5.15.6 Prior to Council considering any application for subdivision and/or development on the site, a revised Conservation Plan for the site shall be completed to the satisfaction of the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process;
- 5.15.7 Prior to Council considering any application and/or development on the site, a Heritage Agreement shall be completed to the satisfaction of the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process:
- 5.15.8 Any application for subdivision and/or development shall have due regard for the revised Conservation Plan for the site and shall demonstrate the conservation of the existing heritage buildings to the satisfaction of the Heritage Council of Western Australia.

## 5.16 DALKEITH SPECIAL CONTROL AREA PROVISIONS

AMD 192 GG 05/04/12

- 5.16.1 Notwithstanding any provision specified elsewhere in the scheme, the development standards as shown in Appendix VI and known as Dalkeith Special Control Area Provisions shall apply to the specified lots within the provisions.
- 5.16.2 Where there is an inconsistency between the scheme and or the Residential Design Codes and the Dalkeith Special Control Area Provisions (Appendix VI), the provisions of Appendix VI shall prevail to the extent of the inconsistency.

# 5.17 CONTRIBUTION TO ART

- (a) Council may establish a special fund for the purchase, installation and maintenance of public artwork throughout the district;
- (b) As a condition of approval of a development on a lot with a residential zoning comprising 10 or more dwellings or a non-residential zoning the Council shall require a contribution up to 1% of the estimated cost of the development for the provision of art. This contribution can be:
  - i) <u>by way of providing artwork on the development site or in the locality in such a</u> location that it is visible from the street and contributes positively to the streetscape

#### and public amenity; or

- ii) by the payment to the City of cash-in-lieu.
- (c) The Council may accept a bond equal to the value of the contribution.
- (d) All cash contributions towards a public artwork shall be paid into the special fund established under sub-clause 5.17 (a) and shall be enforced as a condition of planning approval.
- (e) All artwork shall be approved by the Council prior to installation.
- (f) The Council is not restricted to installing artwork obtained through contributions to the special fund in a location that is in close proximity to any development that has contributed to the special fund.

# 5.18 MINIMUM FLOOR LEVELS

To allow for rising sea levels the minimum reduced level for any habitable room shall be in accordance with the Floodplain Development Strategy of the Department of Water as amended from time to time but not less than a level of 3.0 Australian Height Datum (AHD).

# 5.19 DEVELOPMENT ADJOINING STIRLING HIGHWAY

Notwithstanding any other provisions in this scheme all development adjoining Stirling Highway shall be in accordance with the following:

(a) Minimum setbacks from boundaries:

Primary Street Setback

Ground Floor - 9.0 metres

<u>Upper Floor - 12 metres</u>

Secondary Street Setback

Ground Floor - 4.5 metres

<u>Upper Floors – 6.0 metres</u>

Rear Setback - 6.0 metres

## Side Setback

<u>Ground Floor – 1.5m on the one side and 2.5m on the other provided that where the lot adjoins any Residential Zone 5.0m</u>

<u>Upper Floors – 1.5m per storey, but not less than 5.0m where adjoining any Residential Zone</u>

# (b) Building Height:

Notwithstanding the requirements of clause 5.11 for properties adjoining Stirling Highway, the building height may be increased by four (4) metres where four of the following criteria are met and eight (8) metres where all five criteria are met:

- (i) Minimum lot area of 2000m2;
- (ii) Vehicular entry and exit other than from Stirling Highway;

- (iii) Additional floor space is used for residential purposes;
- (iv) Land is freely ceded or already provided for the widening of Stirling Highway; and
- (v) Land is freely ceded for the creation of a new laneway with a minimum width of 7m.

# 5.20 ON-SITE POWER GENERATION FOR RESIDENTIAL DEVELOPMENT

Each dwelling shall include a power generation device in order to be able to produce a minimum of 1.5 kW of power on site. The power generation device may be solar, wind or any other form approved by Council.

# PART VI - PLANNING APPROVAL PROCEDURES

#### 6.1 PLANNING APPROVAL

AMD 25 GG 14/9/90; AMD 130 GG 8/12/00

- 6.1.1 a) No person shall commence or carry out any development on land zoned or reserved under the Scheme and without limiting the generality of the foregoing including the commencement or changing of the use of any land without first applying for and obtaining the Council's planning approval; and
  - b) Notwithstanding the above clause 6.1.1 (a), the Council's planning approval is not required for the following:
    - 1) the demolition of any building except where the building is:
      - (i) <u>located in a place that has been entered in the Register or Heritage</u> Places under the Heritage of Western Australia Act 1990;
      - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
      - (iii) included in Appendix II; or
      - (iv) included on the City's Heritage Inventory;
    - 2) the carrying out of any building work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the heritage value of the interior is specifically identified in documents listed in sub-clauses 1) (i) to (iv) above;
    - 3) a home occupation;
    - 4) <u>any use or works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees;</u>
    - 5) any building or other works undertaken by the Council or a public authority in connection with the maintenance or improvement of a public street or for any public utility;
    - 6) the carrying out works urgently necessary in the interest of public safety or for the safety or security of plant or equipment;
    - 7) the erection of fences not exceeding 1.8m in height, other than fencing in the street setback area.
    - 8) <u>structures incidental to residential development that are not located in a street setback area including:</u>
      - i) <u>a cubby house with a finished floor level not exceeding 500mm above</u> the natural ground level;
      - ii) a dog house not exceeding 4m2 in area;

- iii) a domestic animal/ bird enclosure not exceeding 4m<sup>2</sup> in area;
- iv) a shed with a maximum floor area of 9m², located less than 500mm above natural ground level, with a maximum wall height of 2.4m and a maximum ridge height of 3m;
- v) a pergola behind the front setback line;
- vi) a swimming pool where:
  - (aa) no part of the swimming pool is more than 500mm above the surrounding ground level; or
  - (bb) no part of the area surrounding the swimming pool is raised more than 450mm above natural ground level.
- vii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
- viii) <u>a satellite dish, located on a lot used solely for residential purposes</u> which:
  - (aa) does not exceed 0.9 metres in diameter;
  - (bb) is not located in the street setback area;
  - (cc) is not visible from a public street; and
  - (dd) if located on a roof, is of similar colour to the roof and is the sole satellite dish on the site.
- ix) television aerial or radio antenna which does not exceed 3.0 metres in height and which is contained within the maximum building height applicable to the site, or, if located on the ground, is not more than 6.0 metres in height from natural ground level and setback a minimum of 3 metres from the property boundary;
- x) <u>air conditioner units mounted alongside a wall other than wall visible</u> from a public street;
- xi) solar panels;
- xii) a water tank which does not exceed 3.0 metres in height above natural ground level and is not located in the street setback area;
- xiii) plumbing vents and pipes not visible from the street;
- xiv) an external hot water heater mounted alongside a wall;
- xv) one letter box per lot;
- xvi) clothes lines not visible from a street;
- 9) screening for visual privacy provided the proposed screening;
  - i) is not a fence;
  - ii) does not exceed a height of 3.0 metres above natural ground level; and
- 10) <u>retaining walls with a maximum height of 300mm calculated from natural ground level.</u>

6.1.2 Application to the Council for planning approval shall be made in a form similar to Form 1 described in Schedule 4 of the Scheme.

#### 6.2 APPROVAL OF EXISTING DEVELOPMENTS

AMD 25 GG 14/9/90

- 6.2.1 The Council may give planning approval of a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies or is capable through the application of appropriate conditions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement or development.
- 6.2.2 The application to the Council for approval under subclause 6.2.1 shall be made on or in a form similar to Form 1 described in schedule 4 of the Scheme or on such other form as the Council provides from time to time.
- 6.2.3 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.
- 6.2.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of the development without approval, and the conviction of a person for such breach shall not prevent the Council from giving an approval under this clause in respect of the same development.

# 6.3 SPECIAL PROCEDURES

AMD 123 GG 31/3/00

- 6.3.1 Special procedures are required by Council before determining an application for planning approval in any of the following cases:
  - \* change or extension of non-conforming use;
  - \* uses designated "AA" in Table 1 of Part 3;
  - uses not listed in the zoning table;
  - \* listing, change of use or alteration of historic buildings, objects or places;
  - \* development in controlled development area;
  - development of a Ancillary Accommodation;
  - \* change of use of an additional use.
- 6.3.2 Such application shall include the following information if required by Council:
  - (a) a certified copy of the Certificate of Title;
  - (b) the names and addresses of the owners of the land and of any party proposing to purchase or develop the land;
  - (c) a full description of the purposes for which the building or land is proposed to be used:
  - (d) complete descriptive plans of the buildings or other improvements proposed on the land.
  - (e) Plans showing the location of existing buildings, improvements, trees and crossovers. *AMD* 116 GG 17/10/97
- 6.3.3 Before determination of any application made under Clause 6.3 the Council may cause any or all of the following to be done:

- (a) notification in writing of any adjoining property owner or occupier;
- (b) publication of a Notice of the application in a newspaper circulating in the district:
- (c) erection of a Notice Board not less than 1m² in area, conspicuously placed on the lot the subject of the application for a period not less than 21 days.
- 6.3.4 Any such notification, Notice or Notice Board shall be in sufficient detail to ensure an understanding of the application and shall state that submissions relating to the application may be lodged in writing at the office of the Council by a certain date, being not less than 21 days from receipt of the notification, publication of the Notice and/or erection of the Notice Board, as the case may be.

#### 6.4 CONSIDERATION OF APPLICATIONS

- 6.4.1 In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.
- 6.4.2 In respect of an application for planning approval made under Clause 6.3 the applicant shall satisfy the Council that the following conditions and standards have been met.
  - (a) the nature and intensity of the proposed use or development will not detrimentally affect the locality in terms of its environmental impact by way of its hours of operation, illumination, emission of any kind and the effect on any use or development within the locality;
  - (b) the plot ratio, site coverage, setbacks, height, landscaping and parking provisions are in keeping with the general character of the locality;
  - (c) the form, layout, appearance and material of any building is in keeping with the existing character of the locality:
  - (d) the vehicular and pedestrian access, including on-site circulation and provision for deliveries will not create any danger;
  - (e) the vehicle flows to and from the subject land will not be disruptive to existing traffic movements or circulation patterns;
  - (f) that any traffic generated must be capable of being accommodated within existing streets;
  - (g) that the development or use will not place excessive loads on existing or projected essential services;
  - (h) the proposed development or use is necessary to service the needs of the district's residential population and is otherwise generally in keeping with the Council's Town Planning intentions for the locality;
  - (i) The desirability or preserving (or replacing) existing trees and other vegetation contributing to the amenity or significant of the locality. AMD 116 GG 17/10/97
  - (j) any other matter considered relevant by Council.

## 6.5 DETERMINATION BY COUNCIL

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

- 6.5.2 If the Council has granted the planning approval subject to conditions and any of the conditions are not fulfilled or complied with within the time limit specified by the Council, the Council may in addition to other remedies available to it, revoke its approval.
- 6.5.3 The Council may in respect of any such application limit the time for which approval granted on the application remains valid.
- 6.5.4 If the Council has not within 60 days of the receipt by it of an application to commence development conveyed its decision to the applicant the application shall be deemed to have been refused.

# 6.6 CONTRAVENTION AND NON-COMPLIANCE

AMD 25 GG 14/9/90

Subject to the Act a person shall not:

- use for a purpose a building which does not conform with a standard or requirement of the Scheme relating to buildings used for that purpose, subject only to any nonconforming use rights;
- (b) erect, alter or add to any building or carry out any other development or use any land contrary to the provisions of the Scheme or contrary to the terms of any approval by the Council or the approved plans, or contrary to any condition attached to such approval;
- (c) do or omit to do any act and in so doing contravene the Scheme; or
- (d) permit or cause any such erection, alteration, addition, development, use, act or omission to be made or done.

## 6.7 DELEGATION

AMD 25 GG 14/9/90

- 6.7.1 The Council may either generally, or in a particular case by resolution delegated to a Committee of the Council or an officer of the Council the authority to deal with an application for planning approval made under this Scheme.
- 6.7.2 The delegation of authority made by the Council pursuant to subclause 6.7.1 shall have effect for such period as the Council in its resolution stipulates and in the absence of any stipulation shall have effect for the period of twelve months following the resolution.
- 6.7.3 The Council shall not in any event make a delegation of power in accordance with subclause 6.7.1 to have effect for any period longer than twelve months.
- 6.7.4 The delegation of power conferred by this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power. The performance of a function by a delegate under subclause 6.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

# **PART VII - ADMINISTRATION**

## 7.1 ACQUISITION OF LAND

The Council may at any time exercise the powers conferred by Section 13 of the Act.

# 7.2 DISPOSAL OF LAND

The Council may deal with or dispose of any land which it owns or which it has acquired in accordance with the Act and in conformity with the provisions of the Scheme, upon such terms and conditions as it shall deem fit, and for such purpose may make such agreements with other owners and parties as it deems fit.

## 7.3 ENTRY TO PREMISES

The Council in the conduct and management of the Scheme has in addition to all other powers vested in it the power by its officers and employees to enter and inspect any land or building within the Scheme Area provided that no officer or employee of the Council shall enter a residential building without the consent of the owner or occupier unless he is reasonably satisfied that a breach of this Scheme may have occurred.

# 7.4 PENALTIES

Any person who fails to comply with any of the provisions of the Scheme or of the Act is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties as prescribed in the Act.

# 7.5 BUILDINGS AND WORK - NOTICE

Twenty eight (28) days' written notice, is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

#### 7.6 AGREEMENTS

The Council may enter into agreements with the owners of land within the Scheme area, or with any person in respect of, any matter pertaining to this Scheme.

# 7.7 COMPENSATION

Unless otherwise provided for in the Scheme, claims for compensation by reason of the Scheme shall be made not later than six months from the date on which Notice of Approval of the Scheme is published in the Government Gazette.

# 7.8 APPEALS

An applicant for the Council's planning approval or other approval required by the Scheme who is aggrieved by a decision of the Council in respect of the exercise of a discretionary power by the Council under the Scheme may appeal under and in accordance with Part V of the Act.

# 7.9 GENERAL OBLIGATIONS AND PROHIBITION

Subject to the provisions of the Act and all Regulation made thereunder and to Parts 4 and 5 of this Scheme, no person shall permit or suffer any departure from the requirements and provisions of the Scheme nor shall any person use or permit the use of land or buildings or undertake or permit any development if the use, or development does not conform with the provisions of the Scheme.

PD33.14 - Attachment 3 - Draft Town Planning Scheme No.2 showing changes as proposed by this Omnibus Amendement

# PART VIII - LOCAL PLANNING POLICY FRAMEWORK

AMD 144 GG 15/10/04: CORRECTION NOTICE GG 30/8/05

## 8.1 LOCAL PLANNING POLICIES

The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme areas so as to apply -

- a) to an aspect or aspects or development control or any other matter relevant to this Scheme; and
- b) to all or part of the Scheme area,

and may amend or add to or rescind the Policy.

## 8.2 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

- 8.2.1 If the provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.
- 8.2.2 A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have regard to provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

## 8.3 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

- 8.3.1 The Council in preparing a draft Local Planning Policy, shall have due regard to
  - a) the purpose for which the land is set aside under the Scheme;
  - b) the orderly and proper planning of the area;
  - c) the conservation of the amenities of the locality; and
  - d) any strategies, study findings adopted by the Council; and any other matter it considers relevant.
- 8.3.2 If the Council resolves to prepare a Local Planning Policy, the Council
  - a) is to publish a notice of the proposed draft Policy once a week for 3 consecutive weeks, in a newspaper circulating in the Scheme Area, giving details of -
    - where the draft Policy may be inspected;
    - ii) the subject and nature of the draft Policy; and
    - iii) in what form and during what period (being not less than 21 days from the date the notice is published) submissions may be made.
  - b) may publish a notice of the proposed policy in such other manner and carry out such other consultation as the Council considers appropriate.
- 8.3.3 All submissions shall be made to the Chief Executive Officer of the Council by written notice.
- 8.3.4 After the expiry of the period within which submissions may be made, the Council is to -

- Review the draft Local Planning Policy having regard to any submissions made; and
- b) Determine, by resolution, to adopt the draft Local Planning Policy, with or without amendment or not to proceed with the Policy.
- 8.3.5 If the Council resolves to adopt the Policy, the Council is to
  - a) publish notice of the Policy once in a newspaper circulating in the Scheme area;
  - b) where practicable in the opinion of the Council, notice is to be given to those persons directly affected by the Local Planning Policy; and
  - c) if, in the opinion of the Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission;
- 8.3.6 A policy has effect on publication of a notice under clause 8.4.5;
- 8.3.7 A copy of each Local Planning Policy, as amended is to be kept and made available for public inspection during business hours at the offices of the Council and any other premises nominated by the Council;
- 8.3.8 A Local Planning Policy adopted by the Council may be altered only by following the procedure set out in this clause making and adopting a Local Planning Policy;

# 8.4 REVOCATION OF LOCAL PLANNING POLICY

A Local Planning Policy may be revoked by -

- a) the adoption by Council of a new Policy under clause 8.4 that is expressed to supersede the existing Policy; or
- b) publication of a notice of revocation by the Council once a week for 3 consecutive weeks, in a newspaper circulating in the Scheme Area.

PD33.14 - Attachment 3 - Draft Town Planning Scheme No.2 showing changes as proposed by this Omnibus Amendement

# SCHEDULE I - ADDITIONAL USES

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 1	477,476	Cnr Viking Road and Alexander Avenue	Residential	Church
A 2	342	Waratah Avenue	Residential	Church
A 3	Pt. 134	Adelma Road, Hotchin Street, Sutcliffe Street and Gallop Road	Residential	Convent and Church
A 4	614,613	Princess Road, Bruce Street and Viewway	Residential	Church
A 5	1,2	Dalkeith Road and Edward Street	Residential	Church
A 6	498,499 500,501	Tyrell Street and Elizabeth Street	Residential	Church
A 7	570,569	Kingsway	Residential	Church
A 8	80	Stirling Highway and Napier Street	Office/Showroom	Church
A 9	321,322	Leura Street and Hardy Street	Residential	Church
A 10	115,116,117	Watt Street and Walpole Street	Residential	Church
A 11		DELETED BY AMD 140	O GG 7/5/04	1
A 12	556,557	Princess Road and Broadway	Residential	Hospital
A 13	414-420 431-441	Stanley Street, Elizabeth Street and Webster Street	Residential	Private College
A 14	1	Thomas Street, Elizabeth Street and Tyrell Street	Residential	Private College
A 15	509,510	Meriwa Street	Residential	Hall
A 16	554	Broadway	Residential	Professional Office
A 17	551	Broadway	Residential	Office
A 18	2	Broadway	Residential	Professional Office
A 19	544	Broadway	Residential	Professional Office
A 20	1	Broadway	Residential	Office
A 21	541	Broadway	Residential	Professional Office
A 22	320	Leura Street and Hardy Street	Residential	Office
A 23	316	Leura Street	Residential	Office
A 24	314	Leura Street	Residential	Office
A 25	311	Leura Street	Residential	Office
A 26	308	Leura Street and Karella Street	Residential	Office
A 27	571	Hampden Rd & Park Rd	DELETED BY AMD 9 GG	1/9/89
A 28	570	Hampden Rd	DELETED BY AMD 9 GG	1/9/89
A 29	57 AMD 75 GG 24/2/95	Loch Street and Bedford Street	Residential	Shop/Cafe
A 30	71	Aberdare Road and Croydon Street	Residential	Shop
A 31	349	Walpole Street and North Street	Residential	Shop
A 32	10	Asquith Street	Residential	Shop
A 33	<del>726,742</del>	Hillway/The Avenue DELETED BY AMD 167 GG 18/7/06	Residential	Police Station

A 34	531 Broadw	y	Residential	Office
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	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 35	529	Broadway	Residential	Professional Office
A 36	429	Broadway	Residential	Professional Office
A 37	428	Broadway	Residential	Professional Office
A 38	Pt. 64	Stirling Highway - balance of lot from a line measured 45m parallel to Stirling Highway	Residential	Car Parking
A 39	62	Robinson Street	Residential	Car Parking
A 40	569	Hampden Road	DELETED BY	Y AMD 9 GG 1/9/89
A 41	Pt. 306	Philip Road	Residential	Second Dwelling Permitted
A 42	1	Leura Street	Residential	Office
A 43	569	Hampden Road	DELETED BY	Y AMD 9 GG 1/9/89
A 44	1,2,3 & 272	Hampden Road	DELETED BY	Y AMD 9 GG 1/9/89
A 45	119	Aberdare Road	Residential	Additional Dwelling
A 46	315 AMD 1 GG 17/1/86	Leura	Residential	Office
A 47	73 AMD 2 GG 7/2/86	Aberdare Road	Residential	Additional Dwelling
A 48	319 AMD 19 GG 1/9/89	Leura Street	Residential	Professional Office
A 49	369,370 AMD 22 GG 9/2/90	Philip Road, Dalkeith	Residential	(Six) 6 Grouped Units in accordance with plans submitted and approved by the Council on 6/7/89.
A 50	318 AMD 35 GG 4/1/91	Leura Street, Nedlands	Residential	Office (to be developed in accordance with the development plans forming part of this amendment).
A 51	225 AMD 26 GG 19/1/90	Waratah Avenue	Residential	Three 3 <u>Grouped</u> Units in accordance with plans submitted and approved by Council on August 3, 1989.
A 52	218 & 219 AMD 27 GG 15/12/89	Tyrell Street, corner Edward Street, Nedlands	Residential	Community Centre
A 54	317 AMD 33 GG 4/1/91 AMD 51 GG 21/5/93	Leura Street, Nedlands	Residential	Consulting Room
A 55	92	Corner Asquith Street & Strickland Street	Residential	Consulting Rooms
A 55	92 AMD 32 GG 21/9/90	Strickland Street, Mt Claremont	Residential	Medical Consulting Rooms in accordance with plans submitted and approved by Council on 1/2/1990.

	LOTNO	OTDEET	7015	ADDITIONAL LIGE
	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 56	169 AMD 41 GG 20/3/92	Mooro Drive (Unit No 6)	Residential	Medical Consulting Rooms
A 57	100 (strata lots 3 & 4) AMD 48 GG 3/11/92	Corner Stirling Highway and Dalkeith Road	Office/ Showroom	Sale of Motor Vehicles
A 58	328 AMD 49 GG 23/4/93	Waratah Avenue	Residential	Two (2) <u>Grouped</u> units
A 59	19 and 20 AMD 54 GG 4/6/93	Carrington Street	Light Industrial	Child Day Care Centre
A 60	372 AMD55 GG 6/7/93	Broome Street	Residential	Two (2) <u>Grouped</u> Dwellings
A 61	299 AMD 58 GG 1/10/93	Waratah Avenue	Residential	Two (2) Grouped Units
A 62	50-53	Nandina Avenue	Residential	Aged Persons Units (in accordance with R40
4.62	AMD 52 GG 13/7/93	Waratah Avenue	Decidential	code)
A 63	237,238 AMD 4 GG 19/12/86	waratan Avenue	Residential	Seven (7) <u>Grouped</u> Units in accordance with plans submitted and approved by Council on 6 February 1986
A 64	18 AMD 64 GG 22/4/94	Ord Street	Residential	Two (2) <u>Grouped</u> Dwellings
A 65	177 AMD 67 GG 11/3/94	Waroonga Road	Residential	Two (2) <u>Grouped</u> Units
A 66	450 AMD 66 GG 8/4/94	Circe Circle	Residential	Two (2) <u>Grouped</u> Dwellings
A 67	377 AMD 38 GG 5/4/91	Philip Road, Dalkeith	Residential Retail Shopping	Three (3) <u>Grouped</u> Units in accordance with plans submitted and approved by Council on August 2, 1990
A 68	188 AMD 68 GG 12/4/94	Neville Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 69	365 AMD 61 GG 19/7/94	Dalkeith Road	Residential	Two (2) Grouped Units
A 70	130 AMD 73 GG 18/11/94	Hynes Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 71	147 AMD 80 GG 1/9/95	Bulimba Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 72	34 AMD 82 GG 19/9/95	Doonan Road	Residential	Two (2) <u>Grouped</u> Dwelling
A 74	134 (Lot 5) AMD 74 GG 25/11/94	Stirling Highway	Retail Shopping	Dwellings in accordance with R35 Code
A 75	314 AMD 85 GG 25/6/96	Dalkeith Road	Residential	Two (2) <u>Grouped</u> Dwellings

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 76	224 (No. 27) AMD 76 GG 21/4/95	Mountjoy Road cnr Jenkins Avenue	Residential	Two (2) <u>Grouped</u> Dwellings
A 77	3 (No. 69) AMD 111 GG 1/11/96	Broadway, Nedlands	Antiquarian Bookshop	
A 78	798 (No. 59) AMD 78 27/12/96	Esplanade cnr Bessell Ave	Residential	Two (2) <u>Grouped</u> Dwellings
A 79	693 (No. 75) AMD 79 GG 9/6/95	Stanley Street cnr Princess Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 80	259 (No. 2) AMD96 GG 27/12/96	Sherwood Road cnr Melvista Ave	Residential	Two (2) <u>Grouped</u> Dwellings
A 81	252 & 253 AMD 92 GG 25/8/95	Strickland (cnr Asquith)	Retail Shopping	Residential R20
A 82	276 AMD 87 GG 27/12/96	Mountjoy Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 83	28 AMD95 27/12/96	Stanley Street	Residential	Two (2) <u>Grouped</u> Dwellings
A 84	657 AMD 98 GG 27/12/96	Edna Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 86	36 (No. 1) AMD 86 GG 24/10/97	Robinson Street, Nedlands	Residential	Two (2) <u>Grouped</u> Dwellings
A 87	683 AMD 84 GG 11/11/97	Gallop Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 88	372 (No 65) AMD 108 GG 29/5/98	Florence Road Cnr Princess Road, Nedlands	Residential R10	Two (2) <u>Grouped</u> Dwellings, subject to development being restricted to single storey building
A 89	5 (No. 63) AMD 122 GG 4/7/00	North Street/Kirkwood Road, Swanbourne		Office - General
A 90	7 (No. 81) AMD 105 GG 7/7/00	Melvista Avenue (corner Vincent Street), Nedlands		Two (2) <u>Grouped</u> Dwellings.

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 91	86 (No. 6) AMD917 GG 27/12/96	Thomas Street	Residential	Two (2) <u>Grouped</u> Dwellings
A 92	26 (No. 110) 500 (No. 71) 29 (No. 67) AMD 127 GG 10/11/00	Smythe Road, Nedlands Stirling Highway, Nedlands Stirling Highway, Nedlands	Residential R35 Residential R12.5	Office - subject to development applications being in accordance with the provisions of Office Use Class in Table 1 - Use Class Table
A 93	3836 AMD 101 GG 27/12/96	Goldsmith Road	Residential	Two (2) <u>Grouped</u> Dwellings
A 94	64 AMD 94 GG 15/3/96	Loch Street	Residential	Two (2) <u>Grouped</u> Dwellings
A 100	193 (No. 80) AMD 100 GG 16/5/97	Louise Street, Nedlands	Residential	Two (2) <u>Grouped</u> Dwellings
A 101A	508 AMD 146 GG 7/5/04	Alexander Rd Corner Beatrice Street	Residential	Two Grouped Dwellings
A 101	Lot 380 AMD 154 GG 24/12/04	Carrington Street, Nedlands	Light Industrial	Child Day Care Centre and Child Care Training Facility
A 102	Lot 478 (No. 42) AMD 159 GG 1/7/05	Alexander Road, Dalkeith		Church Purposes
A 103	280 AMD 161 GG 6/1/06	Stirling Highway	Office/Showroom	Residential R60 Grouped and Multiple dwellings
A 106	564 AMD 165 GG 7/3/06	Bruce Street	Residential R 12.5	Two Grouped Dwellings
A 108	Lot 204, 205 AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Grouped and Multiple Dwellings: Residential R50  Residential Density – In relation to density, Residential development shall not exceed the Residential Design R50 standards.  Development Standards – Where a development standard mentioned in this Schedule differs from a development standard contained elsewhere in this Scheme or the Residential Design Codes, the provisions of this Schedule shall prevail. Unless otherwise specified below, the development standards mentioned in this Schedule shall apply irrespective of whether the development contains Dwelling uses.

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 108	Lot 204, 205 (Cont'd) AMD 169 GG 23/5/06	Stirling Highway	Office/Showroom	Plot Ratio – Maximum of 1.33 except where a mixed use development comprising residential use is proposed. In this instance the maximum plot ratio may be increased to 2 provided that in any development not more than 30% of the total floor space will be used for non-residential purposes.  Setbacks – At Council's
				discretion.  Building Heights –
				Maximum building height of 12m. i) New building facades should be compatible height with existing buildings and be in harmony with the neighbouring streetscape. ii) Portion of the building fronting the street shall not exceed 8.5m. iii) Council may permit an overall height variation permitting a maximum height of 15m or 4 storeys where the major portion of the building is setback at least 6m from the street boundary and where the overall development will not have an adverse effect on adjoining residential landuses or future residential landuses, by way of overshadowing and the loss of privacy. An 8.5m facade is required to be maintained in keeping with the pedestrian scale of the street.
				Car Parking Office – 1 per 50m² of Gross Floor Area Showroom – 1 per 70m² of Gross Floor Area.
				Non-Residential and Residential Development – In considering an application for a mix of non- residential and residential purposes, the Council will have particular regard to measures taken to minimize conflict between non- residential and residential use.
A 109	409 (No. 27 and 27A) AMD 180 GG 4/12/07	Clark Street, Nedlands	Residential R12.5	Two Grouped Dwellings

	LOT NO.	STREET	ZONE	ADDITIONAL USE PERMITTED
A 110	50	Langham Street	Residential R12.5	Two Grouped Dwellings
	AMD 170 GG 10/10/06			
A 111	382	Cooper Street	Residential R12.5	Two Grouped Dwellings
	AMD 171 GG 22/12/06			
A 112	160	Alderbury Street	Residential R12.5	Two Grouped Dwellings
	AMD 188 GG 2/5/08			

# **SCHEDULE II - CARPARKING LAYOUTS**

LAYOUTS AND DIMENSIONS (shown in metres) 90° Parking 5.5 6.5 <u>2.5</u> (6.0) (2.7) 5.5 60° Parking 3.7 2.5 45° Parking 4.0 Parallel Parking
Where a parking bay is alongside a wall
or solid obstruction, the width shall be
increased to 3 metres. Columns or piers Open End not more than 1 metre from either end of a bay shall not require the width of a bay to be increased, provided the width of the column or pier does not exceed 300 mm.

# SCHEDULE III - CARPARKING REQUIREMENT BY USE CLASS

USE CLASS OR ADDITIONAL USE	CONDITIONS AND NO. OF SPACES	QUALIFICATION
Religious Purposes	1 to 4 person (a)	
Educational Establishment Primary	1.2 per Staff Member	2 at every 10 spaces (or part thereof) to be set aside for student teachers or visitors (b)
Educational Establishment Secondary	2 per Staff Member PLUS 1 per rostered canteen worker PLUS 2 additional spaces for each 10 provided(or part thereof)	Additional spaces to be set aside for student teachers or visitors
Licensed Premises	1 per Bedroom PLUS 1 per each 1.3m² of bar & public areas PLUS 1 per each employee on duty (a)	Includes all such areas other than restaurant to which public has access excluding only toilets and passages. (c) (e). To be set aside.
Restaurant	1 per each 2.6m <sup>2</sup> of restaurant seating area, OR 1 per 2 persons (a)	Whichever is greater. May include a bar area intended for use by diners only(c) (d)
Light Industry	2.2 per each 100m <sup>2</sup> of gross leasable floor area OR 1 per employee	Whichever is greater. 1 space in every 3 to be set aside for employees (b)
Hospital	12 OR 1 per every 4 beds	Whichever is greater
Motor Repair Station	5 per each working bay PLUS 1 per employee	
Office		
Professional Office	4.75 per every 100m <sup>2</sup> of gross leasable floor area	2 spaces in every 3 set aside for employees
Public Amusement	1 per 2 persons	
Shop	8.3 per every 100m <sup>2</sup> of leasable floor area	1 space in every 5 to be set aside for employees
Showroom/ Warehouse	2.2 per every 100m² gross leasable floor area OR 1 per employee	Whichever is greater. 2 spaces in every 3 to be set aside for employees

- (a) **Persons** means the number of persons for which a building has been designed or for whom seating is provided. **Employee** means any person employed in the building.
- (b) Where spaces are to be set aside for visitors, employees or student teachers, they must be clearly marked as such.
- (c) In the case of every Hotel, Licensed Premises and Restaurant there shall be displayed in such premises a plate being not less than 200mm x 100mm stating the number of car parking spaces which have been provided and the use of such premises by a number of persons exceeding twice that number is not permitted.
- (d) In calculating the area of a Restaurant the area of any bar therein intended for use by diners only shall not be taken into account.
- (e) In calculating the area of the bar and public areas within a Hotel or Licensed Premises the area of toilets and passages shall not be taken into account.

# **SCHEDULE IV - APPLICATION FOR PLANNING APPROVAL FORM 1**

Name of Owner of Land on which development is	Surname:
proposed:	Christian Names:
·	
Description of Land: Lot No	Street:
Location No:	Plan/Diagram No
Certificate of Title Volume:	Folio:
Development Proposed:	
	Development:
Estimated Time of Completion:	
Signature of Applicant:	
Date:	
Signature of Owner:(If not the Applicant)	
Date:	

This form is to be submitted in duplicate with three copies of the site plan.

This is not an application for a building licence, for which a separate application is required.

# **SCHEDULE IV - APPLICATION FOR PLANNING APPROVAL FORM 2**

Name and Address of Applicant:		
Name and Address of Owner (if not applicant):		
Description of Land:		
Planning approval in accordance with an application dated the plans attached thereto is granted subject to the following condit		nd the
This approval is valid for a period of months from the date he within that period a fresh application must be made.	ereof. If development is not comm	nenced
	N G LEACH TOWN CLERK	
	DATE:	

This is not a building licence for which a separate application is necessary.

# SCHEDULE V - SPECIAL USE ZONE

AMD 97 GG 22/11/86

(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
Pt. Loc. 1715 and Pt. Loc. 8697 Monash Avenue, Nedlands (Hollywood Repatriation Hospital)	(i) Hospital and ancillary facilities; and     (ii) Aged persons housing and frail aged persons hotel, subject to being advertised in accordance
AMD 97 GG 22/11/96  No. 20 (Reserve 43183) St Johns Wood Boulevard, Mt Claremont	with the provisions of Clause 6.3.3 and 6.3.4.  Historic Precinct, Public Purposes, Community Use and Ancillary and Beneficial Commercial Purposes.
AMD 99 GG 5/9/97	
No. 169 (Lot 100) Broadway, Nedlands	i) The following uses are 'P' permitted:
AMD 117 GG 7/10/97 AMD 124 GG 9/11/99	Consulting Rooms Office - General Office - Professional Office - Service  ii) The following uses are 'AA': Child Day Care Centre Grouped Dwelling Funeral Parlour Medical Centre Recreation - Private Recreation - Public Showroom
	Veterinary Consulting Rooms  iii) All other uses are not permitted.
	iv) No building on the land shall exceed two storeys or 8.5 metres in height as measured from natural aground level to the highest point of wall above natural ground level and 10 metres to pitch of roof.
	v) No balconies shall be permitted on the western or northern elevation of any proposed building within a 10 metre setback.
	vi) No windows shall be permitted on the western or northern elevation of any proposed building within a 10 metre setback, unless with windows have a minimum sill height of 1.8 metres.
	vii) A minimum setback of 5 metres shall be provided along the western boundary. All other setbacks shall be determined by Council.
	viii) No more than one crossover shall be permitted to each of the fronting roads.

(A) DESCRIPTION OF SITE	PE	(B) RMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
No. 169 (Lot 100) Broadway, Nedlands(Cont'd)  AMD 117 GG 7/10/97 AMD 124 GG 9/11/99	ix)	All buildings shall be designed to compliment existing buildings within the locality and constructed of materials and textures to the satisfaction of Council.
	x)	All residential development to be restricted to the upper floor of building unless otherwise approved by the Council;
	xi)	Development of the site for Grouped Dwellings shall be limited to R35 density in accordance with the R-Codes except that the density bonus under the R-Codes shall not apply. Development of Grouped Dwellings as a mixed use on the upper floor (as paragraph (x) shall be limited to 7 units maximum.
	xii)	All Residential development shall be subject to the building incorporating appropriate noise attenuation measures to the satisfaction of Council.
Swan Location 2237 (Nos. 118-120) Monash Avenue, Nedlands	(i)	the following are 'P' permitted uses:
AMD 139 GG 11/11/03		Aged Persons Dwellings Aged Persons Hostel Residential Building Nursing Home Public Utility
	(ii)	the following are IP (incidental) uses:
		Consulting Rooms Office-General Office-Professional Office-Service Medical Centre Shop Car Park Place of Public Worship
	(iii)	All other uses are not permitted unless identified in the approved Master Plan, and then the proposed use shall be subject to the provisions of Clause 6.3.3 and 6.3.4 of the Scheme.
	(iv)	the height of building(s) and the number of storeys shall be in accordance with the approved Master Plan for the subject site.
	(v)	The vehicular access points are to be restricted to those locations stipulated on the approved Master Plan.

(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
Swan Location 2237 (Nos. 118-120) Monash Avenue, Nedlands (Cont'd)	(vi) All development shall be subject to development standards outlined in Clause 5.4.1, Table II and Schedule 3 (T.P.S No. 2) unless otherwise stipulated on the approved Master Plan.
AMD 139 GG 11/11/03	
No. 171 (Lot 24) Broadway and No. 36 (Lot 10) The Avenue, Nedlands	(i) The following Use are 'AA' permitted:
AMD 152 GG 12/8/05	Betting Agency Caretaker's Dwelling Carpark Consulting Rooms Exhibition Centre Grouped Dwelling Home Business Home Occupation Home Office Hotel Lunch Bar Motel Multiple Dwelling Office Public Utilities Residential Building Restaurant Shop Single House Tavern
	(ii) The hotel building shall be retained and restored in accordance with a Conservation Plan approved by the Heritage Council of Western Australia.
	(iii) The site should accommodate a variety of dwelling sizes to accommodate different lifestyle needs and budgets in accordance with Statement of Planning Policy (SPP) 3.
	(iv) Maximum Building Height:
	<ul> <li>(a) The Avenue – The maximum height of a building fronting The Avenue shall be three storeys or 11.0 metres, whichever is the lesser (excluding non-habitable basements or non-habitable roof spaces).</li> <li>The apex of a roof shall not be higher than 4.0 metres above the upper floor ceiling height.</li> </ul>

(A) DESCRIPTION OF SITE	PER	(B) RMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
No. 171 (Lot 24) Broadway and No. 36 (Lot 10) The Avenue, Nedlands  AMD 152 GG 12/8/05		The height along the south-western boundary be restricted to a maximum of 4 storeys if the building form on the subject property complements (to the satisfaction of Council) the development outcomes on the adjoining property at No 38 The Avenue (Part Lot 787) and No 37 (Part Lot 787) The Esplanade, Nedlands.
		(b) Broadway – The average height of all buildings fronting Broadway, between the southern (riverside) façade of the original Hotel and the corner of Broadway/The Esplanade shall not exceed five storeys, with a maximum height of six storeys (excluding non-habitable basements), car parks or non-habitable roof spaces). The apex of a roof shall not be higher than 4.0 metres above the upper floor ceiling height.
		(c) The Esplanade – The maximum height of a building fronting the Esplanade shall be four storeys or 14.0 metres, whichever is the lesser (excluding non-habitable basements, carparks or non-habitable roof spaces). The apex of a roof shall not be higher than 4.0 metres above the upper floor ceiling height.
	(v)	Site cover shall not exceed 60%, and plot ratio shall not exceed 1.5.
	(vi)	New development surrounding the original hotel shall be set back a minimum of 10.0 metres from the building (including the verandah) or as otherwise determined by the Conservation Plan referred to in (ii) above.
	(vii)	The Design for Privacy provisions of the Residential Design Codes (2002) should be complied with.
	(viii)	The Design for Climate Requirements of the Residential Design Codes (2002) should be complied with.
	(ix)	Setbacks: Front - The Avenue
		Building fronts used for 'mixed use' purposes shall have a setback of nil metres to the street, except in the case of ground floor residential, which shall be setback no less than 3.0 metres from the street boundary, and no greater than 6.0 metres from the street boundary.

(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
No. 171 (Lot 24) Broadway and No. 36 (Lot 10) The Avenue, Nedlands (Cont'd)  AMD 152 GG 12/8/05	In the case of a setback of between 3.0 and 6.0 metres for residential ground floor uses, no subsequent floors may project closer to the street than the prevailing setback established by the ground floor.
	The setback along the south-western boundary may be reduced to nil if the building form on the subject property complements (to the satisfaction of the Council) the development outcomes on the adjoining property at No. 38 The Avenue (Part Lot 787) and No. 37 Esplanade (Part Lot 787), Nedlands.
	Setbacks: Front – Broadway
	Building fronts uses for 'mixed use' purposes shall have a setback of nil metres to the street, except in the case of ground floor residential, which shall be setback no less than 3.0 metres from the street boundary, and no greater than 6.0 metres from the street boundary.
	In the case of a setback of between 3.0 and 6.0 metres for residential ground floor uses, no subsequent floors may project closer to the street than the prevailing setback established by the ground floor.
	Development on the building site fronting Broadway, on the corner of the Esplanade, shall have a setback of nil metres to the street.
	Setbacks: Front – Esplanade
	Building fronts used for residential purposes, shall be setback no less than 3.0 metres from the street boundary and no greater than 6.0 m from the street boundary.
	Development on the building site, excluding underground parking, fronting The Esplanade, on the corner of Broadway, shall have a setback of 3.0 metres to the street.
	Setbacks: Side
	Side setbacks (to common boundaries with the abutting residential lots) shall be in accordance with the Residential Design Codes.

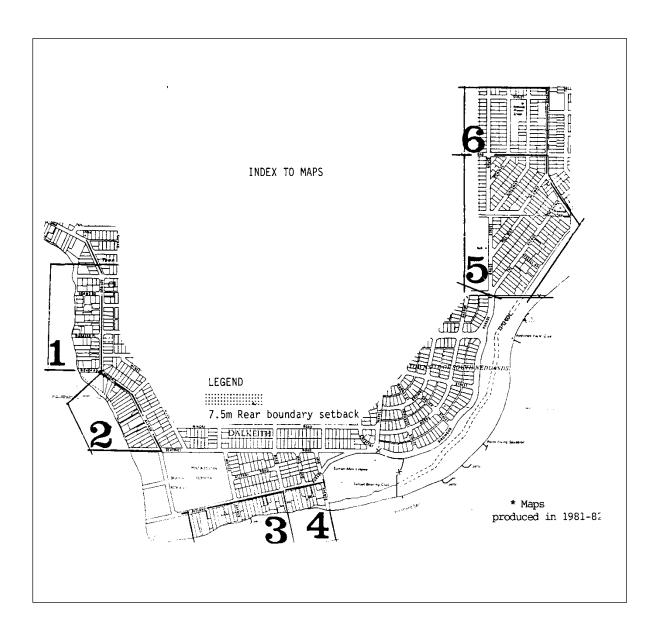
(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
No. 171 (Lot 24) Broadway and No. 36 (Lot 10) The Avenue, Nedlands (Cont'd)  AMD 152 GG 12/8/05	Council may consider a reduction to the side setback provisions, along the south-western boundary, provided the relaxation of the setback results in a corresponding increase in the width of the view corridor to the hotel.
	Setbacks: To Hotel
	A building redeveloped upon portions of the site currently occupied by additions to the original Steve's Hotel or on other parts of the site shall have a minimum setback of 10.0 metres to the original Hotel building, or otherwise in accordance with an approved Conservation Plan referred to in (ii) above.
	(x) View Corridor to The River
	No development application shall be approved by Council unless it includes an open, uninterrupted corridor for the purpose of providing visual connection at pedestrian level, between and perpendicular to, the original Hotel façade facing the river, and The Esplanade.
	The width of the view corridor shall be no less than three-quarters of the length of the river façade of the original Steve's Hotel (including verandahs), and its axis shall generally be aligned with the centre of the river elevation of the Hotel.
	The view corridor may accommodate underground parking beneath it, or amenities (such as pools, courts and landscaping) within it, but may not contain any habitable or visually intrusive building structures.
	(xi) View Corridor/Civic Space at Broadway and The Avenue
	No development application shall be approved by Council unless it includes an open uninterrupted square for the purpose of providing visual connection at pedestrian level, between and perpendicular to, the original Hotel façade facing the intersection of Broadway and The Avenue, and that intersection itself.

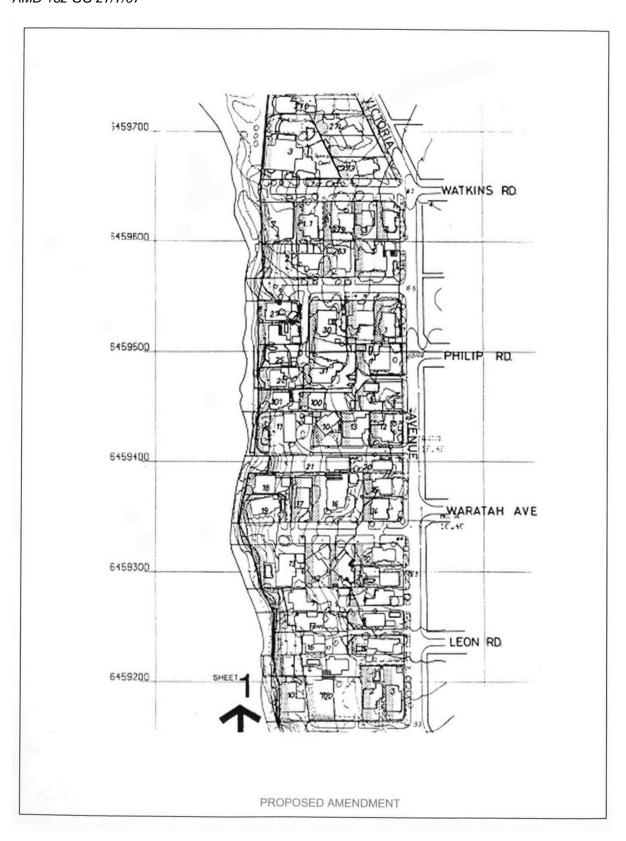
(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
No. 171 (Lot 24) Broadway and No. 36 (Lot 10) The Avenue, Nedlands (Cont'd)  AMD 152 GG 12/8/05	The square may accommodate alfresco dining, landscaping and public art within it, but may not contain habitable or visually intrusive structures over 1.2 metres in height, although lightweight structures may be considered by Council where it does not unduly interfere with the view corridor (including such structures as shade umbrellas, pergolas, patios etc).  (xii) No less than 50% of the building façade at ground level and facing a street (or formal public space such as the view corridors, civic space etc) shall comprise windows or glazed doors.  (xiii) Where buildings abut a street sidewalk, such buildings shall provide a continuous awning over the 'free walk zone' of the sidewalk.  (xiv) Parking is to be provided on site at the rate prescribed in the Scheme.  (ix) All fencing between the public and private or semi-private areas shall be visually permeable, utilising such materials as wrought iron, 'hit and miss' pickets, 'pool' type fencing, glass or acrylic, other than for loading areas. Solid fencing shall be a maximum height of 0.6 metres from ground level.

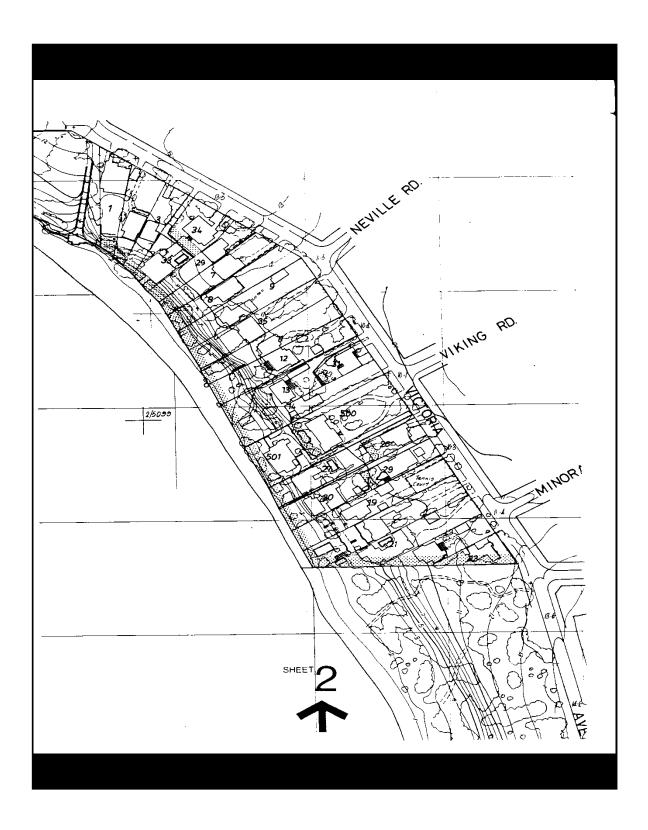
### APPENDIX I - CONTROLLED DEVELOPMENT AREA

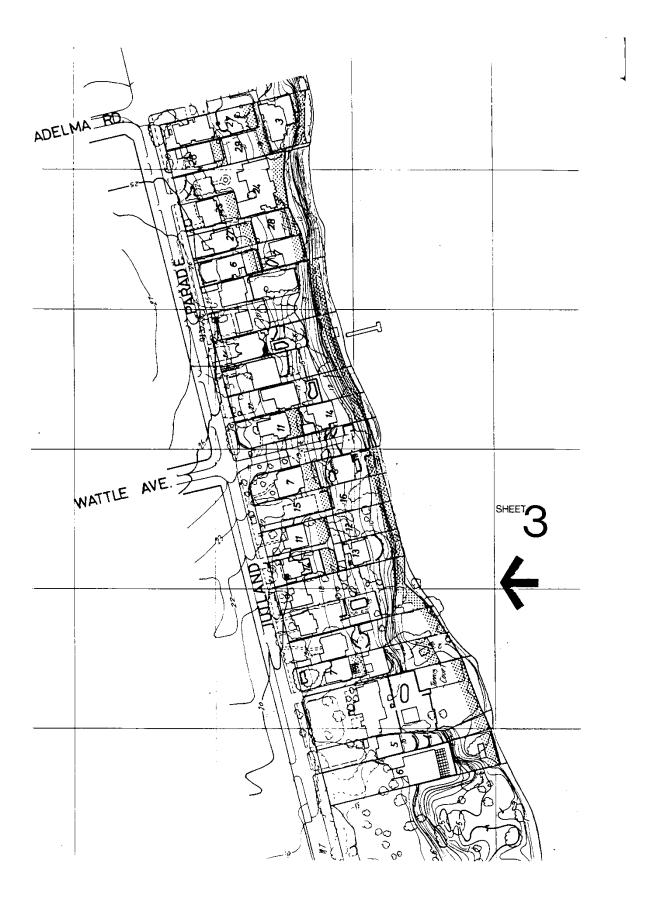
### **NOTES:**

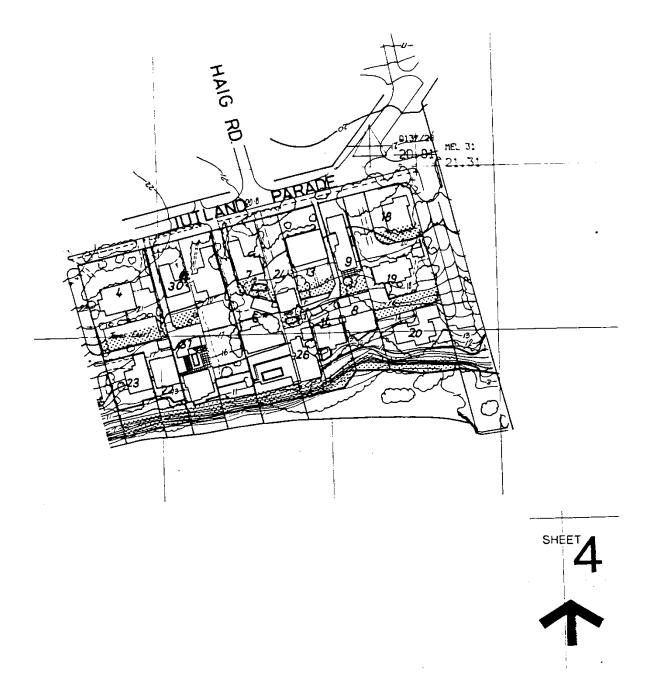
- 1. This is the Appendix referred to in clause 5.10 of the Scheme Text.
- 2. Where a subdivision of land takes place within the area the subject of clause 5.10, the Council shall determine which boundary shall be regarded as the rear boundary for the purposes of determining where the rear setback shall be applied.
- 3. The maps comprising Appendix 1 follow and are numbered 1-6 inclusive. They are drawn to a scale of 1-2000 but in determining distances preference shall be given to actual measurements.
- 4. Contours shown are indicative only. Actual levels shall be determined as provided elsewhere in the Scheme Text.

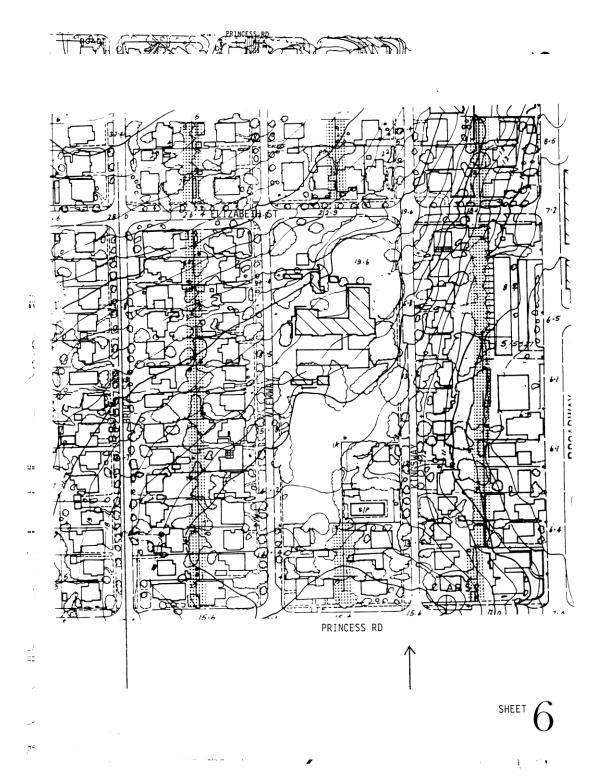


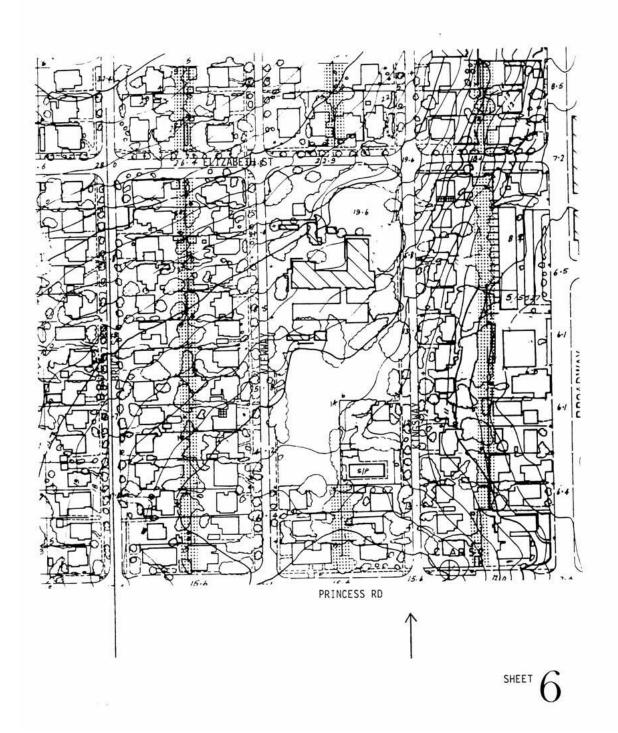












## APPENDIX II - CONSERVATION AND PRESERVATION OF PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST

**ADDRESS** 

AMD 25 GG 14/9/90

NAME

	<u>-</u>	7.521.200
1.	Gallop House	Reserve 27111 The Esplanade, Nedlands
2.	Directors House and Garden	Lot 65 and 40614 Grainger Drive, Mt Claremont
3.	Swanbourne Hospital Conservation Area	Lot 171 Heritage Lane, Mt Claremont
4.	Irwin Barracks Army Magazine Buildings	Stubbs Terrace, Mt Claremont
5.	Oxnam native plant garden	No. 55 Philip Road, Dalkeith
6.	Cork Oak	Karrakatta Cemetery, Railway Road, Karrakatta
7.	Tom Collins House	Reserve A 7804 Allen Park, Swanbourne
8.	Sunset Mens Home	Reserve A 1667 Jutland Parade Dalkeith

### APPENDIX III - DESIGN GUIDELINES

(refer to Clause 5.3.1(c)

AMD 57 GG 5/7/94

### **GENERAL**

All grouped dwelling applications to be in accordance with the provisions of the City of Nedlands Town Planning Scheme No 2, Residential Planning Codes and other policies of the Council.

### **BUILDING FORM**

The majority of housing within the locality is single storey.

Grouped dwelling developments result in housing on smaller lots, increasing the likelihood of two storey dwellings, to increase living space.

The Town Planning Scheme limits buildings to an overall height of 10 metres and Tow Storeys, however, given the increased scale of development associated with grouped dwellings, further controls are considered necessary. Where a development proposes the maximum number of dwellings permitted under the R40 code any second level should be limited to an area of not more than 50% of the ground floor space.

Restricting the size of the second level also helps minimise the potential for overlooking and loss of privacy.

### **BUILDING APPEARANCES**

To ensure that the external design of buildings is attractive and visually compatible with the character of the locality the following identified characteristic should be maintained:

• Front dwelling orientated towards the street with open front gardens and not concealed behind walls, garages and other structures.

### **ROOF PITCH**

Council encourages roof pitches for grouped dwellings to be not less than 25 degrees or greater than 45 degrees.

### THE RETENTION OF THE EXISTING DWELLING

Where the existing house is being retained in the development the applicant must submit with the planning application a schedule of works/renovations which will be carried out on the existing dwelling. The upgrading should include the items listed in Council's Grouped Dwelling Development Policy (10.19).

### **STREETSCAPE**

A streetscape is a measure of the total environmental quality and function of a street encompassing buildings, street and landscape design. Controls over these elements are specifically referred to in other aspects of this policy, however, a general objective is provided.

To provide attractive streetscape which is sensitive to the built form, landscape and environmental conditions of the locality.

### **CAR PARKING**

Where visible from the street, covered car bays should be compatible with the architecture of the main dwelling, being similar in both building materials and roofing pitch.

### **ACCESSWAYS**

Where vehicle access to a single rear dwelling is provided from the street, the accessary must be a minimum width of 4 metres. If the existing front dwelling is being retained and is located close to the side boundary, the accessary width may be reduced to 3 metres subject to the requirements set out in Council's Grouped Dwelling Development Policy (10.19).

Where an accessary provides access to two or more dwellings, the width should be increased to 5.6m - 6.0m.

Accessways must be attractively designed, brick paved with earth/clay colours and appropriately landscaped. They should be designed so as not to dominate the proposed development.

The accessways should not extend the full length of the property but should terminate at the front or the rear dwelling.

Accessways should provide for the safe and convenient turning of vehicles.

### **CROSSING POINTS**

Grouped dwelling development on lots fronting Alfred Road be encouraged to provide a single (shared) crossing point only.

### **FENCING AND WALLS**

Fencing design has implications for streetscape appearance, privacy and security. Front fences can dominate a street and their design may not always be in keeping with the streetscape and built character.

In density development there will inevitably be a demand to fence the front yard as it enables the best use of this open space.

75% of a front fence should remain permeable. Privacy may be obtained through landscape planting. A more attractive streetscape may be created by having buildings set with a semi public landscape rather than behind high fences.

Front fencing should be designed and detailed to provide visual interest to the streetscape and construction materials compatible with the proposed dwellings.

### **LANDSCAPING**

The retention of mature and well developed vegetation on site is encouraged, ie. appropriate specimens of existing trees.

Areas of open space are also encouraged to be vegetated/landscaped whilst large areas of brick paving are discouraged.

### STORE ROOMS

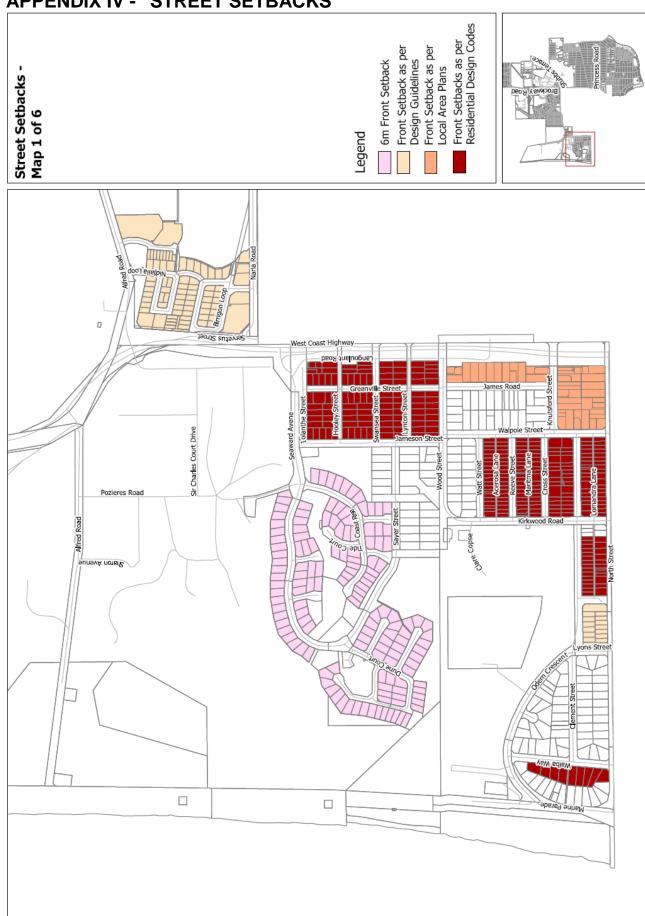
Whenever possible store rooms required under the Residential Planning Codes shall be integrated within the proposed house design. However, where provided as a separate structure the store room shall be constructed form the same building material and of similar design as the main dwelling.

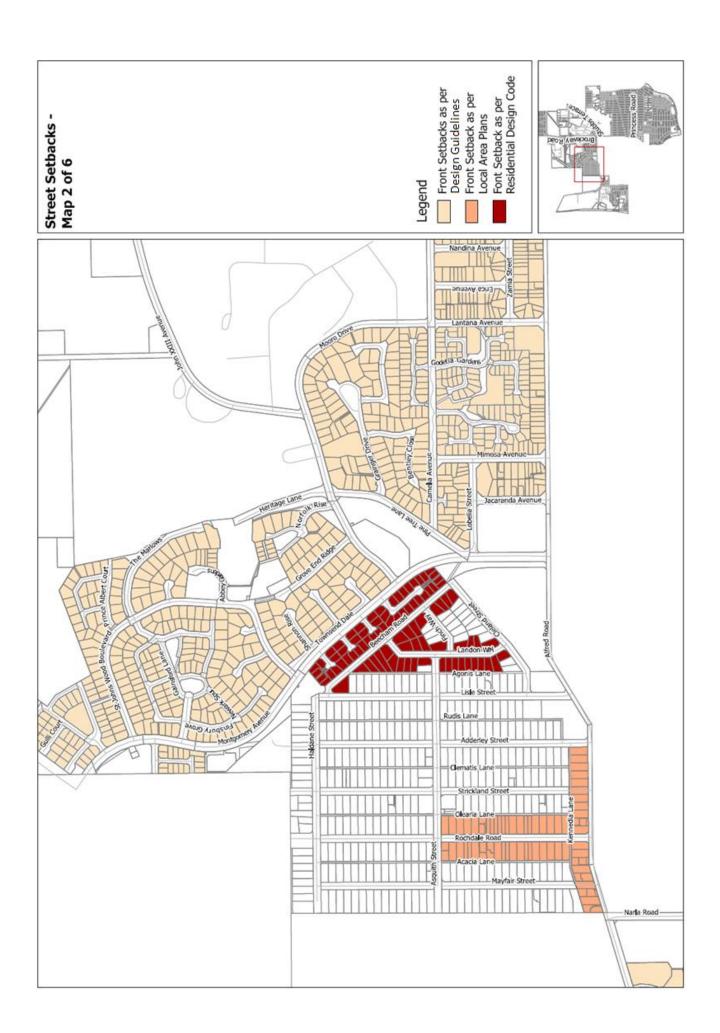
### **UNDERGROUND POWER**

All grouped dwellings (including existing houses) must install attachment points and cabling to enable an underground power supply to be connected in the future.

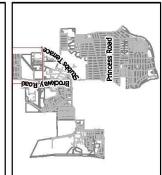
Attachment points must be positioned to the satisfaction of the Council so as not to affect the amenity of adjoining landowners.

### **APPENDIX IV - STREET SETBACKS**

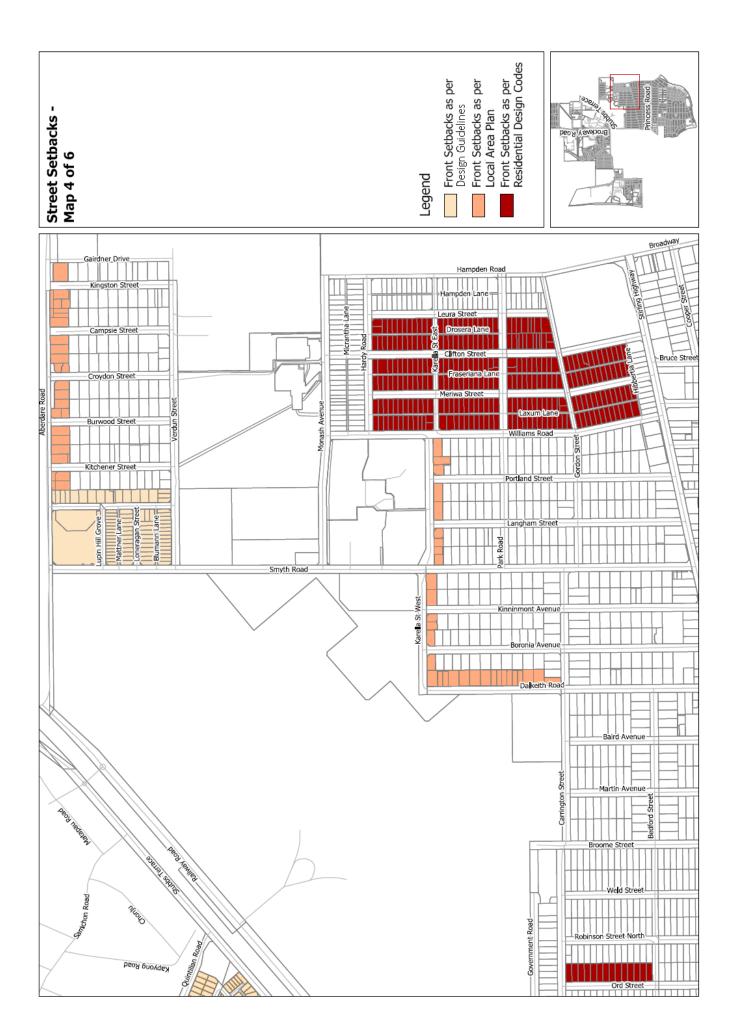




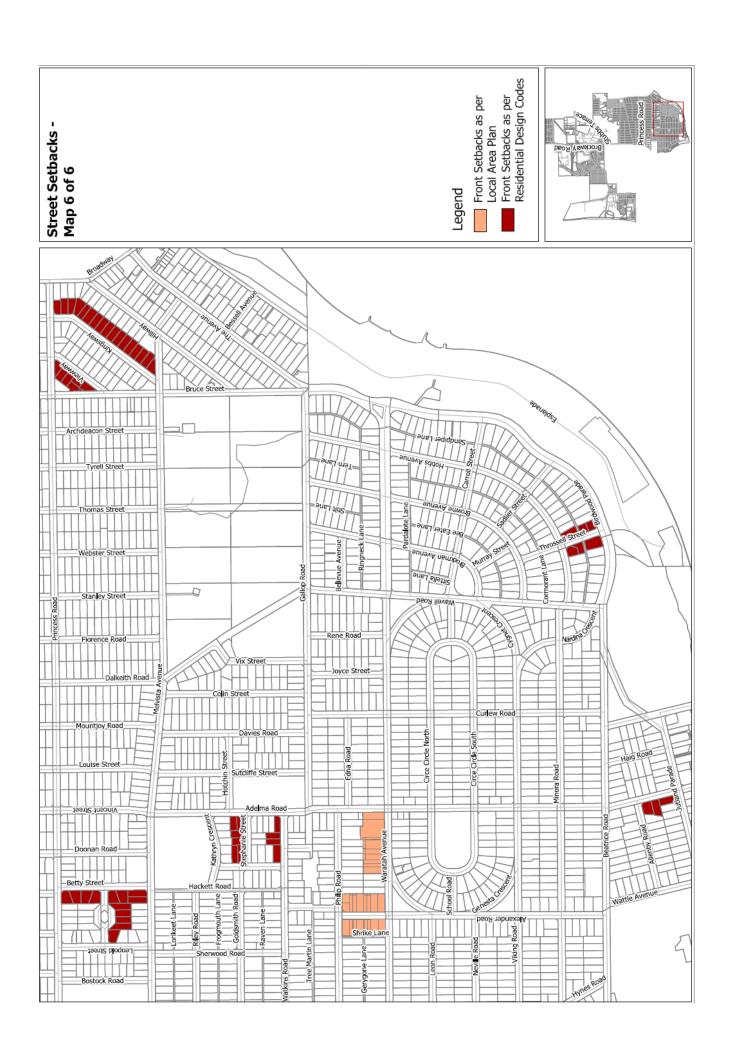












### **APPENDIX V-**RESIDENTIAL DESIGN GUIDELINES AND DETAIL AREA PLANS FOR THE ABERDARE ROAD **LOCALITY**

STUDY AREA

The Aberdare Road Locality is generally bounded by Aberdare Road, Kitchener Street and Gardner Drive as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this area.

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No. 2 (the "Scheme").

The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Streetscape: Building Design; Boundary Walls; and,

Building Height.

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall apply.

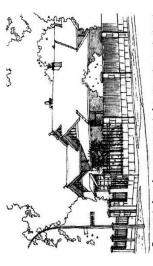
### Objectives

To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents; To provide for the development of no more than two dwellings per allotment in a manner which ensures integration with the existing urban fabric of the To promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing for innovation and diversity; and, To encourage retention of the overall character of the existing streetscape of Aberdare Road balancing the intimate and leafy nature of the Locality.

# **DEVELOPMENT GUIDELINES**

standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality with orderly The following Development Guidelines are provided to encourage a high

A well designed home and its setting will maintain the amenity of the area and enhance both lifestyle and investment for owners and neighbours alike.



Open style front fencing to provide for interaction with street environment with side privacy for corner lots

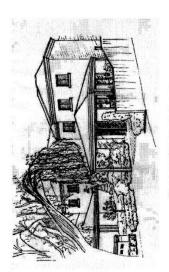
## Form of Development

in accordance with the given Development of additional dwellings. objectives, may take the following form:

Townhouse' Subdivision and Development: 'Corner Lot' Subdivision and Development: Battleaxe' Subdivision and Development;



Battleaxe subdivision is will only be enterlained on the basis that justification is provided, to the satisfaction of Council, to show that alternative forms of development are unsuitable for a particular allotment.



Townhouse' style subdivision



surveillance of street

# Building Materials and Design

Materials and colouring should be selected to complement the character of the area.

Buildings should also be designed to complement the existing character of the locality. Intense with front prortbes and verandates are encouraged, adjacent to localine. Another with conder to provide for greater intensection, with the skreat and its to reder to provide for greater intensection, with the skreat and its many provided and and another provided for greater intensection, with the skreat and its form.

Pitched roofs are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to its highly reflective nature and susceptibility to corrosion. Where an existing divelling is refained as part of a development, the dwelling is appearance should be upgraded externally in order to enhance the overall streetiscape and development quality within the Locality.

## Ancellary Structures

TV antennas, air conditioners and satellite disties should be screened from public view and not visible above the roof-line.

considered with regard to Letterboxes should be designed to complement the numbered. Where letterboxes are provided for two a The location of air conditioners should be carefully potential noise impacts for neighbouring properties.

Clotheslines should be screened from public wew where possible and located to

thich they adjoin, they should be constructed to

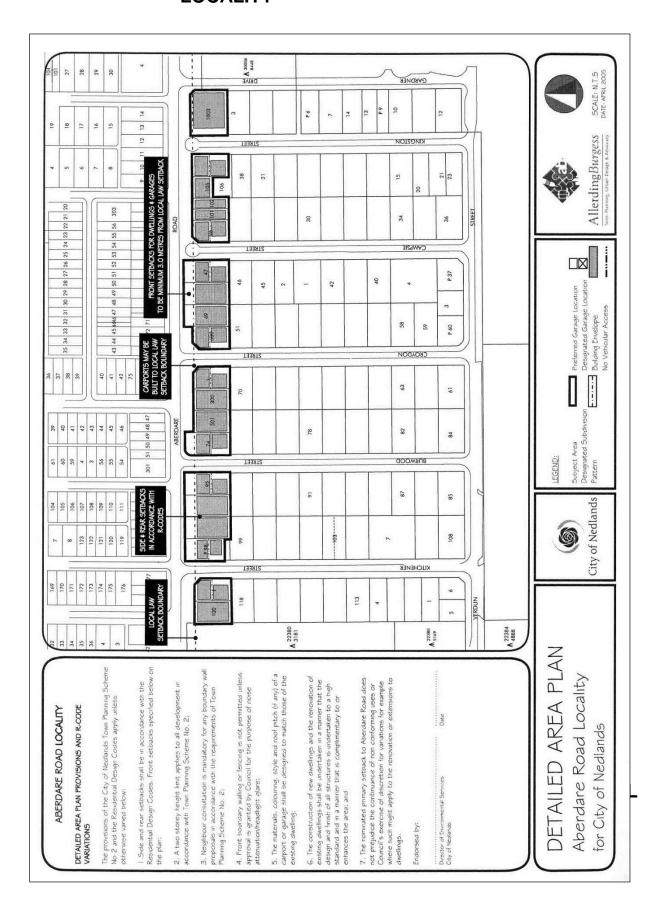
A ranwater tank, if provided, should be located to ineighbours. It should be positioned out of public is screened or painted to match the dwelling. catch both winter and summer sun.

For more information or assistance, please contact the Planning Services at the City of Nedlands:

71 Stirling Highway NEDLANDS WA 6009 (PC Box 9, Nedlands WA 6909)

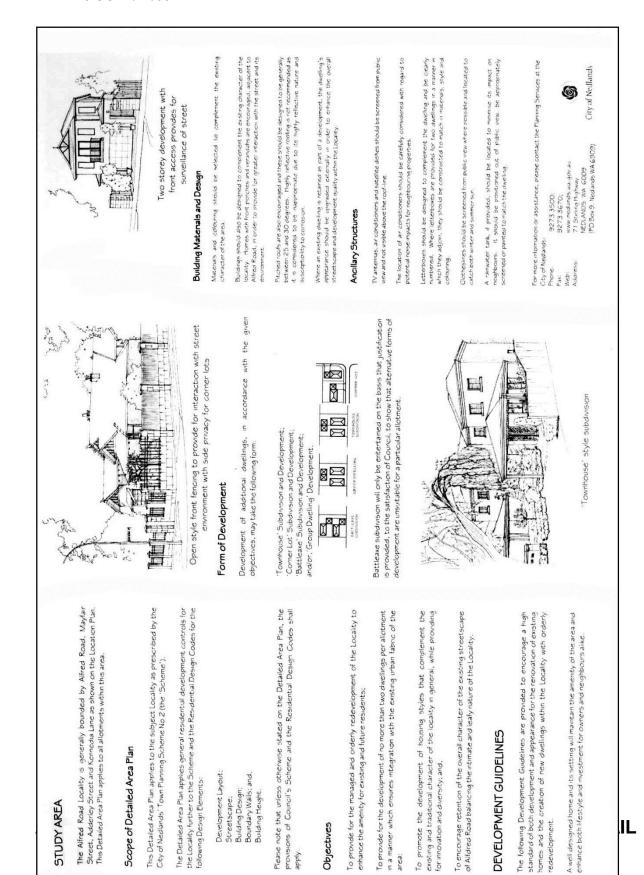
City of Nedlands

APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAIL AREA PLANS FOR THE ABERDARE ROAD LOCALITY



### AREA PLANS FOR ALFRED ROAD LOCALITY

### AMD 173 GG 24/11/06



City of Nedlands TPS 2 Page No. 89

Objectives

Development Layout:

following Design Elements:

STUDY AREA

Boundary Walls; and,

Building Design: Building Height.

Streetscape;

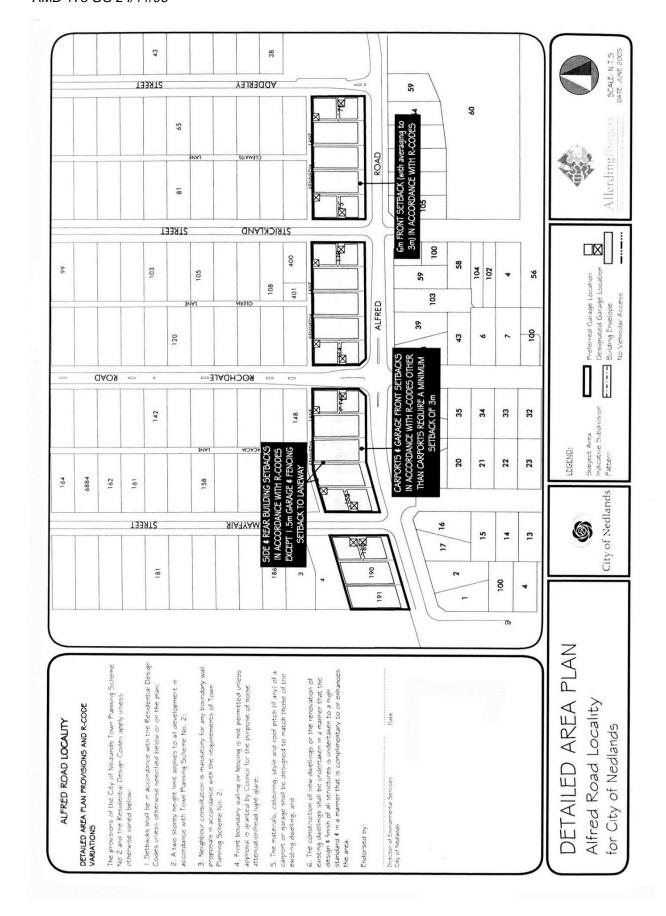
for innovation and diversity; and,

lIL

redevelopment

### AREA PLANS FOR ALFRED ROAD LOCALITY

AMD 173 GG 24/11/06



### STREET LOCALITY

## STUDY AREA

The Karella Street Locality is generally bounded by Karella Street, Dalketth Road and Williams Road as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this area.

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the 'Scheme').

The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Building Design; Boundary Walls; and, Streetscape:

Building Height.

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall

### Objectives

To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents; To provide for the development of no more than two dwellings per allotment in a manner which ensures integration with the existing urban fabric of the

To promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing for innovation and diversity; and,

To encourage retention of the overall character of the existing streetscape of Karella Road balancing the intimate and leafy nature of the Locality.

# DEVELOPMENT GUIDELINES

standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality with orderly The following Development Guidelines are provided to encourage a high

4 well designed home and its setting will maintain the amenity of the area and enhance both lifestyle and investment for owners and neighbours alike.



Open style front fencing to provide for interaction with street environment with side privacy for corner lots

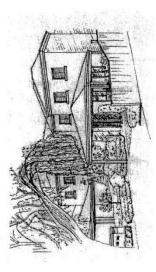
## Form of Development

Development of additional dwellings, in accordance with the given objectives, may take the following form:

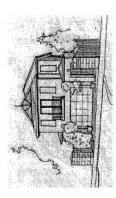
'Townhouse' Subdivision and Development; 'Corner Lot' Subdivision and Development; and/or, 'Group Dwelling' Development



development are unsuitable for a particular allotment. Townhouse Development will also be considered for corner allotments. Battleaxe subdivision is considered inappropriate within this Locality. Such subdivision will only be entertained on the basis that justification is provided, to the satisfaction of Council, to show that alternative forms of DROUP DURITING



Townhouse' style subdivision



Two storey development with front access provides developments proposed at standard setbacks for surveillance of street where townhouse

# Building Materials and Design

Materials and colouring should be selected to complement the existing character of the area.

Buildings should also be designed to complement the existing character of the locality. Homes with front profiles and verandahis are encouraged, adjacent to knotal Street, in order to provide for greater interaction with the street and its to the provide of the street and its provided in the street and its

Pitched roofs are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to its highly reflective nature and susceptibility to corrosion. Where an existing dwelling is retained as part of a development, the dwelling's appearance should be upgraded externally in order to enhance the overall streetscape and development quality within the Locality.

## Ancillary Structures

TV antennas, air conditioners and satellite dishes should be screened from public

The location of air conditioners should be carefully considered with regard to potential noise impacts for neighbouring pro Letterboxes should be designed to complement the awelling and be clearly numbered. Where letterboxes are provided for two awellings in a manner in which they adjoin, they should be constructed to match in materials, style and

Clotheslines should be screened from public view where possible and located to catch both winter and summer sun.

A ranwater tank, if provided, should be located neighbours. It should be positioned out of pub screened or painted to match the dwelling.

For more information or assistance, please contact the Planning Services at the City of Nedlands:

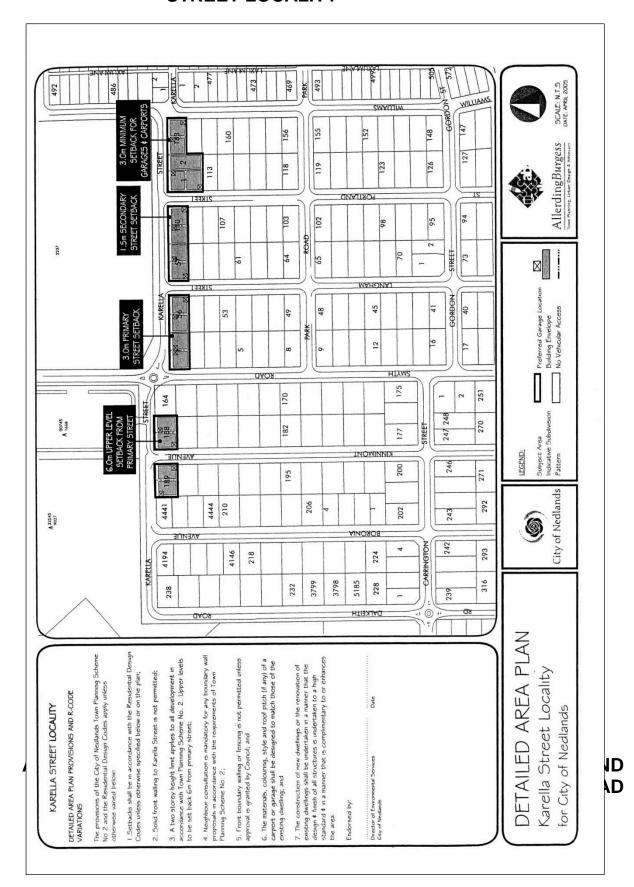
92733500: 92733670;

www.nedlands.wa.gov.au 7 I Sturing Highway NEDLANDS WA 6009 (PO Box 9, Nedlands WA 6909)

9

City of Nedlands

### STREET LOCALITY



### STUDY AREA

The Alexander Road Locality is bounded by Tree Martin Lane. Warratah Avereatin Avereatin Avereatin Avereatin Avereatin Avereatin Avereatin Avereating the eastern side of Alexander Road, as shown on the Locabon Faint. This Detailed Avez Pan applies to all allotments within this area, generally bring those lost inching Alexander Road between Warstah Avenue and Philip Road, and menulaning No.29 Philip Road.

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the 'Scheme').

The Detailed Area Planapplies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout; Streetscape; Building Design; Boundary Walls; and,

Building Height.

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall

### Objectives

To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents; To proude for the development of no more than two dwellings per allotment in a manner which ensures, integration with the existing urban fabric of the area; To promote the development of housing styles that complement the ensiting and traditional character of the locality in general, while providing for unovation and diversity; and,

To encourage retention of the overall character of the existing streetscape of Alexander Road, balancing the intimate and leafy nature of the Locality

# DEVELOPMENT GUIDELINES

The following Development Guidelines are provided to encourage a high standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality.

A well designed home and its setting will maintain the amonity of the area and enhance both lifestyle and investment for owners and neighbours alike.



for interaction with street environment

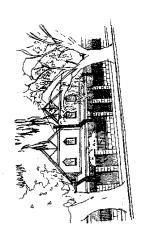
## Form of Development

in accordance with the given Development of additional dwellings, objectives, may take the following form:

Townhouse' Subdivision and Development; Corner Lot' Subdivision and Development.







Cownhouse' style subdivision with rear access

wo storey development with front access provides for surveillance of street

## Building Materials and Design

Materials and colouring should be selected to complement the existing character of the area.

buildings should also be designed to complement the ensuring character of the locality. Hones with front protects and variandaria are encouraged, adjacent to Alexander Road. Plang Road and Alexander Place, in order to provide for greater inferences with the skeeds and its environment.

Pinched roofs are also encouraged and these should be debugged to be generally between 5.5 and 50 degrees. Highly reflective roofing is not recommended as it is considered to be interpropriate due to its highly reflective nature and susceptibility becomedien.

Where an existing dwelling is retained as part of a development, the dwelling's appearance should be upgraded externally in onder to enhance the overall streetscape and development quality within the Locality.

## Ancillary Structures

Wantennas, an conditioners and satellite dishes should be screened from public wew and not visible above the roof-line.

The location of air conditioners should be carefully considered with regard to potential noise impacts for neighbouring properties.

Letterboxes should be designed to complement the disclining and be clearly numerical. Where letterboxes are provided for two disclinings in a manner in which blog again, they should be constructed to match in materials, abyle and calchering.

Clothesimes should be screened from public waw where possible and located to catch both writer and summer sun.

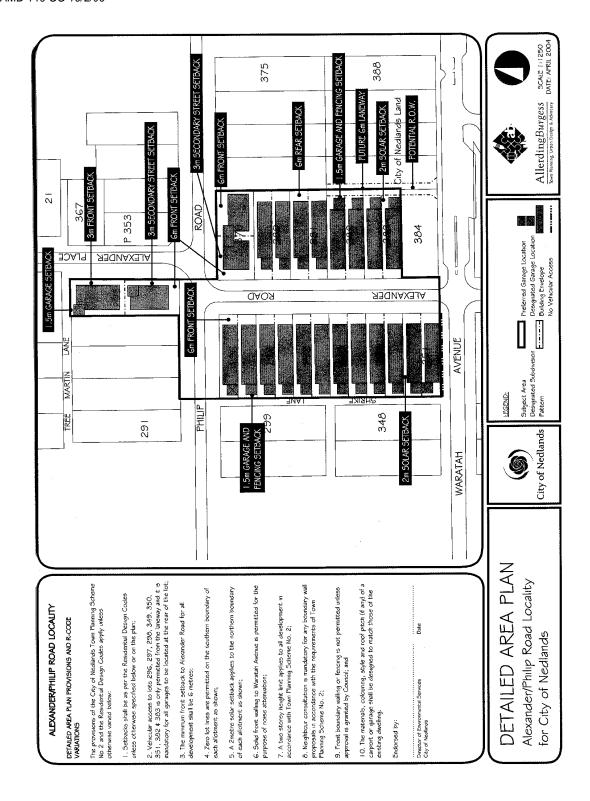
A ranwater tank, if provided, should be located to minimise its impact on neighbours. It should be positioned out of public view, be appropriately screened or painted to match the dwelling.

For more information or assistance, please contact the Planning Services at the Caly Other Brains 2873 8500.
Fig.: 9273 8570;
Wet: www.natabneb.wa.gov.au
Address: 71 Serving Highway www.nedlands.wa.gov.au 7 I String Highway NEDLANDS WA 6009 (PO Box 9, Nedlands WA 6909)

City of Nedlands TPS 2

### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN ALEXANDER ROAD LOCALITY

AMD 148 GG 15/2/05



### APPENDIX V -RESIDENTIAL **DESIGN GUIDELINES AND DETAILED AREA PLAN ROCHDALE ROAD LOCALITY**

AMD 149 GG 15/2/05



37.643

Two storey development with front access provides for surveillance of street

## Building Materials and Design

Materials and colouring should be selected to complement the character of the area. Buildings should also be designed to complement the existing character of the ocality. Homes with front porches and verandahs are encouraged, adjacent to Rochdale Road and Asquith Street, in order to provide for greater interaction with the street and its environment. Pitched roofs are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to its highly reflective insture and susceptibility to corrosion. Where an existing dwelling is retained as part of a development, the dwelling is appearance should be upgraded externally in order to enhance the overall streetscape and development quality within the Locality.

## Ancillary Structures

TV antennas, an conditioners and satelitte dishes should be screened from public wew and not visible above the roof-line.

The location of air conditioners should be carefully considered with regard to potential noise impacts for neighbouring properties. Letterboxes should be designed to complement the dwelling and be clearly numbered. Where letterboxes are provided for two dwellings in a manner in which they adjoin, they should be constructed to match in matchals, style and

Clotheslines should be acreened from public new where possible and located to catch both winter and summer:

A ranwater tank, if provided, should be located to minimise its impact on neighbours. It should be positioned out of public view, be appropriately It should be positioned out of public for more information or assistance, please contact the Planning Services at the 92733500;

(PO Box 9, Nedlands WA 6909) www.nedlands.wa.gov.au 7 | Stirling Highway NEDLANDS WA 6009

City of Nedlands 9

City of Nedlands:
Phone:
Fax:
Web:
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for interaction with street environment Open style front fencing to provide

## Form of Development

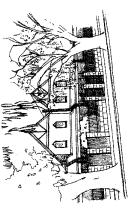
Development of additional dwellings, in accordance with the given objectives, may take the following form:

'Townhouse' Subdivision and Development; 'Corner Lot' Subdivision and Development.



Battleaxe subdivision with verifice access directly to Rochdale Road in either 'Green Title' or 'Survey Strata' configuration is considered inappropriate within this Locality. Such subdivision will only be entertained on the basis that justification is provided, to the satisfaction of Council, to show that alternative forms of development are unsuitable for a particular

Such justification may include where access to the rear 'right of way' cannot be provided due to topographical constraints.



Townhouse' style subdivision

### STUDY AREA

The Rochdale Road Locality is bounded by Asquith Street, Olena Lare, Remedia Larie and Acada Larie, as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this area, generally being those lots fronting Rochdale Road between Kennedia Lane and Asquith

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the 'Scheme'). The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Building Design;

Boundary Walls; and, Building Height. Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall

### Objectives

To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents; To provide for the development of no more than two dwellings per allotment in a manner which ensures integration with the existing urban fabric of the

promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing for innovation and diversity; and, 0

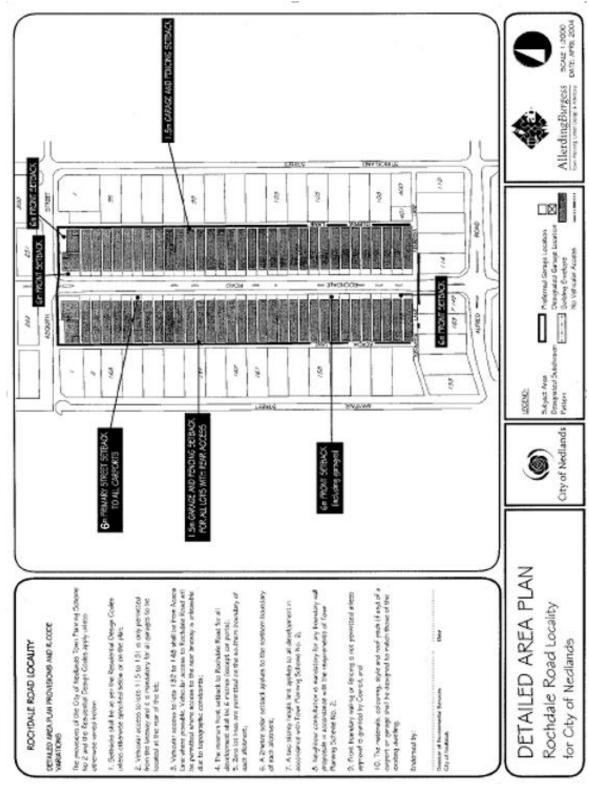
To encourage retention of the overall character of the existing streetscape of Rochdale Road, balancing the intimate and leafy nature of the Locality with

# **DEVELOPMENT GUIDELINES**

The following Development Guidelines are provided to encourage a high standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality. A well designed home and its setting will maintain the amenity of the area and enhance both lifestyle and investment for owners and neighbours alike.

### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN ROCHDALE ROAD LOCALITY

AMD 149 GG 15/2/05



### RESIDENTIAL APPENDIX V-**DESIGN GUIDELINES AND DETAILED AREA PLAN JAMES ROAD LOCALITY**

AMD 150 GG 15/2/05;



The Knutsford Street Locality is generally bounded by Knutsford Street, West Coast Highway, Walpole Street and North Street, as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the 'Scheme').

The Detailed Area Plan applies general residential development controls for the Localty further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Building Design; Streetscape;

Boundary Walls; and,

Building Height.

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall

### Objectives

To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents;

To provide for the development of no more than two dwellings per allotment in a mainer which ensures integration with the existing urban fabric of the

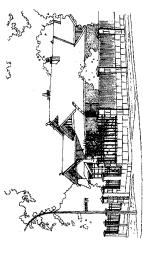
To promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing for innovation and diversity; and,

To encourage retention of the overall character of the existing streetscape of Knutsford Street and Walpole Street balancing the intimate and leafy nature of the Locality.

# **DEVELOPMENT GUIDELINES**

standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality with orderly The following Development Guidelines are provided to encourage a high

A well designed home and its setting will maintain the amenity of the area and



for interaction with street environment Open style front fencing to provide

## Form of Development

Development of additional dwellings, in accordance with the given objectives, may take the following form:

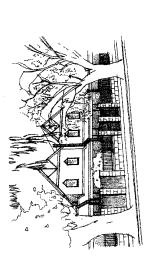
Townhouse' Subdivision and Development; 'Comer Lot' Subdivision and Development; and/or, 'Group Dwelling' Development.





CORNER LOT

Battleaxe subdivision is considered mappropriate within this Locality. Such subdivision will only be entertained on the basis that justification is provided to the satisfaction of Council, to show that alternative forms of development are unsuitable for a particular allotment.



Townhouse' style subdivision with rear access

Iwo storey development with front access provides for surveillance of street

## Building Materials ar. - Design

Materials and colouring should be selected to complement the existing character of the area.

locally. Homes with front porches and verandahs are encouraged, adjacent to Knutsford Street and Walpole Street only, in order to provide for greater Buildings should also be designed to complement the existing character of the interaction with the street and its environment Pitched roofs are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to its highly reflective nature and susceptibility to corrosion.

Where an existing dwelling is retained as part of a development, the dwelling's appearance should be upgraded externally in order to entaine the overall streetscape and development quality within the Locality.

## Ancillary Structures

TV antennas, air conditioners and satellite dishes should be screened from public

considered with regard to The location of air conditioners should be carefully potential noise impacts for neighbou

Letterboxes should be designed to complement the dwelling and be clearly numbered. Where letterboxes are provided for two dwellings in a manner in which they adon, they should be constructed to match in materials, style and

Clotheslines should be screened from public view where possible and located to A ranwater tank, if provided, should be located to minimise its neighbours. It should be positioned out of public view, be a catch both winter and summer sun.

For more information or assistance, please contact the Planning Services at the

www.nedands.wa.gov.au 7 | Stirling Highway NEDLANDS WA 6009 (PO Box 9, Nedlands WA 6909) 92733500;

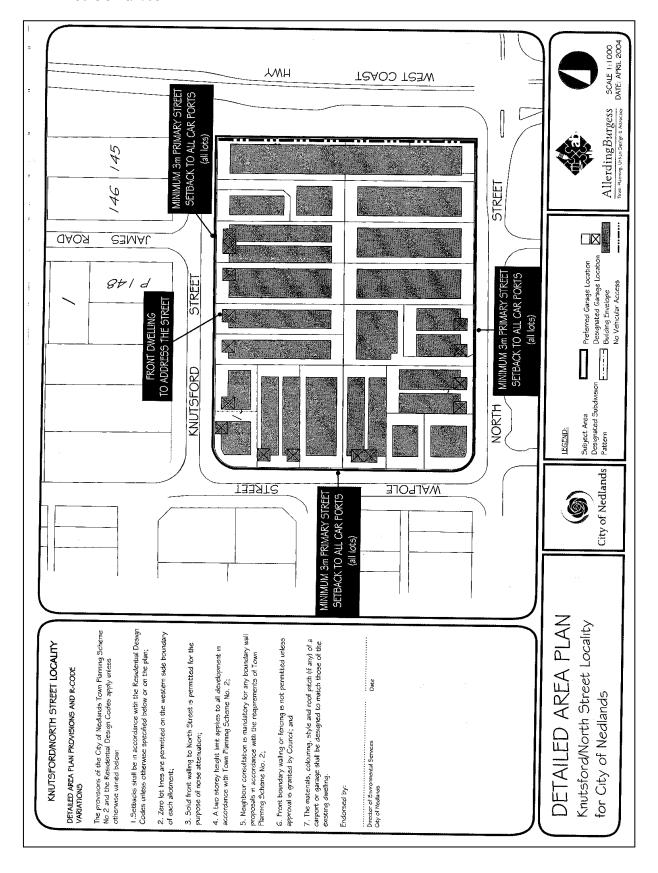
City of Nedlands

City of Nedlands TPS 2

STUDY AREA

### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN JAMES ROAD LOCALITY

AMD 150 GG 15/2/05



### **APPENDIX V-**RESIDENTIAL **DESIGN GUIDELINES** AND **DETAILED AREA PLAN JAMES ROAD LOCALITY**

AMD 160 GG 9/6/06



The James Road Locality is bounded by Wood Street, West Coast Highway Langoulant Road, Knutsford Street and James Road, as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this area, generally being those fronting the eastern side of James Road

STUDY AREA

between Wood Street and Knutsford Street

Scope of Detailed Area Plan

for interaction with street environment Open style front fencing to provide

The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the

Development Layout;

following Design Elements:

Boundary Walls; and,

Building Design; Building Height.

Streetscape:

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the 'Scheme').

# Form of Development

Development of additional dwellings, in accordance with the given objectives, may take the following form:

Battleaxe'Subdivision and Development; Corner Lot'Subdivision and Development (Lots 6 & 146 only); and/or, Group Dwelling Development (in a battleaxe configuration).

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall



To provide for the managed and orderly redevelopment of the Locality to enhance the amenty for existing and future residents;

Objectives

To provide for the development of no more than two dwellings per allotment in a manner which ensures integration with the existing urban fabric of the

## ATTLEAXE

# Building Materials and Design

Materials and colouring should be selected to complement the existing character of the

Buildings should also be designed to complement the existing character of the locality, with front provides and existence and varieties are encouraged in order to provide for greater interact wets frock and the environment.

To encourage retention of the overall character of the existing streetscape of James Road, balancing the intimate and leafy nature of the Locality with

To promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing

for innovation and diversity; and,

Filtched roofs are also encouraged and these should be designed to be generally between 25 amount 30 degrees. Maily Velective roofing is not recommended as it is considered to be written and susceptibility to corroson.

More an existing dwelling is retained as part of a devolopment, the dwelling is appearance you'd be upgraded exeminally in order to enhance the overall extractisape and development quality with the Locality.

wo storey development with ront access provides for surveillance of street

## Ancillary Structures

TV antennas, air conditioners and satellite dishes should be screened from public

dered with regard to potential noise impacts for neighbour dwelling and be clearly should be designed to complement the dwelling and be clea. Where letterboxes are provided for two dwellings in a manner which they adjoin, they should be cons

A rainwater tank, if provided, should be located to reighbours. It should be positioned out of public

For more information or assistance, please contact the Planning Services at the City of Nedlands: 9273 3500: 9273 3670: www.nedlands.wa.gov.au 71 5tnling Highway NEDIANDS WA 6009 (70 Box 9, Nedlands WA 6909)

Phone: Fax: Web: Address:

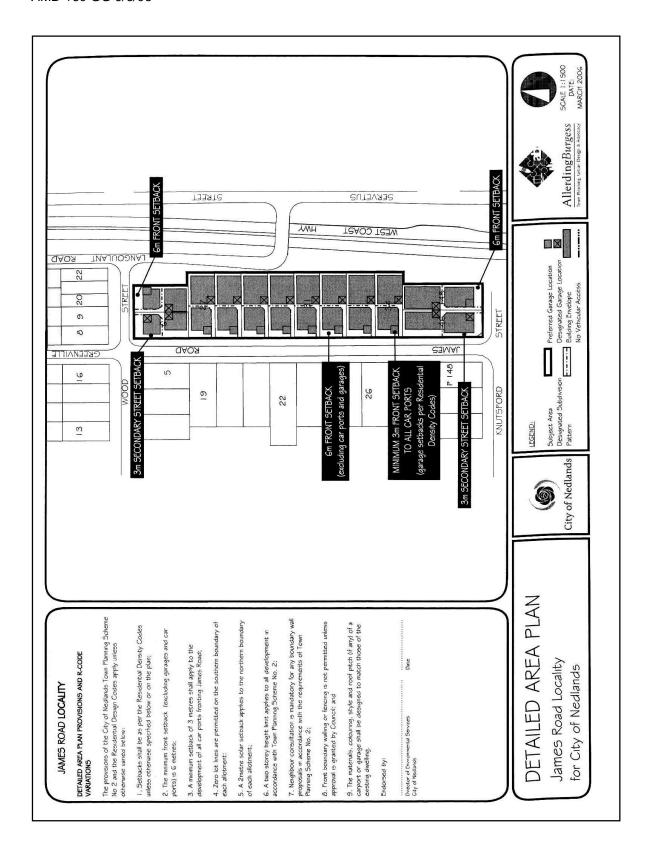
City of Nedlands

# **DEVELOPMENT GUIDELINES**

standard of both development and appearance for the renovation of The following Development Guidelines are provided to encourage a high existing homes and the creation of new dwellings within the Precinct. A well designed home and its setting will maintain the amenity of the area and enhance both lifestyle and investment for owners and neighbours alike.

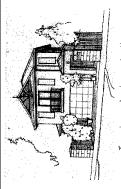
### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN JAMES ROAD LOCALITY

AMD 160 GG 9/6/06



### APPENDIX V-RESIDENTIAL **DESIGN GUIDELINES AND DETAILED AREA PLAN KNUTSFORD** STREET/NORTH STREET LOCALITY

AMD 151 G 15/2/05



Two storey development with front access provides for surveillance of street

# Building Materials and Design

Matenals and colounng should be selected to complement the existing character of the area.

locality. Homes with front porches and verandahs are encouraged, adjacent to Knutsford Street and Walpole Street only, in order to provide for greater Buildings should also be designed to complement the existing character of the interaction with the street and its environment Ptohed roots are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to<sub>u</sub>its highly reflective nature and susceptibility to corrosion. Where an existing dwelling is retained as part of a development, the dwelling's apprearance should be upgraded externally in order to enhance the overall streetiscape and development quality within the Locality.

## Ancillary Structures

TV antennas, air conditioners and satellite dishes should be screened from public view and not visible above the roof-line. The location of air conditioners should be carefully considered with regard to potential noise impacts for neighbouring properties. Letterboxes should be designed to complement the dweling and be clearly numbered. Where letterboxes are provided for two dwellings in a manner in which they adjoin, they should be constructed to match in materials, style and

Clotheslines should be screened from public view where possible and located to catch both winter and summer sun. A ranwater tank, if provided, should be located to minimise its impact on reagibours. It should be positioned out of public view, be appropriately screened or painted to match the divelling.

For more information or assistance, please contact the Planning Services at the City of Nedlands: 92733500;

www.nedlands.wa.gov.au 7 I Stirling Highway NEDLANDS WA 6009 (PO Box 9, Nedlands WA 6909) 9273 3670;

City of Nedlands 9

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for interaction with street environment Open style front fencing to provide

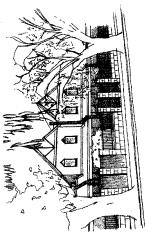
## Form of Development

the given Development of additional dwellings, in accordance with objectives, may take the following form:

'Townhouse' Subdivision and Development; 'Corner Lot' Subdivision and Development; and/or, 'Group Dwelling' Development.



subdivision will only be entertained on the basis that justification is provided, to the satisfaction of Council, to show that alternative forms of Battleaxe subdivision is considered inappropriate within this Locality. Such development are unsuitable for a particular allotment.



with rear access

Townhouse' style subdivision

STUDY AREA

The Knutsford Street Locality is generally bounded by Knutsford Street, West Coast Highway, Walpole Street and North Street, as shown on the Location Plan. This Detailed Area Plan applies to all allotments within this

# Scope of Detailed Area Plan

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the "Scheme").

The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Building Design; Boundary Walls; and, Building Height. Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall

### Objectives

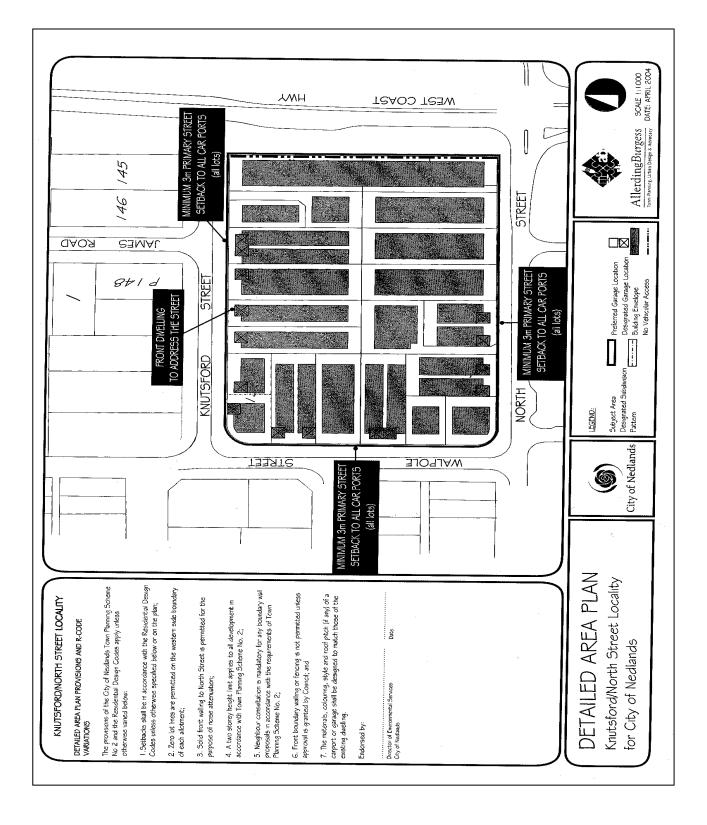
To provide for the managed and orderly redevelopment of the Locality to enhance the amenity for existing and future residents; To provide for the development of no more than two dwellings per allotment in a manner which ensures integration with the existing urban fabric of the area; To promote the development of housing styles that complement the existing and traditional character of the locality in general, while providing for innovation and diversity; and, To encourage retention of the overall character of the existing streetscape of Knutsford Street and Walpole Street balancing the intimate and leafy nature of the Locality.

# DEVELOPMENT GUIDELINES

The following Development Guidelines are provided to encourage a high standard of both development and appearance for the renovation of existing homes and the creation of new dwellings within the Locality with orderly edevelopment. A well designed home and its setting will maintain the amenity of the area and

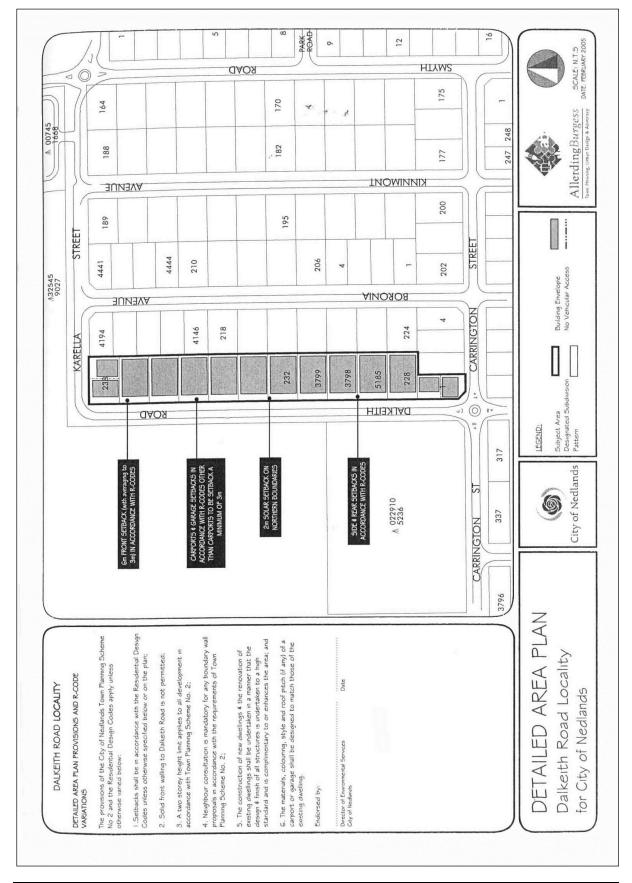
### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN KNUTSFORD STREET/NORTH STREET LOCALITY

AMD 151 G 15/2/05



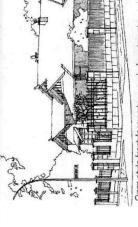
### APPENDIX V- RESIDENTIAL DESIGN GUIDELINES AND DETAILED AREA PLAN FOR THE DALKEITH ROAD LOCALITY

AMD177 GG 24/10/06



### RESIDENTIAL **DESIGN** APPENDIX V-**GUIDELINES** AND DETAILED AREA PLAN FOR THE DALKEITH ROAD LOCALITY

AMD177 GG 24/10/06



The Dalkeith Road Locality is generally bounded by Dalkeith Road, Karella Street, Carrington Street and Boronia Avenue as shown on the Location Plan, This Detailed Area Plan applies to all allotments within this area.

**STUDY AREA** 

This Detailed Area Plan applies to the subject Locality as prescribed by the City of Nedlands' Town Planning Scheme No 2 (the "Scheme").

Scope of Detailed Area Plan

The Detailed Area Plan applies general residential development controls for the Locality further to the Scheme and the Residential Design Codes for the following Design Elements:

Development Layout;

Streetscape;

Boundary Walls; and, Building Design; Building Height.

Open style front fencing to provide for interaction with street environment with side privacy for corner lots

## Form of Development

Development of additional dwellings, in accordance with the given objectives, may take the following form:

Townhouse' Subdivision and Development; Corner Lot' Subdivision and Development; 'Battleaxe' Subdivision and Development; and/or, 'Group Dwelling' Development

Please note that unless otherwise stated on the Detailed Area Plan, the provisions of Council's Scheme and the Residential Design Codes shall apply.

To provide for the managed and orderly redevelopment of the Locality to

Objectives

enhance the amenity for existing and future residents;

To provide for the development of no more than two dwellings per allotment in a manner which ensures inflegration with the existing urban fabric of the

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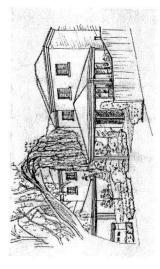
To encourage retention of the overall character of the existing streetscape

of Dalkeith Road balancing the intimate and leafy nature of the Locality.

**DEVELOPMENT GUIDELINES** 



Battleaxe subdivision will only be entertained on the basis that justification is provided, to the satisfaction of Council, to show that alternative forms of development are unsuitable for a particular allotment



The following Development Guidelines are provided to encourage a high standard of both development and appearance for the renovation of existing homes and the creation of new divellings within the Locality with orderly

A well designed home and its setting will maintain the amenity of the area and enhance both lifestyle and investment for owners and neighbours alike.

Page No. 104

Townhouse' style subdivision

# Two storey development with

front access provides for surveillance of street

# Building Materials and Design

Materials and colouring should be selected to complement the character of the area.

Buildings should also be designed to complement the existing character of the locality. Homes with front porches and verandahs are encouraged, adjacent to Dalkeith Road, in order to provide for greater interaction with the street and its

Pitched roofs are also encouraged and these should be designed to be generally between 25 and 30 degrees. Highly reflective roofing is not recommended as it is considered to be inappropriate due to its highly reflective nature and Where an existing dwelling is retained as part of a development, the dwelling is appearance should be upgraded externally in order to enhance the overall streetscape and development quality within the Locality.

## Ancillary Structures

TV antennas, air conditioners and satellite dishes should be screened from public view and not visible above the roof-line.

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City of Nedlands

City of Nedlands TPS 2

## APPENDIX VI- DALKEITH REDEVELOPMENT

AMD 192 GG 05/04/12

#### SPECIAL CONTROL AREA PROVISIONS

#### **TABLE OF CONTENTS**

- 1 General Provisions
- 2 Specific Provisions Built Form
- 3 Specific Provisions Street Form
- 4 Definitions
- 5 Figures and Tables
- 6 Precinct Plans

#### 1 GENERAL PROVISIONS

#### 1.1 Town Planning Scheme

- (a) These provisions apply to all development within the Special Control Area (SCA), unless varied by a provision within a specific Precinct Plan. If there is an apparent discrepancy between these general provisions and the provisions applicable to a Precinct, the specific Precinct Plan provisions will apply.
- (b) All other provisions of the City's Town Planning Scheme No. 2 (TPS2) and the Residential Design Codes (R Codes) shall apply unless stipulated in these guidelines.

#### 1.2 Special Control Area Relationship

- (a) Figure 1 depicts the Special Control Area and the associated Precincts.
- (b) Each Detailed Area has an associated Precinct Plan which outlines specific development provisions to that Area.

#### 1.3 Development in Accordance with the Dalkeith Guidelines

(a) Any development in accordance with these guidelines shall conform with the following vision as agreed to by the Dalkeith Community—

"A place that inspires a sense of Community for people to live, work and recreate in an environment that embraces cross-generational needs with development that reflects and respects the past, and yet showcases the art and culture of a contemporary Australian lifestyle.

Specifically, the Dalkeith Redevelopment Area should maintain the historic and long established position as one of Western Australia's first garden suburbs in keeping with its founding philosophy of providing a family friendly housing environment with closeby and easily accessible range of basic social, recreational, local business and community facilities whilst being encapsulated within a parkland landscape of treed gardens, open streetscapes, street trees, green areas, parks and recreation areas with local traffic and public transport access for residents within the area."

- (b) Any building which is demolished or destroyed to an amount of more than 25% of its original form, shall be subject to redevelopment and renovations, if applicable, in accordance with these guidelines.
- (c) Where existing strata developments exist, amalgamation into its original parent lot is required prior to approval of a development in accordance with these guidelines.
- (d) Development in accordance with these guidelines shall only occur when a minimum lot size of 1000 m2 is available (amalgamation may be required to achieve this).

- (e) Development in accordance with these guidelines shall only occur when a required rear laneway has full access to a gazetted road as outlined on the DAPs (refer clause 2.8 of these guidelines for laneway specifications).
- (f) Five Precincts exist within the SCA with corresponding Precinct Plans, as outlined below—

P1	Precinct 1 – No. 79 Waratah Avenue
P2	Precinct 2 – No. 81 Waratah Avenue
P3	Precinct 3 – No. 87, 89, 91, 93, 93A, 95A Waratah Avenue
P4	Precinct 4 – No. 101 Waratah Avenue
P5	Precinct 5 – Nos 129, 131, 133 Waratah Avenue

#### 1.4 Relationship to Adjacent Development

- (a) Development within the SCA that is adjacent to land outside the SCA shall be designed in a manner that is compatible with the maximum allowable scale in accordance with TPS2 and the Residential Design Codes of WA.
- (b) If a property which is within the SCA is amalgamated with an adjacent property which is not within the SCA, then the new parent lot shall be removed from the SCA and the lowest zoning of any of the amalgamated lots applies to the whole new lot as per the current town planning scheme zoning at the time.

#### 1.5 Discretion

Council may vary clauses in these guidelines, with the exception of building height, landscaping, rear laneway requirements and public access gained from rear laneways, but limited to car parking, setbacks and land use and side (north/south) laneways. Council may vary clauses in these guidelines but limited to car parking, setbacks, land-use and side (north/south) laneways.

#### 2 SPECIFIC PROVISIONS - BUILT FORM

#### 2.1 Land-uses

(a) Permitted and prohibited land uses are in accordance with the Use Class Table (Table 1) of these guidelines.

- (b) Exceptions to part (a) are identified on the Precinct Plans and shall apply.
- (c) The guiding principle for determining the acceptability of specific land uses will be that land uses are to contribute towards achieving the vision of the SCA as detailed in clause 1.3(b).
- (d) All developments shall comprise of a non-residential component and a residential component of a minimum of 2 dwellings per 1000 m2 site area.
- (e) No residential land-uses may front Waratah Avenue on the ground floor with the intent of ensuring an active street frontage; however these uses may address a Secondary Street if applicable.
- (f) Notwithstanding part (d) above, residential uses are not stipulated to exist on a certain floor of a development and may be located below office uses if deemed that it achieves the intent of part (c) above.

# 2.2 Building Height

- (a) Building height is measured in metres and shall be measured in accordance with the provisions stipulated in the current Town Planning Scheme.
- (b) Maximum building heights are identified within these guidelines and are non-discretionary.
- (c) Undercroft and basement car parking located a minimum of 70% below natural ground level are not considered to be a storey but any part of a building above natural ground level shall be included in the calculation measurement of overall building height.
- (d) The following table outlines the maximum meter requirement for developments in accordance with these guidelines—

#### Precinct 1-3 -

Land Use	Maximum Overall Height	Maximum Wall Height	
All development	16.5 metres	13.6 metres	
Note: All development shall be Mixed Use.			

#### Precinct 4 -

Land Use	Maximum Overall Height	Maximum Wall Height	
Non-Residential Component	10 metres	8.5 metres	
Residential Component	12 metres	10.5 metres	
Note: All development shall be mixed use			

#### Precinct 5 -

Land Use	Maximum Overall Height	Maximum Wall Height
Non-Residential Component	10 metres	8.5 metres
Residential Component	12 metres	10.5 metres
Note: All development shall be mixed use		

#### 2.3 Building Elevations

(a) Each façade of a building shall be elevated to present an attractive and appropriately detailed appearance from the street within and beyond the site boundaries to meet the provisions of clause 2.1 (c) of these guidelines.

- (b) At a minimum, any exposed parapet wall(s) shall have the same level of finish as the primary façade and are to incorporate detailing to add visual interest, to the satisfaction of the City.
- (c) Building facades shall be articulated through the considered articulation of windows, doors, balconies, and other openings; distinct base, middle and top elements, decoration, setbacks, selection of materials and other such design elements as appropriate.
- (d) External ducting, air conditioners, plant, pipes, lift over-runs, telecommunication structures and similar building services shall be incorporated in the building design and be screened from view from any public place or adjacent property.
- (e) The upper floor(s) of a development shall be activated to the street through the provision of either windows or balconies to ensure passive surveillance in accordance with the following
  - i. A minimum window size shall be 2 m2 of glazing; and/or,
  - ii. A minimum balcony size shall be 3 m2 of usable space, excluding areas for balustrade.

#### 2.4 Dwelling Types and Sizes

- (a) Grouped and Multiple Dwellings are the only permitted residential land-use.
- (b) Grouped and Multiple Dwellings shall comply with the following restrictions
  - i. No density restrictions are imposed with the maximum number of dwellings being determined by the permitted building envelope and development requirements for each lot (e.g. setbacks/heights/open space/car parking/BCA requirements).
  - ii. Where applicable, all dwelling types are permitted on the ground floor only when facing a Secondary Street.
  - iii. Minimum sizes of dwellings and required outdoor living areas based on number of bedrooms are outlined below—

Number of Bedrooms	Minimum Size	Outdoor Living Requirements	Notes
1	75m <sup>2</sup>	16m <sup>2</sup>	Outdoor Living
2	100m <sup>2</sup>	24m <sup>2</sup>	areas can be in
3+	120m²	30m²	the form of more than one area. Min dimension of 4m.

iv. All areas referred to in clause 2.4 (b) iii of these guidelines, may be included in the calculation of any open space required under these guidelines but excludes garage, storage and balcony areas.

#### 2.5 Setbacks

- (a) Setbacks shall be in accordance with the provisions of the relevant Precinct Plans.
- (b) Setbacks defined under the Residential Design Codes of WA are not applicable.
- (c) All setbacks are minimums unless stipulated on a Precinct Plans and are not discretionary in order to ensure high quality amenity. All setbacks are minimums unless stipulated on a Precinct Plans.

- (d) Balconies shall not extend into an existing or proposed road reserve or laneway area.
- (e) All reference to setbacks under specific Precinct Plans are measured from the new proposed boundary after any required Laneway areas have been ceded.

#### 2.6 Laneway Requirements

- (a) Laneways shall be provided where marked on a specific Precinct Plan, with the exception of Precinct Plan 3 where the required side (north/south) laneways may be varied or not provided subject to reasonable justification.
- (b) Where laneway widening is identified on a site, this land shall be ceded free of cost prior to issue of certificate of classification.
- (c) All proposed Laneways shall be ceded free of cost by the relevant property, with no portion being taken from existing adjacent residential properties on Philip Road.
- (d) Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to occupation of the development.
- (e) Laneways shall have a width of 7 m, including a 1 m infrastructure and servicing strip along the rear boundary.
- (f) Finished levels of laneways shall be 150 mm less than those of the adjoining property along the entire boundary.
- (g) All required laneways shall include the installation of mature trees (species specified by the City) of a minimum height of 2.4 m at 3 m intervals within the infrastructure and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation to the satisfaction of the City.
- (h) All required Laneways shall include bollard lighting infrastructure installed within the infrastructure and servicing strip to be integrated into the City's lighting scheme at the cost of the developer to the satisfaction of the City.
- (i) Laneways shall be constructed and funded (all costs) by owner of the site once approval given by the City.
- (j) Once laneways are constructed and gazetted, access is available to the rear of Philip Road properties by owners of those properties through approved gates onto the laneway.
- (k) Laneways are to be constructed to provide access within the precinct and not on, through or be reliant on access of adjacent sites not in this precinct.

#### 2.7 Access

- (a) Vehicle access and garaging to sites shall be taken from a side street or rear laneway where available.
- (b) Where vehicle access or laneway access is required from Waratah Avenue, access points and crossovers shall be designed in accordance with the City's specifications with left-in, left-out access only and are delineated in the Precinct Plans.
- (c) Public pedestrian access to all uses of a development (i.e. residential and non-residential) shall only be gained from Waratah Avenue.
- (d) Notwithstanding (c), if a unit/tenancy cannot provide public access from Waratah Avenue, then access can be gained from a secondary street or side laneway (i.e. north-

south orientated) with adequate justification to the satisfaction of the City, however public access shall not be gained from a rear laneway under any circumstance.

#### 2.8 Universal Access

(a) Developments with a residential component of 4 or more dwellings are required to provide dwellings designed for universal access in accordance with the following ratios—

Number of Dwellings	Minimum Number of Dwellings Designed for Universal Access
4-7	1
8-11	2
12 or more	3

(b) Universal access shall be the design standard as required by the relevant Australian Standards and Building Code Australia as amended in regard to lifts, ramps, door and corridor widths and toilets.

#### 2.9 Driveways and Garages

- (a) A crossover and/or driveway shall have a minimum width of 4 m and a maximum width at any point of 6 m.
- (b) A crossover and/or driveway onto a laneway shall have a maximum of width of 9 m aggregate per property developed in accordance with these guidelines.

#### 2.10 Car Parking

- (a) All required car parking shall be provided on-site;
- (b) A minimum of 2 car parking bays per residential dwelling shall be provided on-site.
- (c) On-site visitor car parking is required for all residential developments with 3 or more dwellings, at a rate of 1 bay per 4 dwellings, including residential within mixed use developments.
- (d) Car parking shall be provided for each development in accordance with the Non-Residential Car Parking and Bicycle Parking Table (Table 2) of these guidelines.
- (e) Car park designs on-site shall comply with the Australian Standards and the City's TPS.
- (f) All car parking required for properties shall not address Waratah Avenue or, if applicable, a Secondary Street.
- (g) All car parking shall be covered with the exception of visitor car parking.
- (h) There shall be no car parking within street setbacks other than parking for universal access and residential visitors, which shall not be covered, but shall be screened from view from any street with landscaping, or permanent structure to the satisfaction of the City.
- (i) No additional on-street or verge/road reserve car parking shall be considered as part of a Development Application for development in accordance with these guidelines.
- (j) Cash in lieu for parking will not be considered unless there is a Council approved funded alternative for which the cash in lieu can be used to address the parking shortfall.

#### 2.11 Bicycle Parking

(a) Bicycle parking shall be provided for each development in accordance with the Non-Residential Car Parking and Bicycle Parking Table (Table 2) of these guidelines.

#### 2.12 Storage

- (a) Lockable storage shall be provided for each dwelling with a minimum of 4 m2 per dwelling with a minimum dimension of 1.5 m.
- (b) Storage shall not be used as a substitute for required bicycle parking and shall be located externally to the dwelling; however where this is not practical as deemed by the City, the applicant must demonstrate the functionality of the storage enclosure to the satisfaction of the City.

#### 2.13 Bin and Service Provisions

- (a) The design and provision of bin and service enclosures shall comply with relevant City of Nedlands Local Law.
- (b) All buildings are to be designed with bin and service enclosures as an integral part of the building and shall be located with access to a rear laneway or secondary street.
- (c) All dwellings other than multiple dwellings shall have provision of a private outdoor clothes drying facility.
- (d) All multiple dwellings shall have provision of screened outdoor clothes drying areas, to minimise the use of clothes dryers.
- (e) All outdoor drying areas are to be screened from the street and adjoining properties.

#### 2.14 Fencing

- (a) Fencing to Waratah Avenue, and associated primary setback area, is not permitted as it does not encourage active street fronts.
- (b) Fencing to a Secondary Street, where applicable, is permitted to a maximum height of 1.8 m above natural ground level on the street-side and shall be 50% or more visually permeable above 1.2 m height.
- (c) Walls and fences shall be truncated or reduced to no higher than 0.75 m within 1.5 m where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
- (d) Dividing fencing or screen walls are not permitted within setback areas adjacent to laneways or public area for commercial land uses, however security bollards (lighting or other) are permitted to maximum height of 1.2 m.

# 2.15 Gardens, Landscaping and Open Space

- (a) All development applications shall require a Landscaping Plan depicting proposed landscaping and protection of significant vegetation, if applicable, for approval by the City.
- (b) All properties shall have a minimum of 35% of open space, which may include open car parking, landscaping and pedestrian areas, at ground level measured over the original lot size prior to any applicable laneway ceding requirement subject to the following—

- i. Of the 35% required open space, 20% shall be permanent landscaping, subject to half of which being in-ground landscaping.
- (c) All setback areas to Waratah Avenue and any applicable Secondary Street shall be landscaped or finished to the satisfaction of the City.

#### 2.16 Noise

(a) All developments applications shall require an acoustic engineer's report prepared by a qualified Acoustic Engineer demonstrating how the proposed development is designed to deal with sound intrusions (such as vehicle noise from Waratah Avenue) and sound emissions such as communal open space and air conditioners in accordance with the *Environmental Protection (Noise) Regulations 1997*.

#### 2.17 Sustainable Design

- (a) New buildings shall be designed in accordance with the following—
  - All north facing glazing shall be shaded by eaves extending between 0.4 and 0.7 times the height of the glazed area, measured from the lower window sill height to the lowest point of the eave, awning or shade device;
  - ii. Eaves shall have a minimum 450 mm overhang on southern and eastern boundaries and a minimum 750 mm on northern and western boundaries; and
  - iii. Dark roofs with an absorption value above 0.8 will not be permitted unless it can be demonstrated that additional insulation above BCA requirements and roof ventilation are provided.
- (b) All developments comprising of more than 5 dwellings shall include a sustainability strategy that addresses the following minimum criteria to the satisfaction of the City
  - i. Systems and initiatives that are proposed to reduce water and energy consumption during construction and operation of the building/development;
  - ii. A building materials list that demonstrates the extent to which the material proposed to be used contribute towards sustainability;
  - iii. Material storage so as to minimize ground contamination;
  - iv. Minimal site disturbance during construction and subsequent ground stabilisation:
  - v. All trees and remaining vegetation that have been identified as being retained are to be fenced off with environmentally friendly temporary fencing and maintained during the construction period;
  - vi. Methods to sort all construction waste on site to enable maximum re-use/recycling of materials; and
  - vii. Any other matter Council may require.

#### 2.18 Solar Access

- (a) A minimum of 50% of all habitable rooms/open space of any dwelling shall be designed so as to maximise solar exposure to the northern winter sun.
- (b) Buildings shall be designed such that no more than 50% of private open space or northern windows to habitable rooms of an adjoining lot are in shadow at 12:00 pm on 21 June.

#### 2.19 Privacy

- (a) Any potential overlooking from properties within the SCA into properties that are not within the SCA shall be measured in accordance with the provisions of the RCodes.
- (b) All residential dwellings shall be subject to the privacy and overlooking provisions of the RCodes.

- (c) All privacy and overlooking provisions of the RCodes shall be applied to for development with the following exceptions
  - i. For developments which abut other properties in the SCA, any cone of vision as defined under the RCodes shall be measured to the next closest adjacent setback line, as defined in Clause 3.2, and not property boundary.

#### 2.20 Signs

- (a) Signs shall be integrated into the facades or below the awnings of the building.
- (b) Signage to maintain a minimum clearance of 3 m above the finished pavement level.
- (c) Signage shall not be illuminated.
- (d) All other signage requirements shall be in accordance with the City's requirements.
- (e) Parapet walls shall not be used for any form of advertising at any time during or after construction.
- (f) No roof signs, billboards or hoardings are allowed.
- (g) 75% of the total shop front clear glazed window is to remain free from the advertising, solid materials, solid furniture on or directly adjacent to the clear glazed windows to ensure an open streetscape.

#### 3 SPECIFIC PROVISIONS - STREET FORM

#### 3.1 Safer Design

- (a) Pedestrian entries to all buildings are to be visible from Waratah Avenue and be clearly delineated and legible.
- (b) Buildings are to be designed to allow passive surveillance of communal areas and adjacent public spaces, and shall have at least one habitable room window or balcony overlooking any adjacent street, public space or communal open space, including rear laneways.
- (c) Loading and storage areas shall be well lit and/or lockable after hours to the satisfaction of the City and not visible from Waratah Avenue.
- (d) Ground floor frontages are to be designed as shop fronts with no less than 70% of the shop front glazed with clear glass.
- (e) All developments with public interface (e.g. laneways) shall be assessed against the Design Out Crime Planning Guidelines in order to ensure the highest level of public amenity and safety.

#### 3.2 Activation of Side Streets and Secondary Streets

- (a) To enhance safety and security, all developments shall address and respond to all adjacent streets including rear laneways through active uses.
- (b) Where applicable, alfresco dining is a permitted land use within the street setback area and some portions of the verge on a Street subject to, but not limited to car parking, sight lines and pedestrian access requirements.

#### 3.3 Ground Floor Heights

- (a) The floor to floor height of ground floor non-residential development shall be a minimum of 4 m above the finished floor level of the adjacent footpath.
- (b) The City may approve a greater floor to floor height than that specified in part (a), to achieve a feature effect, for example an internal void if deemed appropriate by the City.
- (c) Awnings over footpaths shall have a height to the underside of not less than 3 m and not greater than 3.5 m.

### 3.4 Ground Floor Tenancy Depth

(a) Tenancies fronting Waratah Avenue on the ground floor shall have a minimum depth of 10 m of non-residential use.

#### 3.5 Streetscape Elements

- (a) At least one habitable room window of a street-facing dwelling shall have a clear view of the street and the approach to the building to the satisfaction of the City.
- (b) The upper floor(s) of a street-facing dwelling shall be activated to the street elevation through the provision of either windows or a balcony to the satisfaction of the City to ensure public surveillance and safety.
- (c) All levels of a building shall address adjacent streets/laneways through the provision of major windows, pedestrian entries and balconies or similar.
- (d) All ground floors shall be activated and functional at a pedestrian scale facing Waratah Avenue and, if applicable, a Secondary Street to the satisfaction of the City.

#### 3.6 Pedestrian Amenity

- (a) Any setback area from the original boundary for road upgrades shall be required to be paved and landscaped to the City's specifications as part of the development of the adjacent lot prior to the occupation of the development and ceding of the land.
- (b) All pedestrian entrances shall be constructed with an awning which extends a minimum of 1.5 m either side of the entrance doors.

#### 4 **DEFINITIONS**

Gross Leasable Area

Typically used to determine the required car parking for a nonresidential use and means the area of all floors capable of being
occupied by a tenant for their exclusive use, which area is
measured from the centre lines of joint partitions or walls and from
the outside of external walls or building alignment, including shop
fronts, basements mezzanines and storage areas.

**Grouped Dwelling** As defined under the Residential Design Codes.

In ground Landscaping In ground landscaping is the portion of the total required landscaped

area that consists of areas of planted materials. This includes areas of mulch, groundcovers, shrubs and trees and excludes areas of hard surfaces, paving, carparking, decks and other standalone hard

structures (not associated with planting).

Multiple Dwelling As defined under the Residential Design Codes.

Open Space As defined in the Residential Design Codes.

Plot Ratio

Not applicable for these guidelines as building form and type is

stipulated by development provisions such as car parking, setback,

height and open space requirements.

RCodes Residential Design Codes of Western Australia (As Amended).

Secondary Street Frontage The frontage of a property which is located on the corner of Waratah

Avenue and a side street (being either Adelma Road, Alexander

Road or Robert Street).

Setback The horizontal distance between a wall at any point and an adjacent

lot boundary, measured at right angles (90 degrees) to the boundary, taking into account any and all road widening or laneway

requirements.

Single House As defined under the Residential Design Codes.

Special Control Area (SCA) Refers to Special Control Area 5—Dalkeith Housing Diversity Area

of Town Planning Scheme No. 2 and includes all properties within the boundary of these guidelines as depicted within Figure 1.

Dalkeith Redevelopment Guidelines (also referred to as 'Guidelines')

Refers to the Special Control Area provisions.

**TPS No. 2** Refers to Town Planning Scheme No. 2.

Universal Access Any person who has a limitation, restriction or impairment, which

has lasted, or is likely to last, for at least six months and restricts

everyday activities.

WAPC Refers to the Western Australian Planning Commission.

#### Notes

(a) The meaning of a term listed in this section shall prevail over all other definitions.

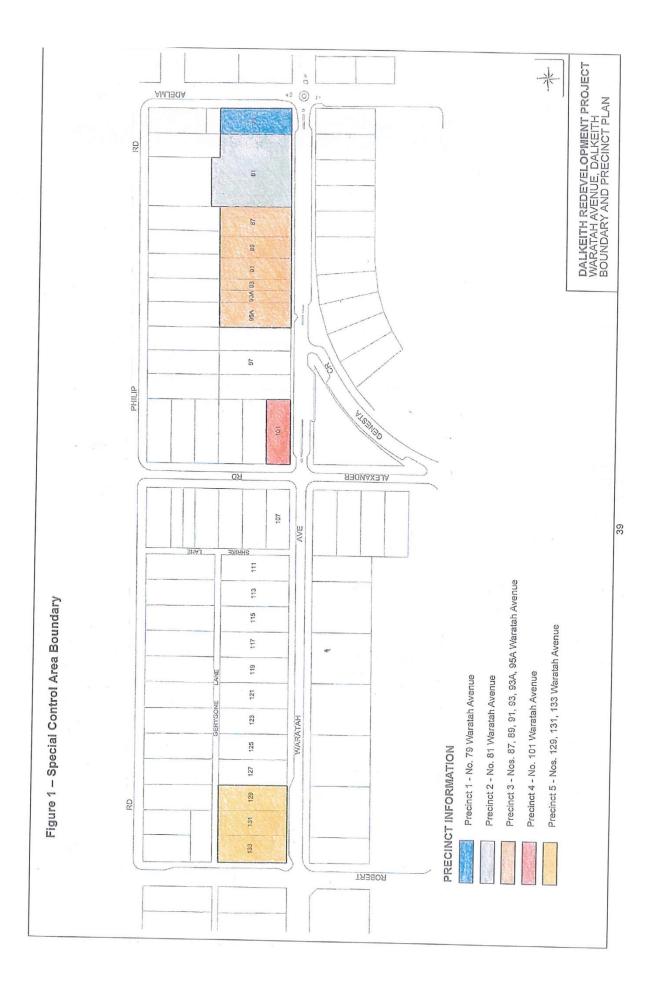
(b) Where a term is not listed in this section and is listed in the Residential Design Codes, the Residential Design Codes shall prevail as the meaning.

#### 5 FIGURES AND TABLES

Figure 1 - Special Control Area Boundary

Table 1 - Use Class Table

Table 2 - Non-Residential Car Parking and Bicycle Parking Table



#### Table 1 - Use Class Table

## **Explanatory Notes:**

- P = Permitted
- D = Not permitted unless Council exercises discretion.
- S = Not permitted unless Council exercises discretion after giving special notice.
- X = Not permitted.

Compliance in accordance with Clause 6.3 of TPS 2 is required for 'S' uses and shall be considered the same as 'AA' uses.

Use Classes	Permissibility
Residential uses	
Grouped Dwellings	Р
Multiple Dwellings	Р
Single House	X
Residential Building	X
Bed and Breakfast	S
Home Business	Р
Home Occupation	Р
Home Office	Р
Home Store	Р
Non-residential uses	
Amusement Parlour	S
Animal Establishment	X
Betting Agency	S
Caretaker's Dwelling	Р
Car park	S
Child Care Premises	S
Cinema/Theatre	D
Civic Use	D
Club Premises	S
Community Purpose	D
Consulting Rooms	Р
Convenience Store	Р
Corrective Institution	X
Day Surgery	S
Educational Establishment	D
Exhibition Centre	Р
Family Day Care	S
Fast Food Outlet (Cat 1)	X
Fast Food Outlet (Cat 2)	S
Fuel Depot	X
Funeral Parlour	X

Hospital	X
Hotel	X
Industry Cottage	X
Industry Extractive	X
Industry General	X
Industry Light	X
Industry Service	S
Lunch Bar	Р
Market	S
Medical Centre	D
Motel	X
Motor Vehicle, Boat or Caravan Sales	X
Motor Vehicle Repair	X
Motor Vehicle Wash	X
Nursing Home	S
Nursery	Р
Nightclub	X
Office	Р
Place of Worship	D
Public Utilities	D
Reception Centre	S
Recreation Private	D
Respite Centre	S
Restaurant	Р
Restricted Premises	X
Serviced Apartments	S
Service Station	S
Sexual Services Business	X
Shop	Р
Showroom	X
Small Bar	S
Storage	X
Tavern	X
Telecommunications Infrastructure	S
Trade Display	X
Transport Depot	X
Veterinary Centre	Р
Warehouse	X

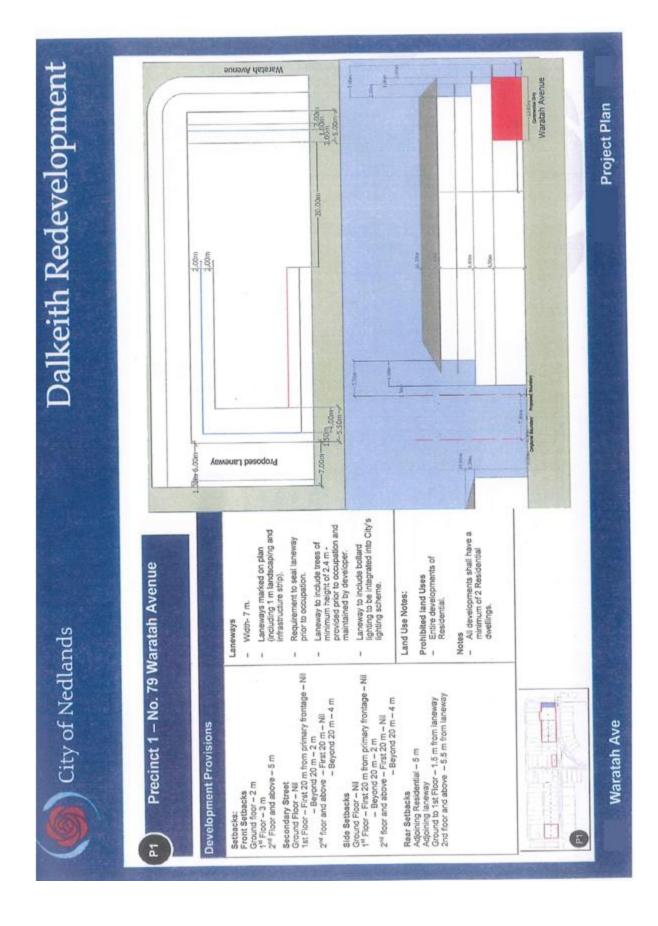
Table 2 – Non-Residential Car Parking and Bicycle Parking Table

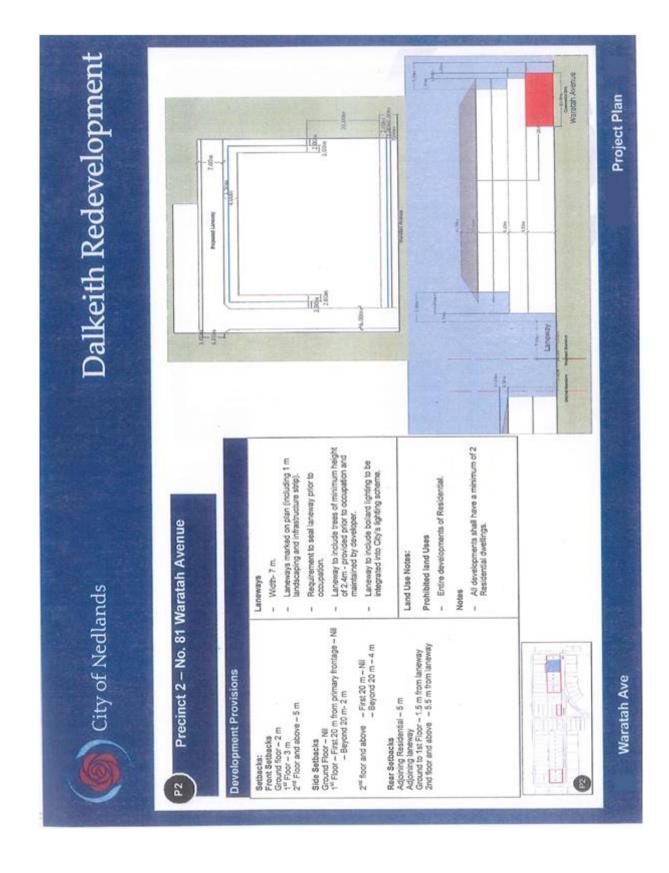
Land Use	Number of Car Parking Bays	Number of Bicycle Parking Spaces
Caretakers Dwelling	One bay in addition to the number of bays required for the predominant use	
Bed and Breakfast Establishment	2 for the permanent residents plus 1 for each guest bedroom	
Education Establishment	2 per classroom	Primary School: 1 per 4 students Secondary School: 1 per 2 students
Home Store	4 bays per 100 m² of gross floor area or 1 bay per 25 m² of gross floor area whichever is the greater	

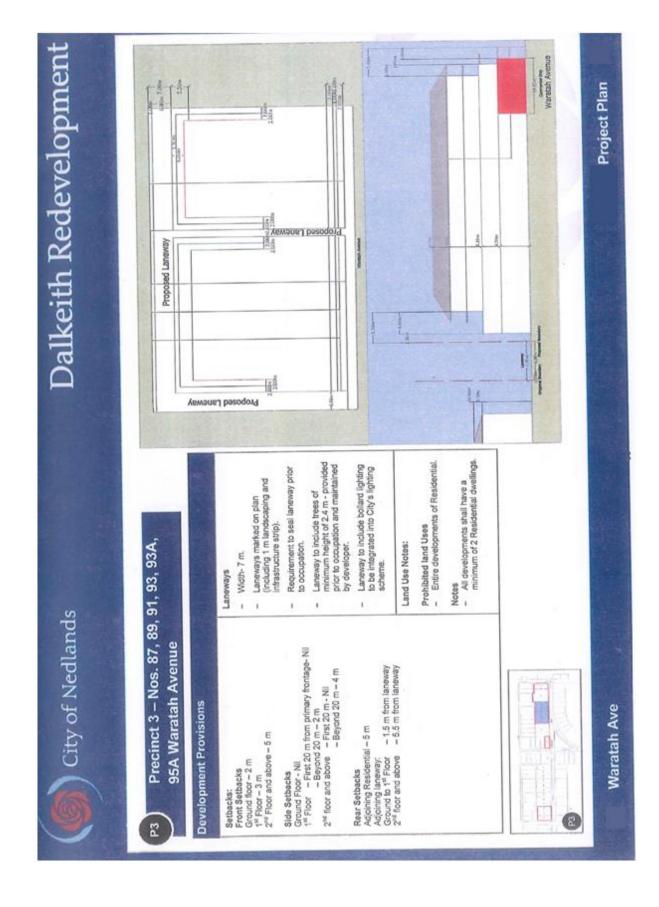
Hospital, Day Surgery Respite Centre	1 per every 3 beds and 1 bay per staff member	1 per 10 beds
Nursing Home	1 per 8 patients' beds plus 1 per 2 employees	1 per 10 beds
Club Premises	All areas to be calculated according to use	All areas to be calculated
Reception Centre Recreation Private	1 bay per bedroom/unit 1 bay per 4 m² of eating, drinking, lounge or assembly area	according to use
Hotel, Motel, Serviced Apartments	1 bay per 4 m² of assembly area	1 per 100 m² of lounge, dining and function areas, beer gardens, and areas used predominantly for games
Tavern, Nightclub		
Place of Worship Cinema/Theatre	1 bay per 4 m² of assembly area or 1 bay per 25 m² of gross floor area whichever is the greater	1 per 50 m² of auditorium area
Consulting Rooms, Veterinary Centre, Medical Centre	4 bays per consulting room or 1 bay per 25 m² of gross floor area whichever is the greater	1 per practitioner
Child Care Facilities	1 bay for every staff member, plus 1 bay for every 10 children with a minimum of 3 bays other than staff parking	1 per 10 children
Convenience Store/ Service Station	1 bay per petrol pump plus 2 bays per service bay plus 1 bay per 40 m² of shop area or 1 bay per 25 m² of gross floor area whichever is the greater	
Restaurant, Fast Food Outlet (Cat 2), Lunch Bar Shop, Betting Agency Community Purpose, Service Industry, Market, Exhibition Centre, Office	1 per 25 m <sup>2</sup> of gross floor area	1 per 40 m² of gross floor area
Industry (light, general, cottage), Motor Vehicle, Boat or Caravan Sales Storage, Open-Air Display	1 bay per 50 m² gross floor area	Staff: 1 per 200 m² gross floor area; and Visitors: 1 per 750 m² gross floor area

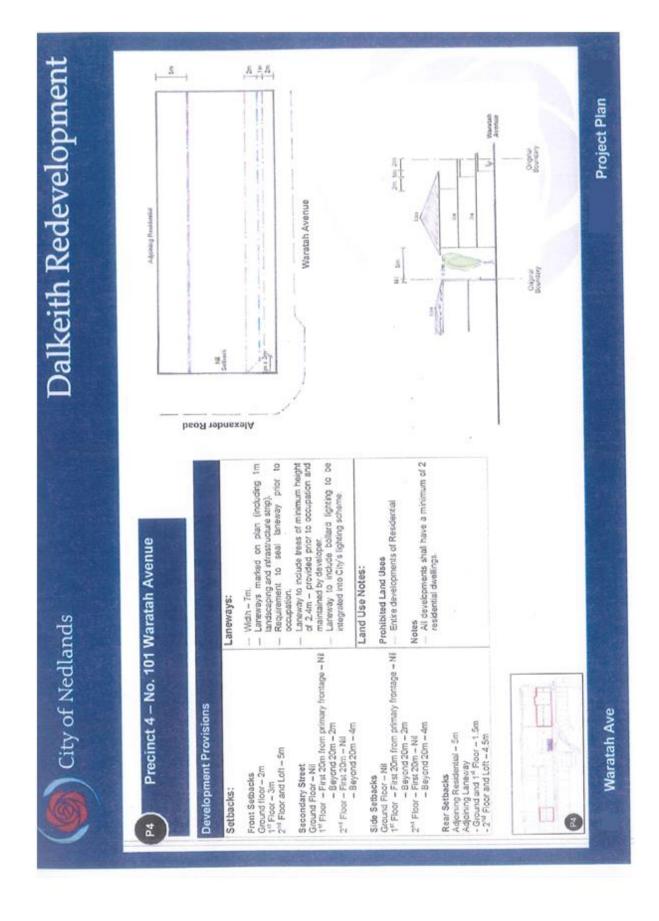
# 6 PRECINCTS

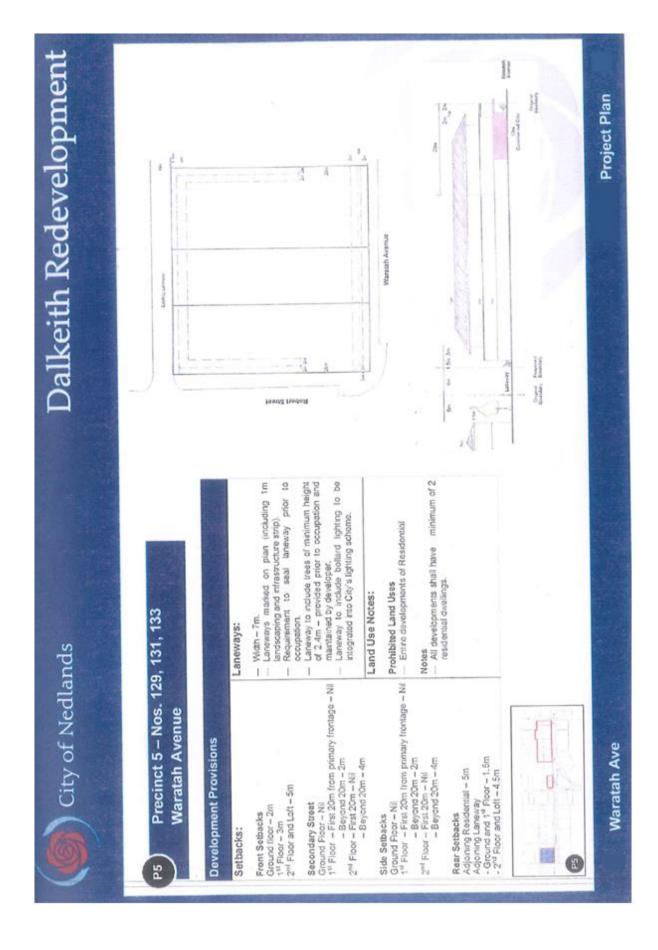
P1	Precinct 1 – No. 79 Waratah Avenue
P2	Precinct 2 – No. 81 Waratah Avenue
P3	Precinct 3 – No. 87, 89, 91, 93, 93A, 95A Waratah Avenue
P4	Precinct 4 – No. 101 Waratah Avenue
P5	Precinct 5 – Nos 129, 131, 133 Waratah Avenue











# **APPENDIX VII- EXEMPTED SIGNS**

Land use and/or development	Exempted sign	Maximum size
Dwellings	One professional nameplate as appropriate.	0.2m²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls, Places of Public Assembly and Schools	One advertisement detailing the function and/or the activities of the institution concerned.	3.5m²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.  A maximum of two freestanding advertisement signs not exceeding 5m in	
Showroom, racecourses, major racing tracks, sports stadium, major sporting grounds and complexes.	height above ground level.  All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	Advertisement signs (illuminated and non- illuminated) relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	Advertisement signs (illuminated and non- illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority	

	or the Council of a municipality, and	
	Advertisement signs (illuminated and non- illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m² in area.
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	1.2m²
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:-	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m²
(i) Dwellings	One sign as for (i) above.	5m²
(ii) Multiple Dwellings, Shops, Commercial & Industrial Projects	One sign as for (i) above.	10m²
(iii) Large development or re- development involving shopping centres, office or other buildings exceeding 3 storeys in height	One additional sign showing the name of the project builder.	5m²
Property Transactions.		
Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup>
Multiple dwellings, shops,		

Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup>
Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m²
Display Homes.	(i) One sign for each dwelling on display.	2 <i>m</i> <sup>2</sup>
Advertisement signs displayed	In addition to (i) above one sign for each	5m <sup>2</sup>
for the period over which homes are on display for public inspection.	group of dwellings displayed by a single project builder giving details of the project building company and details of the project company and details of the range of dwellings on display.	<i>OIII</i>

#### **ADOPTION**

Adopted by resolution of the Council of the City of Nedlands at the meeting held on the *FIFTH* day of *JULY*, 1984.

**SIGNED** 

D C CRUICKSHANK, J P Date: 5th July, 1984

MAYOR

**SIGNED** 

N G LEACH Date: 5th July, 1984

**TOWN CLERK** 

#### **FINAL APPROVAL**

1. Adopted by resolution of the Council of the City of Nedlands at the meeting of the Council held on the **SIXTH** day of **DECEMBER**, **1984**.

SIGNED

D C CRUICKSHANK, J P Date: 14th February, 1985

MAYOR

**SIGNED** 

N G LEACH Date: 14th February, 1985

**TOWN CLERK** 

2. Recommended for final approval:

SIGNED

M A FEILMAN Date: 13th March, 1985

CHAIRMAN TOWN PLANNING BOARD

3. Final approval granted:

**SIGNED** 

R J PEARCE, B A, Dip Ed, MLA Date: 14th March, 1985

MINISTER FOR PLANNING

# **Ancillary Accommodation Local Planning Policy**

**KFA** KFA 3 – Built Environment

Status Council

Responsible

division Planning and Development

**Objective** To clarify the interpretation of clause 5.3.4(d) of the City of

Nedlands Town Planning Scheme No 2

#### Context

Clause 5.3.4 of the City of Nedlands Town Planning Scheme No. 2 prescribes additional provisions for Ancillary Accommodation to residential dwellings in the City of Nedlands.

Clause 5.3.4 (d) imposes restrictions on the type of person that is permitted to occupy an ancillary accommodation.

# **Policy Area**

This policy applies throughout the City.

#### **Background**

Clause 5.3.4 (d) provides that "the Ancillary Accommodation will be occupied by a person related to the person occupying the remainder of the dwelling".

The term "related" is open to interpretation.

Clarification of how Council will interpret Clause 5.3.4 (d) is appropriate.

## **Policy Focus**

The focus of this policy is to clarify the interpretation of the term "related" in Clause 5.3.4 (d) of the City of Nedlands Town Planning Scheme No 2 to permit ancillary accommodation to be used by persons that have:

- a family relationship with the occupants of the main dwelling; and
- an association or connection derived from meeting a need (other than financial) of the occupant/s of the main dwelling.

The purpose of this interpretation does not extend to permit that ancillary accommodation can be used by persons whose only association or connection to the occupants of the main dwelling is of a purely commercial nature.

#### Statement

In the context of clause 5.3.4 (d) the term "related" refers to a family relationship or a connection or association that is more than purely commercial.

As a result, an ancillary accommodation can be occupied by a family member of the occupant/s of the main dwelling or by a person that meets a need of one or more occupants of the main dwelling e.g. carer, au pair, domestic employee, gardener and such like.

This interpretation does not permit the letting of ancillary accommodation on the basis of a purely commercial relationship such as a landlord/tenant relationship.

#### **Related documentation**

Town Planning Scheme No. 2

# Related Local Law/legislation

Planning and Development Act 2005

## **Related delegation**

#### Issued

Date approved by Council

#### **Amendments**

Dates amendments approved by Council



# Government of Western Australia Department of the Premier and Cabinet



12/8/14

# **MEDIA STATEMENT**

# New planning rules to save time and dollars

- Planning reform ensures consistency and continuity of land supply
- Changes to Development Assessment Panels threshold to provide more options
- Largest planning reform in WA since 1963

Major reforms to the State planning system will make it cheaper and easier for homeowners to build their new homes, Planning Minister John Day has announced today.

The introduction of the second phase of the State Government's Planning Reform will see faster housing approvals and significant savings in the cost and time taken to develop land in the State.

#### Changes include:

- no planning approvals for R-Code compliant single houses
- consistent processing of Development Applications across local governments
- the concurrent amendment of the Metropolitan Region Scheme (MRS) and Local Planning Schemes by the Department of Planning and local governments
- introduction of an online application system to make it easier and faster for developers to lodge and track planning applications
- a focus on quality design in complex urban infill and high-density developments
- changes to the value of the thresholds for Development Assessment Panels.

Mr Day said Planning Reform phase one and two was the most significant change to the State's planning system since 1963.

"This much needed reform will support a more streamlined planning system to ensure quality outcomes with shorter time frames and quicker decisions," he said.

"This will be achieved by realigning and simplifying the statutory processes required to re-zone land for housing and economic development at all stages of the planning process.

"For example, the reform will see the MRS and local government planning schemes amended at the same time. A 2004-05 amendment for 1,000 residential lots in Forrestdale took more than three years to complete. Under the reform it will take around a year for the land to be planning-ready for housing - a cut to the time frame by more than half.

"Changes to the Model Scheme Text, the template for local government schemes, will create consistency across all councils. Currently 11 of the 30 metropolitan councils still require planning approval for single houses. A change to the text will ensure all R-Code compliant single houses are now exempt, saving time and money for home owners."

Development Assessment Panels have also been reviewed with the opt-in value now between \$2million to \$10million, a change from the previous range of \$3million to \$7million. The mandatory value has increased from \$7million to \$10million plus. The City of Perth threshold is now \$20million plus.

## PD35.14 - Attachment 1 - Media Statement

"The new thresholds will enable more people to opt-in or out of the DAP process to provide a greater level of flexibility," the Minister said.

Mr Day said the pace and scale of developments in the State meant that WA needed a planning system that was flexible and responsive to changing community needs.

#### Fact File

- Some legislative change is required with work already commencing on the 18 initiatives
- This latest reform follows the launch of phase one in 2009
- The phase two discussion paper was released for public comment in September 2013
- Comments received provided strong support for the proposed reform agenda
- For more information, visit <a href="http://www.planning.wa.gov.au/planningreform">http://www.planning.wa.gov.au/planningreform</a>

Media contact: <u>Amanda Carrie</u> - 6552 6200 or 0437 554 315

Local Government Act 1995



**SIGNS LOCAL LAW 2007** 

Published in the Western Australian Government Gazette 13<sup>th</sup> February 2008

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# LOCAL GOVERNMENT ACT 1995 SIGNS LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Nedlands resolved on **11**<sup>h</sup> **December 2007** to make the following local law.

# Part 1 - Preliminary

#### 1. Title

This local law may be referred to as the City of Nedlands Signs Local Law 2007.

#### 2. Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

## 3. Repeal

The local law relating to Signs, Hoardings and Bill Posting published in the *Government Gazette* on 19<sup>th</sup> April 1991 is repealed.

#### 4. Definitions

In this local law, unless the context otherwise requires

"Act" means the Local Government Act 1995;

"advertise" means the publication, display, or presentation of any sign or advertising device;

"advertisement" means a sign or advertising device;

"advertising device" means an object on which words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product, or thing and includes a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

"amenity" means the quality and the conditions and the characteristics of a locality or a lot or building (as the context requires) which contribute to their pleasantness and harmony and better enjoyment;

"animation" means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping, and any mechanical or electrical device;

"application" means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this Local Law;

- "authorised person" means a person authorised by the City under section 9.10 of the Act;
- "bill" means any written printed or illustrated message or subject on paper, plastic, sheet metal or similar material;
- "bill posting" means the attaching, sticking, painting, or stencilling of any bill, poster, placard, advertisement on any building, wall, hoarding or structure whether erected upon private property or upon a public place and to "post a bill" has a corresponding meaning;
- "City" means the City of Nedlands;
- "community association" means an institution, club, society or body, whether incorporated or not, the objects of which are a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive pecuniary profit from the transactions;
- "community information sign" means a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;
- "council" means the council of the City of Nedlands;
- "development sign" means a sign advertising the sale of vacant land following subdivision of an area into more than 10 lots;
- "display home sign" means a sign advertising that a dwelling is intended to be open for public inspection as an example of a dwelling design;
- "district" means the district of the local government of the City of Nedlands;
- "election sign" means a bill, poster, placard or advertisement relating to any election, attached to or pasted, painted, or stencilled, on any hoarding, wall, building, or structure whether erected upon private property or upon a public place, but does not include a sing erected by the council for the purposes of public information;
- "erect" means to construct, put up or fix in position so that it is ready for use;
- "fly posting" without limiting the generality of the provisions in this Local Laws relating to bill posting means advertising by means of more than one bill, poster, or placard attached, applied, painted stencilled or affixed on fences, walls, buildings, structures, trees, rocks, vehicles or other like places, or thing without authority, and "fly post" has a like meaning;
- "hoarding" means a detached or detachable structure including a wall panel or an illuminated panel other than a pylon sign that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*;
- "horizontal sign" means a sign affixed or attached with its largest dimension being horizontal to the wall of a building or a structure to which it is attached;

- "illuminated sign" means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;
- "information panel" means a panel used for displaying government and local government notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers;
- "institutional sign" means a sign erected or placed on any private property, public place or building used for or in connection with a medical or dental surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;
- "licence" means a licence issued under this local law;
- "licensee" means the holder of a licence;
- "Manager Property Services" means the Manager Property Services of the City;
- "non site specific advertising" means any advertising which is not site specific advertising;
- "objectionable" means a sign which is offensive or obscene in its depiction;
- "permit holder" means the person issued with a permit;
- "planning approval" means approval by the responsible authority under any town planning scheme controlling land development and use within the district;
- "portable sign" means a sign not permanently attached to the ground or to a structure, wall, fence or building and including but not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top or elsewhere by hinges or other means;
- "pylon sign" means a sign supported by one or more pylon and not attached to a building and includes a detached sign framework supported on 1 or more pylons to which infill may be added;
- "residential area" means an area classified as a residential zone under a town planning scheme in force in the district;
- "roof sign" means a sign erected on the roof of a building and includes verandah roofs and above verandah fascias;
- "sale sign" means a sign indicating that the property or premises whereon the sign is affixed, are for sale, for letting or to be auctioned;
- "semaphore sign" means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only;

"service station sign" means a sign used solely for the purpose of advertising the price of petrol, diesel or other products sold from land used as a motor vehicle service station;

"sign" means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags, and bunting, whether they contain a written message or not, and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;

"site specific advertising" means any advertising of a message or thing which only identifies the name and/or principal business and/or a thing or service, produced, stored, displayed, sold or supplied in the principal business of an occupier of the land or building on which the advertising appears or is proposed to appear;

"special event permit" means a permit issued by the City detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;

"special event sign" means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public, which is not conducted by a community association, and is conducted for the purpose of commercial gain;

"town planning scheme" means the City of Nedlands Town Planning Scheme No. 2 (District Zoning Scheme) published in the *Government Gazette* of 18 April 1985 as amended from time to time or any zoning scheme replacing it for the time being in force within the district;

"tower sign" means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

"verandah" for the purpose of this by-law, includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private property;

"vertical sign" means a sign affixed or attached to the wall of a building or a structure, of which the vertical dimension of the sign exceeds the horizontal dimension of the sign exclusive of the back projection of the sign; and

"wall panel" means a panel used for displaying a bill poster or painted advertisement which is attached or affixed to the wall of a business.

Where applicable any word or expression in this local law and not defined in this clause has the same meaning as is given to it in the Act.

# Part 2 - Licences

# 5. Licence Fees and Charges

All licence fees and charges applicable under this local law shall be as determined by the City from time to time in accordance with Section 6.16 of the *Act*.

# 6. Licence Required to Erect a Sign

- (1) Subject to clause 7, a person shall not erect, maintain or display, or permit to be erected, maintained or displayed, any sign or hoarding in, or above any land or building
  - (a) without a licence; or
  - (b) otherwise than in accordance with the conditions of the licence issued in respect of the sign or hoarding.

# 7. Planning Approval

- (1) The requirement for a licence under this local law, in respect of a sign or a hoarding, is additional to the requirement if any, for a planning approval for that sign or hoarding.
- (2) An application for a licence under this local law shall not be determined unless and until planning approval has been given in respect of
  - (a) a roof sign;
  - (b) any sign or advertising device displaying non site specific advertising which sign or advertising device is not exempted by clause 10 from the requirement to obtain a licence under this local law;
  - (c) any sign or advertising device which does not comply with the provisions of this local law;
  - (d) any sign or advertising device not exempted by clause 10 on land zoned residential under a town planning scheme of the City; and
  - (e) a pylon sign.
- Where a sign or advertising device has displayed a message which was site specific advertising and for that reason did not require planning approval under the preceding sub-clause, the message shall not be changed to non site specific advertising, until any planning approval required under a written law operating within the district has been given in respect of the non site specific advertising whether or not any other change is made to the sign or advertising device necessitating the issue of a licence under this local law.

### 8. Application for Licence

- (1) A person seeking the issue of a sign licence shall make application on the form provided and must forward the application to the City together with —
  - (a) 2 copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought;
  - (b) the application fee and licence fee as fixed from time to time by the City;
  - (c) where required by the City, a certificate from a structural engineer or other person approved by the local government, certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
  - (d) where the application is for a licence for an illuminated sign and if required by the City, a written consent to the erection of the sign by or on behalf of the person or body having for the time being the management of traffic control lights within the district; and
  - (e) such other information as may be required by the City to assist in determining the application.
- (2) A sign to which a licence has been issued must be erected within 12 months, otherwise the licence shall lapse and shall be invalid.

### 9. Determination of Application

- (1) The City may refuse an application for a licence that does not comply with the requirements of clause 6, and in any event shall refuse an application for a licence where the required planning approval has not first been obtained, or is inconsistent with the planning approval.
- (2) The City may, in respect of an application for a licence
  - (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.

### 10. Exemptions

- (1) The following signs and things are exempt from the requirement to obtain a licence under this local law
  - (a) a sign erected or maintained pursuant to any statute having operation within the State other than the Act;

- a sale sign not exceeding 1.5 square metres in area erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (c) a plate not exceeding 0.2 square metres in area erected or affixed on the street alignment of a building or between that alignment and the building line to indicate the name and occupation or profession of an occupier of a building on the land;
- (d) an advertisement affixed to or painted on a shop window either on the inside or outside by or on behalf of the occupier, and relating to the business carried on, provided that not more than 25 per cent of the area of the window is so used;
- (e) a sign within a building unless it is considered objectionable by the City;
- (f) a building name sign on residential flats or home units when such sign is of a single line of letters not exceeding 300 millimetres in height, fixed to the facade of the building;
- (g) a sign for use solely for the direction and/or control of people, animals and/or vehicles or to indicate the name, and/or street number of a premises, provided that the area of the sign does not exceed 0.2 square metres and the sign is located wholly within the boundaries of a private property or premises owned or occupied by a person who erected or who has maintained the sign or proposes to do so;
- (h) a sign that is required by the Builders Registration Board or other government body or authority to be displayed on a building site, provided that —
  - (i) the area of the sign does not exceed 1.5 square metres;
  - (ii) no part of the sign's structure is more than 6.0 metres above the ground directly below it; and
  - (iii) any such sign shall be removed within seven days of completion of the building works on the building site;
- (i) a portable sign complying with the specifications of clause 30;
- (j) a clock complying with the specifications of clause 25 that does not emit noise from chimes or other sources; and
- (k) a community information sign that complies with clause 36.

### 11. General

Every licence that is granted pursuant to this local law shall exist subject only to the provisions of this local law.

### 12. Amenity

The City may refuse to approve any sign if in its opinion the sign 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 sign, traffic congestion and hazard, noise or any factor inconsistent with the use for which the lot is zoned.

### 13. Revocation of Licences

Where anything required to be done pursuant to a licence issued under this local law is not done in conformity with the licence or the conditions thereon, or with this local law, or where the licensee is convicted of an offence against this local law, the City may, without derogating from any penalty to which that person may be liable, by notice in writing revoke the licence.

### 14. Inspection of Licences

A licensee shall, when required by the Manager Property Services, produce for inspection any licence issued by the City pursuant to this local law.

### Part 3 - General

### 15. Restrictions

A sign or advertising device shall not be erected —

- (1) which in the opinion of the City may obstruct or impede all or part of the view which may be enjoyed from a street, way, footpath, public place or private property of a river, the sea or any other place or feature of natural beauty;
- so as to obstruct or impede the sight-lines required for the free and safe movement of traffic into or from any street, way, footpath, public place or private property;
- on or attached to any building or structure the stability of which building or structure is, in the opinion of the City, likely to be detrimentally affected by the sign or advertising device;
- (4) on a road reserve unless it is a sign permitted under clause 10 but such a sign shall not be erected or maintained on or over a carriageway;
- (5) so as to have all or part thereof projected, flashing, animated, moving or rotating, except as follows
  - (a) on any site abutting Stirling Highway where the sign has first received an approval from the Main Roads WA;
  - (b) as or on any pylon sign the face of which rotates; or
  - (c) as or on any roof sign known as a tri vision sign or similar.
- (6) as an election sign.

### 16. Existing Signs

- (1) Subject to the provisions of this clause a sign or advertising device which was erected and maintained lawfully under a previous local law of the City shall not become unlawful merely by reason of the revocation of that local law.
- (2) Any existing sign or advertising device shall within a period of 2 years from the date of gazettal of this local law comply with the standards and requirements of this local law.
- (3) Any sign or advertising device in respect of which a licence or permit was issued under a previous local law of the City for a limited period of time shall, upon the expiration of that time, be made to comply with the provisions of this local law.
- (4) If a licence or permit for a sign or advertising device issued under a previous local law of the City is altered in any way, either to the structure, area or message, the sign or advertising device shall be made to comply with the provisions of this local law.
- (5) If it appears to the City that in respect of any sign or advertising device
  - (a) it is not the subject of a valid licence or permit; or
  - (b) a licence or permit issued in respect of it has expired; or
  - (c) it has been altered as to its structure, area or message without a licence or permit having been issued by the City;
  - (d) the City may give notice in writing to the owner of the land on which it is erected and the Licensee (if any)
    - (i) requiring application to be made for a licence within a stipulated period of time where the sign or advertising device complies or can be made to comply with this local law; or
    - (ii) requiring the sign or advertising device to be removed within a stipulated period of time where it cannot be made to comply with this local law.
- (6) An owner or licensee who receives a notice referred to in sub-clause 5 shall comply with the requirement of the notice within the period of time stipulated therein.
- (7) In the case of a sign in respect of which a notice is issued under item (a) of clause 16(5) if a licence for the sign or advertising device is refused by the City, then the sign or advertising device shall be removed forthwith.

### 17. Fixing of Signs

Every sign or advertising device shall for all times be securely fixed to the structure on which it is supported, to the satisfaction of the Manager Property Services.

### 18. Glass in Signs

Glass shall not be used in any sign unless it is part of an illuminating globe or tube.

### 19. Readily Combustible Material

Except in the case of posters securely affixed to a signboard or other structure, readily combustible materials including but not limited to paper, cardboard or cloth shall not form part of or be attached to any sign or advertising device.

### 20. Signs to be kept clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order and repair to the satisfaction of an authorised person.

### 21. Bill Posting

A person shall not bill post within the district.

### 22. Fly Posting

A person shall not fly post within the district.

### 23. Design Principles

Any sign or advertising device erected and maintained or proposed to be erected in accordance with this local law shall —

- (1) in design, colour and location be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and any building to which the sign is attached;
- (2) be designed, placed and constructed so as not to endanger public safety;
- (3) have all signwriting, design work, lettering and colouring thereto carried out in a competent and professional manner.

# Part 4 - Requirements for Particular Signs

# 24. Illuminated Signs "illuminated sign" means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;

- (1) Every illuminated sign shall
  - (a) have any boxing or casing in which it is enclosed constructed of non-combustible material;

- (b) have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electricity supply authority and in accordance with the current Australian Standard;
- (c)be maintained to operate as an illuminated sign; and
- (d) not have or produce light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.

#### 25. Clocks

- (1)A clock shall -
  - (a) not exceed 500 millimetres measured in any direction across the face unless otherwise approved by the City;
  - be affixed or attached either parallel or at right angles to the wall (b) to which it is affixed or attached;
  - (c) not project from the wall to which it is affixed or attached —
    - (i) more than 300 millimetres if parallel to the wall; or
    - (ii) more than 1 metre if at right angles to the wall;
  - (d) afford a minimum headway of 2.7 metres;
  - be maintained so as to show the correct time; (e)
  - be illuminated from sunset to midnight; and (f)
  - if fitted with chimes, not be capable of striking between (g) 10.00p.m. and 7.00a.m.

#### 26. **Display Home Signs**

- Display Home signs (1)
  - (a) may be provided in a ratio not exceeding 2 square metres per home, with no individual sign exceeding 4 square metres, the overall height of sign shall not exceed 4000 millimetres;
  - (b) shall not be illuminated after 9.00 pm; and
  - shall not be approved for a period exceeding 12 months.

### 27. Hoarding

A hoarding shall not be erected within the district.

- (1) A horizontal sign shall
  - (a) afford a minimum headway of 2.7 metres;
  - (b) be affixed or attached parallel to the wall of the building or structure to which it is affixed or attached;
  - (c) shall have a maximum depth of 1200 millimetres;
  - (d) not project more than 600 millimetres from the wall to which it is affixed or attached; and
  - (e) not be within 600 millimetres of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 25 millimetres in front of and 75 millimetres above and below the sign.
- (2) There shall be not more than one line of horizontal signs facing any one street, way, footpath, public place or private property on any building or structure.
- (3) The name of the building may be shown on the facade of a building however
  - (a) unless otherwise approved by the City, only one such name shall be placed on any facade;
  - (b) the letters of the name shall not exceed 1 metre in height;
  - (c) the letters shall be of metal or other non-combustible material; and
  - (d) the letters shall not be lit or illuminated unless approved by the City.

### 29. Institutional Signs

Institutional signs shall not exceed  $0.5 \text{m}^2$  in area except with the approval of the City.

### 30. Portable Signs

- (1) A portable sign shall
  - (a) not exceed 1 metre in height;
  - (b) not exceed 0.8 square metres total area including all faces;
  - (c) not indicate or display any matter other than the name of the owner or occupier of the premises to which it relates and the nature of the business carried on therein:
  - (d) be used to indicate that premises are open and to that end the word "open" shall be prominent on its face;

- (e) be placed so as not to cause interference or be hazardous to vehicular traffic or cause any interference or hazard to or impede pedestrians;
- (f) be of sound construction, maintained in good condition and neatly sign written to the satisfaction of the City; and
- (g) shall not be sited on a road reserve without the approval of City.
- (2) A person shall not erect a portable sign in any position other than adjacent to the building to which the sign relates.
- (3) A person shall not erect more than one portable sign in relation to a shop or business unit or premises except for corner lots.
- (4) A person who erects a portable sign shall remove the same at the close of business each day and shall not erect the same again until the commencement of business on a subsequent trading day.
- (5) The City may approve, by way of a sign licence, the display of a portable sign in a place other than adjacent to the building to which the sign relates.
- 31. Pylon Signs "pylon sign" means a sign supported by one or more pylon and not attached to a building and includes a detached sign framework supported on 1 or more pylons to which infill may be added;
  - (1) A pylon sign
    - (a) shall not be more than a height of 6 metres above the level of the ground immediately below it;
    - (b) shall not have a greater superficial area than 4 square metres;
    - (c) shall not encroach over the lot boundary on to any adjacent street;
    - (d) shall be supported on one or more pylons piers or columns of brick, stone, concrete or steel of sufficient size, strength and construction to support the sign under all conditions;
    - (e) shall not be within 3 metres of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, in which case the City may authorise the erection of a sign at a lesser distance than 3 metres; and
    - (f) shall not have any part thereof less than 10 metres from any part of another pylon sign erected on the same lot.
  - (2) Where more than one pylon sign is proposed to be erected on a lot on which unit factories, offices, showrooms or small shops are erected or are to be erected, the City may require all the pylon signs to be incorporated into one sign in which event
    - (a) initial approval shall be given to the pylon sign framework together with one or more sign infills;

- (b) an application is to be submitted and approval obtained for each additional infill;
- (c) all infills are to be an equal size, and space is to be provided to the sign for one infill for each shop or unit on the lot; and
- (d) the total area of the infill signs specified under sub-clause 1(b) may be increased to a maximum of 6 square metres.
- (3) Notwithstanding the provisions of sub-clauses 1 and 2, approval for the erection of a pylon sign that does not meet the requirements of this local law may only be granted by the resolution of the City.

### 32. Sale Signs

- (1) Any sale sign of any description shall be erected on the land to which it relates and not elsewhere.
- (2) A land sale sign advertising for sale lots created by a sub-division shall-
  - (a) not exceed 10 square metres in area;
  - (b) not be erected or maintained for a period exceeding 6 months without the approval of the City;
  - (c) not be erected until the plan of sub-division has been approved by the Department of Planning and Infrastructure.
- (3) A sale sign shall
  - (a) not exceed 4.5m<sup>2</sup> in area;
  - (b) not be erected or placed outside the boundaries of the lot;
  - (c) be limited to one sale sign per property;
  - (d) corner properties may display a second sign of maximum area 1.2 m<sup>2</sup> if that sign is parallel to the secondary street; and
  - (e) have its area calculated by multiplying the physical dimensions of height and width together. The sign's area shall not include the area of the void space between the bottom of the sign and the ground immediately below it.

### 33. Development signs

- (1) A development sign shall
  - (a) only be erected where more than 10 subdivisional lots are to be created in the development being advertised;
  - (b) only be erected in the ratio of 1m<sup>2</sup> of area per hectare of the total land to be subdivided, up to a maximum aggregate area of all development signs of 50m<sup>2</sup> with no individual sign exceeding 22m<sup>2</sup> in area; and

(c) be removed from the site within 2 years of the granting of a licence for the sign or when 80 per cent of the lots by number in the subdivision or stage being advertised have been sold, whichever is the sooner.

# 34. Semaphore Signs "semaphore sign" means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only;

- (1) A semaphore sign shall
  - (a) afford a minimum headway of 2.7 metres;
  - (b) be affixed at right angles to the wall to which it is affixed or attached:
  - (c) not project more than 1 metre horizontally from the point of attachment nor be of greater height at any point than 1 metre from the bottom and the top of the sign;
  - (d) be fixed over or adjacent to the entrance of a building; and
  - (e) not be erected under or over any verandah.
- (2) Not more than one semaphore sign shall be fixed over or adjacent to any one entrance to a building.

### 35. Signs on Fences

A person shall not erect, attach, affix, paint or maintain a sign or advertising device on or as part of a fence on any part of a lot and the owner or occupier shall not permit or suffer a sign or advertising device to be erected, affixed, painted or maintained on any fence or any part of a lot.

### 36. Community Information Signs

Community information signs may be erected in a private or public place on a temporary basis subject to the following —

- (1) no sign shall exceed 0.5m<sup>2</sup> in area. Notwithstanding this provision no more than 2 such signs may be erected on the premises where the function is to be held, provided neither sign exceeds 4.0m<sup>2</sup> in area.
- (2) if a community information sign is free standing it shall not
  - (a) exceed 900 millimetres in height;
  - (b) have more than 2 faces; or
  - (c) exceed 1 metre in width.
- (3) there shall be no more than 5 such signs relating to the same event or function displayed within the district.
- (4) the sign or signs shall be removed within 7 days of the function being held.

- (5) no 2 community information signs advertising the same event or activity shall be closer together than 100 metres unless exempted by the provision of clause (1) of this section.
- (6) no more than 2 community information signs each advertising different events or activities shall be erected or displayed closer than 2 metres.

### 37. Tower Signs

A tower sign shall not be erected within the District of the City of Nedlands.

### 38. Verandah Signs

- (1) A sign fixed to the outer or return fascia of a verandah shall
  - (a) not exceed 600 millimetres in depth;
  - (b) not project beyond the outer frame or surround of the fascia; and
  - (c) not be an illuminated sign, it may be of changing colours but the sign shall not emit a flashing light.
- (2) A sign under a verandah shall
  - (a) afford a headway of at least 2.4 metres;
  - (b) not exceed 2.4 metres in length or 500 millimetres in depth;
  - (c) not weigh more than 50 kilograms;
  - (d) be fixed at right angles to the front wall of the building on which it is fixed except on a corner of a building at a street intersection where the sign may be placed at an angle with the walls so as to be visible from both streets;
  - (e) be placed centrally within the depth of the verandah; and
  - (f) be constructed of shatterproof material.

# 39. Vertical Signs "vertical sign" means a sign affixed or attached to the wall of a building or a structure, of which the vertical dimension of the sign exceeds the horizontal dimension of the sign exclusive of the back projection of the sign; and

- (1) A vertical sign shall
  - (a) afford a minimum headway of 2.7 metres;
  - (b) be affixed or attached parallel to the wall of the building or structure to which it is affixed or attached:
  - (c) not project more than 1m from the face of the building to which it is affixed or attached;
  - (d) subject to sub-clause (b), not be within 300 millimetres of either end of the wall to which it is affixed or attached unless the end of the sign abuts a brick, stone or cement corbel, pylon or pilaster which is at least 25 millimetres in front of and 75 millimetres above and below the sign;

- (e) not be within 10 metres of another vertical sign on the same business;
- (f) not exceed 1.2 metres in width.

### Part 5 - Offences

### 40. Persons committing an offence

Any person who erects, maintains, authorises, permits to be erected or maintains a sign or an advertising device in a manner contrary to the provisions of this local law commits an offence.

### 41. Notice to remove sign

The City may serve on the owner or occupier of any premises on which any sign or advertising device is erected, affixed or maintained, contrary to this local law, notice to remove the sign within such time as may be specified in the notice, and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this clause commits an offence.

### 42. Removal and Disposal of Signs Unlawfully Displayed

- (1) The provisions of Part 3, Division 3, Sub-division 4, Section 3.39 of the *Local Government Act 1995* shall apply to any sign, advertisement, advertising device, hoarding or signboard unlawfully placed on or erected on any street, way, footpath or other public place within the City.
- (2) The City may without incurring any liability therefore dispose of any sign, advertisement, advertising device, hoarding or signboard so removed, and reinstate the street, way, footpath or public place under the care and control of City at the expense of the person or persons responsible for the unlawful placing or erecting of the sign and recover the expense of the removal in a Court of competent jurisdiction.

### 43. Penalties

Any person convicted of an offence against this local law is liable to —

- (1) a penalty not exceeding five thousand dollars (\$5,000); and
- (2) a further penalty not exceeding five hundred dollars (\$500) for every day during which the offence continues.

### 44. Right of Appeal

When the City makes a decision pursuant to this local law, the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to the decision.

# 45. Delegation

Unless otherwise specified in the *Local Government Act 1995*, the City may delegate any of the powers, functions and duties in this Local Law to the Chief Executive Officer.

The Common Seal of the City of Nedlands was affixed by authority of a resolution of the Council in the presence of:

Seal No. 426

**Sheryl Froese Mayor** 

**Graham Foster Chief Executive Officer** 

2/4/2008 Date



## **Draft Local Planning Policy - Signs**

**KFA** Natural and Built Environment

Governance and Civic leadership

Status draft

Responsible

**Division** Planning & Development

### **Objectives**

- Establish standards which apply to different types of signs and the considerations the local government should have in determining applications;
- Ensure the display of advertisements on lots/sites does not adversely impact on the amenity of the surrounding land;
- Protect the significance of heritage places or buildings;
- Ensure that signs do not detract from the level of safety for drivers, cyclists and pedestrians by obstructing sight lines and distracting road users; and
- Ensure that commercial advertising signs are generally located in non-residential areas.

### Context

This policy provides guidance on the design and placement of various forms of signage within the City and specifies which types of signs require planning approval under the City of Nedlands Town Planning Scheme No. 2. The policy is designed to balance the need for advertising with the need to reduce the adverse visual amenity impact of signs in order to protect the quality of the streetscape.

### **Definitions**

For the purpose of this policy:

Advertisement means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of conveying a message, announcement or direction, with or without words.

Advertiser means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an <u>advertisement</u>.

Building means any <u>structure</u> whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and <u>structures</u> appurtenant to dwellings such as carports, garages, verandahs, patio, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools (R-Codes 2013).

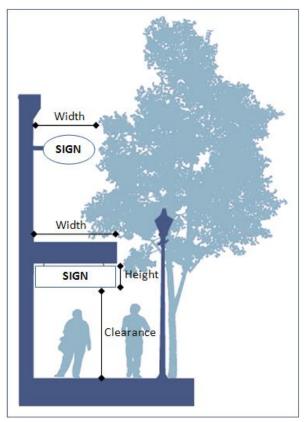
Development as defined under the Planning and Development Act 2005 means -

- a) Any demolition, erection, construction, alteration or addition to any <u>building</u> or structure on the land;
- b) The carrying out on the land of any excavation or other works;
- c) In the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that
  - (i) Is likely to change the character of that place or the external appearance of any <u>building</u>; or
  - (ii) Would constitute an irreversible alteration of the fabric of any building.

Existing Advertisement is any advertisement lawfully displayed prior to the commencement of the scheme and this policy.

*Sign* includes a notice, flag, mark, <u>structure</u> or device on which may be shown words, numbers, expressions or symbols.

Size of a Sign is determined by taking the greatest horizontal dimension (width), multiplied by the greatest vertical dimension (height), excluding any support <u>structures</u>. Clearance is to be measured from the finished ground level to the sign directly above.



PD36.14 – Attachment 2 – Draft Local Planning Policy - Signs

A *Structure* means a <u>building</u> or other object constructed from several parts (English Oxford Dictionary).

### Note:

- Underlined words denote that they are defined in this policy.
- Definitions derived from a variety of sources which are revised from time to time.

### **Statement**

### Advisory and Regulatory Signs

Road reserves are unzoned land under the City's Scheme. This policy therefore does not affect any advisory and regulatory signs. Approval of signs within the road reserve shall conform to the Main Roads (Control of Advertising) Regulations 1996 and the Roadside Advertising Policy.

The following provisions apply to all other signs:

The following requirements relate to all other signs located within the City. Signs that are contrary to these provisions are considered to be unlawful.

- a) Be located on land to which they relate;
- b) Only advertise goods or services that relate to the land use of the site and within the boundaries of the land:
- c) Does not detract from the building design;
- d) Not present a hazard or be misleading to vehicles or pedestrians; and
- e) Shall not contain any discriminatory or offensive material.

When determining an application the City may also take into account Clause 5.5.1 of Town Planning Scheme No. 2 (Preservation of Amenity).

Council may refuse to approve any sign or require the sign to be removed where in its opinion the development would adversely affect the amenity of the surrounding area.

### **Approvals Required**

There are three types of approvals that may be required for each sign. Each approval requires a separate application.

### Development Approval

Under the City's Town Planning Scheme No. 2, development within the City is assessed and approved via a development application.

Based on the definitions of <u>development</u>, <u>structure</u> and <u>building</u>, some signs fall below the threshold of requiring planning approval. These signs are determined on the grounds of either not being considered a structure or on the basis of fact and degree and are listed in Table 1 of this policy.

Tables 2 and 3 of this policy prescribe the requirements for approval for all other signs.

### **Building Approval**

Depending on the nature of the sign, a building permit is also necessary before commencing work. The purpose of the building permit is to address any structural aspects of the sign.

### Nature Strip Approval

Depending on the location of the sign, a nature strip development approval may be necessary before installing a sign within a streets nature strip (Under regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996). The purpose of a nature strip approval is to maintain the streetscape to a high standard from an aesthetic and environmental standpoint.

### Signs that do not require Planning Approval

Taking into account the definitions outlined in section 3.4, the following signs are considered to fall below the threshold of requiring planning approval within the City:

Table 1: Signs not requiring planning approval		
Type of Sign	Definition	Standards
Name plate	A flat, usually	Name plates shall be limited to:
	rectangular piece of	(i) One sign per building
	metal, wood or plastic	containing information relating
	on which the name of	
	a person, company	_
	etc. is printed or	(ii) Be a max. size of 0.2m <sup>2</sup> .
Clastian Cian	engraved.	Floation signs shall
Election Sign	A sign advertising,	Election signs shall:  (i) Not be erected until the election
	promoting or	(i) Not be erected until the election to which it relates has been
	commenting on any	
	particular candidate, party, group or policy,	officially announced; (ii) Be removed within 24 hours of
	but does not include a	(ii) Be removed within 24 hours of the close of the polls on voting
	sign created by Local	day;
	Governments, State	(iii) Are not illuminated; and
	or Federal	(iv) Be placed as to not obstruct or
	Government	impede the reasonable use of a
	Agencies.	thoroughfare or access to a
		place by any person.
Internal Signs	Signs not readily	l •
	visible from any	
	public street or	, , , , , , , , , , , , , , , , , , , ,
	adjoining property,	approval.
	including signs	



	situated inside a building.	
Portable Sign	A portable sign is not permanently attached to a building, structure, fence or the ground. Portable signs include 'A-frame', 'sandwich board', and Home open signs.	A portable sign does not require development approval when:  (i) There is only one such sign per street frontage of the subject tenancy;  (ii) does not exceed a total area of 1m²;  (iii) does not exceed a height or width of 600mm;  (iv) it is only to be displayed during the normal business hours to which the sign relates;  (v) the sign is placed so as not to obstruct users of a footpath, vehicle carriage way or crossover, or interfere with the sightlines of a footpath, vehicle carriage way or crossover; and  (vi) in the opinion of the City the portable sign does not constitute a hazard.
		Any portable sign on unzoned land that complies with (i) – (vi) above is also deemed to be permitted in accordance with regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996.
Periodic Sign	Advertisements which are displayed in an existing structure detailing the entertainment/event being presented from time to time at the venue on which the signs are displayed.  Periodic Signs exclude banner and inflatable signs.	Periodic signs are limited to:  (i) Fit within the existing structure; and (ii) stay up for the duration of the event.
Property Transaction Sign	A Property Transaction Sign is a sign designed to	A property transaction sign does not require development approval when:

	promote the sale or lease of a property and includes the words 'for sale' or 'for lease'.	<ul><li>(i) it does not exceed 5m<sup>2</sup> for residential and non-residential uses.</li><li>When property transaction signs exceed</li></ul>
	lease .	the relevant deem-to-comply requirements, they will be assessed as hoarding signs.
Statutory Signs	Signs required to be exhibited by, or pursuant to, any law or policy. Includes all categories of signs	Limited by requirements of relevant legislation.
Window Sign	A window sign is a sign painted or affixed to either the interior or exterior surface of the glazed area of a window.	Window signs do not require development approval when:  (i) No more than 25% of the glazed area of the window is covered; and  (ii) Does not exceed 10m² per tenancy.

Deemed to Comply Standards in Relation to Signs Requiring Development Approval

The following information (Table 2) below establishes the deemed to comply standards for acceptable development in relation to signs within the City. An application is required to be submitted for all signs within Table 2, but will be given approval if all deemed to comply standards are adhered to.

**Note** – the deemed to comply standards relate to all signs and zones, unless specified otherwise in the table below.

Table 2: Deemed to Comply Standards for Acceptable Development		
Type of Sign	Definition	Deemed to Comply Standards
Attached Sign	An attached sign is made of rigid material attached to a building.	An attached sign shall comply with the following requirements:  (i) Not exceed 3m in height or 4m in length;  (ii) not exceed 5m <sup>2</sup> in area;
	An attached sign may be on, above, or under a verandah/awning and includes a sign that is attached to cantilevered	(iii) not project more than 1.5m from the wall to which it is attached; and (iv)afford a minimum headway of 2.75m where the sign projects more than 12mm into a thoroughfare.

	awnings, balconies and walls.	Attached signs on/above/under a verandah/awning shall comply with the following requirements:  (i) There is a maximum of one sign per street frontage of the subject property;  (ii) the sign has a minimum ground clearance of 2.75 metres; and  (iii) the sign is a minimum distance of 600 mm from any road kerb.  For signs attached to walls:  (i) Is to be a maximum of 25% of the façade the sign is to be placed on.
		Attached signs are permitted in all zones except residential.
Banner Sign	A banner sign is a temporary sign normally made of a lightweight, non-rigid material, such as fabric, canvas or cloth attached to a part of a building and/or between vertical free standing supports and is generally used to promote a particular event.	A banner sign shall be restricted to:  (i) 1 banner per occupancy;  (ii) Have an area no more than 10m²;  (iii) Be removed within 24 hours following the event or offer; and (iv)Land not zoned residential.
Flag (Semaphore) Sign	An advertisement affixed and supported at or by one of its ends only.	A flag sign shall comply with the following requirements:  (i) A maximum of one flag per property;  (ii) the flag has a maximum area of 1.5m²;  (iii) the flag is a minimum distance of 5.0m from adjacent sites;  (iv) the flag pole is to be a maximum of 7.5m in height from natural ground level;  (v) the flag has a minimum ground clearance of 2.75 metres; and  (vi) is to be located 1m within the front setback.



Hoording Cian	- ا ماد: ماد ماد ماد ماد ماد ماد ا	Hoording Ciana shall:
Hoarding Sign	A sign which is affixed to a structure having one or more supports. Typically, Hoarding sign's horizontal dimension is greater than its vertical dimension.	Hoarding Signs shall:  (i) Be limited to a maximum of one sign per lot;  (ii) not be permitted if there is a monolith or pylon sign on the same lot;  (iii) have a maximum area of 10m²; and  (iv) not be less than 1.2m or greater than 6m from ground level.
Inflatable Sign	An inflatable sign is a sign that is painted, stencilled or attached to an inflatable device such as a balloon, and includes the inflatable device itself.	Inflatable signs shall comply with the following requirements:  (i) Only be displayed for a max. period of 21 days at a time no less than 3 monthly intervals;  (ii) be covered by general liability insurance, a copy of which is to be provided to the City; and  (iii) be a max. 7m diameter and a max. height of 15m calculated from the ground level to the top of the inflatable sign.
		Inflatable signs are permitted in all zones except residential, where they are regarded as a sign which requires further consideration.
Pylon Sign	A sign supported by one or more piers and which is not attached to a building, and includes a detached sign framework to which sign infills may be added.	A pylon sign shall comply with the following requirements:  (i) There is a maximum of one sign per property;  (ii) the sign has a maximum overall height of 6.0m;  (iii) the sign has a maximum surface area of 5m²;  (iv) the sign has a minimum ground clearance of 2.75m;  (v) the sign is located within 3.0m of the street alignment;  (vi) the sign is a minimum distance of 5.0m from adjacent sites;  (vii) if illuminated, the sign is a minimum distance of 30m from traffic signals;  (viii) the sign is aligned at a right angle to the street;

Signs Requiring Further Consideration

<ul><li>(ix)the sign does not extend beyond the site boundary; and</li><li>(x) the supporting structure of the sign does not interfere with vehicle site lines or pedestrian safety.</li></ul>
Pylon signs are permitted in all zones except residential, where they are regarded as a sign which requires further consideration.

The table below relates to signs which are to be assessed on their individual merit. The standards outlined below provide specific assessment criteria which must be adhered to at all times. Any proposal in this category requires justification in relation to clause 5.5.1 and the below considerations.

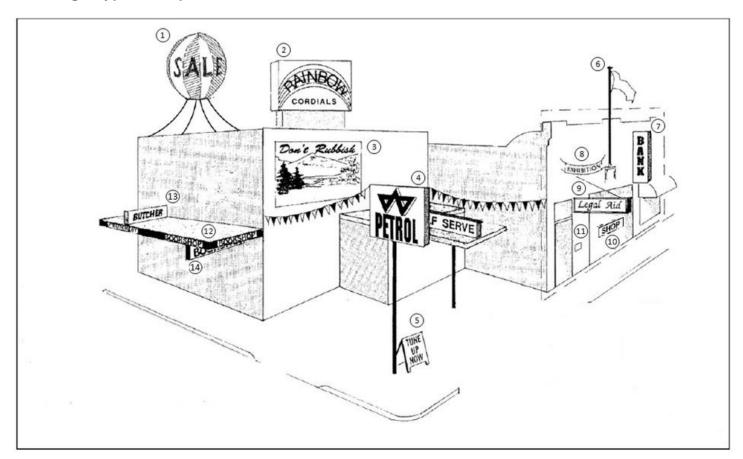
Considerations relevant to the determination of an application include:

- a) The category of the sign;
- b) The standard specifications for the category of the sign;
- c) The matters which the local government is directed to consider under the Town Planning Scheme, local planning policies and local laws;
- d) The manner of and the position in which the sign is to be displayed;
- e) The amenity of the locality and characteristics of the area of street;
- f) In accordance with clauses 2.0 and 3.3 of this policy; and
- g) In accordance with clauses 5.5.1 and 6.4 of TPS 2.

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Table 3: Signs Assessed Under Individual Merits		
_		
Туре	Definition	Specific Considerations
Monolith Sign	A sign which is infilled	At all times the limitations on monolith
	from ground level to	signs are:
	the top of the sign and	(i) Not be permitted when a pylon
	appears as a solid	sign or hoarding sign is
	structure where the	located on the same lot; and
	supporting columns	(ii) not be located within 1m of a
	cannot be seen.	crossover.
Roof Sign	A sign which	At all times the limitations on a roof sign
	protrudes above the	are:
	normal roof line or is	(i) Not extend laterally beyond
	on the roof with little or	the external wall of the
	no relation to the	structure or building on which
	architectural design of	it is erected or displayed; and
	the building.	(ii) No more than one roof sign
		shall be erected in relation to
		the one building.

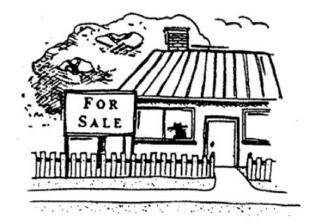
Any other signs listed in this policy that exceed the deemed-to-comply standards.	As per definitions within tables 1 and 2.	In accordance with points a) to g) of clause 4.6.1 of this policy.
Illuminated Sign	A sign which is illuminated by either an internal electrical source or external flood lights. Excludes periodic signs.	Illuminated signs shall only be permitted where it has been demonstrated that the illumination will not have any detrimental effect on the amenity of the area.

# **Sign Type Examples**



Key	
1	Inflatable Sign
2	Roof Sign
3	Attached Sign
4	Pylon Sign
5	Portable Sign
6	Flag (Semaphore) Sign
7	Attached Sign
8	Banner Sign
9	Attached Sign
10	Window Sign
11	Name Plate
12	
13	Attached Sign (Verandah/Awning)
	<b>⊣</b>

2 – Draft Local Planning Policy - Signs



**Property Transaction Sign** 



**Monolith Sign** 



**Hoarding Sign** 



### **Related Documentation**

Nil

# Related Local Law / Legislation

Town Planning Scheme No. 2

# **Related Delegation**

Chief Executive Officer

### Adopted

**Review History** 

# Dog Amendment Regulations 2014 – Location List

Administration recommends that Council declare the following as places where dogs are prohibited absolutely:

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all food premises and food transport vehicles;
- (d) a public swimming pool; and
- (f) Beaches, reserves and freehold land as specified in Schedule 4 of the Dogs Local Law 2012:
  - i. SWANBOURNE BEACH RESERVE No. 23729, being the sand dune area adjacent to the Swanbourne Beach development, between the area north of the access pathway at the intersection of Odern Crescent and Marine Parade, and south of the northernmost access pathway of the development;
  - ii. INFANT HEALTH CENTRE PLAYGROUND, Strickland Street being Lot No. 254;
  - iii. HOLLYWOOD RESERVE TENNIS COURTS area and surrounds, being Reserve No. A20838;
  - iv. KARELLA STREET PLAYGROUND Lot 164 Smyth Road;
  - v. LEURA STREET PLAYGROUND Lot 300 Leura Street;
  - vi. CAMPSIE STREET PLAYGROUND Lot 42 Campsie Street.

Administration recommends that Council declare the following as places which are dog exercise areas:

- i. ALLEN PARK, Clement St Swanbourne;
- ii. ASQUITH PARK, Lot: 251 Rochdale Rd Mt Claremont;
- iii. BAINES PARK, Lot: 300 Driftwood PI Swanbourne;
- iv. BEATON PARK, Esplanade Nedlands;
- v. BEATRICE ROAD RESERVE, Loc 5867 Beatrice Rd Dalkeith:
- vi. BIRDWOOD PARADE RESERVE, Reserve; 17391 Birdwood Parade Dalkeith;
- vii. BISHOP ROAD RESERVE, Lot: 1627 Bishop Rd Dalkeith;
- viii. BLAIN PARK, Lot: 825 Genesta Cr Dalkeith;
- ix. BROCKMAN RESERVE, 150 Wavell Rd Dalkeith;
- x. CARRINGTON PARK, Lot 325: Broome St Nedlands;
- xi. CAVENDISH GARDENS, Lot 342: Gainsford Lane Mt Claremont;
- xii. CHARLES COURT RESERVE, Esplanade Dalkeith;
- xiii. COLLEGE GREEN, Lot: 435 Mimosa Ave Mt Claremont;
- xiv. COLLEGE PARK, Princess Rd Dalkeith;
- xv. DALKEITH MEWS, Adelma Rd Dalkeith;
- xvi. DARAN PARK, Reserve: 45730 Montgomery Ave Mt Claremont;
- xvii. DAVID CRUICKSHANK RESERVE, 84 Beatrice Rd Dalkeith:
- xviii. DIRECTORS GARDENS, Grainger Dr Mt Claremont;
- xix. DOT BENNETT PARK, Lot: 1 Smyth Rd Nedlands;

- xx. FORESHORE 3, Esplanade Dalkeith;
- xxi. GENESTA PARK, Lot: 824 Genesta Cr Dalkeith;
- xxii. GOLDSMITH RESERVE, Lot: 3857 Garland Rd Dalkeith;
- xxiii. GRAINGER RESERVE, Grainger Dr Mt Claremont;
- xxiv. GRANBY PARK, Granby Cr Dalkeith;
- xxv. HAMILTON PARK, Hamilton Gdns, Mt Claremont;
- xxvi. HARRIS PARK, Lot 304 Tide Ct Swanbourne;
- xxvii. HIGHVIEW PARK, Verdun St Nedlands;
- xxviii. JONES PARK, Reserve No 47257 Jameson St Swanbourne;
- xxix. LAWLER PARK, Draper St Floreat;
- xxx. LESLIE GRAHAM RESERVE, Cnr Bromilow Green & Camelia Ave Mt Claremont:
- xxxi. LIMEKILN FIELD, Reserve: 30403 North St Swanbourne;
- xxxii. MELVISTA PARK, Reserve: 1669 Melvista Ave Dalkeith;
- xxxiii. MOORO PARK, Cnr Heritage Lane & Mooro Dr Mt Claremont;
- xxxiv. MOSSVALE GARDENS, Moss Vale Floreat;
- xxxv. MT CLAREMONT OVAL, cnr Alfred Rd & Montgomery Ave Mt Claremont:
- xxxvi. MT CLAREMONT RESERVE, Haldane St Mt Claremont;
- xxxvii. NARDINA CRESCENT RESERVE, cnr Nardina Cr & Beatrice Rd Dalkeith;
- xxxviii. NEW COURT GARDENS, Reserve: 43380 New Court Gardens Mt Claremont;
- xxxix. PAIERA PARK, Reserve: 43380 New Court Gardens Mt Claremont:
  - xl. PAUL HASLUCK RESERVE, Esplanade Nedlands;
  - xli. PEACE MEMORIAL ROSE GARDENS, Lots: 1-16, 76-78 Stirling Hwy Nedlands:
  - xlii. PINE TREE PARK, Reserve 41549 Pine Tree Lane Mt Claremont:
  - xliii. POPLAR GARDENS, Reserve: 42253 Godetia Gardens Mt Claremont;
  - xliv. POINT RESOLUTION RESERVE, Reserve: 1624 Cnr Jutlands Pde & Victoria Ave Dalkeith:
  - xlv. ROGERSON GARDENS, Reserve: 39653 Underwood Ave Floreat;
  - xlvi. SHIRLEY FYFE PARK, Lot: 823 Cygnet Cr Dalkeith;
  - xlvii. ST PETERS SQUARE GARDENS, Reserve: 47178 Caladenia Pde Mt Claremont;
- xIviii. STUBBS TERRACE RESERVES (3), Stubbs Tce Mt Claremont;
- xlix. SWANBOURNE BEACH RESERVE NORTH, Lot: 279 Reserve: 27250;
  - I. SWANBOURNE OVAL, Lot: 282;
  - li. TERRACE GARDENS, 49 Caladenia Pde Mt Claremont;
  - lii. VANKLEEF WALKWAY, Vankleef Circuit Mt Claremont;
  - liii. ZAMIA PARK, cnr Zamia St and Nandina Ave Mt Claremont.