



City of Nedlands


Planning and Development Reports

Council Resolution – 23 September 2014

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PD38.14	No. 110a (Lot 14) Victoria Avenue, Dalkeith – Various Retrospective Additions to a Single House – SAT Request to Reconsider
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Council	23 September 2014
Applicant	Kim Dopel – Dopel Marsh Architects
Landowner	R Smith
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	VI1/110A-02 – DA13/596
Previous Item	24 June 1986 – two-storey additions at the rear (approved) 22 July 2014 – PD23.14 (approved with conditions)

1.0 Executive Summary

This proposal is for various retrospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.

A SAT appeal was lodged previously, and a post-decision mediation session was held. Where concerns were raised about condition 1 c). Following this mediation session the SAT invited Council to reconsider its decision.

1.1 Recommendation to Council

Council reconsiders the decision dated 22 July 2014 for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application dated 23 December 2013 and amended plans received on 01 May 2014, by:

- a. Deleting Condition 1 c); and
- b. Adding new Condition 1 c) as follows:
 - 1 c) Planter boxes of the size shown on the 'Planter Box Locations' plan dated August 2014, shall at all times be maintained in the locations shown on the plan and the attached amended 'Site & Ground Floor Plan' dated 14 August 2014.

2.0 Background

Property address	No. 110a (Lot 14) Victoria Avenue, Dalkeith (the site)
Lot area	852m ²

Zoning / Reserve & Density Code	MRS	Urban
	TPS2	Residential at R12.5 density

Further to the report PD23.14, and the Council's decision to conditionally approve a planning application for the site (dated 22 July 2014), a mediation session was held to resolve a pre-existing SAT appeal.

3.0 Discussion

At the post-decision mediation session, the applicant's raised a concern about condition 1 c) which reads as follows:

'The rear (western) yard fill shall be reduced to a maximum of 500mm above natural ground level'.

The applicants concern was that they purchased the property with the fill already in place and they did not want to remove the fill. The applicant's however, offered to accept an alternative condition which would effectively achieve the same result.

The intent of removing the fill was to ensure that overlooking to neighbouring properties did not occur from the raised area. The alternate condition provides for planter boxes to be located and maintained in positions that will result in the area not being able to be used as an active habitable space and as such would exclude overlooking from the raised area.

As a result of the above, it is recommended that condition 1 c) pertaining to the raised platform, be modified as per the mediated agreement.

4.0 Conclusion

This proposal is for various retrospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.


A SAT appeal was lodged previously, and a post-decision mediation session was held.

Accordingly, the matter is recommended to modify a condition pertaining to landfill in the rear yard.

5.0 Attachments

1. Amended plans (dated 17 April 2014 and Aug 2014)

PD39.14	No. 136 (Lot 8) Victoria Avenue, Dalkeith – Various Retrospective & Prospective Additions to a Single House – SAT Request to Reconsider
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Council	23 September 2014
Applicant	Rowe Group
Landowner	A Singh & B Kaur
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	VI1/136-02 – DA13/352
Previous Item	22 July 2014 – PD24.14 (refused)

1.0 Executive Summary

This proposal is for various retrospective and prospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.

Subsequently, a SAT appeal was lodged and a mediation session with a site visit was held.

As a result, SAT has invited the Council to reconsider its decision.

Alternative recommendations are provided. These options are:

1. Approve the application 'as is', subject to standard conditions; or
2. Approve the application, with an additional condition requiring the balcony screens to be truncated on the 'ground' and 'upper' floors to provide additional viewing from the northern neighbouring property.

1.1 Recommendation to Council

Council approves an application for various retrospective and prospective additions to a single house at No. 136 (Lot 8) Victoria Avenue, Dalkeith, in accordance with the application and amended plans received on 10 December 2013, with the following conditions:

1. The development shall at all times comply with the approved plans.
2. This planning approval only pertains to the following structures:

- a. The amended position of the building on the lot of the three upmost floor levels;
 - b. The air-conditioning housing on the north-western side;
 - c. The retaining walls and landscaping in the front (north-eastern) portion of the lot; and
 - d. Modifications to the roof above the rear balcony on the upper floor level.
3. This planning approval does not approve modifications to the internal size of the Boat Store on the Undercroft floor level, whereby the design in the 2007 planning approval still has affect.
4. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
5. All existing and proposed visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces (including the upper-floor front balcony) shown 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.
6. The parapet walls shall be finished to a professional standard, to the satisfaction of the City.
7. Following a referral to the SRT, the following conditions are included:
 - a. No fill, building materials, rubbish or any other deleterious matter shall be deposited on the foreshore Parks and Recreation reserve or allowed to enter the river as a result of the development;
 - b. Stormwater drainage shall be contained on site or connected to the local government stormwater drainage system; and
 - c. An open view fence with a height of 1.8 metres is to be retained along the boundary of the Parks and Recreation reserve and any gap or gateway that allows access through this fence to the boat store from the foreshore reserve shall be reduced in width to no more than 1.6m (see Advice Notes).

Advice Notes specific to this proposal:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block.
2. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.

3. Following a referral to the SRT, the following Advice Notes are provided:

- a. The applicant is advised that no vehicle access is permitted on the Parks and Recreation reserve;
 - b. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to launch a vessel directly from a trailer into any waters in the Swan River except at a permitted launching place. Because vehicles and trailers cannot be used to access the boat store, a 1.6 metre wide gate to the public reserve will be sufficient for the hand launching of small water craft;
 - c. The Swan River Trust recommends garden planting with local native species to reduce water usage and fertiliser requirements; and
 - d. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to destroy, pull up, cut back, or damage vegetation that is on land in the Swan River Trust Management area – Penalty \$5,000.
4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

1.1 Alternative Recommendation to Council

In addition to the above recommendation to Council, a condition pertaining to the northern balcony screens could be included as follows:

6. The balcony screens on the 'Ground Floor' and 'Upper Floor', shall be relocated to be no closer than a truncation (or diagonal) between two points measured from the north-western-most corner of the approved building. One point being 2.0m northeast from the aforementioned corner, and the other being 2.2m southeast from the aforementioned corner.

In addition, the area of the balconies between the relocated screen and the edge of the building, shall not be accessible.

As the structures have already been built, the required modifications shall be made no later than 30 days from this approval, at which time the landowner shall allow access to the City to the areas in question, to confirm that the required works have been completed.

If council were to adopt this condition, the subsequent conditions would need to be renumbered.

2.0 Background

Property address	No. 136 (Lot 8) Victoria Avenue, Dalkeith
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Lot area		1,896m ²
Zoning / Reserve & Density Code	MRS	Urban
	TPS2	Residential at R12.5

The site has a frontage to Victoria Avenue to the northeast, located adjacent to residential properties to the northwest and southeast, and abuts the Swan River reserve to the southwest, as seen in the location plan below.



Figure 1 – Location Plan

Further to the report PD24.14, and the Council's decision to refuse a planning application for the site (dated 22 July 2014), this proposal is for various retrospective and prospective additions to a single house in Dalkeith.

3.0 Discussion

Images of the screens in elevation and plan view are found in **Attachment 1**.

The 'Lower Floor' features a visual privacy screen, however that level is below the neighbour's alfresco area, and is irrelevant. The 'Ground Floor' and 'Upper Floor' features visual privacy screens, and if removed, will create a visual privacy issue. As a consequence, the screens are required, however they could be relocated.

4.0 Conclusion

This proposal is for various retrospective and prospective additions to a single house in Dalkeith, which was considered at the July meeting this year, where Council refused the application.


Subsequently, a SAT appeal was lodged and a mediation session with a site visit was held.

Alternative recommendations have been provided if the Council choose to approve the application.

5.0 Attachments

1. Images of the privacy screens and truncation area

PD40.14	No. 16 (Lot 49) Loch Street, Nedlands – Proposed Two-Storey Single House – SAT Request to Reconsider
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Council	23 September 2014
Applicant	Beaumonde Homes
Landowner	G Sharma
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	LO2/16 – DA13/407
Previous Item	24 June 2014 – PD19.14 (refused)

1.0 Executive Summary

This proposal is for a two-storey single house in Nedlands, which was considered at the June meeting this year, where Council refused the application.

Subsequently, a SAT appeal was lodged and a mediation session with a site visit was held, where it was agreed that the application was capable of approval, subject to amended plans to reduce the height of the retaining wall up against the lower of the two neighbouring properties.

Accordingly, the matter is brought back to Council for conditional approval.

1.1 Recommendation to Council

Council approves an application for a two-storey single house at No. 16 (Lot 49) Loch Street, Nedlands, in accordance with the application and amended plans received on 22 September 2014, with the following conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. All existing and proposed fencing, visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shown 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.**

3. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
4. Front walls and fences in the primary street setback area shall be:
 - a. A maximum height of 1.8m above natural ground level at the base of the wall;
 - b. Visually Permeable above 1.2m in accordance with the Residential Design Codes 2013 and Council Policy; and
 - c. Truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.
5. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.
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 crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
8. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
9. Concrete footpaths shall be retained across crossovers.
10. 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.

Advice Notes specific to this approval:

1. Any fencing in the primary street setback area requires further development approval from the City.

2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
3. 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.
4. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
5. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

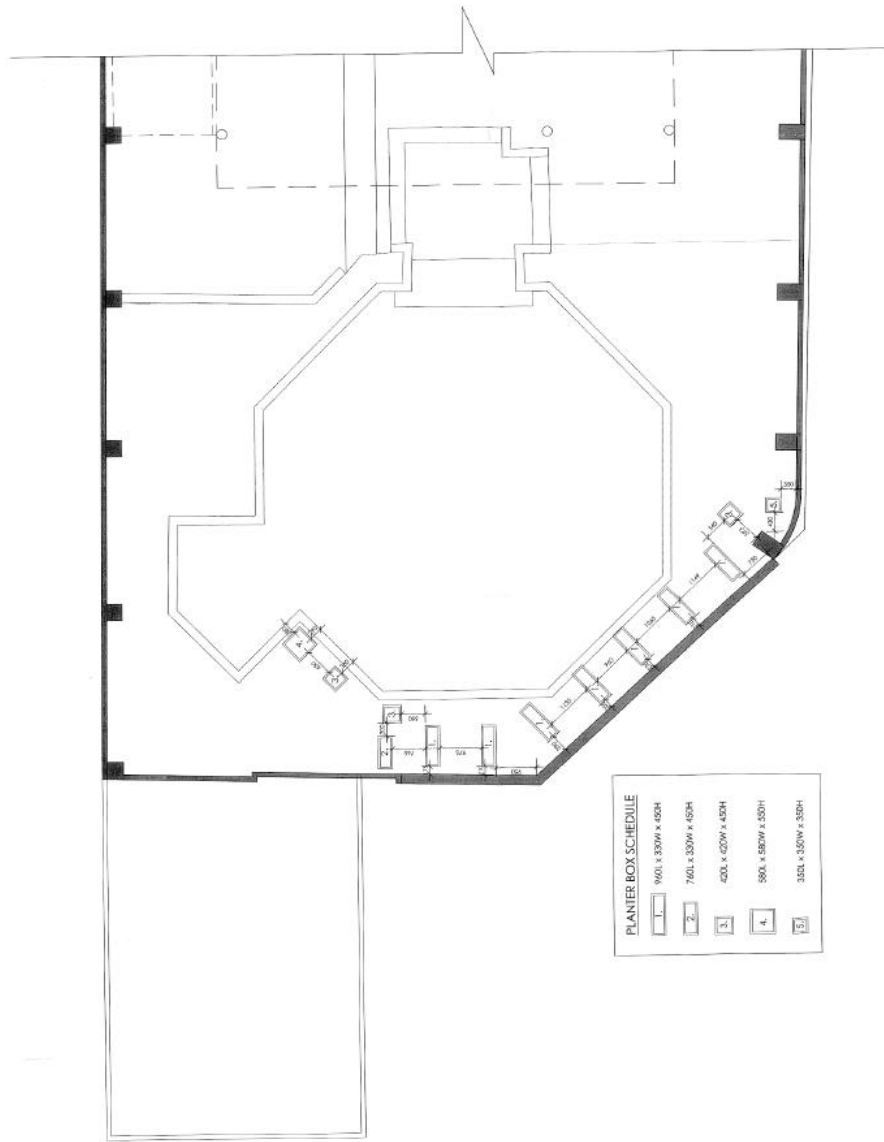
6. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

2.0 Attachments

1. Amended plans dated 22 September 2014

No. 110A Victoria Av, Dalkeith

City Of Nedlands
11 SEP 2016
Received
Records Services



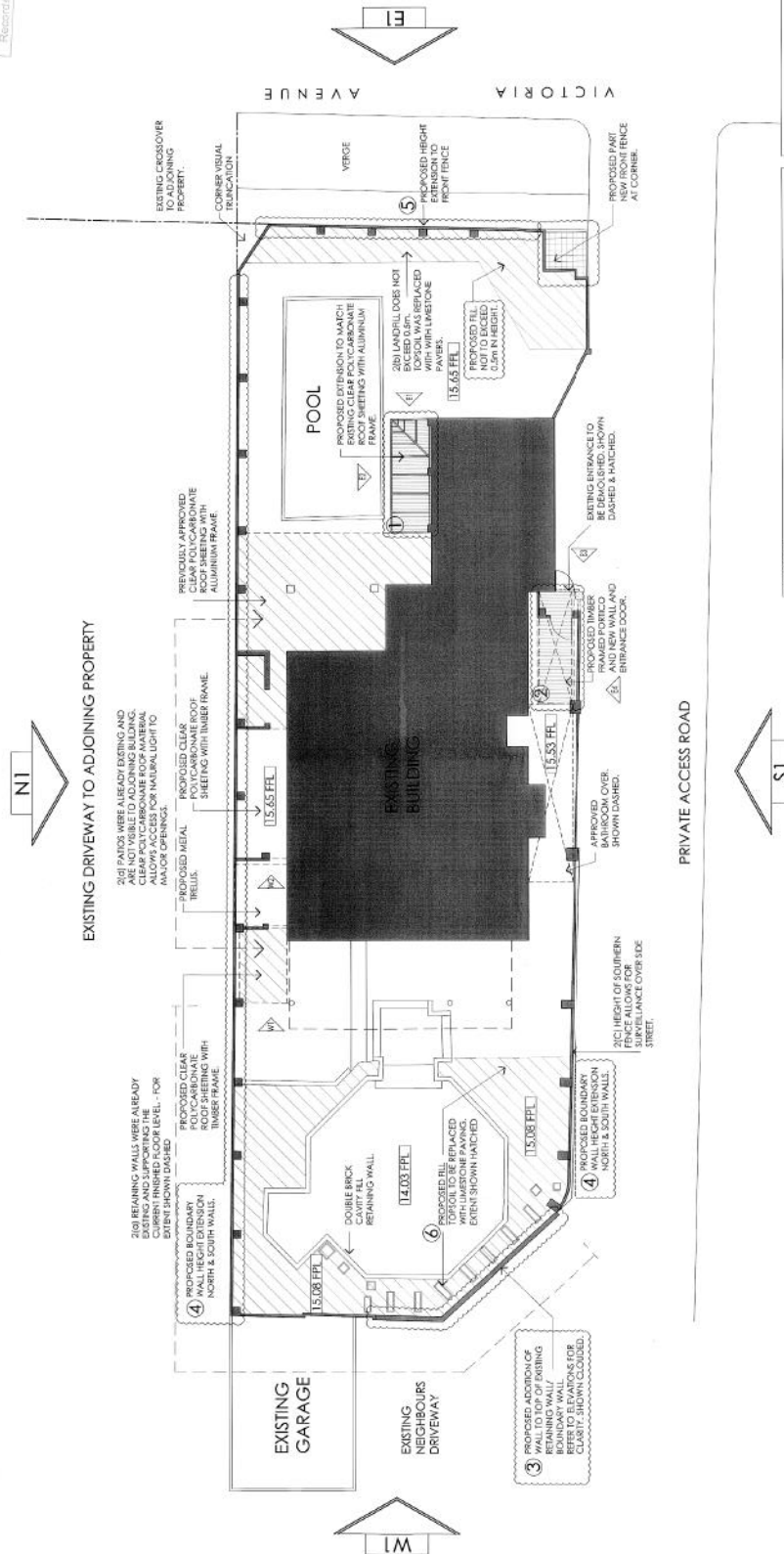
ALTERATIONS & ADDITIONS
SMITH RESIDENCE
110A VICTORIA AVE, DALKEITH WA

PLANTER BOX LOCATIONS



DOEPEL
MARSH
architects

City Of Nepeanda
11/22/2014
Received
Records Services



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE CORRESPONDENCE FROM MATT STUART OF THE CITY OF NEPEANDA ON THE 18th NOVEMBER 2013 (REFERENCE: VII/110A M13/32948)

PLANTER BOXES ADDED 14-B-2014

AMENDED - 17-04-2014

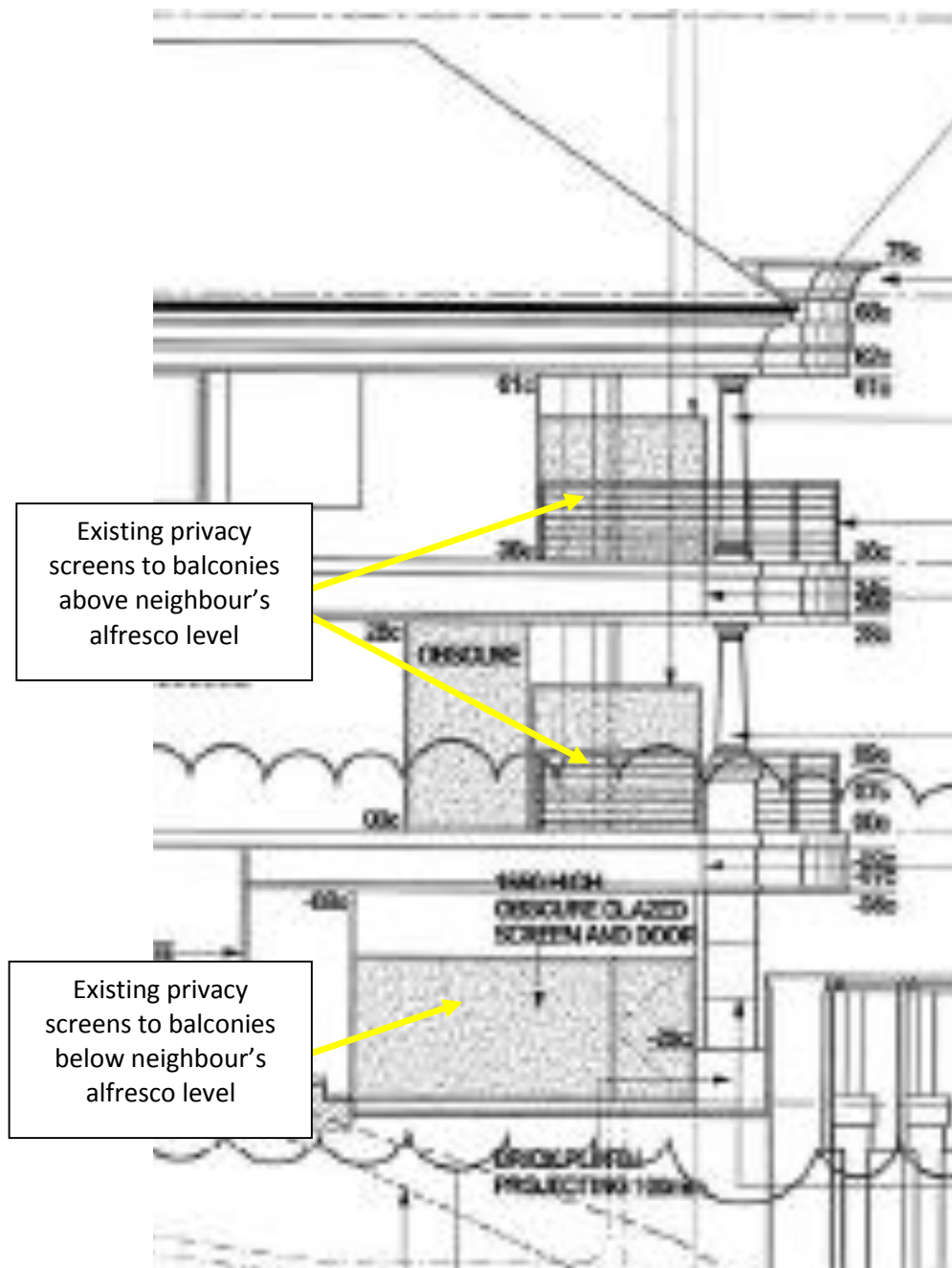
- NOTES**
1. PROPOSED EXTENSION TO ALREADY APPROVED PATIO (REFER TO E1 AND E2 ON DWG NUMBER DA 2.0).
 2. PROPOSED NEW TIMBER PORTICO AND NEW WALL AND ENTRY DOOR.
 3. PROPOSED ADDITION OF WALL TO TOP OF EXISTING RETAINING WALL. REFER TO ELEVATIONS FOR CLARITY.
 4. PROPOSED HEIGHT EXTENSION TO TOP OF FENCE ON NORTHERN AND SOUTHERN BOUNDARY.
 5. PROPOSED HEIGHT EXTENSION TO TOP OF FRONT BOUNDARY FENCE AND ALTERATION TO CORNER. PROPOSED FILL TO GARDEN BED AT REAR AND REPLACED WITH LIQUID LIMESTONE.
 - 6.

SITE & GROUND FLOOR PLAN



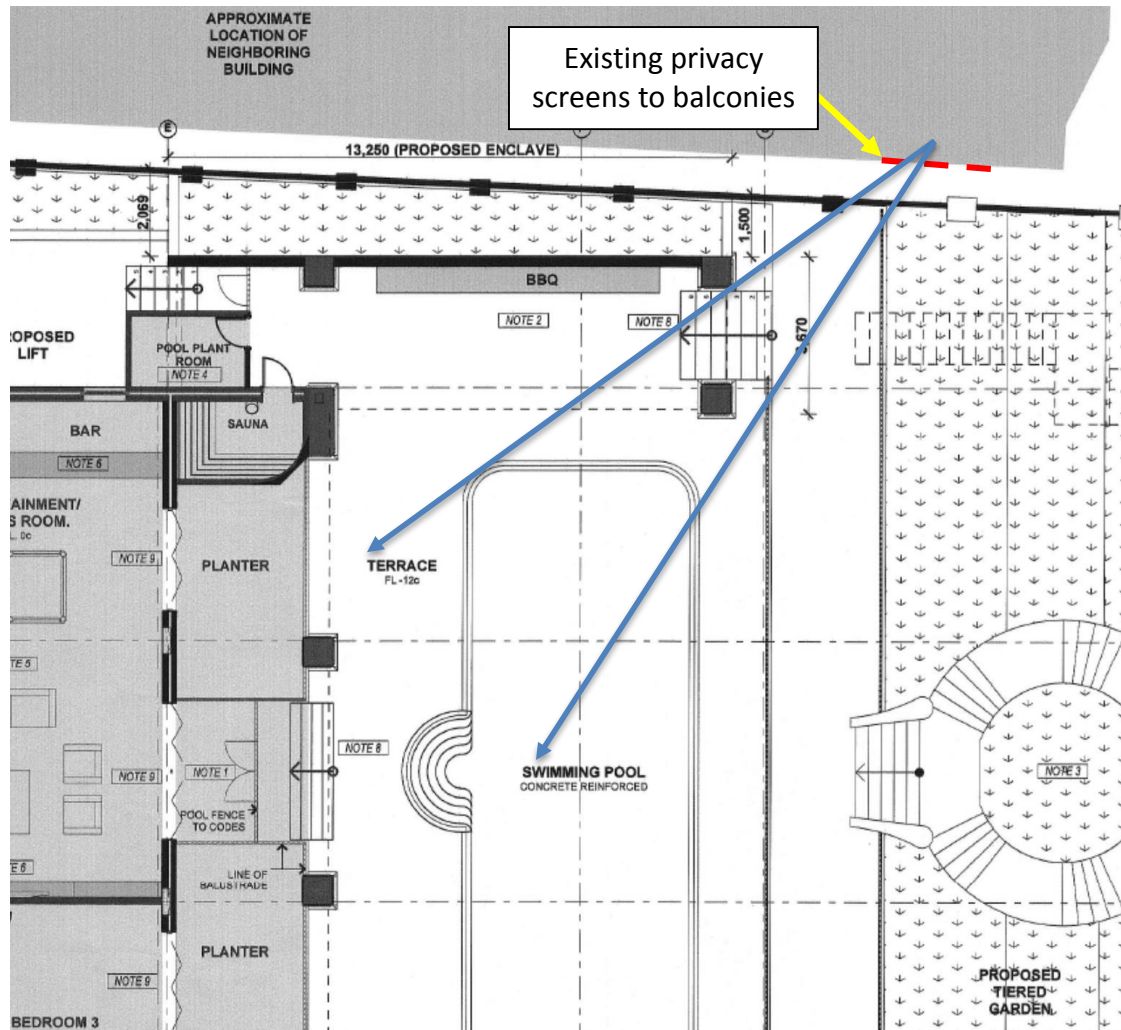
DOEPEL
ARCHITECTS

**ALTERATIONS & ADDITIONS
SMITH RESIDENCE
110A VICTORIA AVE, DALKEITH WA**

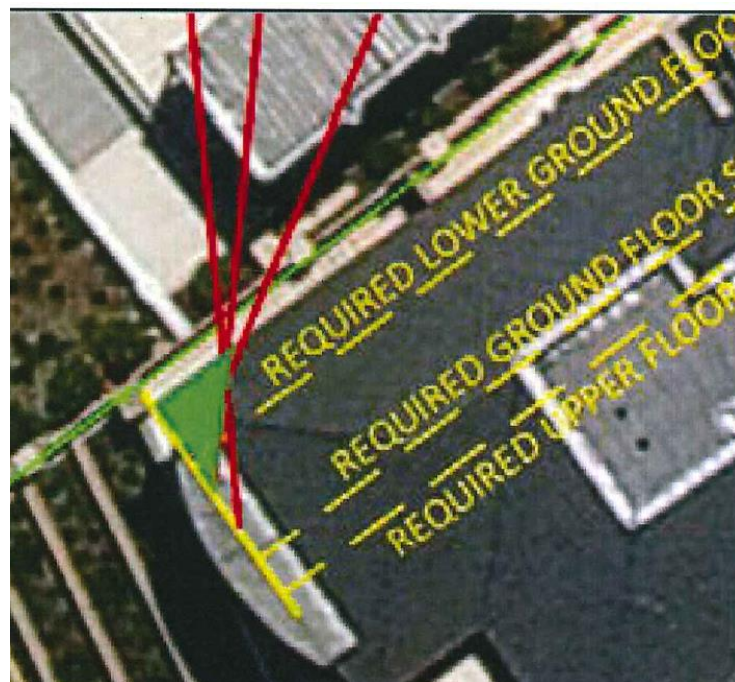


The Site - Elevation (Northwest) – Privacy Screens

No. 136 Victoria Av, Dalkeith

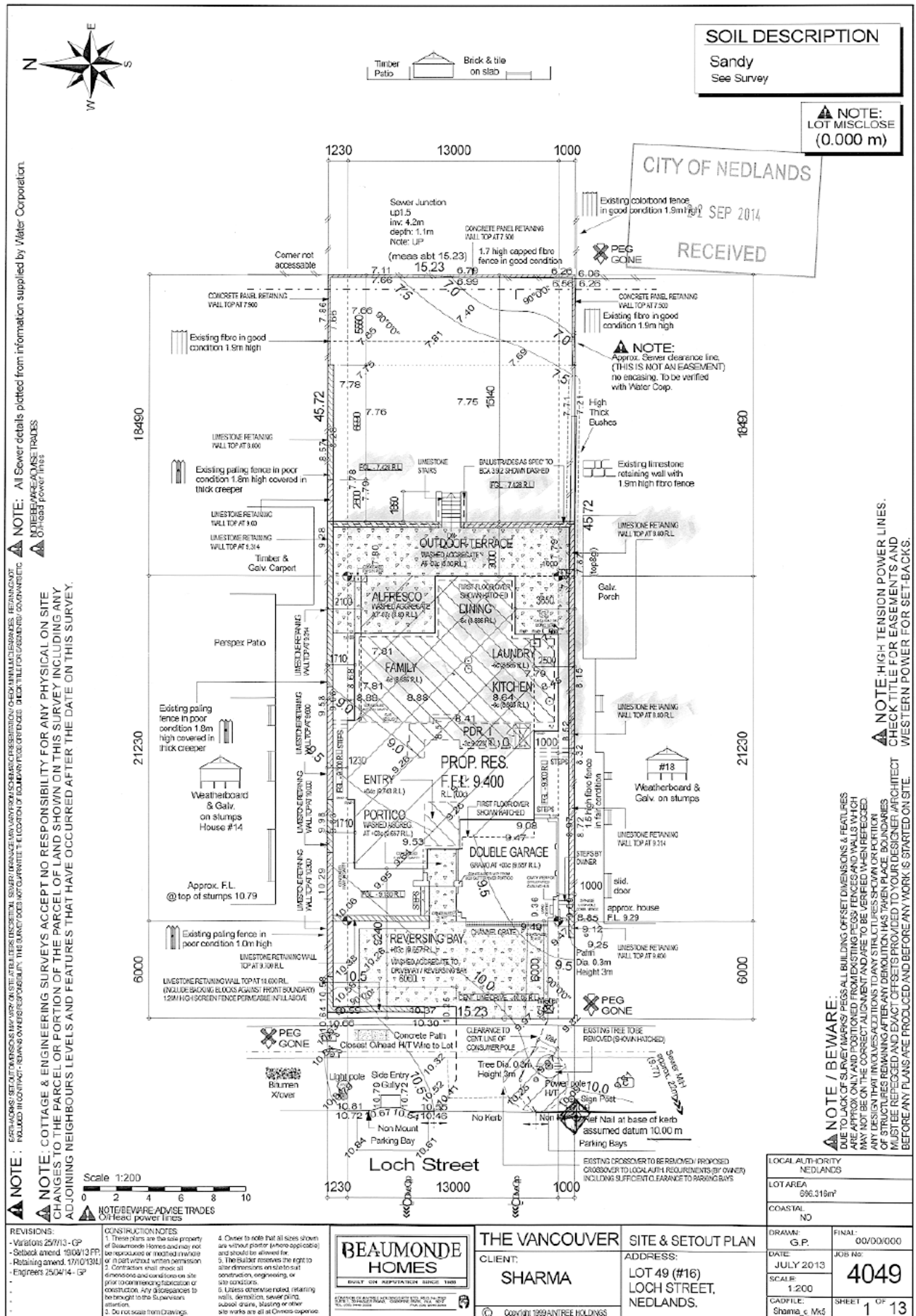


Neighbour (Northwest) – Overlooking into Pool and Terrace

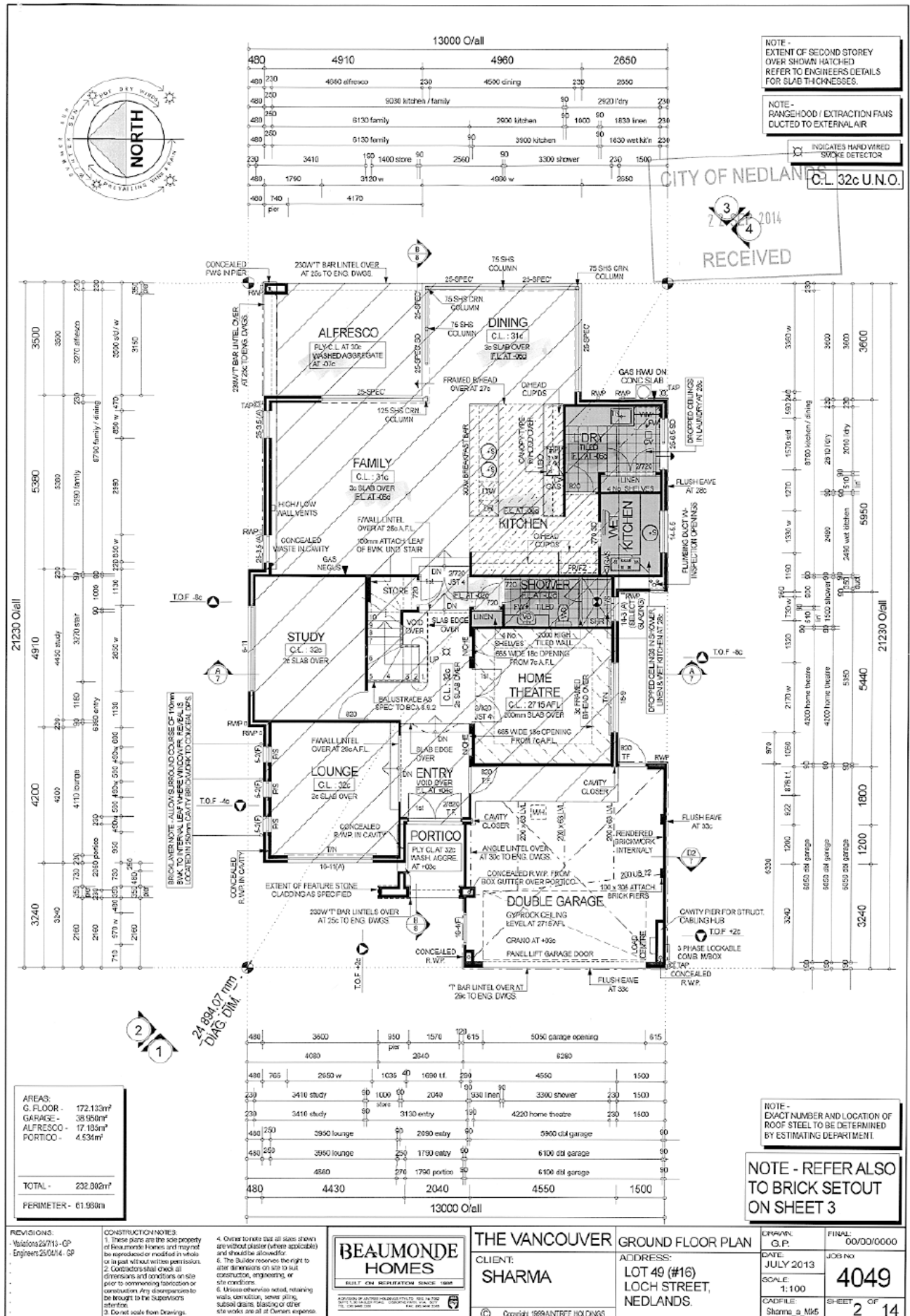


Neighbour's Preferred Truncation

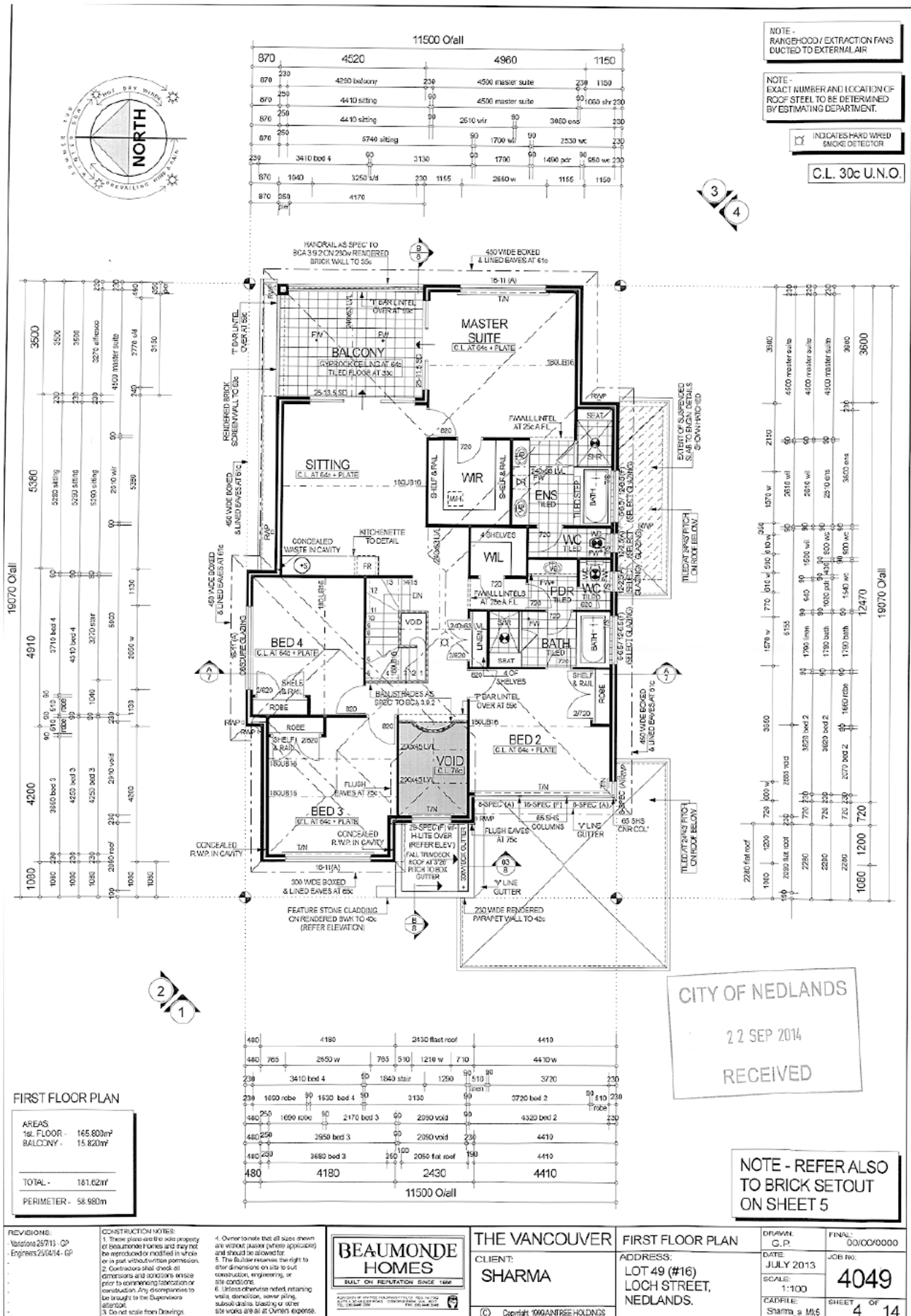
No. 16 Loch St, Nedlands



No. 16 Loch St, Nedlands



No. 16 Loch St, Nedlands



ELEVATION 1S (WEST)

ELEVATION 3S (EAST)

ELEVATION 4S (SOUTH)

ELEVATION 5S (NORTH)

PLANNING NOTE

RECEIVED
J. J. J. J. J.
CITY OF MEDFORD