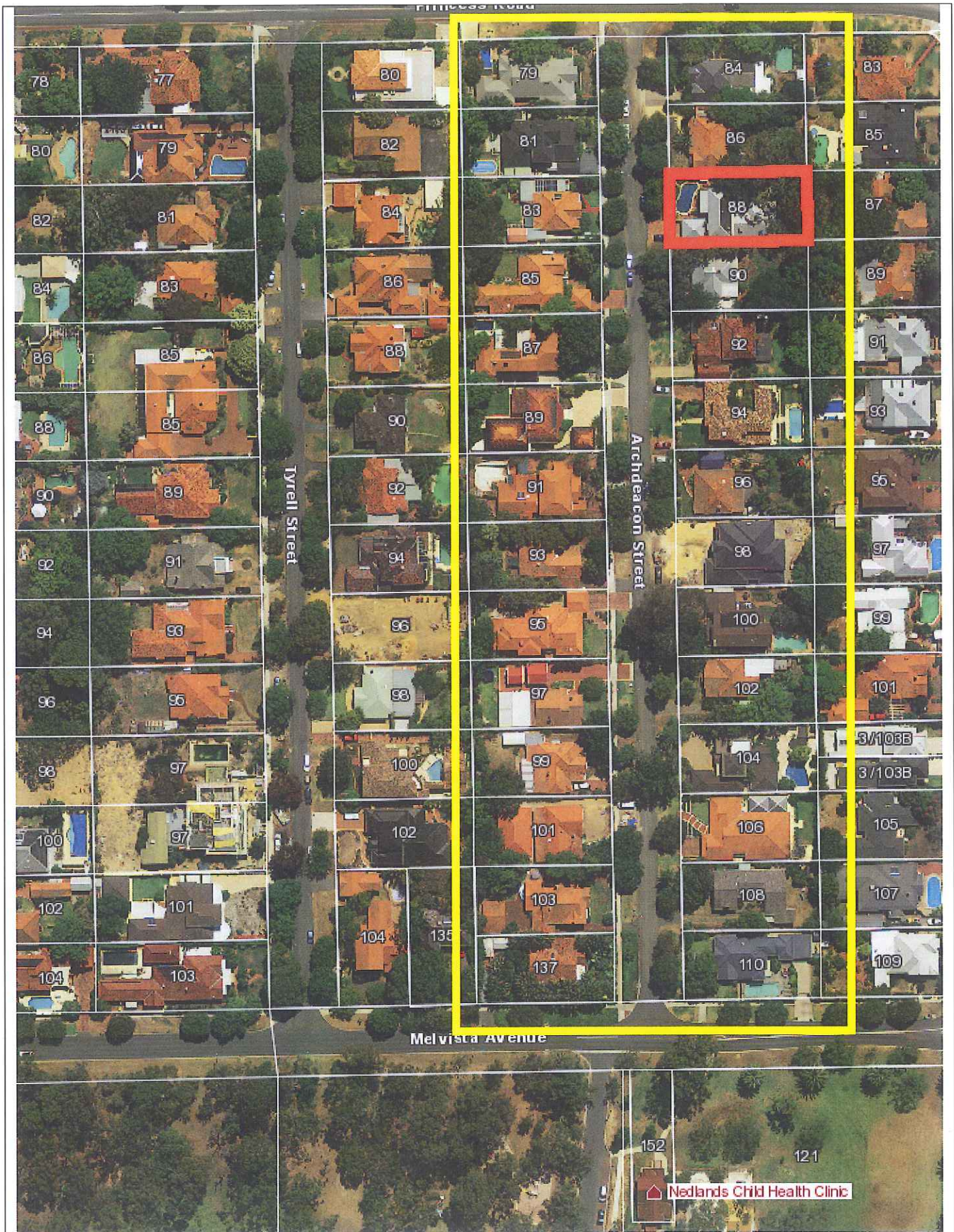




The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image.

PD24.12 – Attachment 1 Locality Plan





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

PD24.12 – Attachment 2 Streetscape Study Area

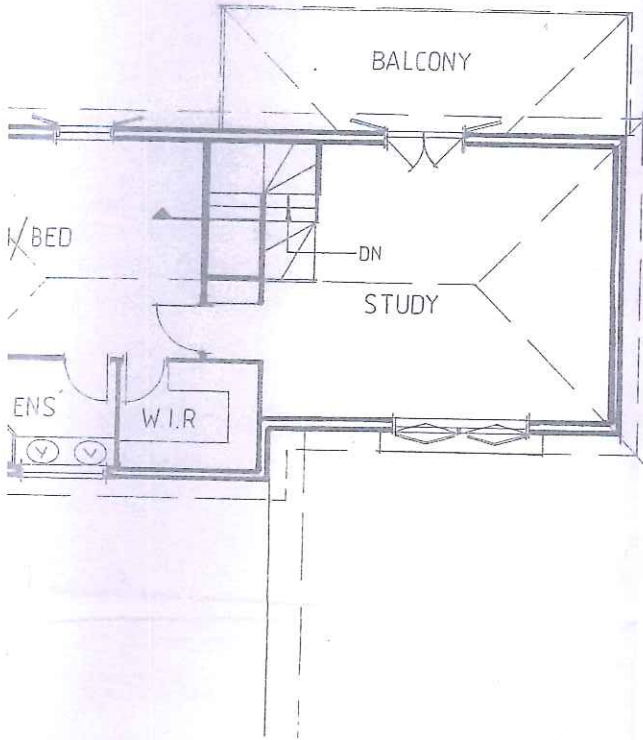


No. 88 Archdeacon Street, Nedlands – Retrospective Additions (Garage) – Photos



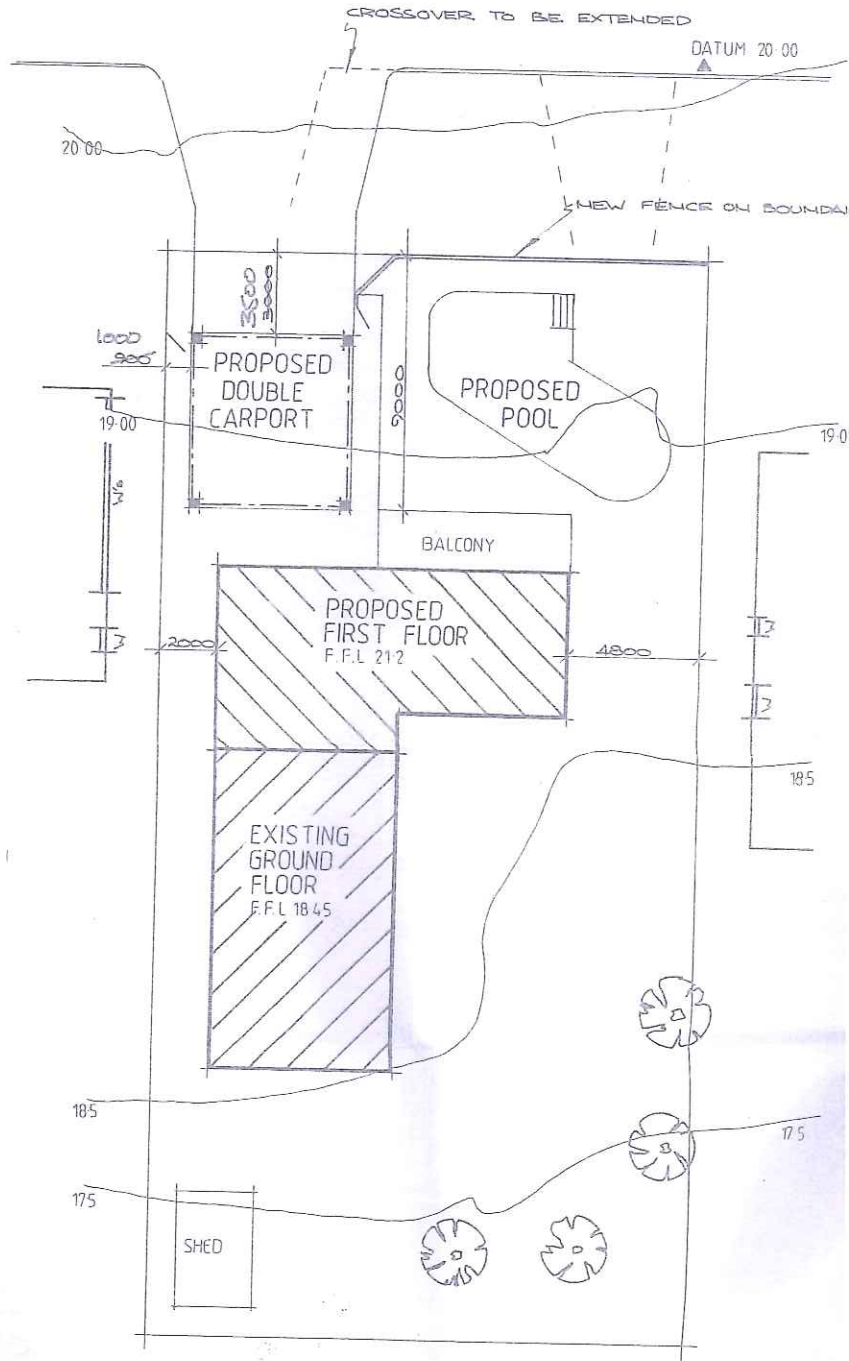
PD24.12 – Attachment 3
Photos

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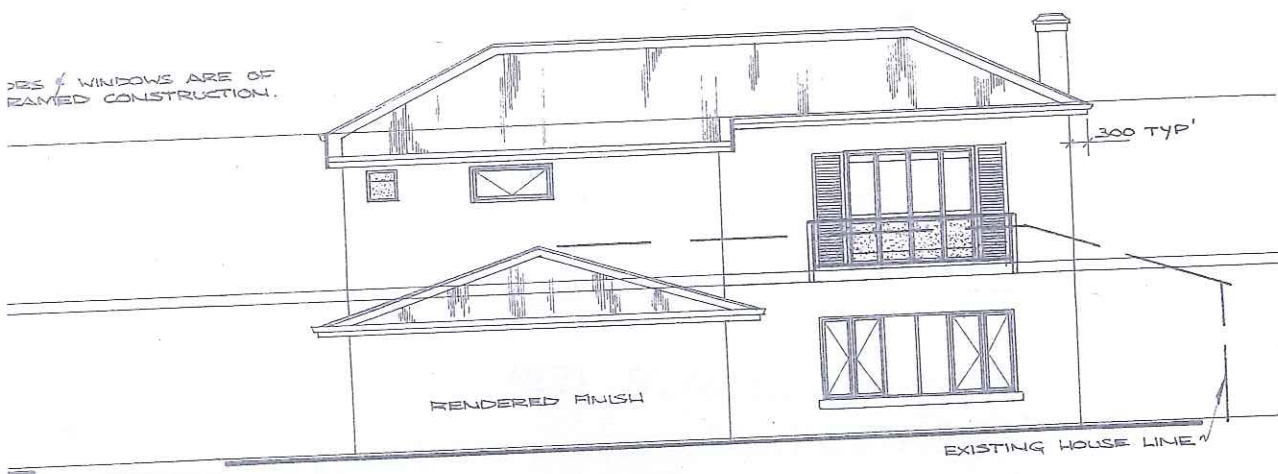
CITY OF NEDLANDS
 DEVELOPMENT APPLICATION DATED 3/2/96
APPROVED
 SUBJECT TO THE ENDORSEMENTS HEREON AND
 COMPLIANCE WITH THE CONDITIONS OF APPROVAL
 TO COMMENCE DEVELOPMENT.
 FILE REF. P.F 88 ARCH-DEACON
 DATE APPROVED: 12.3.96
 NOTE: THIS APPROVAL DOES NOT
 CONSTITUTE A BUILDING LICENSE



OWNER'S SIGNATURE

PD24.12 – Attachment 4
 Approved site plan at Council 1996

SCALE	DRAWN BY	CHECKED BY	DRAWING No.
1:100 1:200	<i>Robert</i>		1
		No. IN SET	JOB No.

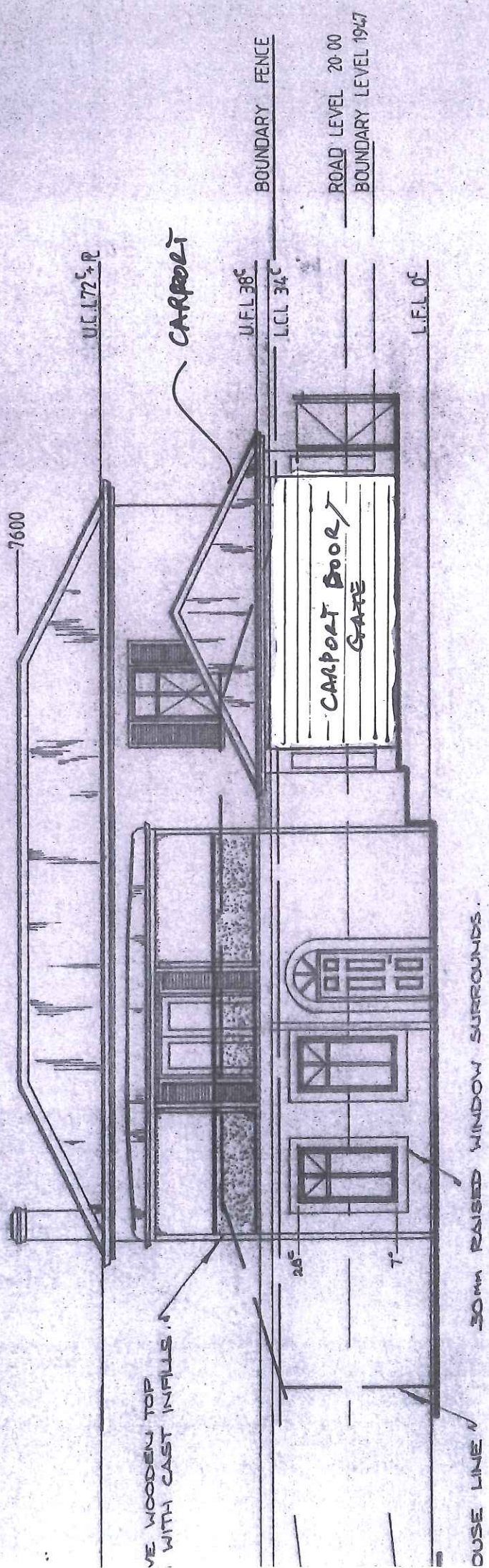


EAST ELEVATION

CITY OF NEDLANDS
 DEVELOPMENT APPLICATION DATED 8/2/96
APPROVED
 SUBJECT TO THE ENDORSEMENTS HEREON AND
 COMPLIANCE WITH THE CONDITIONS OF APPROVAL
 TO COMMENCE DEVELOPMENT.
 FILE REF: RF. 88 ALCHDERSON
 DATE APPROVED: 12-3-96
 NOTE: THIS APPROVAL DOES NOT
 CONSTITUTE A BUILDING LICENSE

SCALE	DRAWN BY	CHECKED BY	DRAWING No.
1:100	ROB		2
		No. IN SET	JOB No.
		2	01:152

PD24.12 – Attachment 5
 Approved west elevation plan
 at Council 1996



NOTE: BOUNDARY FENCE NOT SHOWN

WEST ELEVATION

Hollywood Aged Care Retirement Village Local Planning Policy

KFA	KFA 3 - Built Environment
Status	Council
Responsible division	Planning and Development Services
Objective	To

- ensure that the land parcel bounded by Monash Avenue, Smyth Road, Karella Street and Williams Road (all land that is or was a part of Lot 2237 (No 118-120) Monash Avenue, Nedlands) continues to be used for residential aged care and uses incidental to residential aged care;
- discourage uses which derogate from or are inconsistent with residential aged care;
- require the City to consult with residents of the site where a planning proposal potentially affects the residential amenity of the Policy Area and for which ordinarily public comment is sought.

Context

The demographic profile for the City of Nedlands shows that Nedlands has a higher proportion of older person compared to other municipalities of Perth. These numbers are expected to increase in the future as there is a growing trend towards an aging population in Australia. Accordingly there is demand within the boundaries of the City to cater for the needs of aged persons. This includes protecting existing land that is earmarked to provide for residential aged care as a life style choice for aged persons and includes accommodation, community facilities to promote social interaction, limited retail facilities and facilities to accommodate health care providers for primary health care needs of occupants.

Policy Area

The policy area relates to the land parcel 7.4147 ha in extent bounded by Monash Avenue, Smyth Road, Karella Street and Williams Road, that is or was part of Lot 2237 (No 118-120) Monash Avenue, Nedlands).

The site is zoned "Special Use" under the City of Nedlands Town Planning Scheme No2. The zoning provides for accommodation and facilities for aged persons.

A Master Plan dated August 2011 to guide the development of the Policy Area was adopted by Council in February 2002.

The site is subject to memorial E987333 imposed under the *Retirement Villages Act (WA) 1992* in 1992.



Definitions

For the purpose of this policy the following definitions apply:

Aged Person means a person who is aged 55 years and over.

Master Plan means the master plan adopted by the City of Nedlands for the Policy Area in 2002 and attached to this policy.

Policy Area means the land parcel that this policy applies to.

Residential Aged Care Refers to Aged Care Institutions (other than hospitals) that promote community living where accommodation for aged persons is provided in conjunction with care facilities providing various levels of care to individuals experiencing reduced levels of independence.

Residential Aged Care Accommodation refers to various forms of accommodation including:

- **Independent living unit** means is a self contained dwelling that can be either attached or detached and is in the form of either a single house, grouped dwelling or multiple dwelling, which, by incorporating appropriate provisions for the need of aged persons, is designed and used for the permanent accommodation of a person who is aged 55 years or older capable of taking care of his/her daily needs without assistance, or with minimal assistance.
- **Aged Persons Hostel** means a residential building development designed to provide board and lodging to persons aged 55 years or older.

- **Low care accommodation** refers to accommodation that caters for persons that need a low level of assistance with activities such as meals, laundry and cleaning as well as additional help with personal care.
- **High care accommodation** refers to accommodation that caters for persons that require a high level of assistance with activities of daily living.
- **Nursing Home** refers to hospital type accommodation for aged persons.

Residential Aged Care Facilities includes various forms of communal facilities that promote social interaction such as a hall, library, chapel, recreational facilities, limited retail facilities, rooms to accommodate providers of primary health care needs to residents of the locality and similar uses.

Background

Since inception the site has provided aged care facilities. It was sold for this purpose to the Salvation Army in 1971 for nominal consideration by the State.

A memorial imposed under the *Retirement Village Act (WA) 1992* has applied to site since 1992.

The site is zoned "Special Use" under Town Planning Scheme No 2. The intent of this zoning is to facilitate the provision of accommodation for aged persons and incidental support and amenity facilities for aged persons.

The development of the site is subject to the Master Plan that was adopted in 2002. It envisages a retirement complex that caters for most of the basic needs of its residents on site and has a high degree of legibility as a result of a design that allows for visual permeability throughout the site.

The Master Plan provides for the following uses:

- Independent living units
- Hostel Care facilities
- Residential Care Facilities
- Hall
- Small number of shops
- A chapel
- A hierarchy of open spaces
- Meeting places for residents, staff and visitors.
- An internal circulation system

Site Characteristics

The site has the following characteristics that make it suitable for providing residential aged care:

1. Location:
 - In close proximity to the regional hospital node, medical and specialist services comprising of the QEII medical centre and private providers;

- Well serviced by existing public transport with major bus routes along Monash Avenue and Smyth Road, connecting to access to the wider community;
 - Surrounded by residential development; and
 - Access to large areas of public opens space, including Highview Park and Karrakatta.
2. Physical characteristics:
- Level site;
 - Existing building stock;
 - Full availability of essential services;
 - Established landscaping and vegetation; and
 - Existing Master plan

Policy Focus

The focus of this policy is to:

1. recognise that the Policy Area is one of only three (3) sites in the City which exists for the purpose of providing Aged Care Facilities;
2. promote the continued use of the Policy Area for the provision of Aged Care Facilities;
3. encourage the development of the Policy Area in accordance with the development parameters as specified in the approved Master Plan (including height limits, setbacks, location of facilities, provision of open space, visual permeability, provision of access routes, accommodation mix and provision of facilities);
4. retain existing mature vegetation;
5. promote the development of the total land parcel as a single self contained complex and prevent the Policy Area from being segmented or functioning as segments; and
6. require the City to consult with residents of the Policy Area in regard to any development application received for the site or any other matter relating to the site which requires a council decision or involvement or for which public comment is sought.

Statement

The following principles apply to the Policy Area:

1. The land should continue to be used and will be encouraged to be used for the purpose of providing for residential age care;
2. Uses which may derogate from or which are inconsistent with the use of the land for residential age care will not be supported;
3. Encourage any development to provide the facilities flagged in the 2002 Master Plan as a minimum;
4. Open space and landscaping should be provided at the minimum rate shown by the 2002 Master Plan;
5. In regard to design:
 - a. Encourage development of quality accommodation that meets the acceptable development standards for residential development as prescribed under the Residential Design Codes relevant at the time;
 - b. Ensure that the architectural style of individual buildings match and complement each other so that a comprehensive complex is created;
 - c. Encourage that residential age care facilities are provided within a core on the site conveniently located in relation to accommodation;
 - d. Ensure that a high level of accessibility through the total site is guaranteed irrespective of any existing or proposed subdivision lines;
 - e. Ensure that the accessibility network in the Policy Area is designed and maintained at a sufficient standard to be used by gophers (mobility scooters) and walking aids; and
 - f. Design around existing mature vegetation in order to retain that vegetation.
6. Ensure as a minimum, that where the City considers a planning proposal that potentially affects the residential amenity of the Policy Area, consultation occurs with the occupiers of the aged care facility and that any submissions are reported and considered.

Related documentation

- Town Planning Scheme No. 2.
- Master plan approved 2002.

Related Local Law/legislation

- *Planning and Development Act 2005.*
- *Retirement Villages Act 1992.*

Related delegation

- Nil.
-

Issued

Date approved by Council

Amendments

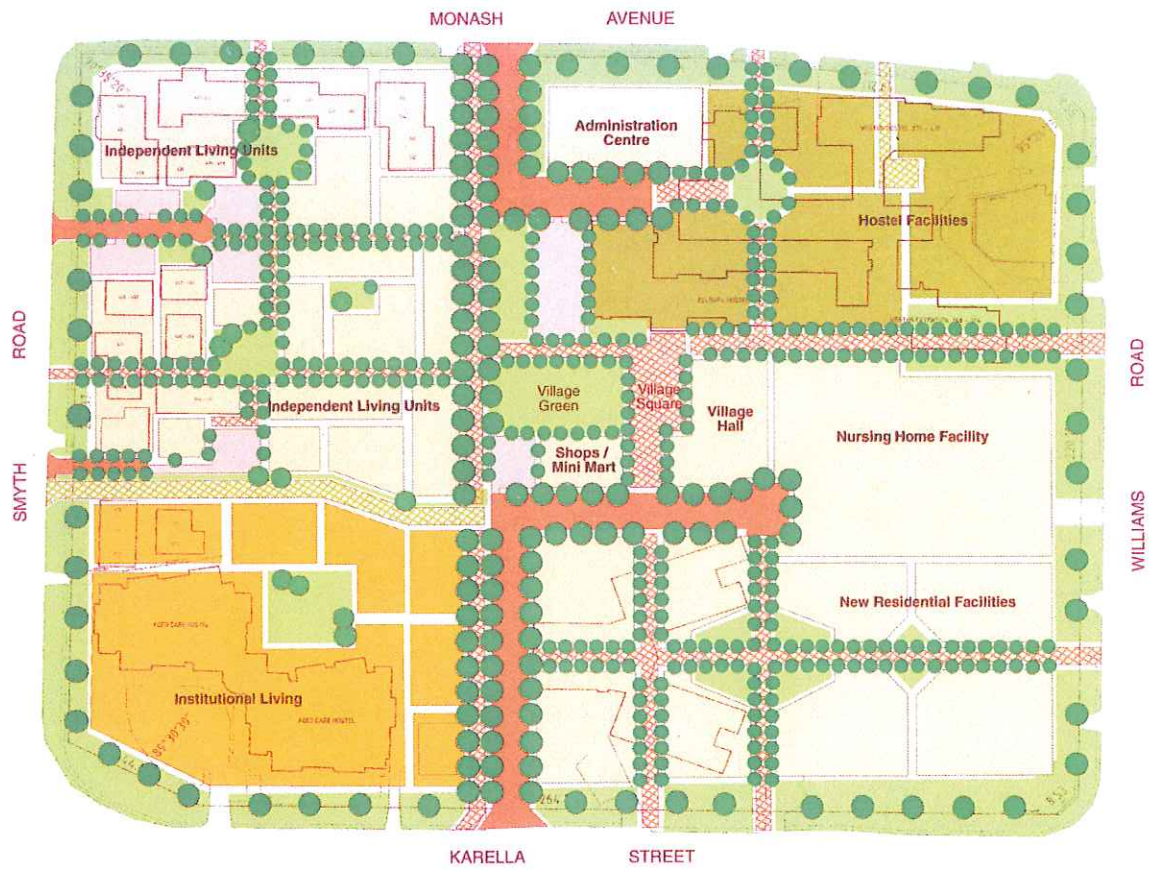
Dates amendments approved by Council

DRAFT

(A) DESCRIPTION OF SITE	(B) PERMITTED USES AND PROVISIONS APPLYING TO SPECIAL USE SITES
<p>Swan Location 2237 (Nos 118-120) Monash Avenue, Nedlands</p> <p>AMD 139 GG 11/11/03</p>	<p>(i) the following are "P" permitted uses:</p> <ul style="list-style-type: none"> Aged Persons Dwelling Aged Persons Hostel Residential Building Nursing Home Public Utility <p>(ii) the following are "IP" (incidental) uses:</p> <ul style="list-style-type: none"> Consulting Rooms Office - General Office - Professional Office - Service Medical Centre Shop Car Park Place of Public Worship <p>(iii) all other uses are not permitted unless identified in the approved Master Plan, and then the proposed use shall be subject to the provision of Clause 6.3.3 and 6.3.4 of the Scheme;</p> <p>(iv) the height of building(s) and the number of storeys shall be in accordance with the approved Master Plan for the subject site;</p>
<p>Swan Location 2237 (Nos 118-120) Monash Avenue, Nedlands</p> <p>(Cont'd)</p> <p>AMD 139 GG 11/11/03</p>	<p>(v) the vehicular access points are to be restricted to those location stipulated on the approved Master Plan;</p> <p>(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.</p>

PD25.12 – Attachment 2
Town Planning Scheme Provision
Special Use

FIGURE 9 – APPROVED MASTER PLAN



**Schedule of land to be dedicated as
West Coast Highway in the City of Nedlands**

Item	Lot on Plan	Title Details	Owner
21	Lot 1 P13087	1926/199	State of WA
19	Lot 1 P13087	1926/199	State of WA
15	Lot 4 P17223	1926/197	State of WA
11	Lot 3 P17223	1926/196	State of WA

PD26.12 – Attachment 1

Schedule of land to be dedicated as West
Coast Highway in the City of Nedlands



PD26.12 – Attachment 2

Sections of West Coast Highway from Rochdale Road to Alfred Road held on title to the State of Western Australia



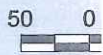


Cad & Tenure data
sourced from DOLA
March 2003

Image data
sourced from DOLA
March 2003

LEGEND

- CMR
- HMQE2/SWA
- UCL
- CROWN LAND &
LOCAL AUTHORITY



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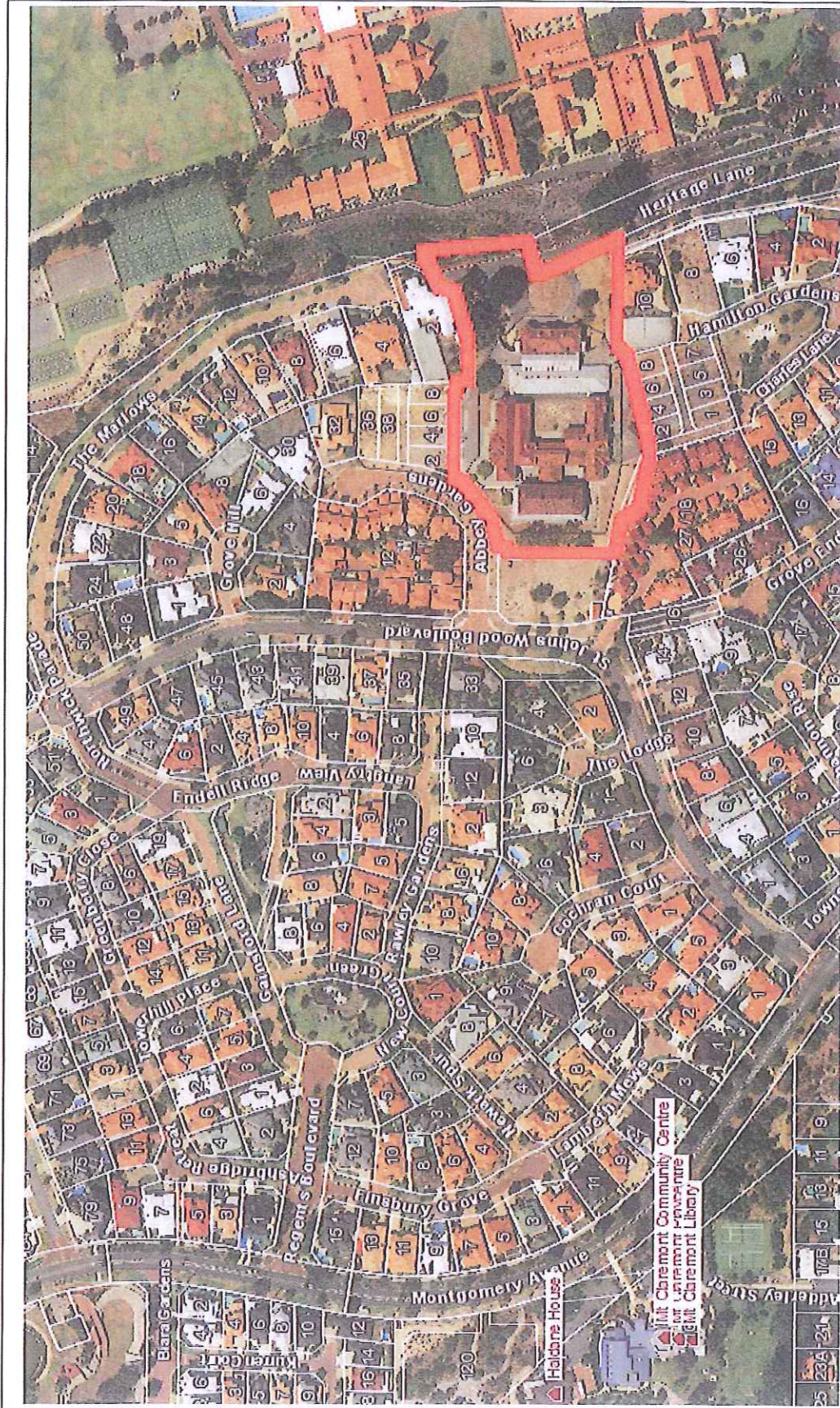
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Author: D.C

Task ID: 08

Date: 23/0



Monday, 25 June 2012

1:3133

PD27.12 – Attachment 1 Site Plan



City of Nedlands

Full Summary History of ODP

19 August 1994	Swanbourne Hospital Conservation Area is included on the Heritage Council of Western Australia's Register of Heritage Places.
15 April 1999	Included into the City's Municipal Inventory
8 November 2005	Town Planning Scheme Amendment No 158 which Introduces Clause 5.15 into the Scheme (Old Swanbourne Hospital Precinct) is gazetted, including reference to the Taylor Burrell Barnett Plan which at that stage had been accepted by Council following extensive public consultation.
5 September 2006	Receipt of Application for Planning Approval and ODP.
15 September 2006	Receipt of Heritage Report.
21 September 2006	City refers proposal to Heritage Council.
17 October 2006	Receipt of \$2000-00 fee for ODP.
21 November 2006	Comment received from Heritage Council officer via The Planning Group.
12 December 2006	Council resolved to allow the application to be advertised subject to a number of amendments to the plan.
January 2007	The applicant lodged an application for review to the State Administrative Tribunal, requesting that the Tribunal determine that the proposal could be advertised without the changes resolved by Council.
February 2007 – April 2007	The matter was listed for mediation and 3 separate sessions.
23 April 2007	Receipt of revised Outline Development Plan, incorporating aspects agreed to during mediation.
8 May 2007	Council considered a confidential report and resolved to adapt to recommendation contained within the report subject to the outline of the flats/units in the centre of the development being made more visible on the elevations and the courtyard dimensions being included in the documentation.
9 June 2007	The applicant provides a revised table to show the differences between the Taylor Burrell Plan and the proposed Outline Development Plan.
27 June 2007	Revised table proposed by the applicant was considered at a Council meeting and was not adopted.
4 July 2007	Email from Applicant's Legal Counsel advising that the revised table compiled with Councillor input was acceptable.

6 July 2007	Minor changes being made by applicant and Councillors to achieve final outcome.
10 July 2007	Council considered a confidential report and resolved to adopt a revised wording of the table showing the differences between the Taylor Burrell Plan and the proposed development plan subject to the deletion of the words "a few" and "These aspects are detailed below" in the preamble to the table.
26 July 2007	The Outline Development Plan was referred to the Western Australian Planning Commission for permission to advertise.
20 December 2007	Letter from WAPC advising that the Outline Development Plan referred in July 2007 shall not be advertised, as it does not provide for adequate Public Open Space. According to the WAPC the minimum area required for POS is 1.056 ha plus 10 % of all land being subdivided for residential purposes, resulting in an overall requirement of 11759.5 m ² for public open space. However the WAPC agrees to a revised Outline Development Plan showing an area of 11840 m ² set aside as "Crown Reserve for Recreation and Public Right of Way to be vested in the City of Nedlands".
February 2008	The City objected to Circular Road being included into the area of Public Open Space, and the Commission agreed to an area of 11279 m ² for Public Open Space.
28 May 2008	Council resolved not to proceed with the Outline development Plan.
8 July 2008	Applicant makes an application to SAT to review the City's decision.
20 November 2008	The following SAT decision is made: "on the application heard before Senior Member David Parry, Member James Jordan and Senior Sessional Member Rebecca Moore on 4,5 and 6 November 2008 ordered that: 1. The application for review is dismissed. 2. The decision of the respondent made on 27 May 2008 not to proceed with the outline development plan submitted by TPG Consultants dated 11 February 2008 in accordance with clause 3.8.7 of the City of Nedlands TPS2 is affirmed.
5 May 2009	Revised Outline Development Plan submitted.

16 June 2009	City advises applicant of list of outstanding information.
August 2009	WAPC approval of subdivision applications for the northern and southern wing (WAPC 131108 and WAPC 131109).
21 May 2009	Revised Outline Development Plan submitted which address the queries raised in June 2009 and changed circumstances since the subdivision approvals.
24 August 2010	Council considered the revised Outline Development Plan and support the proposal in principle for consultation purposes subject to amendments to bring the proposal in line with the 2005 Development Plan.
1 September 2010	Council decision is referred to WAPC for consent to advertise.
8 February 2011	WAPC considers the proposal and recommends that a revised proposal which represents a compromise between the applicants proposal and the City's amendments is advertised for public comment.
March 2011	Public consultation undertaken by the City of Nedlands.
May 2011	ODP considered by Council.
July 2011	ODP considered by WAPC (SPC decision).
19 October 2011	Subdivision application to subdivide area with heritage building into three lots. WAPC/145074.
13 December 2011	Council Resolution: Recommendation to proposal to subdivide lot with heritage building into three lots (WAPC/145074).
10 April 2012	WAPC approval of WAPC/145074.
5 June 2012	Request for reconsideration of conditions.

Enquiries
Our reference

Jason Moore
WAPC/145074, M12/1734

24 January 2012

The Secretary
Western Australian Planning Commission
140 Williams Street
Perth WA 6000

Dear Sir,

**Lot 12040 St Johns Wood Boulevard, Mt. Claremont
WAPC 145074 - Proposed Green Title Subdivision**

I refer to your correspondence dated 31 October 2011 regarding the above subdivision proposal.

At the Ordinary Council Meeting held on 13 December 2011, Council resolved as follows:

Council Resolution / Committee Recommendation

Council:

1. Does not support the proposed subdivision of Lot 12040 Heritage Lane into three (3) green title lots for the following reasons:
 - a. The subdivision cannot legally be approved in the absence of a Council adopted Outline Development Plan (ODP);
 - b. The subdivision is contrary to orderly and proper planning of the area as it prevents coordinated development;
 - c. The proposed layout causes the following issues:
 - i. It is not logical particularly the interrelationship between lots 2 and 3.
 - ii. Pedestrian Access: It will threaten the delivery of a pedestrian access in an east/west direction across the site, which had been identified as being significant for the amenity of the existing residents of the area as required by Town Planning Scheme No 2.

PD27.12 – Attachment 3

City's submission to WAPC regarding the subdivision proposal considered by Council in December 2011

iii. **Landscaped setting:** It will not be possible to delivery of the park-like landscaped setting for the historic buildings which will undermine the heritage value of the site as required by Town Planning Scheme No 2.

iv. **Vehicle Access:**

Lots 1 & 2:

The proposed vehicle access to lots 1 and 2 which has been limited to Abbey Gardens only is not acceptable for the following reasons:

- 1) The concept deviates from existing planning for the area (development plan and LPS, which are the product of extensive public consultation) which stipulates that vehicle access be primarily from Heritage Lane with no access from Abbey Gardens except for service vehicles for Montgomery Hall.
- 2) Additional traffic volumes generated by proposed uses on Lots 1 and 2 may be inappropriate for the surrounding residential streets like Abbey Gardens and St John's Wood Boulevard.

v. **Parking:**

Lot 1: Being segregated it would not be possible for a future Montgomery Hall use to rely on any of the other parcels of land to assist with carparking, which current planning required to be provided on the southern wing or elsewhere on the areas that are now proposed lots 2 and 3.

Lot 2: Very limited area is available for on-site parking on Lot 2 given that the building for proposed Lot 2 extends boundary to boundary.

vi. **Heritage Values:** The introduction of new boundary lines will require demolition of existing heritage fabric, for the boundary between Lot 1 and 2, and alterations to the existing buildings to meet fire requirements and will diminish the heritage values of the historic buildings.

- viii. Landscaping plans that show the retention of all existing vegetation, proposed soft and hard landscaping of all proposed public and private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture; and
- ix. Time frames for implementation of the Detailed Area Plan.

- b. Vehicle access easements be imposed over proposed lot 3 in favour of proposed lot 2 so vehicle access to lot 2 can be provided from Heritage Lane.
- c. Openings within the existing buildings are to be protected in accordance with part C3.2 of the Building Code of Australia – LG Clearance required.
- d. The existing buildings are to achieve the required FRL's as stipulated in specification C1.1 of the Building Code of Australia relevant to the type of Construction. – LG clearance required.
- e. Stormwater drainage to comply with AS/NZS 3500.3 to be contained onsite.
- f. Easements to be imposed over all sites to secure east/west pedestrian and bicycle movement across the sites in accordance with the Detailed Area Plan required under 3(a) above.
- g. An access pathway be constructed by the developer to the satisfaction of the City to link The Marlowes to Heritage Lane.
- h. Easements be imposed as shown in the attached plan to ensure that there is no vehicle access to Lot 2 from Charles Lane Extension or Abbey Gardens.
- i. Proposed treatment of the land immediately adjacent to the northern boundary between the subject lot and the northern subdivision wing (marked A) and between the subject site and the southern subdivision wing (marked B) to accommodate the requirement of the detailed area plans for the subdivision wings that the single lots respectively facing onto these boundaries address these areas.

- j. No building or part thereof shall be demolished.**
 - k. The titles of the proposed lots be endorsed to prohibit the construction of that any barriers on the proposed subdivision lines.**
 - l. The developer be required to enter into a legal agreement or similar with the City which commits the developer to the redevelopment of the heritage buildings and surrounding areas within a prescribed time frame.**
- 4. Administration submit an ODP to the February Council Meeting.**

If you have any queries please do not hesitate to contact me on 9273 3500.

Yours sincerely

Gabriela Poezyn
Manager Strategic Planning



Your Ref : WAPC/145074. M12/1734
 Enquiries : Catherine Beamish (Ph 6551 9424)

Chief Executive Officer
 City of Nedlands
 P O Box 9
 NEDLANDS WA 6909

CITY OF NEDLANDS		RECEIVED
DIVISION		
Document #		
File #		
12 APR 2012		
Redirect		
Action	ACK	NRN OTHER
Enclosed		

Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 145074

Planning and Development Act 2005

Applicant	: T P G Town Planning & Urban Design P O Box 7375, Cloisters Square PERTH WA 6850
Owner	: The Swanbourne Estate Development Pty Ltd As Trustee For The Swanbourne Estate Joint Venture 461 Scarborough Beach Road OSBORNE PARK WA 6017
Application Receipt	: 19 October 2011

Lot Number	: 12040
Diagram / Plan	: Diagram 75983
Location	: -
C/T Volume/Folio	: 2121/149
Street Address	: St Johns Wood Boulevard, Mount Claremont
Local Government	: City of Nedlands

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 19 October 2011 once the condition(s) set out have been fulfilled.

This decision is valid for three years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 10 April 2015 or this approval no longer will remain valid.

Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
 Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
 planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
 ABN 35 482 341 493

PD27.12 – Attachment 4

Approval of Subdivision granted by WAPC
 on 10 April 2012

City of Nedlands - 13 Apr 2012

2



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S):

1. The Detailed Area Plan for the Heritage Buildings character area, as required by the Outline Development Plan, is to be prepared to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of WA. (WAPC)
2. An easement shall be created which allows vehicle access over proposed lot 3 in favour of proposed lot 2 so that vehicle access to lot 2 can be provided from Heritage Lane, in accordance with the access arrangements shown in the Outline Development Plan for the site. (WAPC)
3. A revised and updated Heritage Agreement shall be finalised and executed. The agreement is to be updated to reflect the current condition of the buildings and provide for a co-ordinated approach to built form, maintenance and landscape to ensure the integrated precinct qualities of the place are maintained. (WAPC)
4. A plan showing the location of services and how they will be provided to service the proposed lots (in accordance with the requirements of the servicing agencies, but not compromising the heritage values of the site) is to be submitted to and approved by the WAPC in consultation with the Heritage Council of Western Australia. (WAPC)



5. A plan showing how the proposed lots will demonstrate compliance with the Building Code of Australia requirements at the subdivision boundaries is to be submitted and approved by the WAPC in consultation with the Heritage Council of Western Australia, in order to demonstrate that the impact of the required changes will not have an adverse impact on the heritage values of the buildings. (WAPC)
6. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)
7. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision. (Water Corporation)
8. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)
9. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)
10. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
11. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan and a new Certificate of Title being issued. (WAPC)
12. Stormwater being contained on-site, or connected to the local drainage system, after passing through an appropriate water quality improvement treatment device. (Local Government)
13. A public access plan to be prepared and implemented for use by pedestrians and cyclists to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of WA. (WAPC)

ADVICE

1. With regard to Conditions 6, 7 and 8, Water Corporation policy and practice for the locality may involve the provision of land (for plant and works), easements and/or the payment of financial contributions towards infrastructure. You are advised to contact the Water Corporation.
2. Upon the receipt of a request from the subdivider, a Land Development Agreement under section 67 of the Water Agencies (Powers) Act 1984, will be prepared by the Water Corporation which will document the specific requirements for the proposed subdivision.



3. With regard to Condition 9, Western Power provides only one point of electricity supply per freehold (green title) lot and requires that any existing overhead consumer service is required to be converted to underground.
4. If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.
5. With regard to Condition 10, the specific location and area of land required is to be to the satisfaction of the WAPC on the advice of the local government and Western Power.
6. Openings within the existing buildings are to be protected in accordance with part C3.2 of the Building Code of Australia.
7. The existing buildings are to achieve the required Fire Resistance Levels as stipulated in specification C1.1 of the Building Code of Australia relevant to the type of Construction.
8. With regard to Condition 1, as a minimum the Detailed Area Plan shall show the following:
 - i. details of any development proposals;
 - ii. proposed uses;
 - iii. total intensity of proposed development (expressed as the number of proposed dwellings for residential uses and development standards as outlined in Town Planning Scheme No. 2 for non-residential uses);
 - iv. location of all proposed parking facilities so all the parking needs from the three proposed lots are met on each individual site;
 - v. vehicle access and vehicle movement arrangements;
 - vi. all pedestrian/bicycle access ways which will form the basis of access easements throughout the site that are intended to facilitate east/west movement through the site, and appreciation of the historic buildings;
 - vii. all areas proposed to be used for public and private open space; and
 - viii. landscaping plans that show proposed soft and hard landscaping of all proposed public and private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture.

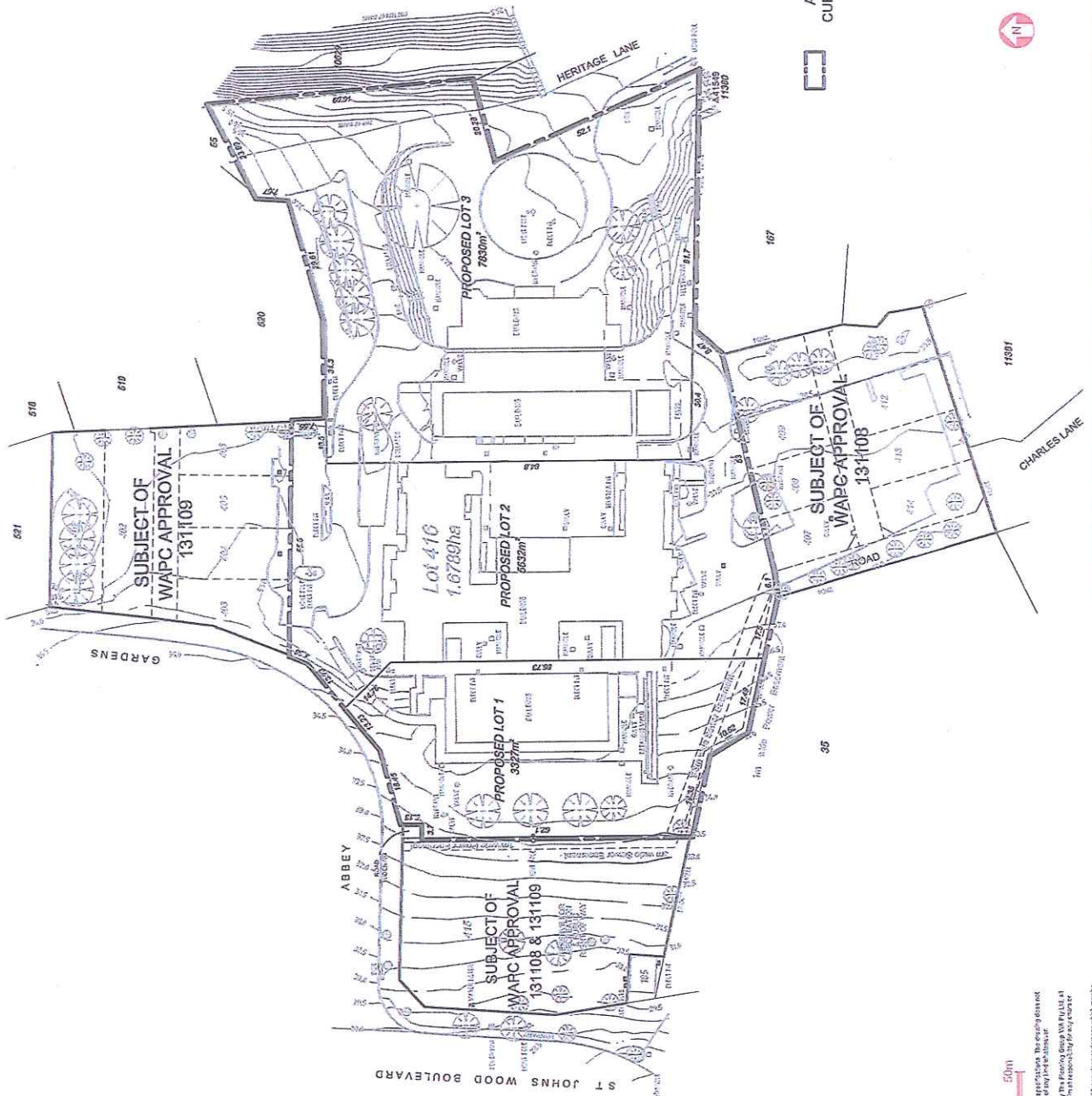


9. In relation to the provision of public access, the future alignment and the appropriate method of protection needs to occur prior to the lodgement of the Deposited Plan. Particular attention needs to be provided in relation to the provision of sustainable infrastructure at the development application stage.

A handwritten signature in black ink, appearing to read "Neil Thomson".

Neil Thomson
Secretary
Western Australian Planning Commission
10 April 2012

City Of Nedlands - 13 Apr 2012



GENERAL PLANNING
DATE 19 OCT 2011 FILE 145076

AREA SUBJECT OF CURRENT APPLICATION



Old Swanbourne Hospital
Proposed Subdivision of Lot 416
Abbey Gardens, Mount Claremont

DATE: 14/08/2011
DRAWN BY: D. J. B. (DJB)
CHECKED BY: M. J. B. (MJB)
SCALE: 1:1000 @ A3
PROJECT NO: 715210-1 SU subdivision.dwg



OLD SWANBOURNE HOSPITAL
Abbey Gardens, Mount Claremont
Perth, Western Australia 6003
Phone: (08) 9447 1000
Fax: (08) 9447 1001
Email: info@oldswanbournehospital.com.au

Att. A.

This document is prepared for the specific use of the client and is not to be used for any other purpose. The client is responsible for ensuring that the information provided is accurate and complete. The client is also responsible for ensuring that the information provided is not used for any other purpose. The client is also responsible for ensuring that the information provided is not used for any other purpose.

NOTED
CHAIRMAN. WAPC
Date ___/___/___

FAXED

Flint
Moharich.
Planning + Environment Law

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BY EMAIL

Our ref: 11-008
Your ref: 145074

10 May 2012

Mr Gary Prattley
Chairman
Western Australian Planning Commission
Level 2, 140 William Street
PERTH WA 6000
By facsimile:
08 6551 9001

DEPARTMENT OF PLANNING
15 MAY 2012
G. PRATTLEY
FILE

1
2
3

145074
uploaded & objective

Mr Mathew Selby
Planning Director, Metropolitan Central
Department of Planning
Level 2, 140 William Street
PERTH WA 6000
By email:
mathew.selby@planning.wa.gov.au

Dear Sir

Application 145074 – Request for reconsideration

- 1 I act for The Swanbourne Estate Development Pty Ltd, who as trustee for The Swanbourne Estate Joint Venture are the owners of the land in Certificate of Title Volume 2121 Folio 149, more particularly described as Lot 12040 on Diagram 75983 (Land). The Land is located at St John's Wood Boulevard, Mount Claremont.

Background

- 2 The Western Australian Planning Commission approved the abovementioned subdivision application in its letter dated 10 April 2012. This approval was conveyed to my client's town planners, TPG Town Planning & Urban Design, on 13 April 2012.
- 3 I am writing to you pursuant to section 151(1) of the *Planning and Development Act 2005* to request a reconsideration of certain conditions of approval, as set out in this letter.

Condition 1

- 4 Condition 1 is in the following terms:

'The Detailed Area Plan for the Heritage Buildings character area, as required by the Outline Development Plan, is to be prepared to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of WA. (WAPC).'

- 5 We request a reconsideration of this condition to confirm what is required in the Detailed Area Plan, to avoid any questions regarding the level of detail. The reason for this is that

City of Nedlands - 11 Jun 2012

PD27.12 – Attachment 5

Letter from Flint Moharich in support of
application for reconsideration

at this stage, it is not known what each of the lots' ultimate use will be, making it difficult to prepare a detailed plan.

6 For example:

6.1 The design of the internal courtyard building will depend upon whether the ultimate use of Lot 2 is residential or commercial;

6.2 The amount of parking in the curtilage of the Administration Building on Heritage Lane will differ depending upon whether this building's ultimate use is residential or commercial.

7 If the lots are sold to separate developers, the purpose of the Detailed Area Plan will be mainly to ensure a consistent approach to the development and treatment of the curtilage surrounding the heritage buildings, as the built form of the existing heritage buildings will not be modified except with the approval of the Heritage Council in accordance with the Heritage Agreement.

8 We therefore request that a second paragraph to condition 1 be added to include words to the effect:

'The Detailed Area Plan is to identify:

(a) the indicative location of public accessway paths,

(b) location and type of landscaping,

(c) pavement treatments for pathways and other hard surfaces;

(d) the types of acceptable urban furniture (for example, fencing, letter boxes, rubbish bins, gates etc).'

Condition 3

9 Condition 3 is in the following terms:

'A revised and updated Heritage Agreement shall be finalised and executed. The agreement is to be updated to reflect the current condition of the buildings and provide for a co-ordinated approach to built form, maintenance and landscape to ensure the integrated precinct qualities of the place are maintained. (WAPC).'

10 A request for reconsideration of this condition has been included because it is unclear what the amendments to this Agreement will be. The Owner has commenced discussions with the Heritage Council to clarify its requirements, and we shall inform you of the outcome of those discussions.

11 However, we advise that pending the outcome of those discussions, the Owner may put forward an alternative wording for Condition 3.

Condition 13

- 12 Condition 13 is in the following terms:

'A public access plan to be prepared and implemented for use by pedestrians and cyclists to the satisfaction of the WAPC in consultation with the City of Nedlands and Heritage Council of WA. (WAPC).'

- 13 We request that this condition be removed.

- 14 We disagree that there is a need for a public access plan. The ODP shows an Indicative location of the pathway across the site. In addition, condition 1 requires the preparation of a Detailed Area Plan, which will include the indicative location of the pathways, as required by the ODP.

- 15 We also disagree that such a plan needs to be implemented at the subdivision approval stage. Such a condition is more properly imposed at the development approval stage for each of the lots. The implementation of a pathway system at the subdivision stage is impractical, as any paths constructed prior to redevelopment of the buildings will either need to be removed or be severely damaged while construction occurs on the lots.

- 16 Finally, there is no nexus to require the implementation of the paths at the subdivision stage, as the subdivision will not increase the number of pedestrians using the site.

- 17 For ease of reference, set out below is the relevant section from pages 13 – 14 of the ODP:

'Pedestrian and cyclist access will be provided across the Precinct generally along the routes shown on the ODP. The pathways will be created via an easement for public access or the creation of a Public Access Way (PAW).

The shared paths should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings.

Shared access paths should be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact of the paths. The developer will be required to landscape the access ways and include street furniture in appropriate locations.

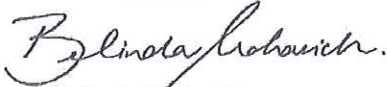
All shared access paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network.

The detailed design and placement of the shared access paths will be addressed as part of the detailed landscaping plan required as part of the Detailed Area Plan (DAP) for the Heritage Buildings area.'

Conclusion

18 We look forward to the Commission's determination *in due course*. In the meantime, please do not hesitate to contact me should you have any queries.

Yours faithfully



Belinda Moharich
Director