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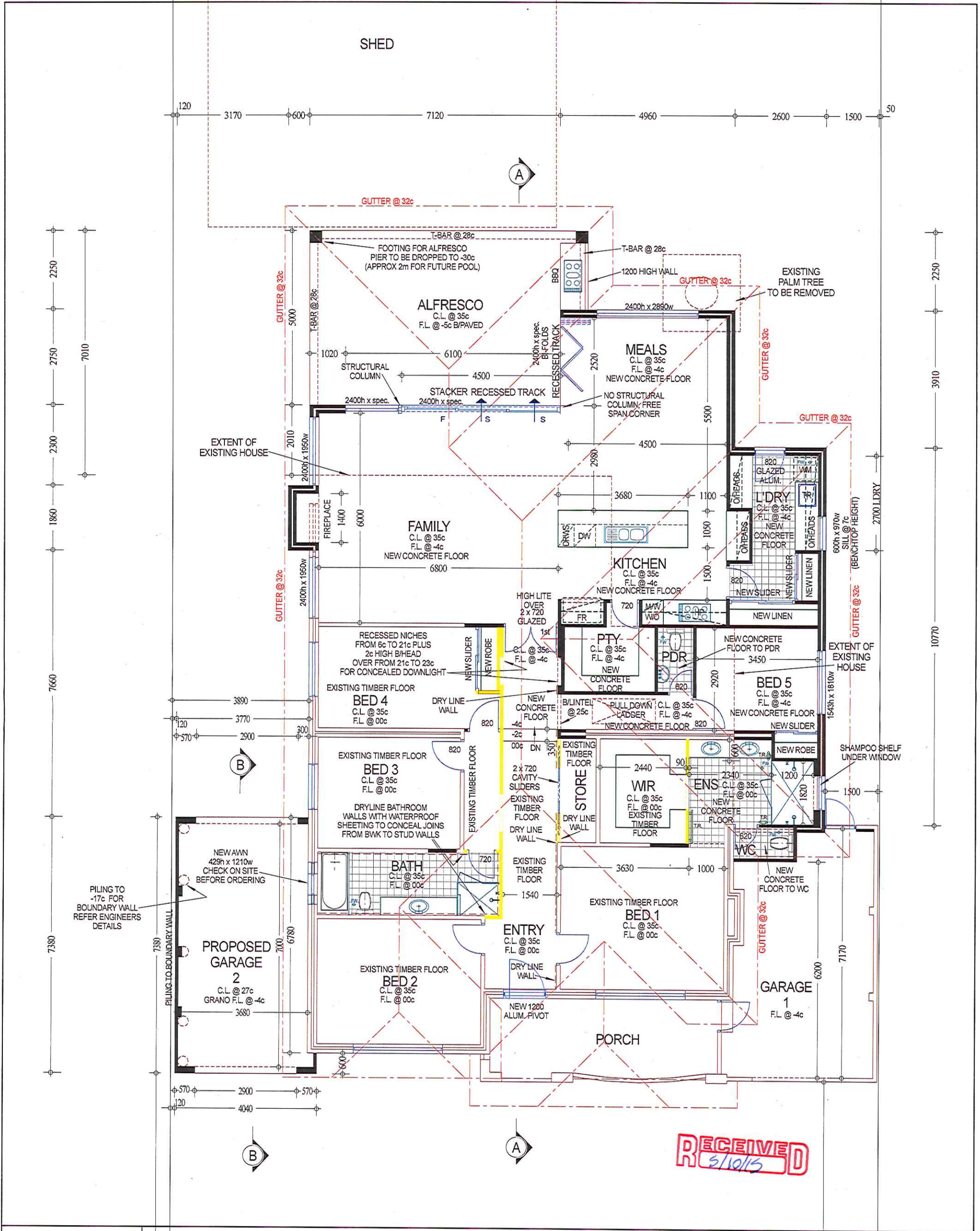
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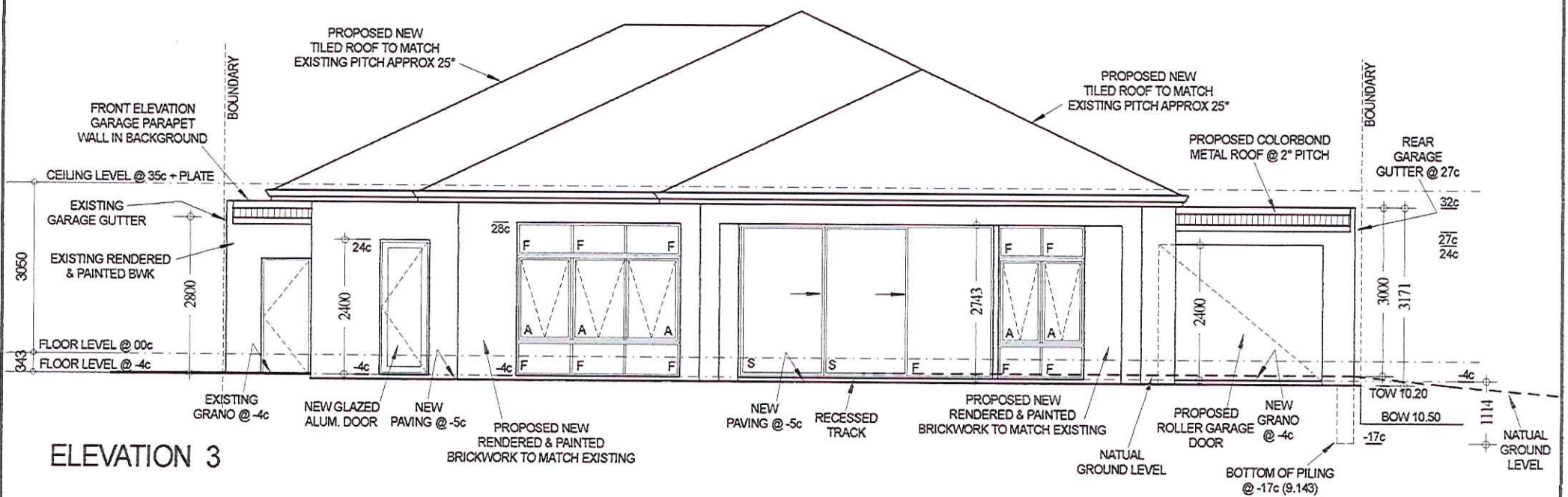
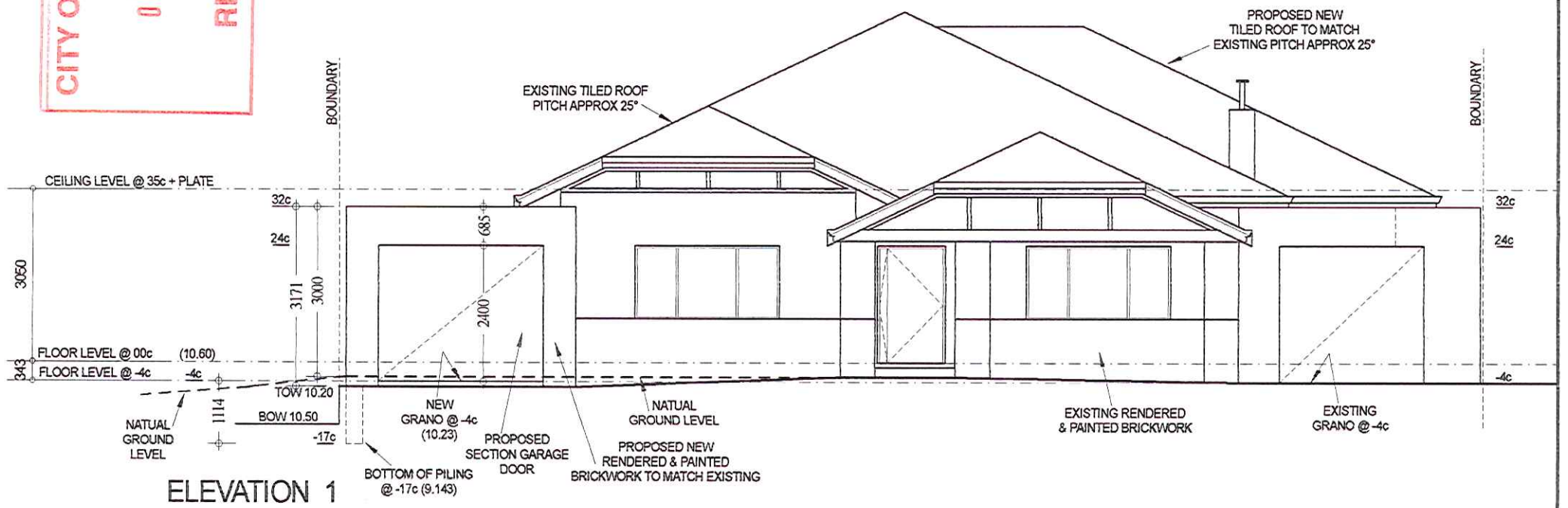
PROPOSED MODIFICATIONS @
14
STRICKLAND STREET
MT. CLAREMONT
CLIENT: RYAN & TARA PIGDON

SHT
No. 1

REV. 6



GROUND FLOOR PLAN		PROPOSED MODIFICATIONS @	
<div>AREAS: NEW G. FLOOR 82.02m² GARAGE 2 27.98m² ALFRESCO 37.38m²</div> <div>TOTAL 147.38m²</div> <div>PERIMETER 00.00m</div>		# 14 STRICKLAND STREET MT. CLAREMONT CLIENT: RYAN & TARA PIGDON	
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		JUNE 2015	REV. 6



ELEVATIONS 1

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SCALE: 1 : 100

JUNE 2015

PROPOSED MODIFICATIONS @

14

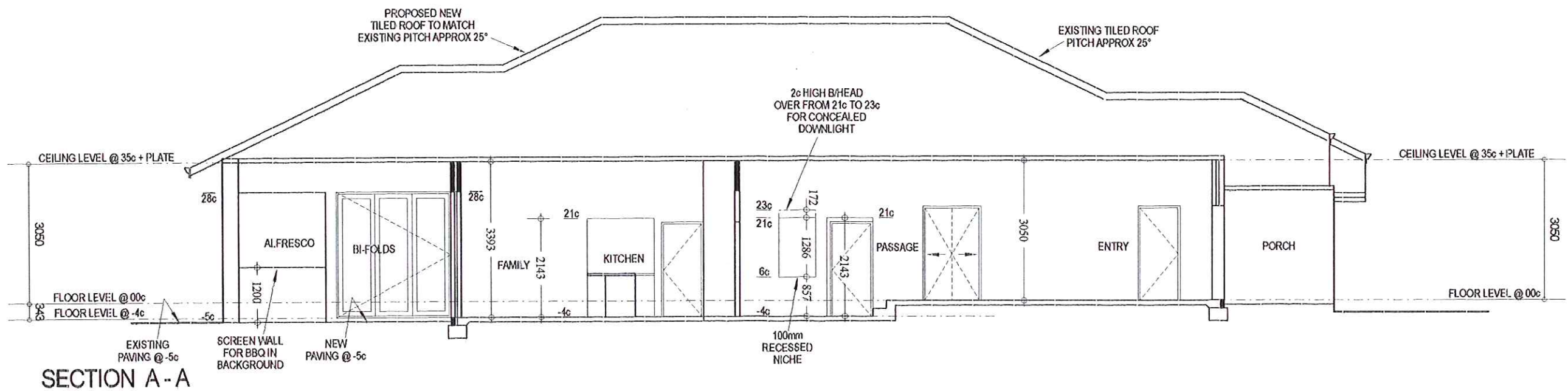
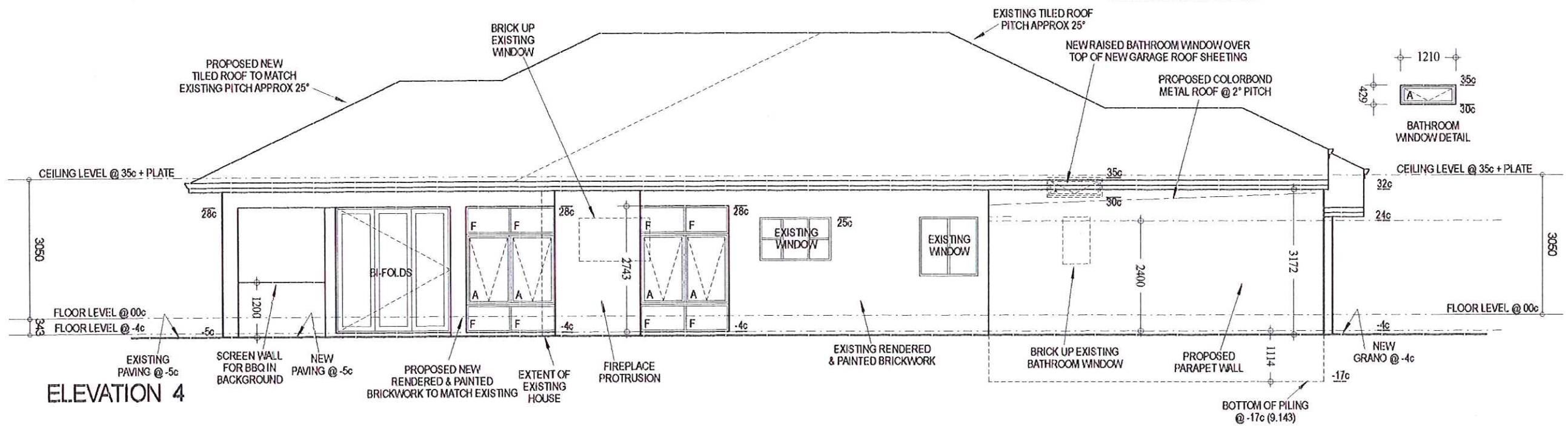
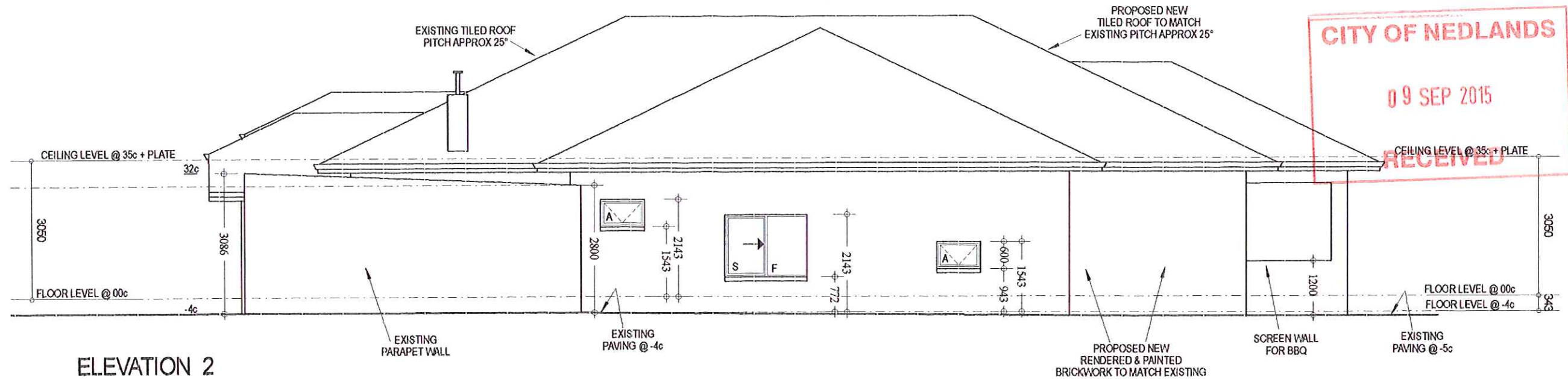
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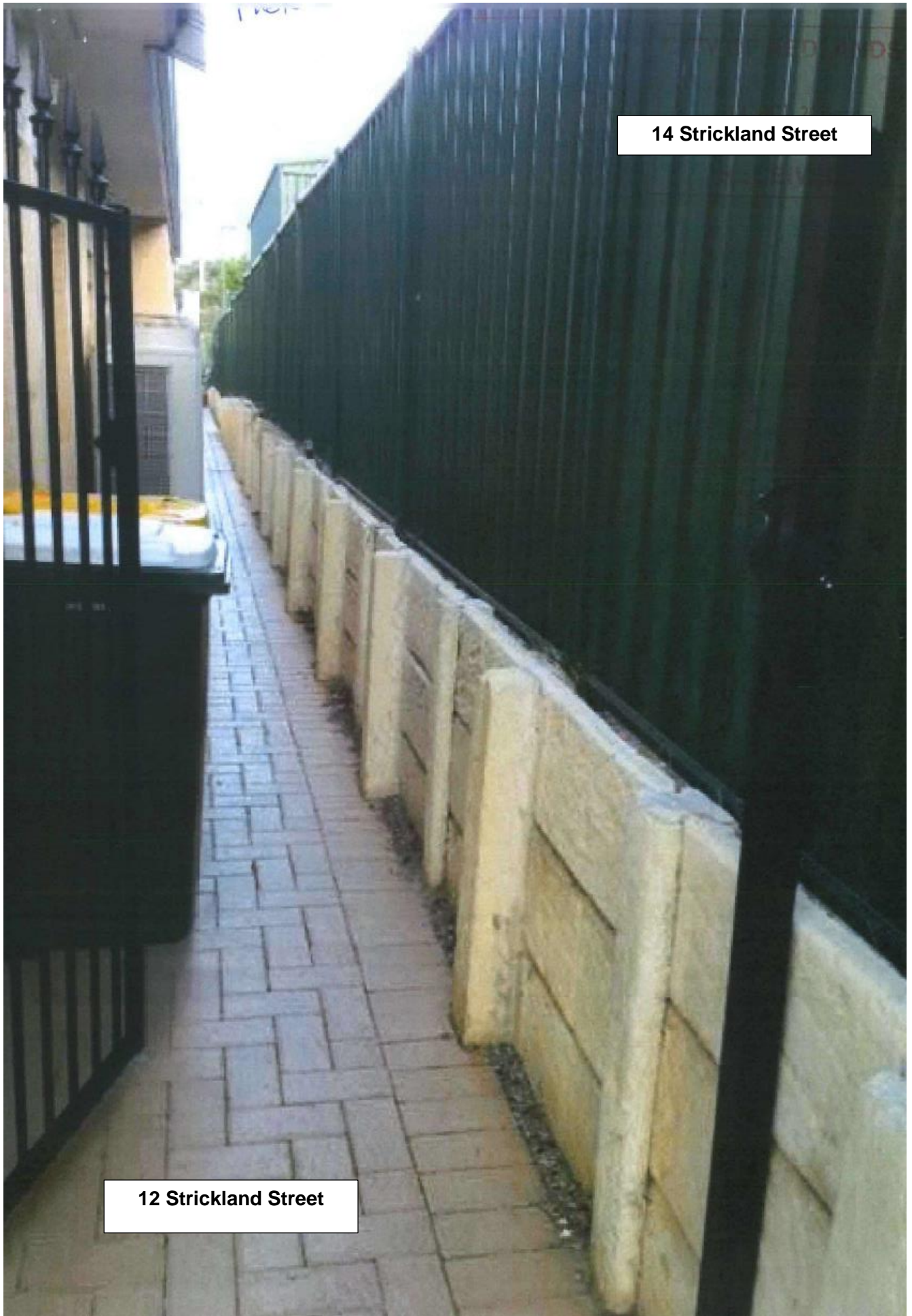
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REV. 6



**LOCATION OF
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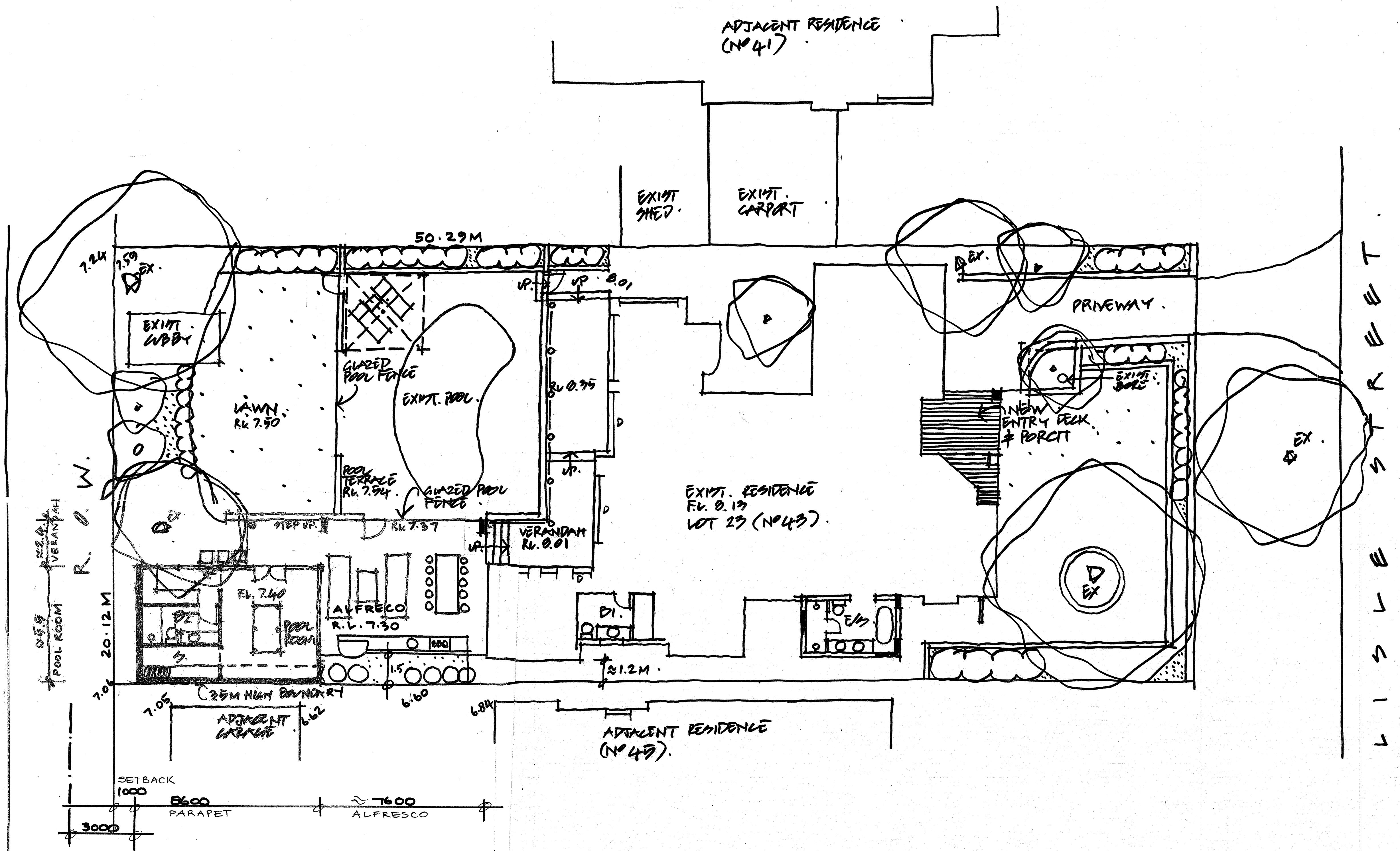




14 Strickland Street

12 Strickland Street

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10/09/2015



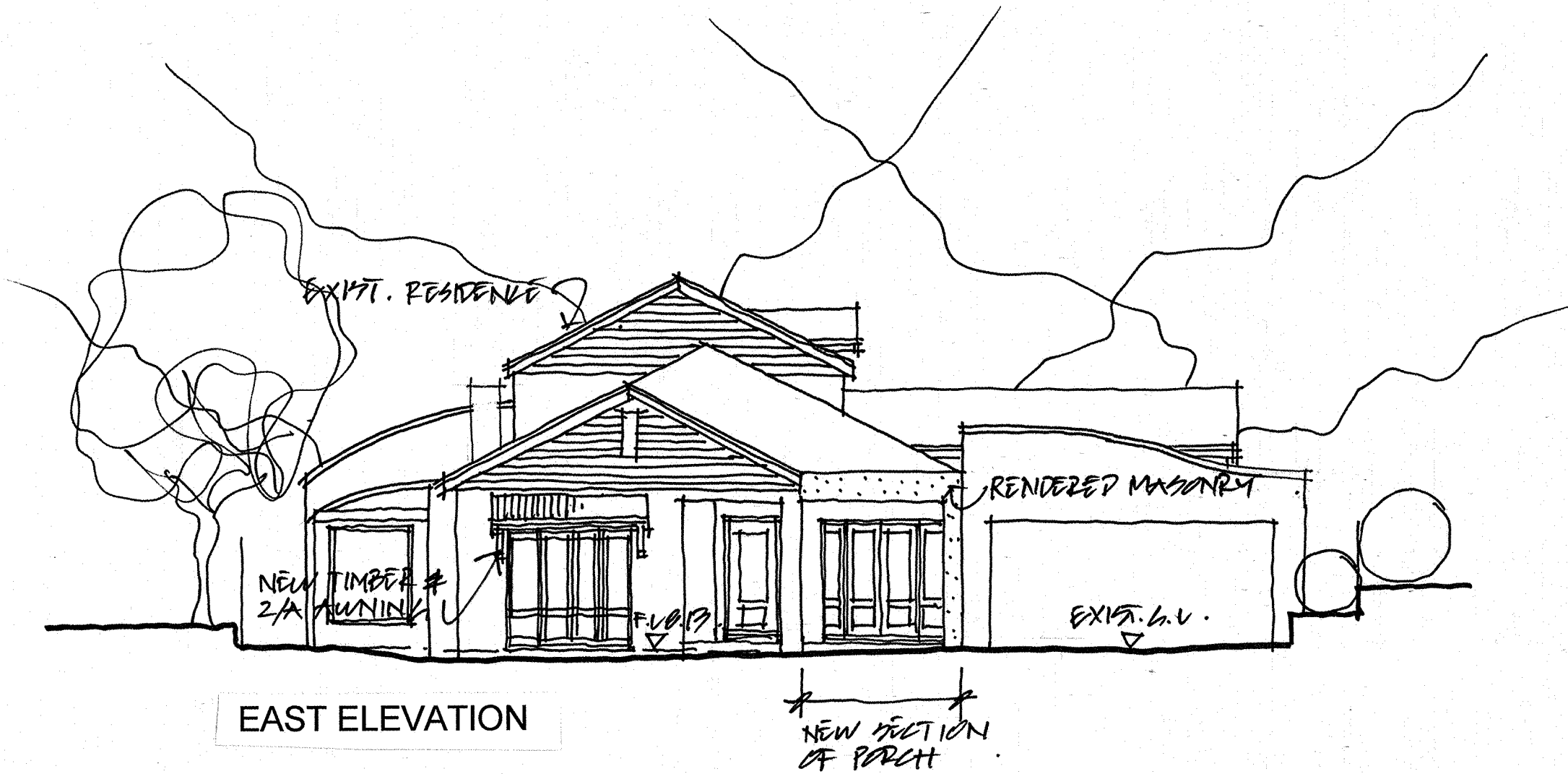
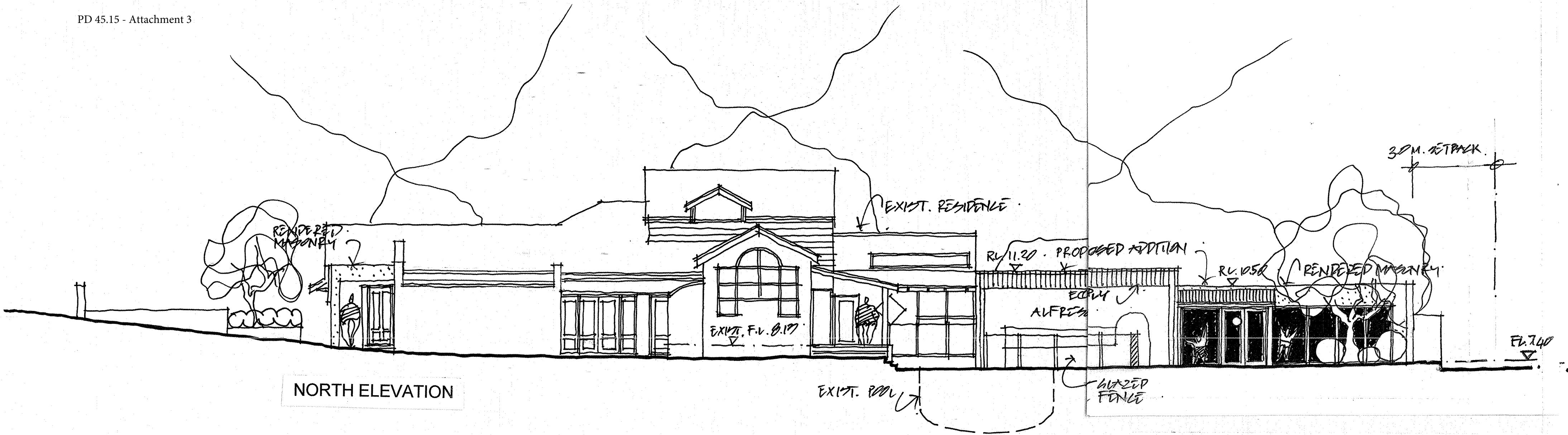
REVISION B. 11 SEPT. 2015
 * CHANGE REAR SETBACK 1M
 * ALFRESCO SOUTH WALL - 1.5M SETBACK

nash+ghersinich
 architects and interior designers
 SUITE 2 74 HAY T 08 9381 2094 M 0409 152 735
 SUBIACO WA 6008 lorraine@nashandghersinich.com.au

ALTERATIONS & ADDITIONS TO
 43 LISLE ST MOUNT CLAREMONT
 FOR K. & M. WITHERS

PROPOSED FLOOR & SITE PLAN

SCALE 1:100
 JOB NO 1504 P1 B JUNE 2015



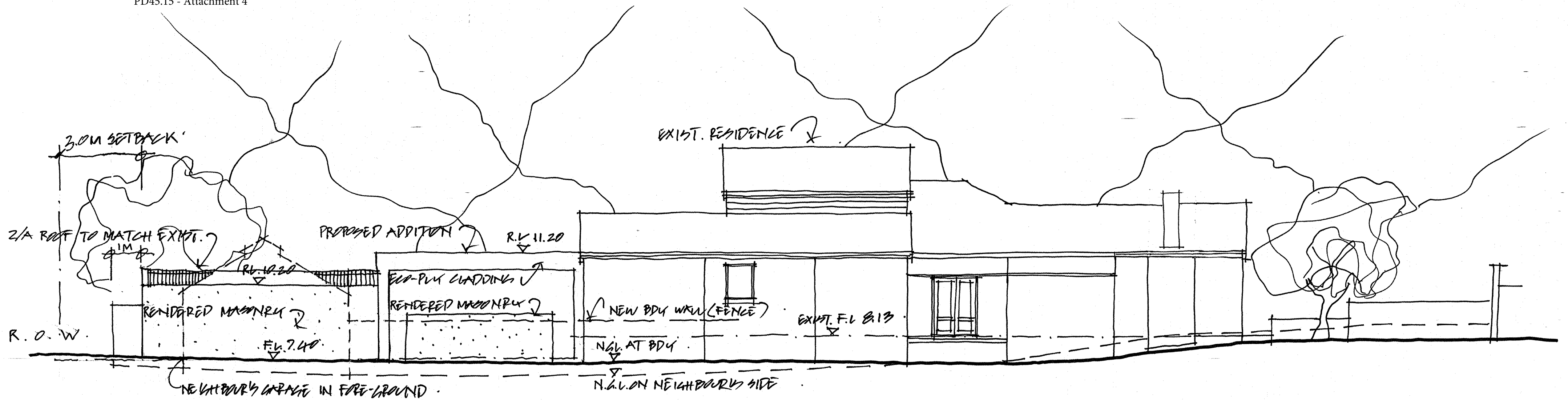
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* CHANGE REAR SETBACK TO 1M.

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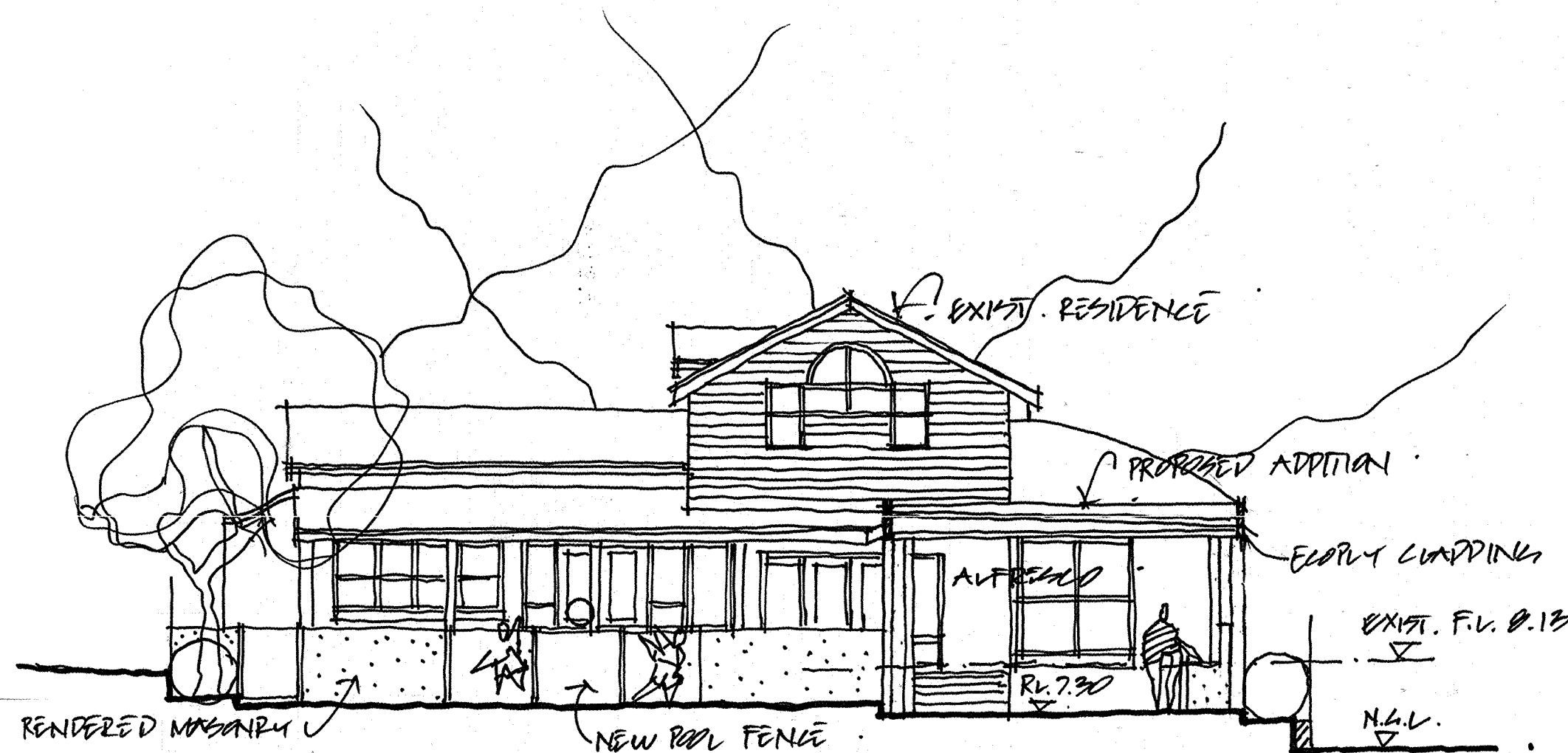
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PROPOSED NORTH AND EAST ELEVATIONS

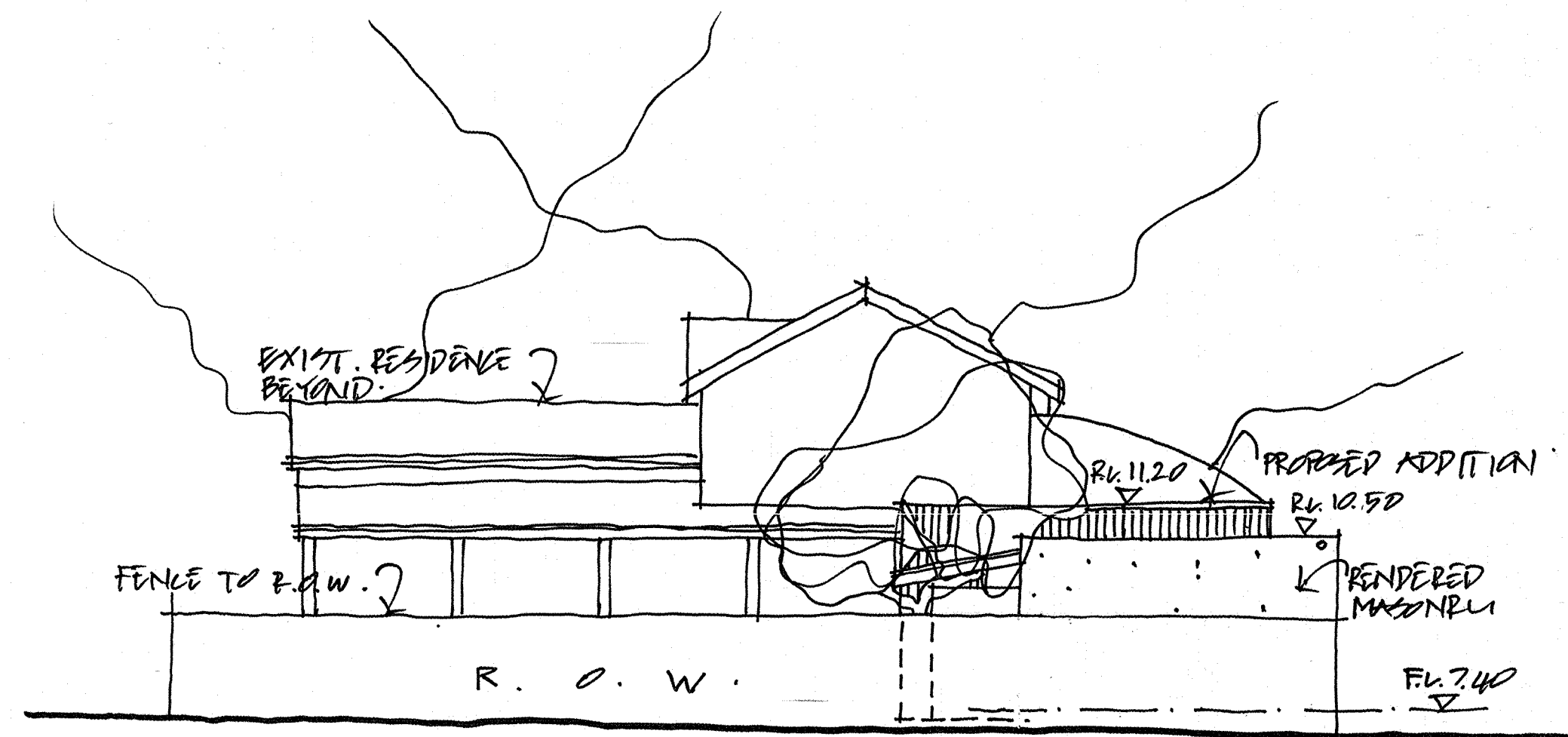


SOUTH ELEVATION

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SECTION THROUGH ALFRESCO



WEST ELEVATION (R.O.W)

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architects and interior designers

SUITE 2 74 HAY
SUBIACO WA 6008

T 08 9381 2094 M 0409 152 735
lorraine@nashandghersinich.com.au

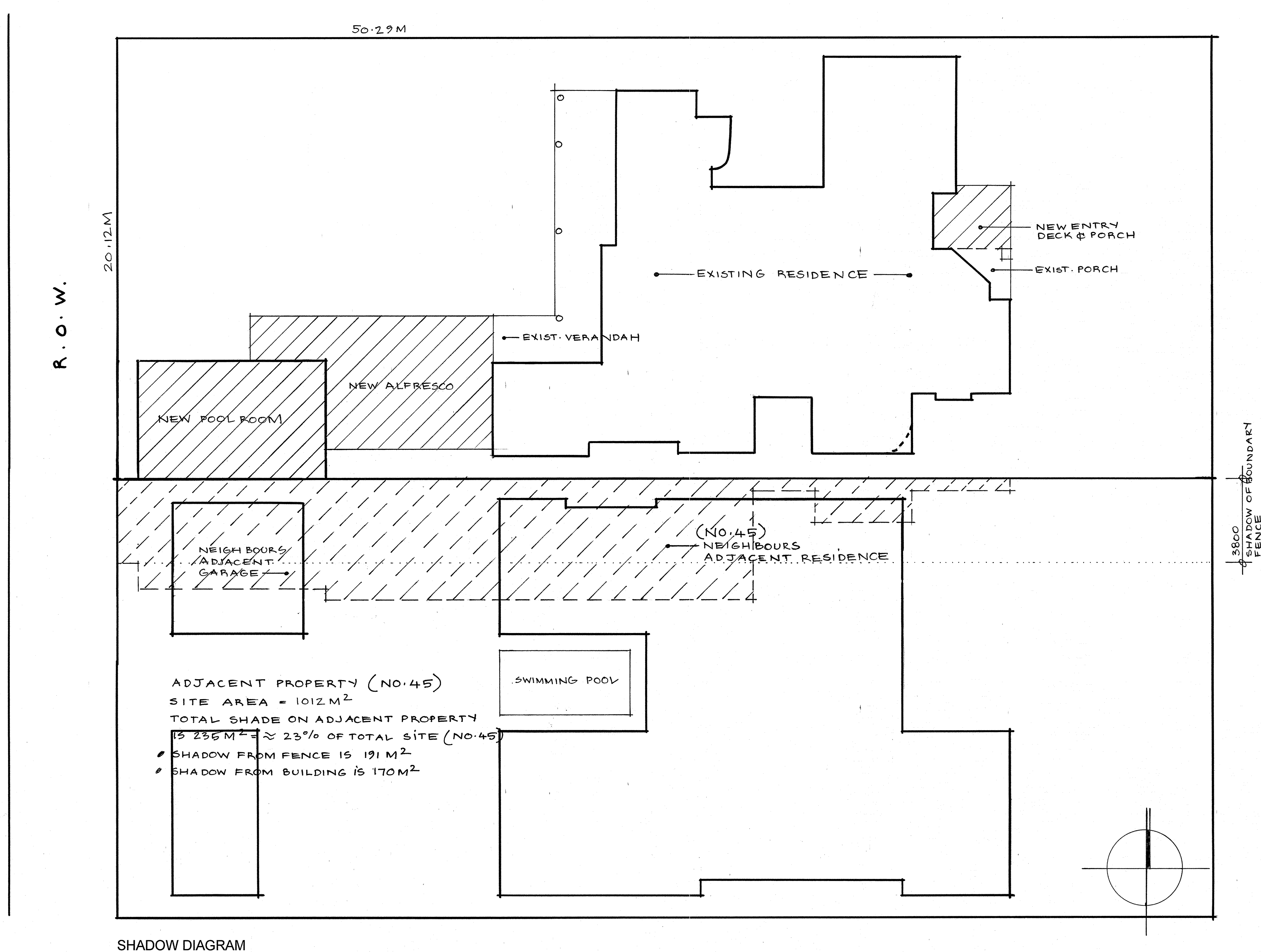
ALTERATIONS & ADDITIONS TO
43 LISLE ST MOUNT CLAREMONT
FOR K. & M. WITHERS

PROPOSED SOUTH AND WEST ELEVATIONS

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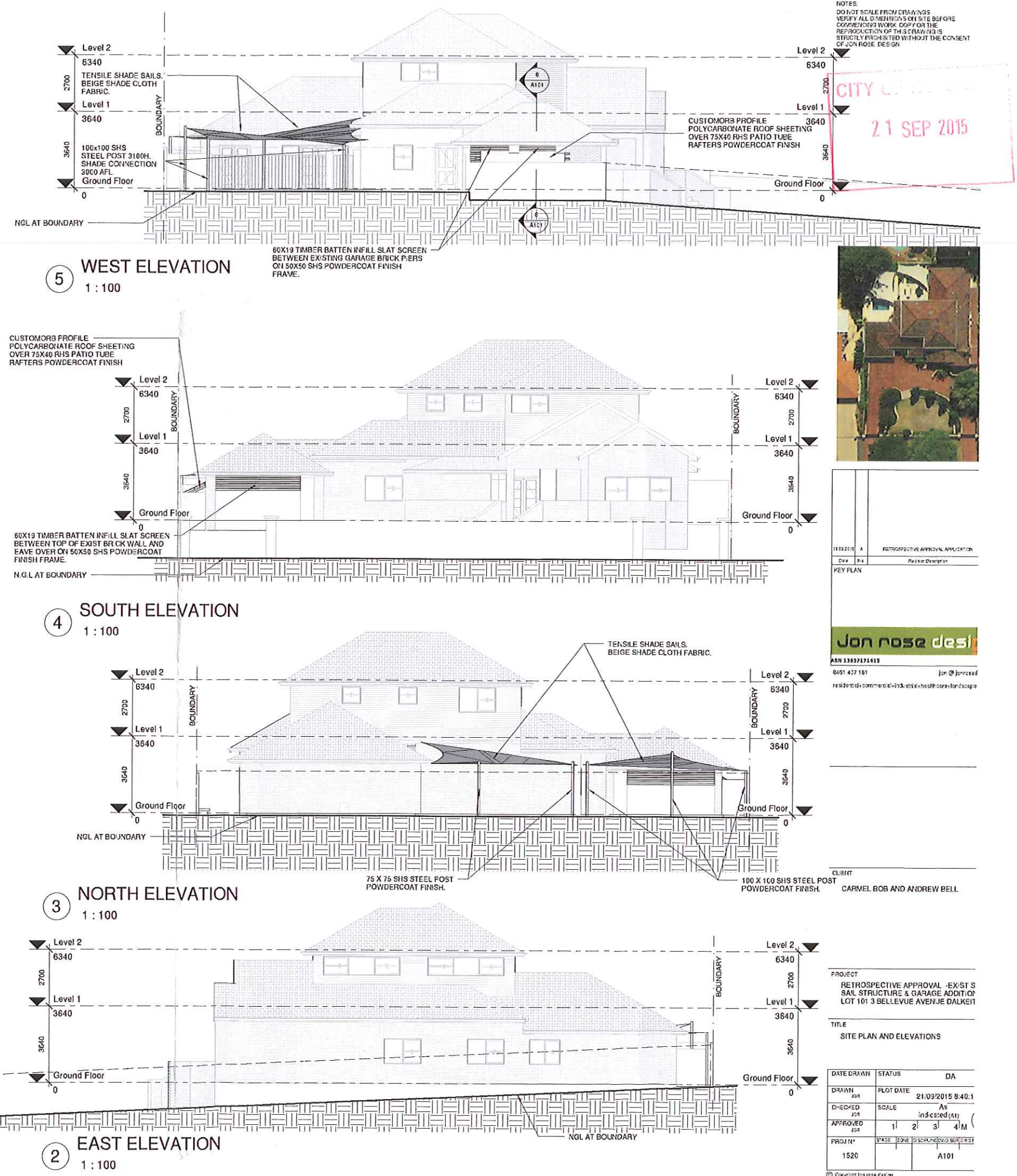
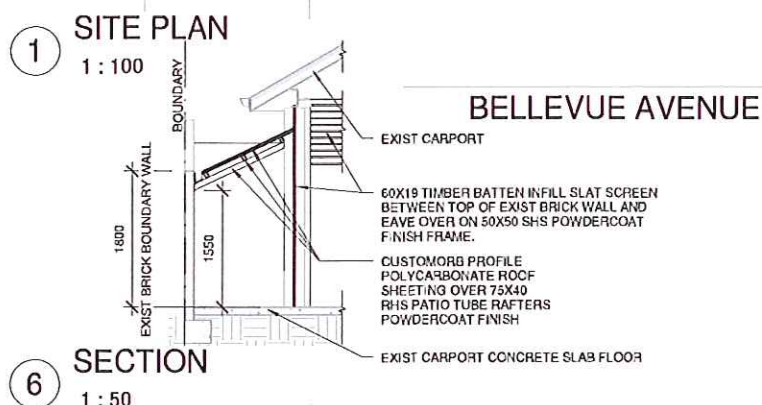
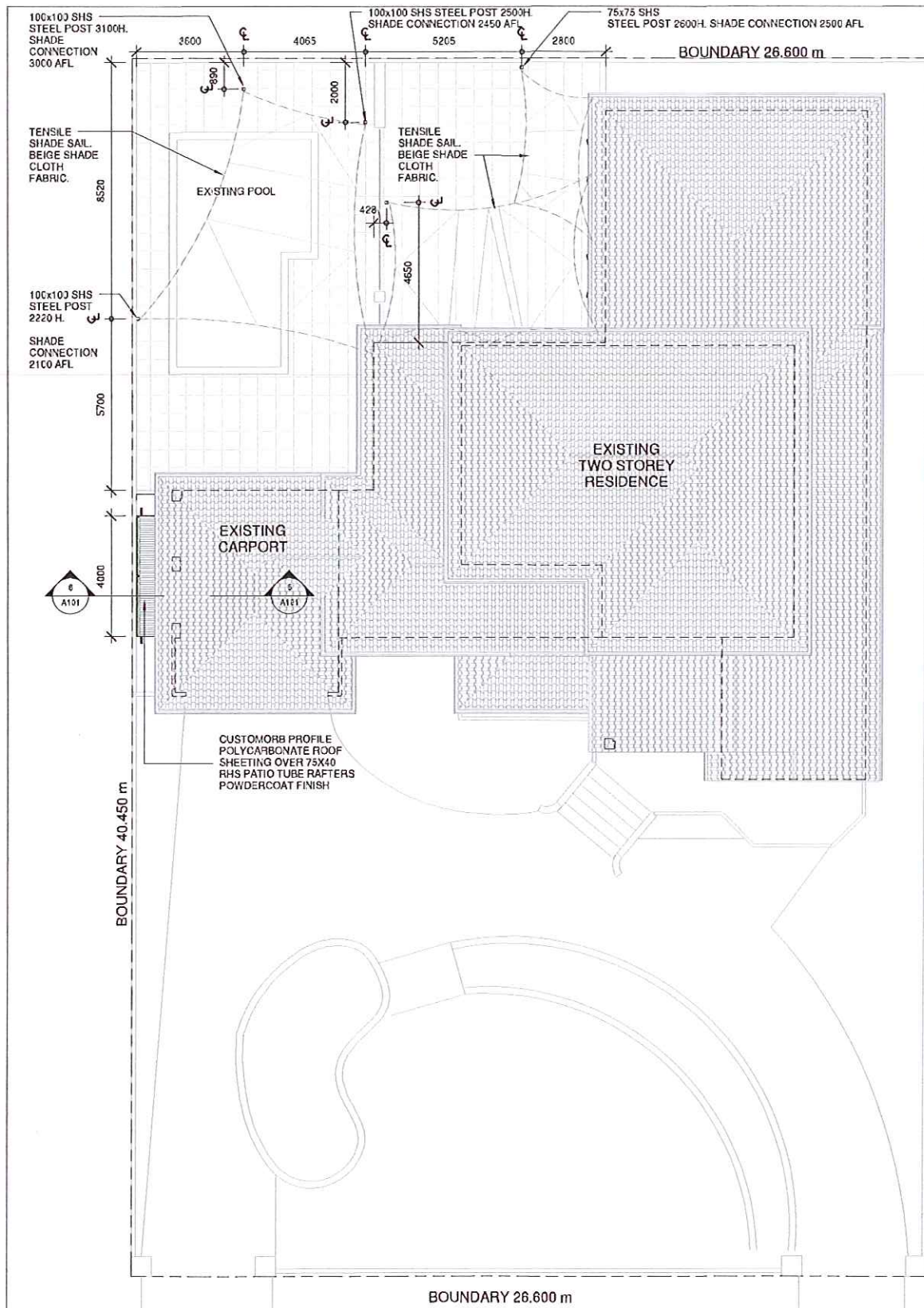
ALTERATIONS & ADDITIONS TO
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SHADOW DIAGRAM

SCALE 1:100

JOB NO 1504 P4 A

AUGUST 2015

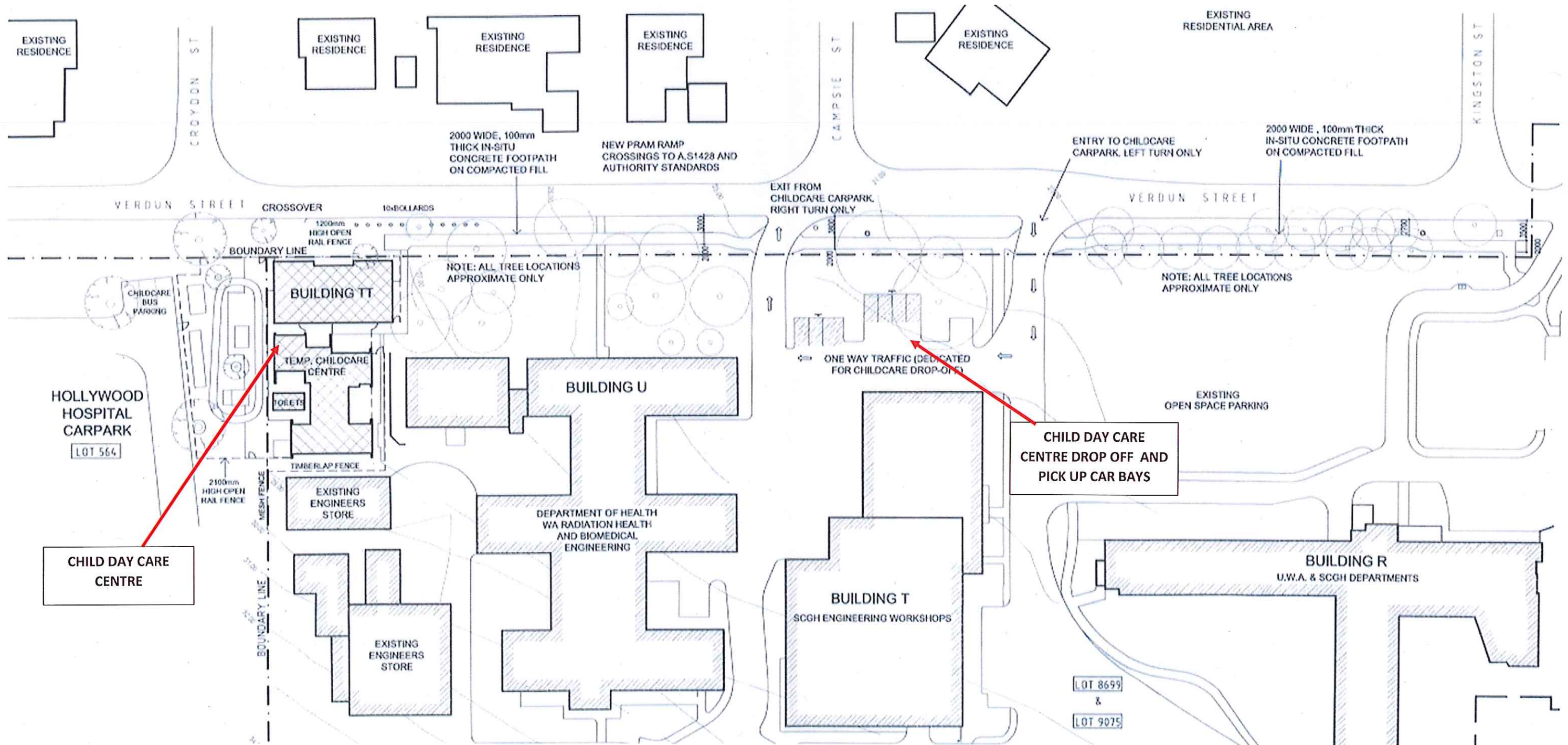




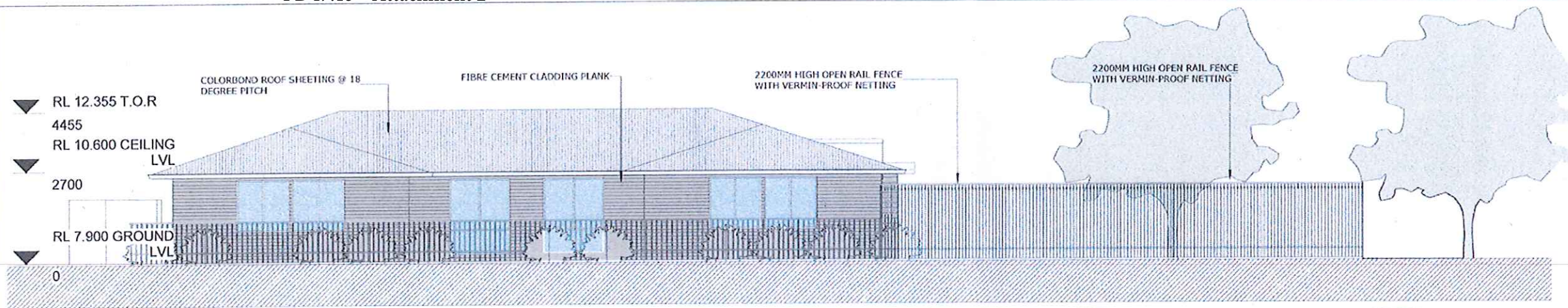
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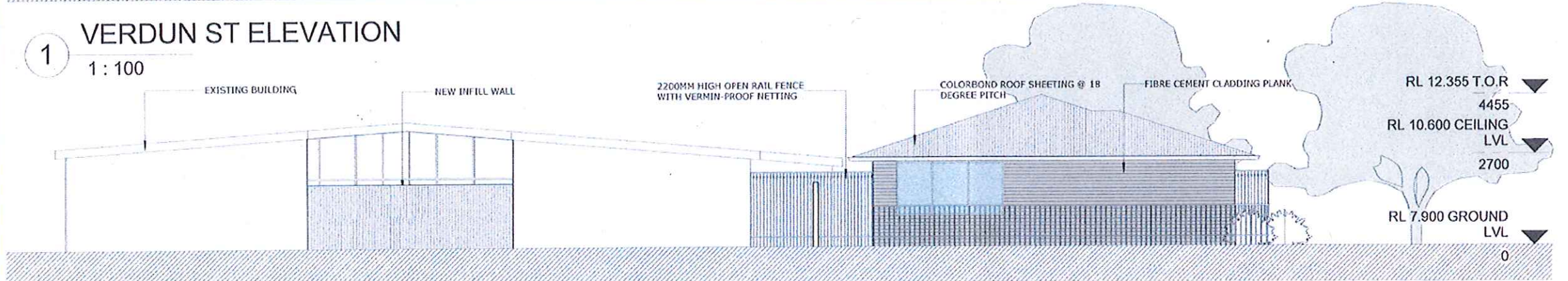




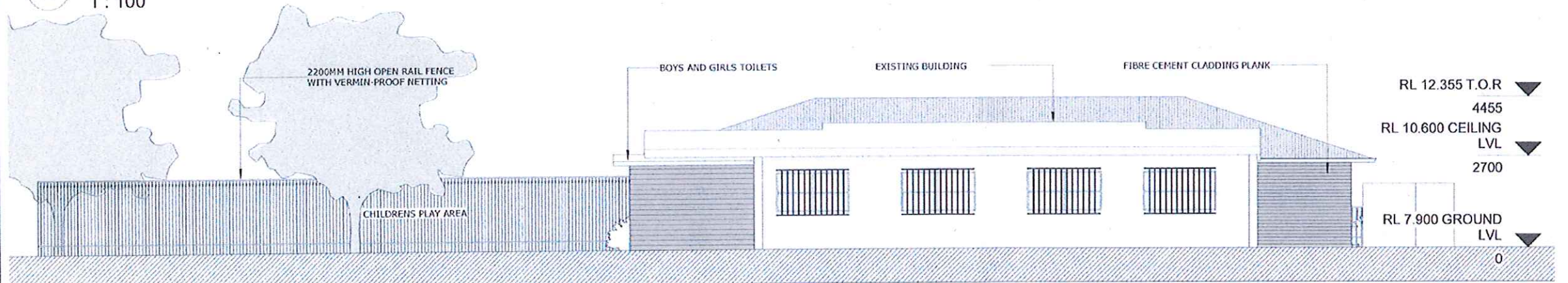
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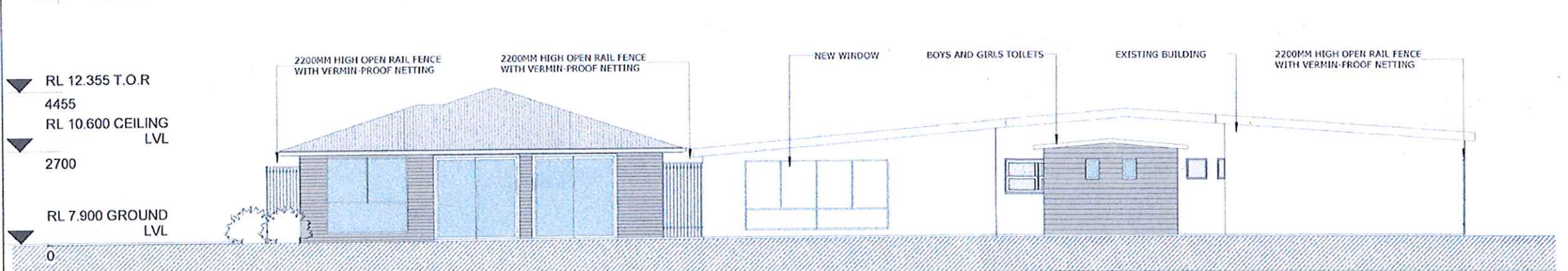
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1 : 100



2 EAST ELEVATION
1 : 100



3 SOUTH ELEVATION
1 : 100



4 WEST ELEVATION
1 : 100

CITY OF NEDLANDS
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No.	Description	Date
01	issued for DA	15/11/10

LYONS
ARCHITECTS



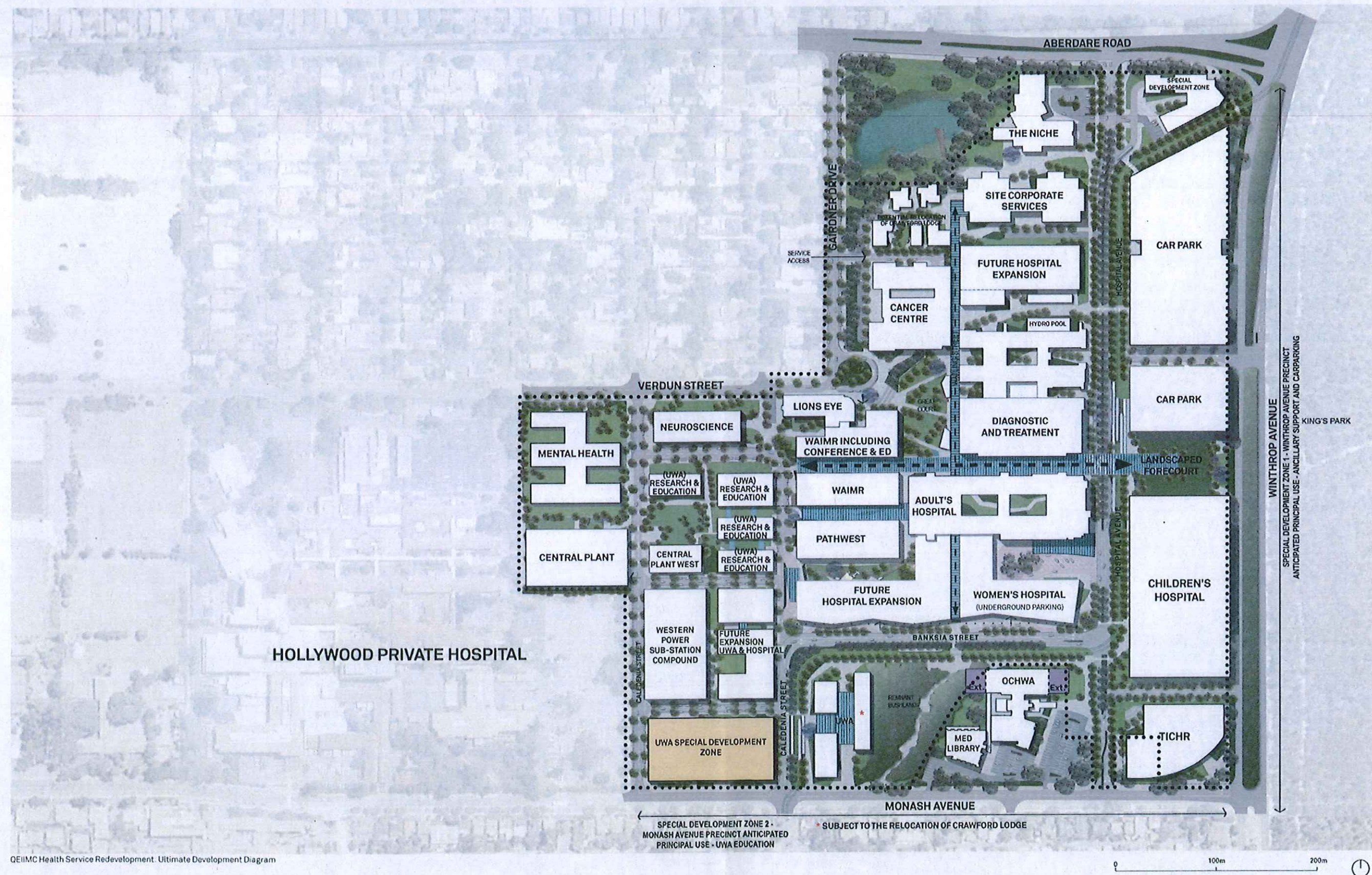
ARCHITECTURE + INTERIORS + LANDSCAPE
11A OUTRAM STREET WEST PERTH 6005 PHONE 9481 2225 FAX 9481 2224
info@lyonsarchitects.com.au

STUDIO: MELBOURNE BRISBANE PERTH
AURORA PROJECTS PTY LTD
First Floor 211 Treasury Road, Suite 101, 6000
T: 08 9264 6225 F: 08 9264 6224
M: 08 9264 6225 E: info@lyonsarchitects.com.au

CLIENT: QEII MEDICAL CENTRE

TITLE: CHILDCARE RELOCATION ELEVATIONS

DRW	B.W	12/11/2010	Scale	1 : 100
CHK BY	Checker	12/11/2010		10524
JOB No.	10524	DA-03	REV	01



WARATAH AVENUE CONCEPT PLAN



THE STREET

- | | |
|---------------------------------|---|
| 1 Road treatment - resurface | 6 Footpath widening |
| 2 Tabletop pedestrian crosswalk | 7 Investigation area - proposed future roundabout |
| 3 Entry statement | 8 Promenade |
| 4 Street trees | 9 Existing crossover to remain |
| 5 Existing brick footpath | |

THE PARK

- A Children's playspace
- B Shade sails and seating
- C Footpath
- D Planting (small shrubs)
- E Informal seating elements

Note: This concept plan is indicative only



Waratah Avenue Concept Plan





EXECUTIVE SUMMARY

The Waratah Avenue Concept Plan has been prepared to guide changes to Waratah Avenue to create a memorable, attractive, accessible and vibrant place where people want to gather and foster a sense of community.

The Waratah Avenue Concept Plan was created as a result of the Placemaking Strategy Study for Waratah Avenue. The Concept Plan focuses on the streetscape along Waratah Avenue between Adelma Road and Alexander Road and aims to set the context for implementing streetscape improvements. The Placemaking Strategy study previously included the Dalkeith Hall site, however from the outcomes of community consultation and meetings of the Steering Committee, it has been identified that streetscape improvements along Waratah Avenue are to be prioritised and the redevelopment of the Dalkeith Hall considered at a later date, most likely during the review of the City's Strategic Community Plan.

This Concept Plan aims to make Waratah Avenue a communal destination. Using feedback from an array of community engagement methods and a steering committee, residents have been given the ability to engage in the planning process to ensure that Waratah Avenue becomes a place that residents will be able to safely enjoy.

BACKGROUND AND OVERVIEW

Overall context of the site

Waratah Avenue is located within the suburb of Dalkeith in the City of Nedlands, and approximately 6 kilometres South-West of Perth's Central Business District. Waratah Avenue is referred to as a Local Distributor Road as per Main Road's Road Hierarchy, servicing the area via an assortment of transport options. The subject site is located along Waratah Avenue between Adelma Road and Alexander Road.



Locality plan



Aerial view

HISTORY BEHIND THE PROJECT

January 2012, the Minister of Planning approved Town Planning Scheme No. 2 Amendment No. 192 relating to the commercial properties along Waratah Avenue. The final version of this amendment was not supported by Council or the local community. The amendment meant that commercial properties along Waratah Avenue in Dalkeith could now be redeveloped to four storeys.

Council resolved to allocate resources to the preparation of a Placemaking Strategy in March 2012 to ensure that Council is taking a proactive approach to areas the City has control over inclusive of:

- The street and streetscape;
- Services provided to the area;
- Dalkeith Hall;
- Genesta Park; and
- Development standards.

In the future, Waratah Avenue will see an increase in density and commercial activity and Council has recognised that this will require upgrades to roads, pedestrian crossings, park infrastructure, shading, alfresco areas and car parking. Given the community felt excluded in the Scheme amendment process, a Placemaking Strategy was seen by Council as the best opportunity to collaborate with the community and understand what they wanted for Waratah Avenue.

The supporting comments from the March 2012 Council meeting are quoted below:

“The Minister has now signed off on the town planning scheme amendment relating to Dalkeith Village. Although the Council did not agree with what was done or the approach adopted and made its view known the outcome is locked in and beyond recall. It is now time to move forward in a positive why to seek influence and produce, so far as matters are within Council power, a desirable outcome for Dalkeith which has the support of residents and ratepayers.”

The project team identified that it was important to engage properly with local residents, traders and landowners whilst undertaking the Placemaking Strategy Study. Given the community’s experience with the Scheme Amendment for the area, the project team believed it was important that engagement was conducted in a systematic and genuine way. The ultimate goal for the engagement was that the community contributed to the future planning for the area in a positive way.



CONSULTATION CONDUCTED



The community consultation conducted provided necessary information and feedback in order to complete the Placemaking Strategy Study. In developing the community engagement plan for the project, the City outlined objectives and principles that they would undertake at each stage of engagement.

The community engagement objectives outlined were:

- To involve local residents, traders and landowners in the preparation of the Concept Plan in a systematic and genuine way.
- To implement an engagement process that legitimately contributes to the preparation of the concept Plan.
- To communicate consistently with local residents, traders and business owners about the project and the engagement process through different mediums.
- To ensure that there are different opportunities for people to participate in the engagement process as the project progresses.

The community engagement principles outlined were:

- Appreciate that the people attending will be the intended users.
- Value people's time and engage them genuinely.
- Make it convenient for people to participate.

The City organised an array of community events and methods to engage the community in the project including:

- A **Steering Committee** comprised of three residents, four councillors (two Dalkeith Ward Councillors and two other Ward Councillors), the Mayor and the CEO.
- **Posters** were displayed in community buildings, along businesses in the street, community notice boards etc.
- **Flyers** were sent to every household in the project area and displayed in businesses along Waratah Avenue in Dalkeith. The flyers briefly explained the project and encouraged members of the community to register on the website for an online newsletter to receive regular updates on the project. The flyers were also displayed in the City's libraries, the administration centre, and were handed out at other planned community events.
- **Concrete Graphics** were installed on the footpaths within the project area with the purpose of directing the community to the City's website to obtain extra information. Displayed on the concrete graphics was also a QR code which linked anyone interested straight to the website.



- **Advertisements** were placed within the local community newspaper to notify the community of the project. Advertisements were posted on a regular basis on the City's community information page in the local community newspaper.
- A **webpage** on the City's website was established to give updates on the project, listing all events and opportunities available to the community.
- A monthly **online newsletter** was established and administered to subscribers of the Placemaking Project.
- To engage the local business community in the project, Project Team officers walked along Waratah Avenue and spoke to each business on the street individually about the project.
- Three **one-on-one sessions** were organised to try and engage local businesses in the project. Two involved the option of a half hour one-on-one meeting with the City, whilst another offered a two hour workshop.
- **Two community workshops** were organised for stakeholders and all Dalkeith residents.
- **Online surveys** were prepared and made available on the City's website for those stakeholders who could not attend any of the planned community engagement events. Place assessments were also administered in hard copy and made available at the City's administration Centre, libraries and aged care centre.
- **PARK(ing) Day** is an International event where people collaborate to temporarily transform parking spaces into temporary public spaces. The City organised PARK(ing) Day using a car park space on Waratah Avenue as the event site. On the day, City staff spoke to stakeholders about the project and encouraged them to sign up for the City's project newsletter and fill out place assessments.
- The project team met with local primary school students and conducted a **children's art competition** called "Welcome to Waratah" where children were asked to draw what their favourite park would look like, as well as conducted a consultation session with the year 7's of Dalkeith Primary School, focusing on the Waratah Avenue streetscape and Genesta Park.
- **Local Councillors workshops** were also conducted and run in the same format as the community workshops.

The City received comprehensive community feedback from the consultation with engagement of over 600 community members (almost 30% of the household population in Dalkeith, Perth);



Limiting the scope of the project

Following the conclusion of consultation as listed above the results were analysed and summarised into usable data for the project. Using this data along with other technical studies, three concept plans were prepared by external consultants for the Hall, the Street and the Park. The main focus of the project at the conclusion of consultation was that redevelopment of Council controlled assets would occur to facilitate streetscape improvements.

The City had three concept designs for the area prepared being low cost, middle cost and high cost (best practice) options. After these were produced and presented to the Steering Committee, deliberations commenced to find a balance between what the concepts proposed and meeting community expectation for the area.

It was deemed through deliberations of the concepts that the hall redevelopment is an extensive project to undertake and the most appropriate action is to prepare a business case for the redevelopment to be included within the City's Strategic Community Plan. This will allow the redevelopment to be properly costed and included within the City's budgetary constraints. This has subsequently lead to the hall being excluded from the plan for future investigation.

APPEARANCE AND DESIGN OF EXISTING STREETScape

Strengths and Weaknesses of Existing Streetscape

The following are considered strengths and weaknesses of the existing streetscape which were listed from the results of community consultation:

Strengths:

- Ample parking provision
- Established community facilities (Dalkeith Hall and Genesta Park)
- Variety of shops and restaurants
- Area generally safe with little or no crime in the area
- Many local visitors frequent the village
- Low vacancy rates for commercial buildings indicating room for growth
- Established anchor tenants
- Park has good features with opportunities for cosmetic upgrades

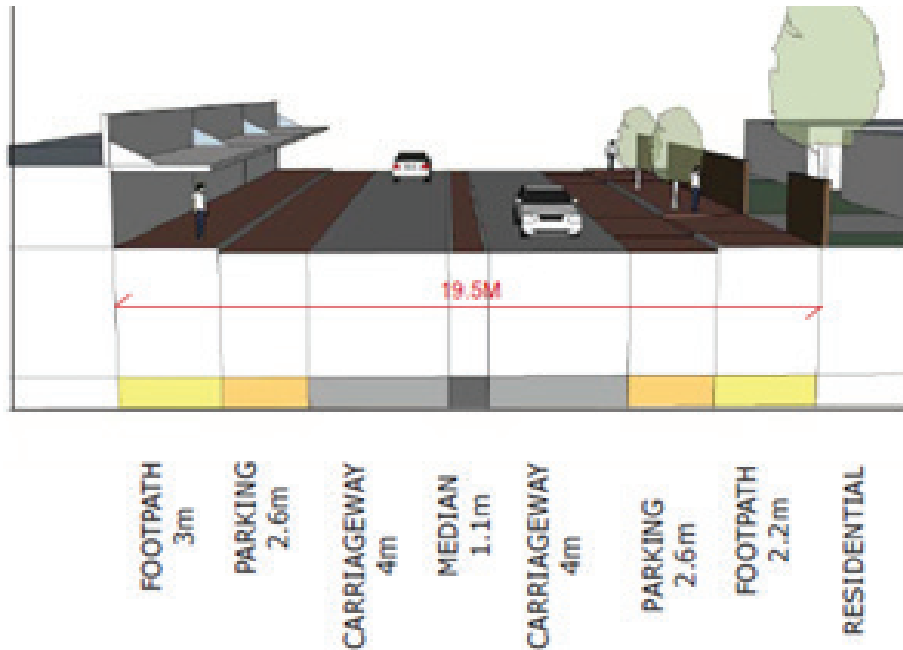
Weaknesses:

- Lack of formal and safe crossing facilities
- Lack of pedestrian amenities
- Lack of seating which limits access for some community members
- No public toilets
- Minimal shelter from the elements
- Black-spot intersection at Waratah Avenue and Alexander Road
- Narrow paths reduce pedestrian activity and alfresco dining opportunities
- Lack of diversity in land uses (i.e. missing bakery, butchers and fast-food options)
- Lack of night time activity/economy. Vehicle speeds felt too fast along Waratah Avenue
- Small street trees provide no shelter and little amenity

Existing Section Perspective and Photographs

The existing streetscape demonstrates narrow footpaths either side of the road, a median strip and little landscaping. Below is a perspective of the streetscape from the eastern end of Waratah Avenue where there are residential properties on the southern side.

EXISTING TYPICAL SECTION



Western End of Waratah Avenue is active with restaurants and shops



Lack of landscaping



Narrow side walk on northern side



Lack of formal pedestrian crossing to assist crossing Waratah Avenue



Round about 'book-end' to streetscape



Existing pedestrian crossing provided



Genesta Park signage



Genesta Park open space is turfed with scattered trees

OBJECTIVES AND OUTCOMES OF THE CONCEPT PLAN

Strategic Alignment

The Waratah Avenue Concept Plan is strategically aligned with the City's Strategic Community Plan. The Concept Plan and its implementation are related to the Council Outcomes outlined with the Plan.

These outcomes include:

- Healthy and Safe
- Great Natural and Built Environment
- High Standard of Services
- Great Communities
- Reflects Identities
- Great Governance and Civic Leadership
- Great for Business
- Easy to Get Around

The Concept Plan is also strategically aligned within these Council priorities:

- Protecting our quality living environment.
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Encouraging sustainable building
- Strengthening local hubs/centres

Desired Outcomes

1. Waratah Avenue is improved and upgraded visually. Waratah Avenue has a high quality streetscape populated with high quality details. The street has beautiful, well-functioning and comfortable street furniture that is placed out of the way of pedestrians. Planting more street trees provides the benefits of shade and helps with softening the urban landscape.
2. Waratah Avenue is more pedestrian friendly thanks to slow moving traffic, wider footpaths and greater alfresco dining opportunities.
3. Well-planned improvements are made to Waratah Avenue and Genesta Park that aligns with the expectations of the local residents and traders.
4. Genesta Park is a place for people to gather and is enjoyed by a range of age groups. It is used more often to host community activities.



Site Specific Outcomes

Waratah Avenue:

- Link people to places to ensure access, legibility, and connectivity
- Weave old and new experiences and characteristics to maintain and enhance Waratah Avenue's presence
- Reinforce this as a place for people without excluding cars

Genesta Park:

- Make a place which provides a physical environment that creates experiences and nurtures the community
- Instil a sense of pride in the people who live and work within the area
- Make a place which is accessible, comfortable, safe, and suitable to all members of the community

THE CONCEPT PLAN

Preparation

Three Concept Plans were prepared for the streetscape and park. These Concept Plans were analysed and discussed by the Steering Committee with elements of each concept being preferred rather than one concept plan in its entirety. A revised Concept Plan was prepared encapsulating all the preferred elements. This final Concept Plan was presented to the Steering Committee and the City was given consent to present the Concept Plan to the community.

The Concept Plan focuses on streetscape upgrades and park improvements which are summarised below.

Pedestrian Crossings

The inclusion of dedicated raised pedestrian crossings will remove the need for a median to cross the road. Most people will be capable of making it across the street without a median refuge or pedestrian crossing

Road widths, grades and traffic calming

- The median strip is proposed to be removed as it will permit the widening of the northern side footpath
- The area maintains the different grades between street and pedestrian areas and a 'resurfacing' is proposed to a different bitumen colour to indicate entering a different space
- The provision of a roundabout at the western end will create a 'bookend' to the street and mirror the roundabout at the other end and is also a key traffic calming measure

Landscaping and street trees

- More street trees were desired for the locality whilst not losing many on-street car parking bays. This has been incorporated into the plan with trees provided either side of the street between car parking bays to provide a canopy feeling along the street
- Additional plantings and trees are proposed within and along the periphery of the park

Footpath widths

- Northern side footpath to be widened
- A wider footpath is proposed adjacent to Genesta Park on the southern side to create a 'Promenade' with additional street trees
- A central footpath is proposed to connect the parking on the southern side of the park to the promenade on Waratah Avenue

WARATAH AVENUE CONCEPT PLAN



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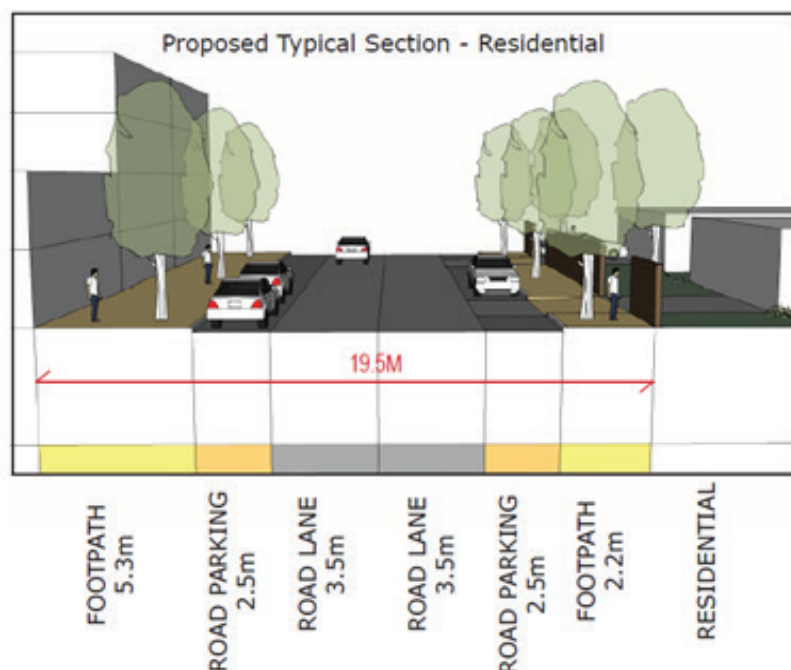
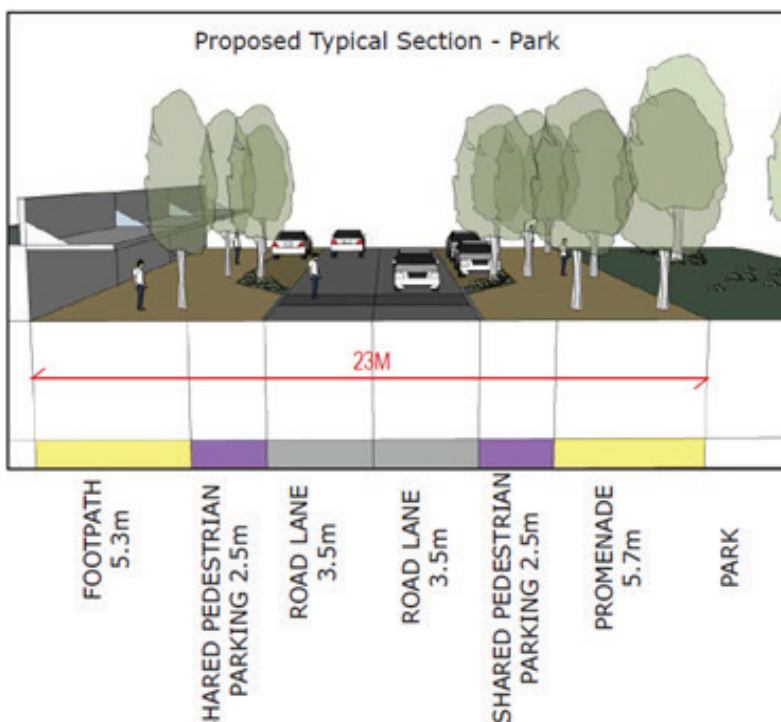
Note: This concept plan is indicative only

Proposed Cross Sections

Two sections have been prepared from the perspective of the western and eastern ends of Waratah Avenue, both facing in an eastern orientation. The median strip has been removed and the parking lanes slightly narrower at 2.5m.

The western end is adjacent to Genesta Park, which now will have a large 5.7m wide promenade adjacent to the park with the re-orientation of the diagonal car parking bays to parallel bays. A 5.3m wide footpath will be provided for the entire length of the area on the northern side of Waratah Avenue. The eastern end will retain the same footpath width on the southern side.

Three new pedestrian crossings will be provided at grade with the footpath, one pedestrian crossing will be retained adjacent to the Dalkeith Village shopping centre in the eastern end.



HOW THE CONCEPT PLAN MEETS THE OBJECTIVES

Project Aims	Has this been achieved
To understand what works, what needs improving and what doesn't work about the Waratah Avenue streetscape and to consider the potential opportunities for improvement.	Through consultation with the community and Steering Committee meetings, strengths, weaknesses, opportunities and threats have been established for the Waratah Avenue Streetscape. Using this analysis, a Concept Plan has been prepared.
To develop a clear position on Genesta Park and identify priorities and options for the future.	Through the planning process, it has been determined that the size, location and park configuration was good, however upgrades to the park facilities were required to ensure this space is better utilised by the community.
To encourage social interactions between the built environment and the people that inhabit it.	By providing an inviting streetscape and park, the city believes that these areas will encourage greater social interactions and foster a greater sense of ownership and community pride in Waratah Avenue and Genesta Park.
To find out what expectations local residents and businesses have for Waratah Avenue in terms of enhancing the Streetscape.	Through consultation with the community and Steering Committee meetings, strengths, weaknesses, opportunities and threats have been established for the Waratah Avenue Streetscape. Using this analysis, a Concept Plan has been prepared.
To be aware of how the City can assist in enhancing Waratah Avenue through its policies, community development and infrastructure provision.	The City has prepared a Concept Plan to guide the implementation of streetscape and park improvements to ensure the area transforms in line with the community vision for the area.

Site Specific Objectives	
Waratah Avenue	How does the concept meet this objective?
Link people to places to ensure access, legibility, and connectivity	The Concept Plan proposes greater pedestrian connectivity north to south and east to west, whilst still retaining adequate car parking for the locality.
Weave old and new experiences and characteristics to maintain and enhance Waratah Avenue's presence.	Built form in terms of buildings and the park onfiguration will remain unaltered, with the streetscape improvements aimed at providing a more attractive pedestrian environment with more street tree shade to create a canopy, wider footpaths to permit alfresco dining and greater integration of the park into the streetscape.
Reinforce this is as a place for people without excluding cars.	Car parking is only proposed to be marginally reduced.
Genesta Park	How does the concept meet this objective?
Make a place which provides a physical environment that creates experiences and nurtures the community.	A Children's playspace, shade sails and informal seating elements have been introduced into the Park along with a narrow central footpath to connect the parking on the southern side of the park with Waratah Avenue.
Instil a sense of pride in the people who live and work within the area.	The additional tree and shrub plantings, seating and shade sails will permit greater functionality for the park as a passive recreation location for people who live and work in the area.
Make a place which is accessible, comfortable, safe, and suitable to all members of the community.	The internal path from the southern car parking area to Waratah Avenue and the Children's play space will improve accessibility and patronage of the park, permitting greater levels of surveillance.

IMPLEMENTATION

The Concept Plan has been agreed to by the Steering Committee and referred to the community for a period of viewing. Following this period, the project will be referred for budget allocation.

It is anticipated that the streetscape improvements and park upgrades will be rolled out incrementally to ensure the works are within budget and minimise disruption to residents, businesses and the wider community.



Year 6 Students from Dalkeith Primary School during consultation

CONCLUSION

The preparation of this Concept Plan together with the community will ensure that the works conducted will have greater acceptance and usage by the community. Once fully implemented the main outcomes of this project will be achieved with greater social cohesion through the provision of more functional and attractive streetscape and park for the community to enjoy. It is important however that this project is reviewed and monitored to ensure that the works reflect the community's requests, progress is reported to the community and lessons learnt and successes are documented. A review is proposed within two years of implementation being commenced.

Through this monitoring and reviewing, it can be established if the project has been successful or if further work is required to achieve the community vision for the area or to establish if the community expectations have shifted from the previous established position.



Waratah Avenue Concept Plan Community Engagement Results





COMMUNITY ENGAGEMENT

Community consultation for the Waratah Avenue Concept Plan was undertaken between Tuesday 8 September and Friday 25 September 2015.

The community was given an opportunity to view the Concept Plan and provide comments or address any concerns they had in regards to the plan.

The following engagement and consultation was undertaken for the Concept Plan;

- A letter was sent to 338 households in the Dalkeith area that was identified as the project area. The letter invited the residents to view the draft Concept Plan and provide comments or concerns.
- An advertisement was placed in the City's Nedlands News full page advert in the Post Newspaper advertising the Plan and consultation.
- The Concept plan was made available for viewing and comment at the following locations;
 1. Nedlands Community Care,
 2. Waratah Avenue, Dalkeith,
 3. Nedlands Library, Nedlands,
 4. Mt Claremont Library, Montgomery Avenue, Mt Claremont, and
 5. The City's Administration Building, Nedlands.
- The concept plan was also made available on the City's website as well as promoted through the City's social media pages Facebook and Twitter,
- Information on the Concept Plan and consultation was also added to the City's online newsletters which are distributed to over 900 subscribers.



FEEDBACK RECEIVED

5 feedback forms were received from the community. All responses were from residents

Below is a summary of all the comments and concerns received from the feedback forms.

- Appears very acceptable. Highly recommend the key traffic calming measures. Congratulations!
- Pedestrian crossing must be universally accessible for all users as well as of a sufficient width for more than one person.
- Roundabout at Western end will enhance as bookend and will be good for traffic calming.
- Landscaping streetscape and park in the Concept Plan is welcomed!
- Wider footpath on the northern side is essential.
- Excellent plan especially the concept of a promenade.
- Speed limits of 30 kilometres must be considered for the area due to the large number of children in the area.
- I would like to see a second roundabout put in the plan for safety and ease of access.

Evaluation

The City's Planning Team responded to each community member who submitted a feedback form to thank them for their input and respond to any concerns if raised.

All feedback has been considered and taken into consideration for the final Waratah Avenue Concept Plan.



Year 6 Students from Dalkeith Primary School during consultation

Fill and Fencing

KFA	Natural and Built Environment
Status:	Council
Responsible Division	Planning & Development
Objective	To clarify the acceptable level of fill and the location of boundary fences on or adjacent to fill on residential lots throughout the City, so that the existing landform and privacy between neighbours, is maintained.

Context

Town Planning Scheme No.2

The City of Nedlands Town Planning Scheme No.2 (TPS2) states that any fencing above 1.8 metres from natural ground level requires approval of the Council. Clause 5.6.4 states that Council may refuse to grant approval of fencing if in the opinion of the Council a fence at an additional height would adversely affect the amenity of the neighbouring lot.

Residential Design Codes 2013 (R-Codes)

The Residential Design Codes 2013 (R-Codes) allow for fill and retaining abutting a residential boundary to a maximum height of 0.5 metres above natural ground level as being deemed to comply. The R-Codes also control front fences and sight lines adjoining crossovers and vehicle access points, but do not control dividing fences.

Definitions

Dividing Fences

Any fencing as defined by the *Dividing Fences Act 1961* and for the purposes of this policy does not include fences located within the primary street setback area or along the secondary street.

Fence

Any structure, used or functioning as a barrier, irrespective of where it is located, includes any gates and for the purpose of this policy excludes fill and retaining walls.

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.

Primary Street

Unless otherwise designated by the Council, the sole or principle public road that provides access to the major entry (front door) to the dwelling.

R-Codes

State Planning Policy 3.1 Residential Design Codes 2013

Retaining Wall

Any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

Secondary Street

In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.

Primary Street Setback Area

The area between the street alignment and the street setback line as:

- outlined in table 1 of the R-Codes;
- established in a particular case in accordance with the provisions of Part 5 of the R-Codes;
- outlined in the City of Nedlands Town Planning Scheme No.2; or
- as outlined in any relevant Council Policy.

Solid

Buildings or structures which are not deemed visually permeable.

Visually Permeable

In reference to a wall, gate, door or fence that the vertical surface has:

- continuous vertical or horizontal gaps of at least 50 mm width occupying at least one third of its face in aggregate of the entire surface; or where narrower than 50 mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- a surface offering equal or lesser obstruction to view;

Statement

Amenity and Privacy

The City of Nedlands Strategic Plan, TPS2 and the R-Codes require development within the City to address neighbourhood amenity and privacy. Therefore:

- dividing fences will be acceptable to a maximum height of 1.8 metres above approved or permitted fill;
- primary and secondary street fencing shall be acceptable to a maximum height of 1.8 metres above natural ground level, subject to the visually permeability provisions of the R-Codes; and
- no fencing forward of the primary street setback is preferred.

Primary Street Fences

- 1) Primary Street Fences, other than the portion abutting a vehicle access point where greater restrictions apply (refer Fences Abutting Vehicle Access Points), shall be built in accordance with the following requirements unless the Town Planning Scheme specifies otherwise:
 - a) the height of solid fencing shall be to a maximum of 1.2 metres from natural ground level;
 - b) the height of visually permeable fencing to a maximum height of 1.8 metres from natural ground level; and
 - c) piers to a maximum height of 2.1 metres from natural ground level.
- 2) Any fencing which does not meet these requirements shall:
 - a) meet the design principles of Clause 5.2.4 & 5.2.5 of the R-Codes;
 - b) be assessed in terms of the developments likely impact upon streetscape; and
 - c) be advertised in accordance with Council's Neighbour Consultation Policy.

Dividing Fences

- 1) Dividing Fences - with the exception of:
 - a. The portion abutting a vehicle access point; and/or
 - b. The portion within the primary street setback area, where greater restrictions apply (refer Fences Abutting Vehicle Access Points).
 – shall be built in accordance with clause 5.6.4 of the City of Nedlands Town Planning Scheme No. 2. No fence shall be built to a height greater than 1.8 metres from natural ground level without planning approval.

- 2) Dividing fences which are acceptable development under this policy shall have a minimum height of 1.8 metres above any approved or permitted fill or retaining;
- 3) Any dividing fencing which does not meet the above requirements will only be considered if:
 - a) the applicant can provide to Council the written agreement for the additional height of the fence from the owners of the adjoining lot; and
 - b) the development will not have a likely impact upon neighbouring amenity.

Secondary Street Fences

- 1) Secondary street fences - other than:
 - a. the portion abutting a vehicle access point; and/or
 - b. The portion within the primary street setback area
 – where greater restrictions apply (refer Fences Abutting Vehicle Access Points), shall be built in accordance with the following requirement:
 - a) the height of secondary street fencing shall be a maximum of 1.8 metres from natural ground level.
- 2) Any fencing which does not meet the above requirements shall:
 - a) be assessed in terms of the developments likely impact upon streetscape; and
 - b) be advertised in accordance with Council's Neighbour Consultation Policy.

Fences Abutting Vehicle Access Points

- 1) In addition to the primary street fences, dividing fences and secondary street fences requirements of this policy, fences shall be truncated or reduced to no higher than 0.75m within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
- 2) Within this 1.5m area the following obstructions are deemed to comply:
 - a) one pier with a maximum height of 2.1 metres from natural ground level with a length and width no greater than 0.5 metres;
 - b) all other solid structures to be reduced to a height of no greater than 0.75 metres from natural ground level; and
 - c) all visually permeable structures to a maximum height of 1.8 metres from natural ground level.

Fill and Retaining

- 1) All fill abutting a lot boundary shall be retained by the use of masonry retaining walls or by other methods approved by the Manager of Building Services.
-

Related documentation

Nil

Related Local Law / Legislation

City of Nedlands Town Planning Scheme No. 2
City of Nedlands Fencing Local Law 2010
Dividing Fences Act 1961
Residential Design Codes 2013
Related Delegation

Related delegation

Nil

Review History

23 November 2010 (Report CM28.10)
24 June 2014 (Report CPS23.14)

Fill and Fencing Local Planning Policy

KFA	Natural and Built Environment
Status	Council
Responsible Division	Planning & Development
Objective	To outline the City's requirements with regard to fill and the minimum standard of fencing to ensure that the amenity of neighbouring properties and the streetscape is maintained.

1.0 Context

- 1.1 This Policy has been prepared in accordance with Clause 8.1 and 8.3 of the City's Town Planning Scheme No. 2 (TPS 2).
- 1.2 This policy applies to all zoned land (except Reserves) within the City.
- 1.3 This policy is to be read in conjunction with TPS 2, the Residential Design Codes (R Codes), Liveable Neighbourhoods Policy and the State Government's Designing Out Crime Policy.
- 1.4 For the purpose of this policy the following terms are defined as specified:

Boundary Fence - As defined under the *Dividing Fences Act 1961*.

Commercial lot – A lot where a commercial use –

- (a) Is or may be permitted under the City's TPS 2; and
- (b) Is or will be the predominant use of the lot.

Cut and Fill – a process of localised gradation where material removed from one place is and deposited a short distance away.

Dividing Fence - As defined under the *Dividing Fences Act 1961*.

Fence - Any structure, used or functioning as a barrier, irrespective of where it is located, includes any gates and for the purpose of this policy excludes fill and retaining walls.

Industrial lot – A lot where an industrial use –

- a) Is or may be permitted under the City's TPS 2; and
- b) Is or will be the predominant use of the lot.

Lot – As defined under the *Planning and Development Act 2005*

Natural Ground Level – As defined under the City's TPS 2.

Primary Street – As defined under State Planning Policy 3.1 – Residential Design Codes (R Codes).

Public Place - A road, laneway and public open space, or other area as determined by the City.

Residential lot – A lot where a residential use –

- a) Is or may be permitted under the City's TPS 2; and
- b) Is or will be the predominant use of the lot.

Retaining Wall - Any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

Secondary Street – As defined under the R Codes.

Site - As defined under the R Codes.

Visually Permeable - In reference to a wall, gate, door or fence that the vertical surface has:

- a) continuous vertical or horizontal gaps of at least 50 mm width occupying at least one third of its face in aggregate of the entire surface; or where narrower than 50 mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- b) within truncations, continuous vertical or horizontal gaps of at least 100 mm width occupying at least one third of its face in aggregate of the entire surface; or
- c) a surface offering equal or lesser obstruction to view;

2.0 Statement

The City values the protection of the quality of the streetscape and the amenity of owners and occupants by minimising the visual impact of fill and/or fencing whilst allowing for adequate surveillance of public places.

3.0 Requirement for Development Approval

3.1 Development approval is required to be obtained from the City if:

- a) A dividing fence is proposed to be greater than 1.8 metres above natural ground level; and/or
- b) Fill is proposed which is subject to clause 5.3 of this policy; and/or
- c) A fence is proposed which is subject to clause 7.5, 7.7 and/or 7.8 of this policy; and/or

- d) A fence and/or fill is proposed which does not comply with the applicable Deemed to Comply provisions under the R Codes.

4.0 Fencing Height Requirements

- 4.1 Dividing fences shall have a maximum height of 1.8m above any approved or deemed-to-comply fill or retaining under the R Codes.
- 4.2 Brick piers to a maximum height of 2.1 metres from natural ground level for fencing in primary and secondary street setback area(s).
- 4.3 In primary street setback areas, solid fencing to a maximum height of 1.2 metres above natural ground level, and visually permeable fencing to a maximum height of 1.8m above natural ground level.
- 4.4 Dividing fences are not to be higher than 0.75 metre above natural ground level, within 1.5 metres of where it adjoins vehicle access points where a driveway meets a public street and where two streets intersect.
- 4.5 Within the 1.5m area stipulated under clause 3.5 of this policy, the following obstructions are deemed acceptable by the City:
 - a) One pier with a maximum height of 2.1 metres above natural ground level with a length and width of no greater than 0.5m; and
 - b) All other solid structures to be reduced to a height of no greater than 0.75 metres above natural ground level; and
 - c) All visually permeable structures to a maximum height of 1.8 metres above natural ground level.

5.0 Cut, Fill and Retaining Requirements

- 5.1 In cases where fill and/or retaining is proposed to exceed 0.5m above natural ground level, development approval is required to be obtained from the City.
- 5.2 In order to achieve a balanced streetscape and prevent a site from adversely affecting the amenity of neighbouring properties, where fill and/or retaining is proposed to exceed 0.5m above natural ground level, the following is required to be complied with:
 - a) the applicable provisions of TPS 2; and
 - b) the Design Principles stipulated under clauses 5.1.3 (Lot Boundary Setback), 5.3.7 (Site Works) and 5.3.8 (Retaining Walls) of the R-Codes; and
 - c) the deemed-to-comply provisions stipulated under clause 5.4.1 (Visual Privacy) of the R-Codes; and
 - d) does not exceed the mean level of the lot boundary at the primary street frontage; and
 - e) the finish floor level of any building does not exceed 0.1m above the mean level of the lot boundary at the primary street frontage.

- 5.2 Retaining walls are required to be finished to the City's satisfaction.
- 5.3 Fill that is not directly related to, or associated with, a bona fide use of a property or that is of a scale exceeding what could reasonably be considered as for domestic purposes, will be deemed to be the use "Storage Yard" under the City's Town Planning Scheme No. 2.

6.0 Neighbour Consultation

Neighbour comment shall be sought for:

- a) any fencing that does not comply with any clause(s) stipulated under Part 4 of this policy; and/or
- b) any proposed fencing and/or fill which does not comply with the applicable Deemed to Comply provisions under the R Codes.

7.0 Material Requirements

- 7.1 A person shall not erect a dividing or boundary fence that is not of a material acceptable to the City.
- 7.2 Each of the following is acceptable material for a fence on a Residential lot:
- a) A picket timber fence; or
 - b) A fence constructed of corrugated reinforced cement sheeting; or
 - c) A fence constructed of masonry, stone or concrete;
 - d) A Colorbond fence; or
 - e) A wrought iron fence.
- 7.3 Each of the following is acceptable material for a fence on commercial and industrial lots:
- a) A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh; or
 - b) A fence of reinforced pressed cement sheeting; or
 - c) A fence constructed of painted aluminium or galvanised steel sheeting provided that it is used behind a building line; or
 - d) Fences of timber, masonry, stone composite materials or concrete.
- 7.4 Fence materials chosen shall be at least 25% visually permeable where the fence abuts a public place other than a primary street.
- 7.5 An owner or occupier of a Residential, Commercial or Industrial lot shall not erect or affix to any fence on such a lot, any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the City has been obtained.
- 7.6 If posts which carry materials referred to in clause 6.5 are angled towards the outside of the lot bounded by the fence, the face of the fence must be setback

from the lot boundary a sufficient distance to ensure that the angled posts and materials do not encroach on adjoining land.

7.7 An owner or occupier of a Commercial or Industrial lot shall not use an electrified fence unless:

- a) the prior written approval of the City has been obtained; and
- b) does not abut a residential lot; and
- c) the fence complies with AS/NZS 3016:2002; and
- d) provision is made as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

7.8 An owner or occupier of a Commercial or Industrial lot shall not have a fence constructed wholly or partly of razor wire unless:

- a) the prior written approval of the City has been obtained; and
- b) is greater than 3 metres off the boundary of the lot; and
- c) the razor wire used is greater than 2 metres above natural ground level and no greater than 2.4 metres above natural ground level.

8.0 Maintenance of Fences

An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated and/or unsightly.

9.0 Amenity

When determining development applications for dividing and/or boundary fences and/or fill, consideration will be given to the matters listed under clause 6.4.2 of TPS 2, the applicable deemed-to-comply provisions of the R Codes and whether erection of the fence would have an adverse effect on the safety or convenience of any person.

10.0 Application Requirements

The following is required to be provided when lodging a Planning application with the City which involves fencing and/or fill requiring planning consent:

- a) A completed Planning Application Form 1;
- b) The prerequisite Planning application fee;
- c) Three copies of a site plan drawn to a scale of 1:100 or 1:200 showing the existing natural ground levels and proposed finish floor levels; the location of the proposed fencing, fill and/or retaining walls; existing/proposed buildings, crossovers, driveways and street trees; top and bottom of fencing and/or retaining wall heights; easements and/or areas required for future road widening on site; road names; and the north point.
- d) Three copies of a cross elevation drawn to a scale of 1:100 or 1:200 showing the top and bottom of fencing and/or retaining wall heights; and materials to be used.

- e) Written justification on why any proposed variations to the provisions of this Policy should be approved by the City, having regard to the impact it will have on the amenity of neighbouring properties and/or the streetscape.

11.0 Standard Conditions and Advice Notes

If a development application is approved which includes a dividing and/or boundary fence, and/or fill greater than 0.5m above natural ground level, the following conditions may be included on the approval, where applicable:

- “1. Proposed visual privacy screening being [planted] [installed] within 28 days of [this approval] [the development’s practicable completion] **DELETE WHERE NECESSARY**, and maintained thereafter by the landowner(s) to the City’s satisfaction.*
- 2. Proposed fencing being maintained by the landowner to the City’s satisfaction.*
- 3. An anti-graffiti protective coating to be applied to the (boundary wall) (fence) **DELETE WHERE NECESSARY** within 28 days of its completion, to the City’s satisfaction.”*

Related documentation

Nil

Related Local Law / Legislation

City of Nedlands Town Planning Scheme No. 2

Dividing Fences Act 1961

State Planning Policy 3.1 - Residential Design Codes

Related delegation

Nil

Review History

23 November 2010 (Report CM28.10)

24 June 2014 (Report CPS23.14)

Local Government Act 1995



City of Nedlands

FENCING LOCAL LAW 2007

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Local Government Act 1995

City of Nedlands

Fencing 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 [date] to make the following local law

Part 1 – Preliminary

1. Title

This local law may be referred to as the *City of Nedlands Fencing 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 *City of Nedlands Local Law Relating to Fencing* published in the *Government Gazette* on 21st February 2000 and as amended and published in the *Government Gazette* on 1st September 2000 is repealed.

4. Definitions

In this local law, unless the context requires otherwise:

"**Act**" means the *Dividing Fences Act 1961*;

"**application**" means the completed form lodged for the purpose of obtaining a building licence or permit in accordance with this Local Law;

"**AS**" means an Australian Standard published by the Standards Association of Australia;

"**authorised person**" means a person authorised by the City under section 9.10 of the *Local Government Act 1995*;

"**boundary fence**" has the meaning to it for the purpose of the Act;

"**building licence**" means a Building Licence issued under Section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

"**CEO**" means the Chief Executive Officer of the City;

"**City**" means the City of Nedlands;

"commercial lot" means a lot where a commercial use —

- (a) is or may be permitted under a town planning scheme; and
- (b) is or will be the predominant use of the lot;

"dangerous" in the relation to any fence means —

- (a) an electrified fence other than a fence in respect of which a licence under Part 6 of this local law has been issued and is current;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

"district" means the district of the City of Nedlands;

"dividing fence" has the meaning given to it in and for the purposes of the Act;

"electrified fence" means a fence carrying or designed to carry an electric charge;

"fence" means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

"frontage" means the boundary line between a lot and the thoroughfare upon which that lot abuts;

"height" in relation to a fence means the vertical distance between —

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

"lot" has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

"non-sacrificial graffiti protection" means a product which when applied to a fence facilitates the removal of any graffiti without the product itself suffering any deterioration (visual or otherwise) by the removal of the graffiti;

"notice of breach" means a notice referred to in Part 6;

"Reserve" means land under the care control and management of the City pursuant to the *Land Administration Act 1997*;

"residential lot" means a lot where a residential use —

- (a) is or may be permitted under a town planning scheme; and
- (b) is or will be the predominant use of the lot;

"retaining wall" means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

"schedule" means a schedule to this local law;

"set back area" has the meaning given to it for the purposes of the town planning scheme;

"sufficient fence" means a fence described in either the First or Second Schedule as referred to in Part 2;

"town planning scheme" means a town planning scheme of the City of Nedlands made under the *Planning and Development Act 2005*;

"visually permeable" in reference to a wall, gate, door or fence, that the vertical surface has —

- (a) continuous vertical gaps of at least 50 millimetres width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50 millimetres, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- (b) a surface offering equal or lesser obstruction to view.

In this local law any other expression not defined herein shall have the same meaning given to it in the *Local Government Act 1995* or the *Local Government (Miscellaneous Provisions) Act 1960* unless the context requires otherwise.

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 *Local Government Act 1995*.

6. Application for Approval

- (1) Subject to this local law, a person may, without approval, erect a fence on or near a lot boundary outside the front set back area where the fence —
 - (a) complies with this local law; and
 - (b) does not exceed 1.8 metres in height.
- (2) Subject to this local law, a person shall not erect, or commence to erect, a fence exceeding 1.8 metres high outside the front set back area, without first obtaining written approval from the City in the form of a planning approval and a building licence.
- (3) Subject to this local law, a person shall not erect or commence to erect, a fence within the front set back area that exceeds 750 millimetres in height without first obtaining written approval from the City in the form of a planning approval and building licence.
- (4) Subject to this local law, a person may erect a fence in the front set back area where the fence:
 - (a) complies with this local law; and
 - (b) does not exceed 750 millimetres in height.
- (5) Where on a residential lot, a fence is to be constructed in corrugated reinforced pressed cement sheeting, masonry, stone or concrete, or in composite materials, then the fence shall be constructed in accordance with the corresponding standards prescribed for fences of that description in clauses A to D of the First Schedule.
- (6) Where a fence is to be erected on a commercial lot in corrugated reinforced pressed cement sheeting, masonry, stone or concrete, or in composite materials, then the fence shall be constructed in

accordance with the corresponding standards prescribed for fences of that description in clauses A to D of the Second Schedule.

7. Fences on or Adjacent to a Boundary of a Reserve

- (1) A person shall not erect or commence to erect a fence exceeding 1.8 metres in height on or within a distance of 7.5 metres from the boundary of a reserve.
- (2) Notwithstanding the proceeding provision, the City may approve the construction of a fence in timber, masonry, concrete, wrought iron or cast iron, and exceeding a height of 1.8 metres provided that the City is satisfied that such a fence will not prejudice the amenity of the locality or the use of the reserve.

Part 2 - Sufficient Fences

8. Sufficient Fences

- (1) A person shall not erect a dividing fence or boundary fence that is not a sufficient fence.
- (2) Subject to sub-clauses (3) and (4), a sufficient fence —
 - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
 - (b) on a commercial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (3) Where a fence is erected on or near the boundary between a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First or Second Schedule; and
- (4) Unless the City specifies otherwise, a sufficient fence on a boundary between lots other than those specified in sub-clause (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of the First Schedule.

Part 3 - General

9. Fences within Front Set back Areas

- (1) A person shall not erect a free-standing fence constructed of corrugated cement pressed sheet within the front set back area of a lot within the district.
- (2) Fences shall be constructed to provide adequate sightlines at points of vehicle access by physical truncation or reduction in height to 750 millimetres maximum in accordance with the Residential Design Codes of Western Australia.
- (3) The provision of sub-clause (2) shall not apply to a fence —
 - (a) which is visually permeable and that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
 - (b) that does not exceed 750 millimetres in height.

10. Fences shall not impede water movement

A person shall not erect or commence to erect a fence of impervious material in any location where it may act as a barrier to or restrict in any way whatsoever, the normal flow of stormwater, floodwater or a water course in, on, or over land.

11. Fences in relation to fill

Where land has been filled or retained more than 300 millimetres above natural ground level at or within 1 metre of a boundary, a person shall not erect or commence to erect a dividing fence without approval from the City.

12. Determination of Levels

Where there is a dispute as to the height of a fence from natural ground level, or ground level for the purpose of this local law, a determination by the City as to a natural ground level, or ground level shall be conclusive.

13. Engineer's Certificate

Notwithstanding any provision in this local law, an authorised person may, in respect of any application, first require that the applicant provide to the City, at the cost of the applicant, a certificate from a practicing structural engineer to certify that the proposed fence when constructed in

accordance with the approved plans and specifications will be capable of bearing any reasonably foreseeable loads which might be imposed on the fence.

14. Maintenance and Protection of Fences

- (1) An Owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.
- (2) Where in the opinion of an authorised officer, a fence is in a state of disrepair or is otherwise in breach of a provision of this local law, the City may give notice in writing to the owner or occupier of the land upon which the fence is erected, requiring the owner or occupier to modify, repair, paint or maintain the fence within the time specified in the notice.
- (3) An owner or occupier who fails to comply with a notice issued under Part 6 commits an offence.

15. General Discretion of the Local Government

- (1) Notwithstanding clause 8, the City may approve the erection or repair of any fence which does not comply with the requirements of this local law.
- (2) In determining whether to grant its approval to the erection or repair of any fence, the City may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on the safety or convenience of any person.

Part 4 - Fencing Materials

16. Fencing Materials

- (1) A person shall construct a fence on a residential lot or a commercial lot from only masonry, stone, concrete, wrought iron, tubular steel frame, link mesh, timber, plastic coated or galvanized link mesh, brushwood, corrugated reinforced cement sheeting, colour bonded metal, or a material approved by the City.
- (2) A person shall not construct a fence from pre-used materials without first obtaining written approval from the City.

17. Barbed Wire and Broken Glass Fences

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a residential or a commercial lot shall not erect or affix to any fence on such a lot, any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the City has been obtained.
- (3) An owner or occupier of a commercial lot shall not erect or affix on any fence bounding that lot, any barbed wire or other materials with spiked or jagged projections, unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150 millimetres from the face of the fence and is not nearer than 2 metres from ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in sub-clause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not affix or allow to remain , as part of any fence or wall, whether internal or external, any broken glass on that wall.

Part 5 - Electrified and Razor Wire Fences

18. Requirements for a Licence.

- (1) An owner or occupier of a Commercial lot shall not —
 - (a) have and use an electrified fence on that lot without first obtaining a licence under sub-clause (2); or
 - (b) construct a fence wholly or partly of razor wire on that lot without first obtaining a licence under sub-clause (3).

- (2) A licence to have and use an electrified fence shall not be issued —
 - (a) in respect of a lot which is or which abuts a residential lot;
 - (b) unless the fence complies with AS/NZS 3016:2002; and
 - (c) unless provision is made as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) A licence to have a fence constructed wholly or partly of razor wire shall not be issued —
 - (a) if the fence is within 3 metres of the boundary of the lot;
 - (b) where any razor wire used in the construction of the fence is less than 2 metres or more than 2.4 metres above the ground level.
- (4) An application for a licence referred to in sub-clauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) An application for a licence referred to in sub-clauses (2) or (3) may be —
 - (a) approved by the City;
 - (b) approved by the City subject to such conditions as it thinks fit; or
 - (c) refused by the City.

19. Cancellation of a Licence

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the City may cancel a licence issued under this Part if —

- (1) The fence no longer satisfies the requirements specified in clause 18(2) or 18(3) as the case may be; or
- (2) The licence holder breaches any condition upon which the licence has been issued.

Part 6 - Notices of Breach

20. Notice of Breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the City may give notice in writing to the owner or occupier of that lot (Notice of Breach);
- (2) A Notice of Breach shall —
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.

Part 7 - Offences

21. Offences and Penalties

- (1) An owner or occupier who fails to comply with a Notice of Breach commits an offence and is liable upon conviction, to a maximum penalty of \$5000.00 and, if the offence is a continuing offence, a maximum daily penalty of \$500.00.
- (2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of \$5000.00 and, if the offence is a continuing offence, a maximum daily penalty of \$500.00.

22. Modified Penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(1) of the *Local Government Act 1995*.
- (2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$125.00.

23. 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.

24. Form of Notices

For the purposes of this local law:

- (1) the form of the infringement notice referred to in Section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (2) the form of the notice referred to in Section 9.20 of the *Local Government Act 1995* is to be in or substantially in, the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

25. Delegation

The City may delegate any of the powers, functions and duties of this local law to the Chief Executive Officer.

FIRST SCHEDULE

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is a "sufficient fence" on a Residential lot .

A. A picket timber fence which satisfies the following specifications —

- (i) corner posts to be 125 millimetres x 125 millimetres x 1800 millimetres and intermediate posts to be 125 millimetres x 75 millimetres x 1.8 metres spaced at 2.4 metre centres;
- (ii) corner posts to be strutted two ways with 100 millimetres x 50 millimetres x 450 millimetres sole plates and 75 millimetres x 50 millimetres struts;
- (iii) intermediate posts to be doubled yankee strutted with 150 millimetres x 25 millimetres x 450 millimetres struts;
- (iv) all posts to have tops with a 60 millimetres weather cut and to be sunk at least 600 millimetres into the ground;
- (v) rails to be 75 millimetres x 50 millimetres with each rail spanning two bays of fencing, double railed or bolted to each post with joints staggered;
- (vi) the fence to be covered with 75 millimetres x 20 millimetres sawn pickets, 1.8 metres in height placed 75 millimetres apart and affixed securely to each rail; and
- (vii) the height of the fence to a maximum of 1.8 metres.

- B. A fence constructed of corrugated reinforced pressed cement sheeting which satisfies the following specifications —
- (i) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600 millimetres;
 - (ii) the total height and depth of the fence to consist of a single continuous reinforced pressed cement sheet;
 - (iii) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers written instructions; and
 - (iv) the height of the fence to be a maximum of 1.8 metres.
- C. A fence constructed of masonry, stone or concrete, which satisfies the following specifications —
- (i) footings of minimum 300 millimetres x 300 millimetres concrete 20MPA or 300 millimetres x 175 millimetres brick laid in cement mortar;
 - (ii) fences to be offset a minimum of 450 millimetres at maximum 3 metre centres or 225 millimetres x 100 millimetres engaged piers to be provided at maximum 3 metre centres;
 - (iii) expansion joints in accordance with the manufacturer's written instructions; and
 - (iv) the height of the fence to be a maximum of 1.8 metres.
- D. A composite fence having a maximum overall height of 1.8 metres, which satisfies the following specifications for the brick construction —
- (i) brick piers of minimum 350 millimetres x 350 millimetres at 1.8 metre centres bonded to a minimum height base wall of 514 millimetres;
 - (ii) each pier shall be reinforced with one R10 galvanised starting rod 1500 millimetres high with a 250 millimetres horizontal leg bedded into a 500 millimetres x 200 millimetres concrete footing and set 65 millimetres above the base of the footing.

The top of the footing shall be 1 course (85 millimetres) below ground level;

- (iii) the minimum ultimate strength of brickwork shall be 20MPA. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (iv) the ground under the footings is to be compacted to 6 blows per 300 millimetres and checked with a standard falling weight penetrometer; and
- (v) control joints in brickwork shall be provided with double piers at a maximum of 6m centres.

SECOND SCHEDULE

SPECIFICATION FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT

Each of the following is a "sufficient fence" on a Commercial lot:

- A. A fence constructed of galvanized or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications –
 - (i) corner posts to be minimum 50 millimetres normal bore x 3.5 millimetres and with footings of a 225 millimetres diameter x 900 millimetres;
 - (ii) intermediate posts to be a minimum 37 millimetres nominal bore x 3.15 millimetres at maximum 3.5 metre centres and with footings of 225 millimetres diameter x 600 millimetres;
 - (iii) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate and two at each corner post;
 - (iv) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15 millimetre wires twisted together or single 4 millimetre wire;
 - (v) rail-less link, chain or steel mesh, is to be to a height of 2 metres , on top of which are to be three strands of barbed wire carrying the fence to a height of 2.4 metres;
 - (vi) galvanized link mesh wire to be 2 metres in height and constructed of 50 millimetres mesh 2.5 millimetres galvanized iron wire and to

be strained, neatly secured and laced to the posts and affixed to cables; and

- (vii) vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25 millimetres tubular framework with one horizontal and one vertical stay constructed of 20 millimetres piping and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
- B. A fence of reinforced pressed cement sheeting constructed to the minimum specifications referred to in item B of the First Schedule.
- C. A fence constructed of painted aluminium or galvanized steel sheeting when supported on posts and rails provided that it is used behind a building line and is of a maximum height of 1.8 metres.
- D. Fences of timber, masonry, stone, composite materials or concrete constructed to the minimum specifications referred to in the First Schedule.

The Common Seal of the City of Nedlands was affixed by authority of a resolution of the Council in the presence of:

Seal
No.
427


Mayor


Chief Executive Officer

29/1/2008
Date



City of Nedlands

FORM 1

LICENCE TO CONSTRUCT AND MAINTAIN AN ELECTRIFIED FENCE

This is to certify that

.....

of

.....

is licenced, subject to the conditions set out below, to have and use an electrified fence on

.....

(address)

Dated this theday of200.

Signed:

Chief Executive Officer
City of Nedlands

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall:

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been erected;
- (b) produce the licence on request of an authorised person;

CITY OF NEDLANDS

71 Stirling Highway (PO Box 9), Nedlands WA 6009
Telephone: 9273 3500 Facsimile: 9273 3670

(c) Obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence, and:

(i) Comply with AS/NZS 3016:1994;

(ii) Following erection of the fence, lodge with Western Power, a certificate of installation from a qualified electrician and comply with any requirements of Western Power regarding the erection of the fence.

(d) Other conditions if any:

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City of Nedlands

FORM 2

LICENCE TO HAVE A FENCE CONSTRUCTED WHOLLY OR PARTIALLY OF RAZOR WIRE

This is to certify that

.....

of

.....

is licenced, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on:

.....

(address)

Dated this theday of200....

Signed:

Chief Executive Officer
City of Nedlands

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall:

- (a) display the licence in a prominent position on the land or premises on which the fence has been erected;
- (b) Produce the licence upon request from an authorised person;
- (c) Within 14 days of a change in the ownership or occupation of the land or premises, in respect of which the licence has been granted, notify the Chief Executive Officer, in writing, of the details of that change or those changes; and
- (d) Obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

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71 Stirling Highway (PO Box 9), Nedlands WA 6009
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