

Planning and Development Reports


Committee Consideration – 10 November 2015
Council Resolution – 24 November 2015

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Council: 24 November 2015

PD44.15	(Lot 273) No. 14 Strickland Street, Mount Claremont – Additions to Dwelling
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Committee	10 November 2015
Council	24 November 2015
Applicant	G Stallard
Owner	R and T Pigdon
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2015/324
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan 3. Front and Rear Elevations 4. Side Elevations 5. Photograph of 14 Strickland Street from primary street 6. Photograph along 12 and 14 Strickland Street dividing boundary.

Executive Summary

The proposal is for an extension to the rear and northern side of an existing single storey dwelling at the property which is compliant with the design principle provisions of the Residential Design Codes (R-Codes) with the exception of the proposed side setback of a garage (refer to Attachments 1 to 4). The application was advertised to affected neighbouring landowners and 3 objections were received in relation to the side setback variation.

Where an objection has been received, administration does not have the delegation from Council to determine the application and therefore the application is referred to Council for determination.

The side setback variation of the garage is considered to not comply with the deemed-to comply provisions of the R-Codes, as the resultant boundary to boundary development would not positively contribute to the streetscape and its approval would set an undesirable precedence for low density coded properties. As a result, the garage component of the application is recommended to be refused by Council.

The proposed additions towards the rear of the dwelling (family room, alfresco, kitchen, meals room, laundry, pantry, ensuite and bedroom) comply with the Design Principles of the R-Codes and therefore are recommended to be approved by Council.

Recommendation to Committee

Council:

Refuses the garage component of the application for additions to the single storey dwelling at (Lot 273) No. 14 Strickland Street, Mount Claremont, received on 10 September 2015, for the following reasons:

- a) The proposal not satisfying the Design Principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage, in addition to an existing garage also with a nil boundary setback, not positively contributing to the streetscape and prevailing development; and**
- b) The proposal setting an undesirable precedence in terms of more than one boundary wall being visible from the primary street on a low density property.**

Approves the rear extension (family room, alfresco, kitchen, meals room, laundry, pantry, ensuite and bedroom) component of the application for additions to the single storey dwelling at (Lot 273) No. 14 Strickland Street, Mount Claremont, received on 10 September 2015, subject to the following conditions and advice:

- a) The development shall at all times comply with the approved plans.**
- b) This development approval pertains to the rear extension (family room, alfresco, kitchen, meals room, laundry, pantry, ensuite and bedroom) only.**
- c) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- d) The existing outbuilding shown on the site plan as to be demolished is to be removed prior to commencing the construction of the rear extension.**

Advice Notes specific to this approval:

- a) All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
- b) Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
 - i. Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
 - ii. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
- c) This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of TPS 2 and the R-Codes.

Legislation

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

Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

Risk management

Nil.

Background

Lot area	1,012m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R10/20
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property is bound by Strickland Street to the west and Clematis Lane to the east. The property contains a single storey single dwelling (refer to Attachment 5), a single car garage and associated outbuildings. The existing dwelling and single car garage are proposed to be retained, and one of the outbuildings removed. The single car garage has a parapet wall on the south boundary. Properties in the locality have a maximum of one boundary wall visible from the primary street. The topography of the land falls from south to north, and there is a difference of approximately 0.7m between the natural ground level for 12 and 14 Strickland Street (refer to Attachment 6).

On the following page is an aerial image of the subject property and those surrounding.



Discussion

The application seeks approval to construct extensions to the rear and north of the existing single storey dwelling as depicted in the submitted plans (refer to Attachments 1 to 4).

The rear extension shall contain a family room, alfresco, meals room, kitchen, bedroom, pantry, ensuite and a bedroom. The proposed finished floor level of which shall not exceed more than 0.5m above natural ground level and be single storey in nature. The extensions are proposed to be setback 3.8m from the north boundary, 1.5m to 3.1m from the south boundary and 16.9m from the rear boundary.

The garage is proposed to be setback 0.2m from the north boundary, and be 7.3m in length and 3.4m in height above natural ground level.

The development complies with the TPS2, Council Policies and the deemed-to-comply provisions of the R-Codes, with the exception of the garage being proposed to have a 0.2m setback from the north boundary in lieu of the required 1m.

Consultation

The development application was advertised to affected landowners by the City for 14 days for comment. Three objections were received during the consultation period. The following is a summary of the concerns raised:

- a) There being no need for further storage as outbuildings already exist on the property.
- b) An additional building with a reduced side boundary setback detracting from the streetscape of the area and giving the impression of terraced style housing.
- c) A lorry being parked on the property and the additional garage space rendering the property suitable for housing industrial equipment/vehicles.
- d) The proposed reduced boundary setback resulting in overshadowing onto the adjoining property. The subsequent lack of light resulting in security risks along the side of the adjoining property.
- e) The retaining wall, apparently built by the adjoining landowners, not being design to hold back the additional load that a garage and a vehicle shall bring to bear at the side boundary (refer to Attachment 6).

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

“The proposed garage & parapet wall to the northern side boundary do not adversely affect any adjoining neighbours & are under the max length & height restrictions. The parapet wall of the garage is in keeping with the style of the existing home & keeping the same roof design as the other existing garage on the opposite side of the house.

The property has rear lane access & the proposed garage is a drive through garage so vehicle access to the backyard is not obstructed.

This new garage is proposed to replace the existing very large shed in the backyard which is proposed to be demolished. Without this new garage being approved the existing very large shed will then have to remain in the backyard to give the occupants somewhere to store there possessions.

It is considered that the proposed garage & parapet wall satisfy the design principles of the R Codes. The deemed-to-comply provisions of the R-Codes have been designed conservatively, and accordingly the application of the Design Principles permits relaxation of the conservative deemed-to-comply requirements.

We therefore recommend that discretionary approval be given for the proposed development.”

With regard to the alleged commercial vehicle being parked at the property, this is being investigated by the City as a separate matter. The impact the garage shall have on the amenity of surrounding residents and the streetscape is discussed in the following sections.

Town Planning Scheme No. 2

The following provisions of TPS 2 apply to such proposals.

TPS 2 Clause	Assessment Comment
<p><i>“5.5.1 Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development.”</i></p>	<p>The proposed garage shall be 7.3m in length and have a wall height of 3.4m above natural ground level. There is a difference of approximately 0.7m between the natural ground level for 12 and 14 Strickland Street.</p> <p>A garage similar in height and floor area to the proposed garage exists on the property’s south boundary, and is to be retained. Properties in the locality have a maximum of one boundary wall visible from the street.</p> <p>The property is 1,012sqm in area and shall have a rear setback to the dwelling of 16.9m if the rear extensions were approved.</p> <p>Considering the above, the proposed garage shall have an unacceptable impact on the amenity of 12 Strickland Street and the streetscape, and set an undesirable precedence if approved by Council. If the existing outbuilding at the rear of the property is to be removed as advised by the applicant, there shall be an ample amount of space available to have the garage located elsewhere on site.</p>
<p><i>‘6.5.1 The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.’</i></p>	<p>Refer to comments to previous TPS 2 provision.</p>

State Planning Policy 3.1 – Residential Design Codes

The proposal is compliant with the deemed-to-comply provisions of the R-Codes with the exception of the following with regard to lot boundary setbacks:

Deemed-to-comply Requirement	Proposed
The garage is required to be setback a minimum of 1m from the northern boundary in accordance with Table 2a of the R-Codes.	The garage is proposed to be setback 0.2m from the north boundary in lieu of the required 1m.

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following design principle provisions:

Design principles	Assessment/Comment
Impact of Building Bulk	<p>The proposed garage shall be 7.3m in length and have a wall height of 3.4m above natural ground level. There is a difference of approximately 0.7m between the natural ground level for 12 and 14 Strickland Street.</p> <p>A garage similar in height and floor area to the proposed garage exists on the property's south boundary, and is to be retained. Properties in the locality have a maximum of one boundary wall visible from the street.</p> <p>The property is 1,012sqm in area and shall have a rear setback to the dwelling of 16.9m if the rear extensions were approved.</p> <p>Considering the above, the proposed garage shall have an unacceptable impact on the amenity of 12 Strickland Street and the streetscape, and set an undesirable precedence if approved by Council. If the existing outbuilding at the rear of the property is to be removed as advised by the applicant, there shall be an ample amount of space available to have the garage located elsewhere on site.</p>
Positively contributes to the prevailing development context and streetscape.	Refer to comments to previous Design Principle provision.
Access to direct sunlight and ventilation	As the garage shall be to the south of 12 Strickland Street and the extensions to the


	rear of the dwelling shall be single storey in nature, the proposal complies with the overshadowing requirements of the R-Codes.
Overlooking and privacy loss	No changes in existing finish floor levels are proposed which are in excess of 0.5m above natural ground level, therefore no visual privacy concerns exist.

Conclusion

The proposal is for additions to the rear and northern side of the existing single storey dwelling at the subject property. The proposal involves variations to the deemed-to-comply provisions of the R-Codes being the reduced side lot boundary setback for a garage. This component of the application is considered to not be compliant with the relevant design principles of the R-Codes, whereas the extension to the rear of the dwelling (family room, alfresco, kitchen, meals room, laundry, pantry, ensuite and bedroom) complies with the deemed to comply provisions of the R-Codes.

Accordingly, the garage component of the application is recommended to be refused by Council, and the rear extension component is recommended to be approved by Council.

PD45.15	(Lot 23) No. 43 Lisle Street, Mount Claremont – Ground Floor Additions to Single House
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Committee	10 November 2015
Council	24 November 2015
Applicant	Nash & Gherinich Architects & Interior
Owner	K & M Withers
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA15/296 – LI1/43
Previous Item	Nil.
Attachments	1 – Survey Plan 2 – Site Plan/Floor Plan 3 – Elevations North and East 4 – Elevations South and West 5 – Overshadowing plan

Executive Summary

The proposal is for ground floor extensions to an existing two storey single house. The extensions include a new entry deck and portico, new ensuite, rear alfresco, pool room (cabana) and pool fence. The proposal is compliant with the deemed-to-comply provisions of the R-Codes with the exception of lot boundary setback to the rear boundary for the pool room, the southern side boundary setback to the new ensuite and the pool room being built up to the southern lot boundary. The application was advertised for comment due to the proposed building setback variations and one objection to the proposed rear setback variation was received.

Where an objection has been received, administration does not have the delegation from Council to determine the application and therefore the application is referred to Council for determination.

The proposed lot boundary setback variations are considered to be compliant with the design principles of the R-Codes as the objection to the rear setback variation is concerned with noise rather than the impact of building bulk, access to sunlight or ventilation. Therefore the application is recommended for approval subject to conditions.

Recommendation to Committee

Council approves the application for Ground Floor additions to Single House at (Lot 23) No. 43 Lisle Street, Mount Claremont, in accordance with the application received on 18 August 2015, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. The planning approval only pertains to the following:**
 - a. The entry deck and portico;**
 - b. The new ensuite;**
 - c. The rear alfresco;**
 - d. The rear pool room; and**
 - e. The pool fence.**
- 3. The boundary wall shall be finished to a high professional standard within 14 days of practical completion to the City's satisfaction.**
- 4. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**

Advice Notes specific to this approval:

- 1. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.**
- 2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.**
- 3. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block.**

4. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

5. Swimming pool fencing installed is to comply with the *Building Act 2011*, *Building Regulations 2012* and AS 1926.1-1992.
6. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of TPS 2, contributing to well-planned and managed development in the City of Nedlands.

Legislation

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

Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

Risk management

N/A

Background

Site Description

Lot area	1012m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R10/20
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property has an existing two storey single house with a swimming pool as shown on the aerial image below. There is a 2.6m drop from the street level down to the rear of the lot, however the development does not proposed to substantially alter the natural ground level with under 0.5m of fill proposed. Surrounding properties contain single storey houses. The adjoining property to the south also contains a garage in close proximity to its north boundary..

Previously the application proposed a boundary wall to the rear laneway and a 1m setback to the southern side boundary for the alfresco, however the plans have subsequently been modified by the applicant to better address the design principles of the R-Codes.



Discussion

The application is for a new entry deck and portico, new ensuite, rear alfresco, rear pool room (cabana) and new pool fence as depicted in the submitted plans (**refer to Attachments 1 – 5**). The proposal has been assessed under the provisions of the City's Town Planning Scheme No. 2 (TPS2), relevant council policies and the R-Codes.

The development complies with the City's TPS2, Council Policies and the "deemed-to-comply" provisions of the R-Codes with the exception of the following:

- a) The pool room is proposed to be setback 1m from the rear boundary in lieu of the required 6m in accordance with Table 1 and Clause 5.1.3 C3.1.v of the R-Codes;
- b) The new ensuite is proposed to be setback 1.15m in lieu of 1.5m to the southern side boundary in accordance with Table 2A of the R-Codes; and
- c) The pool room being built up to the southern side boundary in lieu of being setback 1m in accordance with Table 2A of the R-Codes.

The applicant has provided the following justification in support of the proposed variations:

"Prevailing Development Context"

The prevailing context in Rudis Lane is shown to be one of fences of mixed materials on rear boundaries and varying heights, interspersed with single storey outbuildings (garages, sheds, pool rooms etc.) comprising a wide variety of materials, styles, condition and ages, houses on rear battle-axe blocks and a 2 storey retirement complex all nestled between and amongst existing vegetation. Many of the existing buildings are on the boundary, including Lisle Lodge, the aforementioned retirement complex.

We contend therefore that the proposed development is consistent with the context of the surrounding existing development along Rudis Lane. There is only one parapet proposed to the southern side boundary. The height of the proposed building is also consistent with other single storey buildings along Rudis Lane. There is in addition no detrimental impact at all on neighbours, it makes effective use of space, is more secure for the owners and does not restrict sunlight into neighbouring habitable spaces. There is no doubt that the proposed development does positively contribute to the prevailing development context.

Alfresco and Pool Room location

The development was sited where it was to avoid encroaching on existing infrastructure and vegetation to the north and is entirely and unreservedly compliant with all principles stated in clause 5.1.3 P3.1 & P3.2. The setback

from the alfresco has been increased to 1.5m to the south side boundary as requested, thereby complying with the deemed-to-comply clause 5.1.3 C1.3.

In summary, the proposed development has been sited towards the southern boundary, with the parapet wall adjacent to the neighbours garage in the southwest corner to meet the identified objectives. The design drivers were to maximize the northern aspect for the owners, to encourage cross-ventilation of the alfresco area, to minimise any detrimental effects upon the neighbour to the south, including intrusion on privacy, excessive building bulk and overshadowing and last but not least, to make a positive and ecologically sound design contribution to the neighbourhood. This is a considered and well-designed response to that brief.”

Consultation

The development application was advertised to affected landowners for comment for the abovementioned variations to the deemed-to-comply provisions of the R-Codes. The following is a summary of the concerns raised:

- a) We object to the proposed development application with our primary concern being the potential level and frequency of disturbing noise emission resulting from people using the pool room which will have a direct impact on our life particularly at weekends and after hours when the pool room is expected to be used and maybe continuously for several hours.
- b) We have our kitchen, dining room and bedroom windows facing the site
- c) We request that the poolroom is built within the regulated setback of 6 metres as required by the deemed-to-comply provisions of the R-Codes.
- d) Any additions/alterations approved should be done in accordance with acceptable levels of noise emissions.

The applicant for the proposed development has provided response to the objections as follows:

- a) *“The pool room will be used for normal residential activities and it cannot be assumed that “.....the potential level and frequency level of disturbing noise emission.....” will in fact be disturbing. There are no reasonable grounds to assume such a thing.*
- b) *The rear neighbour’s house is some 5 metres from the Rudis Lane boundary with the lane being 5 metres wide and the actual pool room (bathroom and store being located closer) is situated 4 metres from the rear boundary. In other words the pool room is a minimum of 14 metres from the rear neighbour’s residence with buildings, fences and vegetation between the openings to the pool room itself facing away from the rear neighbour’s house.*
- c) *Acceptable noise limits are governed by statute and can only be an issue if they exceed those limits.*
- d) *There are no reasonable grounds to assume that the proposal will affect the complainant’s aural amenity, which is entirely based on objections about*

potential noise from the proposed development. There are no grounds for claiming such a loss of amenity.”

The potential impact the proposed development shall have on the amenity of surrounding landowners is discussed in the following sections.

State Planning Policy 3.1 – Residential Design Codes

Ensuite setback

The proposal is compliant with the deemed-to-comply provisions of the R-Codes with the exception of the following:

Deemed-to-Comply Requirement	Proposed
<p>The new ensuite is required to be setback from the eastern side boundary in accordance with Clause 5.1.3 and Table 2A of the R-Codes.</p> <p>As the gap between the ensuite and the existing wall is less than 4m in length and the bulk is located less than 3m from the ensuite setback, the wall length must be included in the existing wall length of the dwelling in accordance with figure series 4.</p>	<p>The new ensuite proposes to replace an existing ensuite in the same location, however the building footprint will be slightly modified with the curvature removed at the front of the ensuite however, the southern side setback of 1.15m will be retained in lieu of the required 1.5m setback.</p> <p>The 1.5m setback is required due to the length of wall being over 9m without a separation of more than 4m length or 3m depth.</p>

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

Design Principles	Assessment/Comment
<p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <i>• reduce impacts of <u>building bulk</u> on adjoining properties;</i> <i>• provide adequate <u>direct sun and ventilation</u> to the building and open spaces on the site and adjoining properties; and</i> <i>• minimise the extent of <u>overlooking</u> and resultant loss of <u>privacy</u> on adjoining properties</i> 	<p>The new development is required to be assessed against the R-Codes, which requires a 1.5m setback in lieu of the existing 1.15m setback. The new ensuite proposes no change on the impact on the southern neighbouring landowner in terms of building bulk, access to sunlight and ventilation and no impact upon privacy due to a bathroom not being a habitable room.</p> <p>The proposal was advertised to the southern neighbouring landowner for comment. No comment or objection was received.</p>

Pool Room boundary wall

The proposal is compliant with the deemed-to-comply provisions of the R Codes with the exception of the following:

Deemed-to-Comply Requirement	Proposed
Walls may be built up to a lot boundary behind the street setback for properties zoned R10 where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.	<p>The pool room is proposed to be built up to the southern side boundary in lieu of being setback 1m.</p> <p>The adjoining southern property does not have a boundary wall adjacent to the proposed boundary wall.</p>

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

Design Principles	Assessment/Comment
<p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>reduce impacts of <u>building bulk</u> on adjoining properties;</i> • <i>provide adequate <u>direct sun and ventilation</u> to the building and open spaces on the site and adjoining properties; and</i> • <i>minimise the extent of <u>overlooking</u> and resultant loss of <u>privacy</u> on adjoining properties</i> <p><i>P3.2 Building built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 	<p>The proposed boundary wall is located adjacent to an existing outbuilding ensuring that the southern neighbouring landowner's dwelling and outdoor living areas are not impacted in terms of access to sunlight, ventilation, building bulk or privacy.</p> <p>The location of the boundary wall permits retention of a mature macadamia tree on the subject property and maximise access to northern sun for the outdoor living area of the subject property without having negative impact on the prevailing development context of the locality (which is varying given the split coding).</p> <p>The southern neighbouring landowner was consulted by the City on two occasions to solicit comment on the proposal, however no comments were received. Additionally the subject property owners attempted to obtain comments after discussing the proposal with the southern neighbouring landowner, but were unsuccessful. The City and applicant therefore have given the southern neighbouring landowner adequate opportunity to provide any comment or objections to the proposed boundary wall and without any comment or objection, the City must assume there is no comment or objection to be made.</p>

Rear setback to laneway

The proposal is compliant with the deemed-to-comply provisions of the R Codes with the exception of the following:

Deemed-to-Comply Requirement	Proposed
<p>Table 1 requires a 6m rear setback for properties zoned R10.</p> <p>Setback distances may be reduced by half the width of an adjoining right-of-way to a maximum reduction of 2m.</p> <p>Therefore the setback required is 4m in lieu of the proposed 1m.</p>	<p>The pool room is proposed to be setback 1m in lieu of the required 6m to the rear lot boundary.</p> <p>Only outbuildings (detached non-habitable buildings) are permitted within the rear setback area of properties coded R15 or less under the deemed-to-comply requirements of Clause 5.4.3 of the R-Codes.</p>

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


Design Principles	Assessment/Comment
<p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <i>reduce impacts of <u>building bulk</u> on adjoining properties;</i> <i>provide adequate <u>direct sun and ventilation</u> to the building and open spaces on the site and adjoining properties; and</i> <i>minimise the extent of <u>overlooking</u> and resultant loss of <u>privacy</u> on adjoining properties</i> 	<p>The proposed pool room (cabana) is located within the rear setback area to permit the retention of a mature tree and lawn area in the rear yard of the subject property. The laneway has a number of outbuildings located within the rear setback area and there are also some grouped dwellings (R20) setback less than 6m adjacent to the laneway.</p> <p>The location of the pool room ensures minimal impact on the southern neighbouring landowner in terms of access to sunlight, ventilation and building bulk due to the location of a rear outbuilding adjacent to the pool room on the southern neighbouring landowner's property.</p> <p>The properties on the other side of Rudis Lane have over 6m provided to the dwellings in addition to 1.8m high solid boundary fencing in between ensuring that the appearance of the reduced setback is minimal, The pool room consequently appearing similar to an outbuilding/garage when viewed from the laneway.</p> <p>The southern neighbouring landowner is the most impacted in terms of reduced setback, however has provided no comment or</p>

	objection to the reduced setback. The objection received in relation to the rear setback variation from another neighbouring landowner relates mainly to noise concerns which is governed by environmental health legislation/regulations. Additionally, it could be argued that the pool room is likely to generate less noise than a garage or outbuilding in the same location.
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Conclusion

The proposal is for ground floor extensions to an existing two storey single house. The proposal involves three lot boundary setback variations under the deemed-to-comply provisions of the R-Codes – being to the rear and south boundaries. The variations are considered to be compliant with the relevant design principles of the R-Codes. Accordingly, the application is recommended for approval to the Council subject to conditions.

PD46.15	(Lot 244) No. 3 Bellevue Avenue, Dalkeith – Shade Sail Structures and Lean-to Structure
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Committee	10 November 2015
Council	24 November 2015
Applicant	Jon Rose Design
Owner	C Bob
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2015/347
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan and Elevations 2. Photograph taken on 3 Bellevue Avenue of the lean-to structure 3. Photograph taken on 5 Bellevue Avenue of the lean-to structure 4. Photograph of the lean-to structure's location as seen from the street

Executive Summary

A retrospective development application has been received to retain 3 shade sail structures and a lean-to structure adjacent to the west (side) boundary of the property. The structures got brought to the City's attention as a result of a complaint being received.

The structures are compliant with the deemed-to-comply provisions of the Residential Design Codes (R-Codes) with the exception of the proposed side setback of the lean-to structure. The application was advertised to the impacted neighbouring landowners and an objection was received in relation to the side setback variation.

Where an objection has been received, administration does not have the delegation from Council to determine the application and therefore the application is referred to Council for determination.

The structures are considered to meet the relevant 'deemed-to-comply' and 'design principles' of the R-Codes and provisions of the City's Town Planning Scheme No. 2 (TPS2). As a result, the application is recommended for approval.

Recommendation to Committee

Council approves the retrospective application to retain the shade sail structures and lean-to structure at Lot 244 (3) Bellevue Avenue, Dalkeith, in accordance with the application received on 21 September 2015 subject to the following conditions and advice notes:

- 1) The development shall at all times comply with the approved plans.**
- 2) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**

Advice Notes specific to this approval:

- 1) All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the design requirements of TPS 2 and the R Codes.

Legislation

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

Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no immediate budget or financial implications for the City, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

Risk management

Nil.

Background

Site Description

Lot area	971m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R10
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property contains a two storey single dwelling with a landscaped street setback area and street trees on the adjoining portion of verge, as shown in the locality plan below.



Discussion

The retrospective application seeks approval to retain 3 shade structures at the rear of the property and a lean-to structure adjacent to the west (side) boundary, as depicted in the submitted plan (refer to Attachment 1).

The lean-to structure has guttering and a downpipe attached which ensure that all stormwater is contained onsite, and is used to provide cover for the landowner's personal possessions (refer to Attachment 2).

The development complies with the TPS2 and the deemed-to-comply provisions of the R-Codes, with the exception of the lean-to structure having a nil setback from the west boundary in lieu of 1m.

Consultation

The development application was advertised to the affected landowners by the City for 14 days for comment. An objection was received during the consultation period. Concerns received were in relation to the impact the lean-to structure has on the neighbour's amenity.

The impact the lean-to structure has on the neighbour's amenity is discussed in the following section.

State Planning Policy 3.1 – Residential Design Codes

Lot Boundary Setbacks

The proposal is compliant with the deemed-to-comply provisions of the R Codes with the exception of the following:

Deemed-to-comply Requirement	Proposed
The lean-to structure is required to be setback a minimum of 1m from the western boundary in accordance with Table 2a of the R-Codes.	The lean-to structure has a nil setback from the west boundary in lieu of the required 1m.

Variations to the deemed-to-comply requirements can be considered subject to satisfying the following design principle provisions:

Design principles	Assessment/Comment
Impact of Building Bulk	<p>The lean-to structure is adjacent to an existing garage on the subject property and a masonry wall of 1.8m in height above natural ground level along the dividing boundary with 5 Bellevue Avenue.</p> <p>The adjacent area on 5 Bellevue Avenue is not deemed to be an active habitable space and has no major openings directly facing the structure (refer to Attachment 3).</p> <p>The lean-to structure is considered to not have an unacceptable impact on the neighbour's amenity.</p>
Positively contributes to the prevailing development context and streetscape.	<p>The lean-to structure is screened from the street by an existing masonry wall of approximately 1.8m and therefore is not visible from the street (refer to Attachment 4).</p>

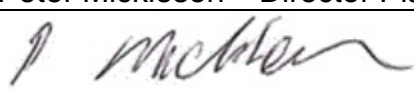
Other Matters of Concern

During the advertising period concerns were also received with regard to potential overlooking from an upper storey window on 3 Bellevue Avenue. Having investigated the matter it was found to be compliant with the original development approval granted.

Conclusion

The proposal is to retain 3 shade sail structures and a lean-to structure at the subject property. The proposal involves a variation to the deemed-to-comply provision of the R-Codes being the reduced side lot boundary setback for the lean-to structure. The variation is considered to be compliant with the relevant design principles of the R-Codes. Accordingly, the application is recommended to the Council for approval.

PD47.15	Lot 9075 Verdun Street, Nedlands – Proposed Continuation of Temporary Child Day Care Centre at the QEII Hospital Site
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Committee	10 November 2015
Council	24 November 2015
Applicant	PA Projects
Landowner	The Queen Elizabeth II Medical Centre Trust
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2015/350 – VE1/2 and MO1/101
Previous Item	Item D17.11 – 22 March 2011
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevations 3. QEII Hospital Master Plan (October 2010)

Executive Summary

A retrospective development application has been received to allow for a temporary child day care centre (centre) to continue operating at Lot 9075 Verdun Street, Nedlands, for a maximum of 3 years (refer to Attachments 1 and 2). The operation of the centre got brought to the City's attention as a result of complaints being received with regard to car parking difficulties being experienced along nearby streets.

The property is zoned Public Purpose under the Metropolitan Region Scheme and as such Council is required to provide a recommendation to the Western Australian Planning Commission (WAPC) which will determine the application.

The proposal was advertised to nearby landowners for comment and during the advertising period 6 objections were received.

The application has been referred to Council for consideration as officers do not have the delegation to provide a recommendation to the WAPC under instrument of delegation 6A, where specific objections have been received.

It is considered that there is an inadequate amount of car bays provided to meet the demand generated by the proposed use, as a result it is recommended that the application be refused.

Recommendation to Committee

Council:

- 1) Recommends to the Western Australian Planning Commission that the application for the proposed Temporary Child Day Care Centre located at Lot 9075 Verdun Street, Nedlands (QEII Medical Centre) in accordance with the application dated 16 September 2015, be refused for the following reason:**
 - a) An insufficient number of onsite car bays being provided for the proposed use and the unacceptable impact this is subsequently having on nearby residents.**
- 2) Advises the Western Australian Planning Commission that should it see fit to approve the application, Council recommends that the approval should be subject to the following conditions:**
 - a) The development shall at all times comply with the approved plans.**
 - b) The child day care centre shall operate for a maximum of 3 years from the date of approval.**
 - c) The child day care centre shall accommodate a maximum of 60 children.**
 - d) After the child day centre has ceased operating in accordance with Condition 3, the building and associated structures shall be removed and the area landscaped in accordance with the QEII Master Plan.**
 - e) The child day care centre only operating at the following times:**
 - i. Before and after school - Monday to Friday, 6.45am to 6.00pm; and**
 - ii. Vacation – Monday to Friday, 6.45am to 5.45pm.**
 - f) A minimum of 7 car parking bays shall be reserved for the exclusive use of the child day care centre, and appropriate signage be installed to reflect this.**
 - g) The 7 car parking bays shall be restricted to a ten (10) minute maximum time period and appropriate signage shall be erected to indicate this time limit.**
 - h) The 7 car parking bays, vehicular and pedestrian access ways, verge bollards and car parking restriction signage being maintained by the landowner to the City's satisfaction.**
 - i) All street trees on the verge are to be retained and shall not be removed without written approval from the Manager Parks Services.**

- j) **All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through adherence to the requirements of Town Planning Scheme No. 2 (TPS 2).

Legislation / Policy

- *Planning and Development Act 2005* (the Planning Act).
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Council Policy – Neighbour Consultation.

Budget / Financial Implications

Not applicable.

Risk Management

Not applicable.

Background

Lot area	28.3 ha
Metropolitan Region Scheme Zoning	Public Purpose - Hospital
Town Planning Scheme No. 2 Zoning	Public Purpose - Hospital
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The centre is on the property occupied by the QEII Hospital, and falls within the QEII Hospital Master Plan (refer to Attachment 3) which was adopted in October 2010 and shows the location of the centre as being proposed to be for landscaping and a mental health building.

In March 2011, Council recommended to the WAPC that an application for a temporary child day care centre on the property be refused due to a shortfall in the required amount of car bays. Subsequently the WAPC approved the application subject to, amongst other conditions, the centre operating for a maximum period of 3 years, being until April 2014.

As a result of complaints being received from local residents with regard to car parking difficulties being experienced along nearby streets, and having liaised with the WAPC, it was found that the centre had continued to operate beyond April 2014.



Discussion

The application seeks retrospective approval to continue operating the centre, details of which are as follows:

- a) The centre is proposed to operate for a maximum of 3 years from the date of approval after which time a permanent child day care centre located elsewhere on the property shall be available.
- b) The centre accommodates up to 60 children for before and after school, and vacation care.
- c) The applicant has advised that the centre is used only by the staff and patients currently using the existing child care facility on the same property.
- d) The centre operates at the following times:
 - i. Before and after school care between 6.45am and 6.00pm Monday to Friday; and
 - ii. Vacation care between 6.45am and 5.45pm Monday to Friday.
- e) Up to 4 full time employees are on site at any one time.
- f) Seven (7) on site (reserved) car bays are available for the centre, access to which is obtained via 2 separate crossovers from Verdun Street.

Consultation

The proposal was advertised for 14 days to nearby landowners for comment in September and October 2015 due to a shortfall in the required amount of car bays. During the advertising period 2 non-objections and 6 objections were received. The following is a summary of the concerns raised:

- a) There being not enough car bays available;
- b) The noise from children attending the centre being excessive;
- c) Parents not using the existing reserved drop off and pick up bays;
- d) The centre being poorly located, particularly due to being in close proximity to a mental health unit on the property;
- e) The centre not being setback 9m from the street boundary in accordance with TPS 2 and the QEII Hospital Master Plan; and
- f) Vehicles associated with the centre being illegally parked in nearby streets on verges or areas where no parking is permitted, subsequently creating difficulties for vehicles leaving residential properties.

In response to the above concerns it should be noted that noise levels are controlled by the *Environmental Protection (Noise) Regulations 1997*. In relation to the 9m street setback requirement, this provision under TPS 2 only applies to properties zoned Residential and no external alterations are proposed to be made to the existing building previously approved by the WAPC.

The impact the centre is having on the area's amenity is discussed further in the following sections.

Town Planning Scheme No. 2

The following provisions of TPS 2 apply to such proposals.

Car Parking Demand

Seven (7) car bays are currently reserved on site for the centre, which are used as drop off and pick up bays. These car bays are located approximately 70m east of the centre and vehicles are only permitted to occupy the car bays for a maximum of 10 minutes, signage stating this has been erected. Given the distance of these car bays from the centre and the short drop off and pick up time periods it is anticipated that parents shall continue to park along Verdun Street and other nearby streets.

The City frequently receives complaints from residents about vehicles allegedly used by those visiting the centre, obstructing driveways and parking on verges. Bollards have been installed by the owners of the centre along the adjacent portion of verge to prevent vehicles from being parked there.

TPS 2 does not contain a prescribed minimum number of car bays for a Child Day Care Centre use, therefore the number of car bays required is at Council's discretion. The WAPC's Planning Bulletin 72/2009 provides guidance on specific planning considerations for a Child Care Centre. Bulletin 72/2009 suggests parking should be provided at a rate of 1 bay per 5 children. Based on this requirement 12 car bays are required. A shortfall of 5 car bays would therefore exist on site.


Amenity

TPS 2 Clause	Assessment Comment
<p><i>“5.5.1 Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned”</i></p>	<p>The City is aware of car parking difficulties within the vicinity, and the impacts this is having on the amenity of the area as reflected by the number complaints and the objections received from nearby landowners during the advertising period.</p>
<p><i>‘6.5.1 The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.’</i></p>	<p>It is considered that there are insufficient bays provided to meet the parking demands from the centre. It has been identified that there is limited availability of car bays on the property and in the area. It is not orderly and proper planning to further approve a significant reduction of car bays in an area which already experiences parking issues.</p>

Conclusion

The application does not propose any additional car bays and through analysis it has been found that there are currently car parking difficulties due to the centre’s operation. It is considered that there is inadequate provision of car parking to meet the predicted demand from the proposed use. It is therefore recommended Council recommends to the WAPC that the application be refused.

PD48.15	Waratah Avenue Placemaking Strategy – Adoption of Concept Plan & Report
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Committee	<i>10 November 2015</i>
Council	<i>24 November 2015</i>
Applicant	<i>City of Nedlands</i>
Owner	N/A
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	N/A
Previous Item	
Attachments	1 – Concept Plan 2 – Concept Plan Explanatory Report for Community Consultation 3 – Community Engagement Report post consultation

Executive Summary

The purpose of this report is to recommend that Council adopts the Waratah Avenue Concept Plan & Report resulting from the Waratah Avenue Placemaking Strategy.

The Waratah Avenue Concept Plan was created as a result of the Placemaking Strategy for Waratah Avenue. The Concept Plan focuses on the streetscape along Waratah Avenue between Adelma Road and Alexander Road and upgrades to Genesta Park. The Placemaking Strategy previously included the Dalkeith Hall site, however from the outcomes of community consultation and meetings of the Steering Committee, it has been identified that improvements to Waratah Avenue and Genesta Park 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.

The 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.

The concept plan and report were advertised in September. Six responses were received on the concept plan with the concept plan unanimously supported.

The responses received do not require the concept plan to be modified. It is therefore recommended that the Waratah Avenue Concept Plan & Report is adopted by Council.

Recommendation to Committee

Council:

- 1. Adopts the Waratah Avenue Placemaking Strategy Concept Plan & Report (Attachment 1 & 2).**
- 2. Refers the adopted Concept Plan & Report to Technical Services for implementation.**

Strategic Community Plan

KFA: Natural and Built Environment

This report addresses the Key Focus Area of Natural and Built Environment through planned improvements to the streetscape in collaboration/consultation with the community, contributing to well-planned and managed development in the City of Nedlands.

Legislation

- *Local Government Act 1995*

Budget / Financial Implications

Within current approved budget:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Requires further budget consideration:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Future budget considerations are only in relation to actions recommended in order to implement each strategy. The implementation of the concept plan will need to be costed by the City's Technical Services team and delivered within the annual budget.

Risk management

The risk of not adopting the concept plan is that the long-term future of Waratah Avenue in terms of improving the public realm and managing traffic and parking will be left unresolved.

Background

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.



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.

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.

A project team was formed and they 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.

The community consultation conducted was extensive throughout this project and is detailed in attachment 2. Following the conclusion of the initial round of consultation as detailed in attachment 2, 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 (i.e. Dalkeith Hall) 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 subsequently led to the hall being excluded from the plan for future investigation.

The Concept Plan was finalised by the Steering Committee and referred to the community for a period of viewing.

Discussion

The 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

The Waratah Avenue Concept Plan is strategically aligned with the City's Strategic Community Plan as outlined within attachment 2 and has been prepared keeping in mind the project aims formulated through community collaboration.

The desired outcomes of the concept plan implementation are as follows:

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.

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.

Consultation

The community consultation conducted for the concept plan was undertaken between 8th and 25th September 2015 and is detailed within attachment 3.

Six responses were received on the concept plan. It should be noted that this represents a small sample size given letters were sent to 338 households and numerous other methods were used concurrently to consult with the community as listed within attachment 3. Below is a summary of the submissions received:

Submission	Administration Response
Appears very acceptable. Highly recommend the key traffic calming measures. Congratulations!	Noted.
Pedestrian crossing must be universally accessible for all users as well as of a sufficient width for more than one person.	The pedestrian crossings are proposed to be wider than existing crossings to permit concurrent crossing, raised and level with the footpaths to permit universal access.
Roundabout at Western end will enhance as bookend and will be good for traffic calming given buses and emergency vehicles can use the roundabout.	Noted. The new roundabout can be provided to ensure vehicle access is complaint for buses and emergency vehicles.
Landscaping in the streetscape and park is welcomed.	Noted.
Wider footpath on the northern side is essential.	The concept plan proposes significant widening of the northern footpath.
Excellent plan especially the concept of a promenade.	Noted.
Speed limits of 40 kilometres must be considered for the area due to the large number of children in the area. This could be reinforced with texturing or paving to differentiate between car parking bays.	Main Roads are the responsible authority for regulating traffic speeds. The City's Technical Services team investigates traffic speeds based on an at-need basis. This will be reviewed as part of the implementation, however ultimately will be at the discretion of Main Roads.

	The use of a different surface of the road was mentioned within the steering committee meetings, however was not supported and hence not included in the concept plan.
The species of landscaping need to be carefully considered. Tall natives and evergreens are preferred and trees which do not drop spa, berries or sticky residues.	Species of trees have not been yet selected but this preference will be passed onto the City's Technical Services for their information.
I would like to see a second roundabout put in the plan for safety and ease of access.	There is a second round about proposed at the intersection of Waratah Avenue and Alexander Road within the concept plan.

The responses above do not raise any objections to the proposal and the comments have already been addressed within the concept plan where possible. Therefore no further modification is proposed to the concept plan.


Conclusion

The Waratah Avenue Placemaking Strategy Concept Plan establishes a vision for streetscape improvements and park upgrades in terms of improving the public realm and managing traffic and parking. The concept plan is considered to align with the City's Strategic Community Plan and will help protect the quality living environment of residents and business owners along Waratah Avenue.

The preparation of this Concept Plan & Report 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.

It is therefore recommended that Council adopt the Waratah Avenue Placemaking Strategy Concept Plan & Report without further modification.

PD49.15	Proposed Amendments to Fill and Fencing Local Planning Policy (LPP) and Subsequent Proposed Revocation of Fencing Local Law
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Committee	10 November 2015
Council	24 November 2015
Applicant	City of Nedlands
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	PLAN-LPP-00003
Previous Item	Nil
Attachments	<ul style="list-style-type: none"> 1 – Existing Fill and Fencing Local Planning Policy 2 – Proposed Amended Fill and Fencing Local Planning Policy to be advertised 3 - Existing Fencing Local Law 2007 to be revoked

Executive Summary

The purpose of this report is for Council to consider whether to:

- a) Adopt the amended Fill and Fencing Local Planning Policy (amended LPP). Refer to Attachment 2; and
- b) Revoke the City of Nedlands Fencing Local Law 2007 (Local Law). Refer to Attachment 3.

The amended LPP is proposed to consolidate the existing standards to establish new standards by which development applications for fencing and fill will be assessed.

The amended LPP states what Council considers appropriate fencing, guides decision making on development applications for fencing and fill, and thereby gives certainty to the community as to what is acceptable.

Adoption of the amended LPP will render the Local Law obsolete and as such it is proposed to revoke it in parallel to the adoption of the amended LPP.

Recommendation to Committee

Council:

1. approves the draft amended Fill and Fencing Local Planning Policy for the purpose of public consultation; and
2. instructs Administration to advertise the draft amended Fill and Fencing Local Planning Policy in accordance with Schedule 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY REQUIRED

3. instructs Administration to advertise the City's intention to revoke the City of Nedlands *Fencing Local Law 2007*;

ABSOLUTE MAJORITY REQUIRED

Strategic Community Plan

KFA: Governance and Civic Leadership

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

Legislation

- *Planning and Development Act 2005* (Act).
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Nedlands Town Planning Scheme No. 2 (TPS2).

Budget / Financial Implications

Within current approved budget: Yes ☒ No ☐
Requires further budget consideration: Yes ☐ No ☒

The creation of local planning policies does not have a financial implication for the City. Advertising of the Policy is within the City's approved budget.

Risk management

If Council resolves not to adopt the amended LPP it will result in uncertainty for the community over what is considered acceptable by Council in relation to fencing and may result in inconsistent decision making on Applications for Planning Approval relating to fencing.

Background

The City currently controls fencing by requiring an applicant to obtain:

- a) a Licence under the Local Law;
- b) development approval under Town Planning Scheme No. 2 (TPS 2); and
- c) a Building Permit.

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

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

There are no significant objectives under the Local Law by which to assess a License and the Local Law dimensions. As such, Administration recommends revoking the Local Law, which will eliminate the requirement to obtain a licence from the City under that local law.

The requirement to obtain development approval under TPS 2 and a Building Permit under the Building Code of Australia will remain. However, the existing Fill and Fencing Local Planning Policy does not contain specific assessment criteria by which to determine suitable fencing material(s).

In order to provide that specific assessment criteria, the City is recommending that the amended LPP be adopted. The amended LPP will provide assistance to guiding decision making without the need for an additional application fee and if the amended LPP is required to be updated it is significantly easier to amend than a Local Law.

The proposal to amend the LPP was discussed at the Councillor Briefing held on 1 September 2015. There was general acceptance of the Policy, however it was requested that provisions relating to net fill and electric fencing be included.

Recommended provisions relating to net fill are stipulated under Section 5, and electric fencing provisions are stipulated under clause 7.7 of the amended LPP.

Statutory Provisions

Local Government Act 1995

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

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the provisions relating to making local planning policies.

Consultation

Fencing Local Law 2007

If Council adopts the recommendation to advertise its intention to revoke the local law, the City is required to give Statewide public notice of this intention and invite submissions for a period of not less than six (6) weeks. Once the advertising period has closed a report will be presented to Council for final determination.

Fill and Fencing Local Planning Policy

Public consultation will occur in accordance with the process outlined in Schedule 2 clause 4 of the Regulations.

Once the advertising period has closed, the amended LPP will be reviewed in the light of any submissions and a report presented to Council for final determination.

Conclusion

The draft amended LPP will ensure the City has an appropriate local planning framework in place by which to assess development applications relating to fill and fencing.

As such, Council consideration is sought to approve the draft amended LPP for the purpose of community consultation, and to advertise the City's intention to revoke the City's *Fencing Local Law 2007*.