



# Development Services Reports

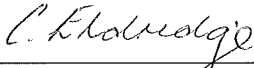
**Committee Consideration – 11 October 2011**  
**Council Resolution – 25 October 2011**

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<b>D58.11</b>	<b>No.60 (Lot 11541 and Reserve 33986) Lemnos Street, Shenton Park – Proposed Reconfiguration to Existing Waste Transfer Station</b>
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<b>Committee</b>	11 October 2011
<b>Council</b>	25 October 2011

<b>Applicant</b>	Greg Rowe and Associates (on behalf of Western Metropolitan Regional Council)
<b>Owner</b>	Western Metropolitan Regional Council (WMRC)
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	DA11/282 : LE1/60-04
<b>Previous Item No's</b>	D71.08 : D41.10
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Purpose**

The purpose of the report is for Council to consider the application for the proposed reconfiguration to the existing Waste Transfer Station. The site is located on Metropolitan Regional Scheme (MRS) land and as such the Council is required to provide comments and a recommendation to the Western Australian Planning Commission (WAPC), who will determine the application.

**Recommendation to Committee**

**Council recommends to the Western Australian Planning Commission to approve the proposed reconfiguration to the existing Waste Transfer Station at No. 60 (Reserve 33986) Lemnos Street Shenton Park in accordance with the application dated 30 June 2011 and plans dated 30 June 2011, subject to the following conditions:**

- 1. prior to the issue of a building license a Traffic Management Plan is to be submitted and approved by the City (refer to Advice Note a);**
- 2. prior to the issue of a building license a detailed Landscaping and Screening Plan is to be submitted and approved by the City (refer to Advice Note b);**

3. **prior to the issue of a building license a site management plan is to be submitted and approved by the City (refer to Advice Note c);**
4. **further planning approval is required for an increase of traffic to and from the site (refer to Advice Note d);**
5. **all greenwaste to be stored in a bunded area and filled to a maximum 0.5 m below TOW height;**
6. **all storm water from building and paving areas (including driveways) shall be contained on site by draining to soak wells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soak wells shall be a minimum of 1 cubic meter for every 80 m<sup>2</sup> of paved or roofed surface on the property;**
7. **all crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**
8. **any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

#### **Advice Notes**

- a. **the traffic management plan shall be for construction and operational traffic and include but not be limited to the following:**
  - i. **details of time of works;**
  - ii. **details of date of works; and**
  - iii. **routes used by truck.**
- b. **the detailed landscaping and screening plan shall include but not be limited to the following:**
  - i. **all existing and proposed landscaping, including hard landscaping;**
  - ii. **all existing and proposed screening, including screening of greenwaste areas from public roads;**

- iii. all proposed landscaping shall be in accordance with the City's Greenway Policy 4.14 i.e. indigenous species to be planted and complementary species of native vegetation retained; and
  - iv. all proposed landscaping shall be implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City.
- c. the site management plan shall include but not be limited to the following to address how day to day operations will be managed:
- i. ensure greenwaste does not exceed 0.5m below TOW height;
  - ii. ensure there is no windblown dust able to escape the site as a result of any greenwaste tipping area or from any associated operation (i.e. transport or conveyance of greenwaste);
  - iii. ensure offensive odour as a result of greenwaste does not carry beyond the site boundaries;
  - iv. handle contingency conditions so as not to at any time accumulate excessive greenwaste; and
  - v. ensure corrective actions are taken to resolve any complaints relating to dust, odour or noise .
- d. this application states that the proposal will not generate additional traffic to and from the site as exists prior to the approval of this application, therefore any increase in traffic to and from the site will require further planning approval; and
- e. the City recommends that any intended reversing warning alarms utilise non-tonal broadband sound which can still meet occupational health and safety requirements opposed to the traditional 'beeper' alarms.

### **Strategic Plan**

- KFA 4: Community Wellbeing
  - 4.1 Provide and facilitate access to services and facilities required by the broader community, clubs and community groups.
  - 4.5 Provide efficient services and effective information to maintain public health standards.

**Background**

Property Address: No. 60 (Lot 11541, Reserve 33986) Lemnos Street,  
Shenton Park  
(Refer to attachment 1 for Locality Plan)  
Zoning MRS: Public Purpose  
Zoning TPS2: N/A  
Lot Area: 15,308 m<sup>2</sup>

Date	Action
1989	The Waste Transfer Station begins operation
29 January 1991	Council resolves that building licence be issued for Waste Transfer Station.
28 June 2002	WAPC grants approval for Stage 1 of Waste Storage and Recycling facility for demonstration purposes. The approval is valid for five (5) years.
9 January 2004	WAPC grants approval for Stage 1 of Waste Storage and Recycling facility for demonstration purposes. The approval is valid for five (5) years.
13 December 2006	WAPC grants approval for retaining wall and leveled area for a green waste mulch facility
21 January 2009	WAPC grants approval for the renewal of Stage 1 of Waste Storage and Recycling facility for demonstration purposes
27 July 2010	Council recommends approval for Stage 2 (Final Stage) of DiCOM Bioconversion Facility
13 October 2010	WAPC grants approval for Stage 2 (Final Stage) of DiCOM Bioconversion Facility
18 July 2011	WAPC grants approval for a minor modification (increase of roof height) to the existing Waste Transfer Station.

**Proposal Detail**

As result of the approval of Stage 2 (Final Stage) DiCOM bioconversion facility, the WMRC proposes to modify the site layout to ensure that the site, with both operations, operates efficiently and that there is safe on-site operation.

The proposed reconfiguration includes:

**Relocation of greenwaste tipping area and expanded residential tipping area**

The proposed relocation of the greenwaste tipping area is to the north-west corner of site. This greenwaste tipping area is proposed to be used for residential greenwaste tipping. An additional greenwaste tipping area is proposed to be located at the centre of the site near the proposed walking floors and is covered by an awning (refer to attachment 3).

The residential tipping area is located at the centre of the site near the proposed walking floors and is covered by an awning (refer to attachment 3).

### **Installation of walking floors and establishment of waste compaction system**

The walking floors are at ground level and are proposed to allow movement of waste to the waste compaction system. The waste compaction system is proposed to be located next to the residential tipping area, at the centre of the site (refer to attachment 3).

### **Hours of operation**

There will be no changes to operating hours, as a result of this proposal.

### **Staff**

Current staff numbers at the Waste Transfer Station are 4-5 staff members per weekday and two (2) staff members Saturday and Sunday. It is not expected that there will be any changes to staff numbers, as a result of this proposal.

### **Parking**

For the Waste Transfer Station there are currently four marked car bays for visitors. The proposal shows nine marked car bays and a bus parking area, located on the northern boundary of the site for staff and visitors. Given the small number of staff the parking provided is sufficient for staff and visitors.

### **Modification to access onto the site and main building**

The proposed changes to access onto and exiting the site are as follows:

- Cars will only enter and exit via the Brockway Road.
- The Brockway Road entry and either Lemnos Street exits will be used by WMRC waste transfer trucks.
- The western Lemnos Street entry and either Lemnos Street exits will be used by all trucks (except WMRC waste transfer trucks).

The site is to be segregated into areas for cars and trucks, with all newly constructed roads to be sealed.

### **Traffic**

Although some of the information in the Applicant's Development Application Report and supporting documentation refers to an increase in vehicle movements from the reconfiguration of the waste transfer facilities, it has been confirmed by the applicant that there is no increase in vehicles being generated from the reconfiguration. An increase in vehicles has occurred as part of the already approved Stage 2 DiCOM project.

WMRC have commissioned a traffic impact study which outlined that the proposal will result in the modification of on-site vehicle flows, the segregation of trucks, cars and operational vehicles and changes to the operations at the ingress/egress points to the site at the boundary road network. This study concluded that the proposal can be adequately accommodated by the existing road network.

### **Noise**

Noise from the proposed upgrades to the facility has been modelled by an acoustic consultant and levels have been shown to be not significantly contributing and deemed to comply with the *Environmental Protection (Noise) Regulations 1997*.

Please refer to attachments 2-6 for the plans of the existing and proposed development.

A full copy of the Applicant's Development Application Report received by the City has been given to the City's Councillors prior to the meeting.

### **Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Notification Period: 10 August 2011–24 August 2011

The application was advertised by letter to surrounding adjoining landowners. Two (2) signs were also erected on site inviting the public to comment on the proposal.

WMRC conducted community consultation prior to preparing and submitting a Works Approval application for the Waste Transfer Station refurbishment.

Comments received: Nil.

### **Legislation**

Metropolitan Regional Scheme (MRS)

The subject site is reserved "Public Purpose (Commonwealth Government)" under the MRS and as a result the application is subject to the provisions of the MRS and determined by WAPC.

Provision 2.1 a) of the City of Nedlands Town Planning Scheme No.2 (TPS2) states:

*“...and the reservations of the Metropolitan Regional Scheme are shown in the Scheme in order to comply with the provisions of the Metropolitan Regional Town Planning Scheme Act 1959. Land reserved under the Metropolitan Regional Scheme is not land reserved under this Scheme”*

Therefore the provisions of the TPS2 are not applicable.

### **Budget/financial implications**

Nil

### **Risk Management**

Nil

### **Discussion**

The following issues have been identified and considered in the assessment of the application:

#### **Relocation of greenwaste tipping area and expanded residential tipping area**

The greenwaste tipping area is moving from its current location (refer to attachment 2) to the north-west corner of the site, where the recycling area currently is located. This greenwaste area is for residential greenwaste tipping and is to be setback 10 m from the site boundary on Lemnos Street. This green waste area is retained with walls which are 3.1 m high when viewed from Brockway Road and 3.5 m high when viewed from Lemnos Street, with two openings (refer to attachment 3 & 6).

Previously, greenwaste/compost materials have been stored uncovered in the area between Lemnos Street and the Waste Transfer Station, which is labeled as 'Greenwaste Area' on the current facility layout plan (refer to attachment 2). To prevent uncovered greenwaste stockpiles being viewed from the street and potentially being transported by wind, it is recommended that a condition is included requiring greenwaste areas to be located in a bunded area, filled to a maximum 0.5 m below top of wall (TOW) height, screened from view of Lemnos Street and Brockway Road.

A second greenwaste tipping area is located near the centre of the site and the proposed walking floor. This greenwaste area is to be setback 10 m from the site boundary facing Lemnos Street and 41 m from the site boundary on Brockway Road. The residential tipping area is located near the centre of the site and the proposed walking floor. This area is setback approximately 48 m from the site boundary on Brockway Road. These areas are covered by awnings (refer to attachment 6).



As the site is not subject to the TPS2 provisions, there are no specific setback requirements for this site. It is considered that the location of these areas is appropriate, given the location of these areas in the centre of the site and that the areas are covered by awnings. However it is recommended that the second greenwaste tipping area be subject to the same condition as the proposed residential greenwaste tipping area at the north-west corner of the site.

### **Landscaping and Appearance of Development**

Parts of the site that are not sealed will be landscaped. Please refer to attachments 4-5 to view the current and proposed landscaped areas.

Detailed information regarding the landscaping and screening has not been provided by the applicant, however it is recommended that it is conditioned that a detailed landscaping and screening plan is submitted and approved prior to the Building Licence being issued.

### **Modification to access onto the site and main building**

The application proposes changes to access onto and exiting the site. The applicant expects some changes to the operations at ingress/egress points to the site at the boundary road network. WMRC have commissioned a traffic impact study which found no issues regarding vehicle exiting and/or entering sightlines and it was considered that there would be minimal impact on traffic from revised crossover arrangements.

### **Traffic**

WMRC have commissioned a traffic impact study which found that the impact of reassigned site-generated traffic on both Brockway Road and on Lemnos Street is in the order of less than 5 % and therefore is deemed minimal. The study established that the reassigned site traffic will be able to be accommodated well within the practical through capacity of the existing boundary road network with a minimal impact on traffic operations in the vicinity of the site.

Although the information in the Applicant's Development Application Report and supporting documentation refers to an increase in vehicle movements from the reconfiguration of the waste transfer facilities, it has been confirmed by the applicant that there is no increase in vehicles being generated from the reconfiguration and that an increase in vehicles has occurred as part of the already approved Stage 2 DiCOM project.

As a result of the varying information provided by the applicant regarding vehicle movements, the City recommends that a condition is included to ensure that further planning approval will be required if vehicle movements to and from the site are increased. It is also recommended that a condition requesting a traffic management plan is submitted and approved prior to the Building Licence being issued.

## **Noise**

A number of noise receivers were considered including the closest noise sensitive premises (residences) on the northern side of Underwood Avenue, Floreat and those south west of Mooro Drive, Mt Claremont.

There are no changes proposed to the operating hours and noise from the increased numbers of trucks and new facility equipment (walking floors, truck unloading, compactor and excavator) is modelled to comply at the closest noise sensitive receivers. Noise from residential vehicles (light vehicles) is considered insignificant and would not contribute to overall noise at neighbouring premises. Noise from the proposed upgrades to the facility have been shown to be not significantly contributing and are deemed to comply with the *Environmental Protection (Noise) Regulations 1997*. The City has been advised that noise of reversing beacons (warning alarms) on any equipment purchased as part of the refurbishment will be considered at the time of purchase.

The City would recommend that an Advice Note be included requiring that any intended reversing warning alarms utilise non tonal broadband sound which can still meet occupational health and safety requirements, as opposed to the traditional 'beeper' alarms. This sound dissipates much quicker, is directional and localised in the danger zone.

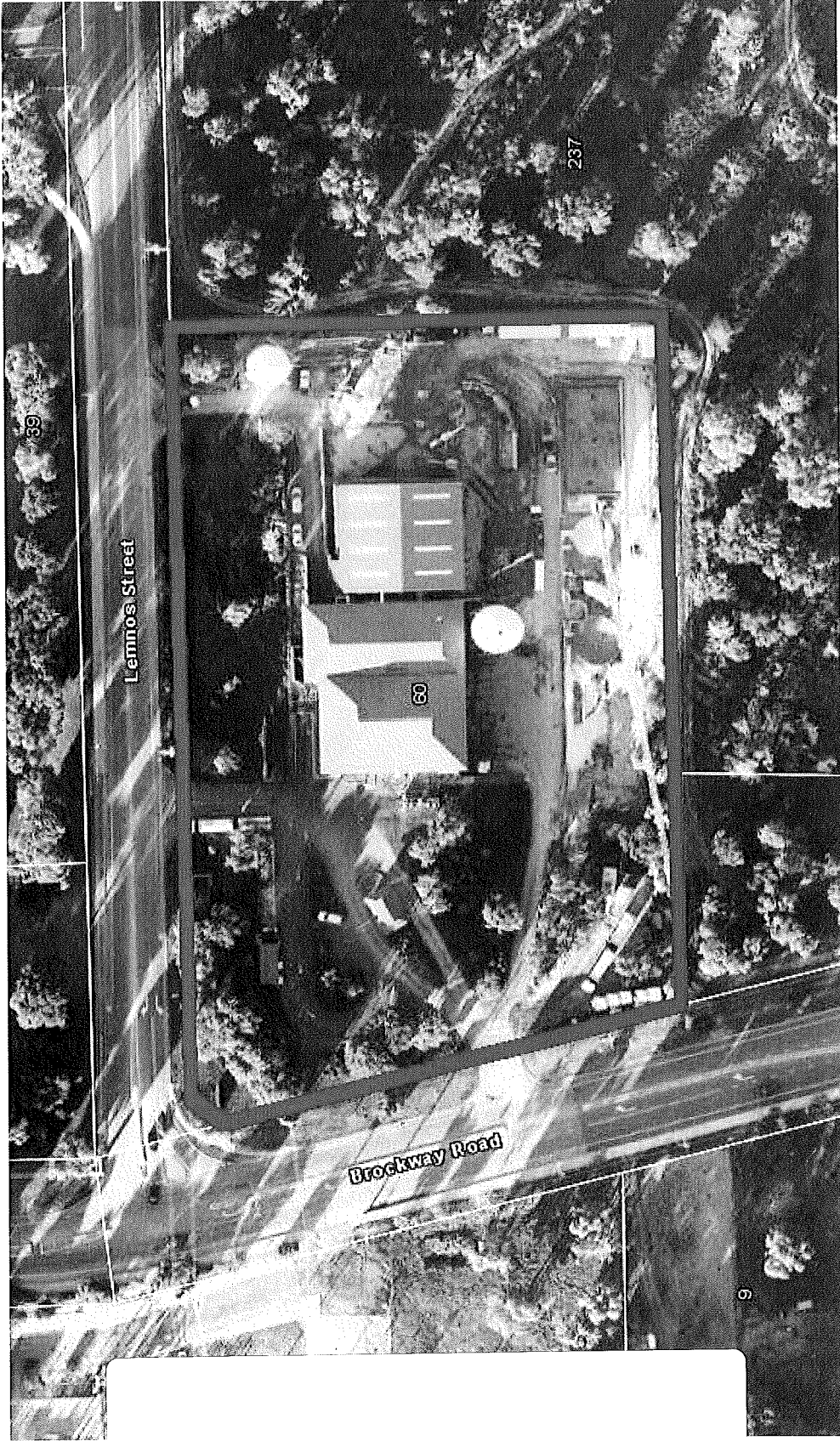
## **Conclusion**

The proposed reconfiguration of existing waste transfer is not expected to result in an increase of vehicle movement and thus traffic in the vicinity of the site. The potential effects on the visual amenity of the site can be mitigated with the recommended conditions. Noise from the proposed upgrade complies with the *Environmental Protection (Noise) Regulations 1997* and therefore is not considered to pose a significant impact.

For these reasons, subject to the conditions, the proposal for the reconfiguration of the existing Waste Transfer Station is recommended for approval to the Western Australian Planning Commission.

## **Attachments**

1. Locality plan
2. Current facility layout plan
3. Proposed facility layout plan
4. Plan showing current landscaped areas
5. Plan showing proposed landscaped areas
6. Elevation plan



**D58 11 – Attachment 1**  
**Locality Plan**



Monday, 29 August 2011

1:1238

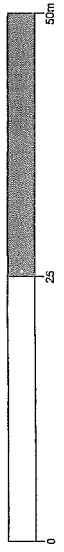
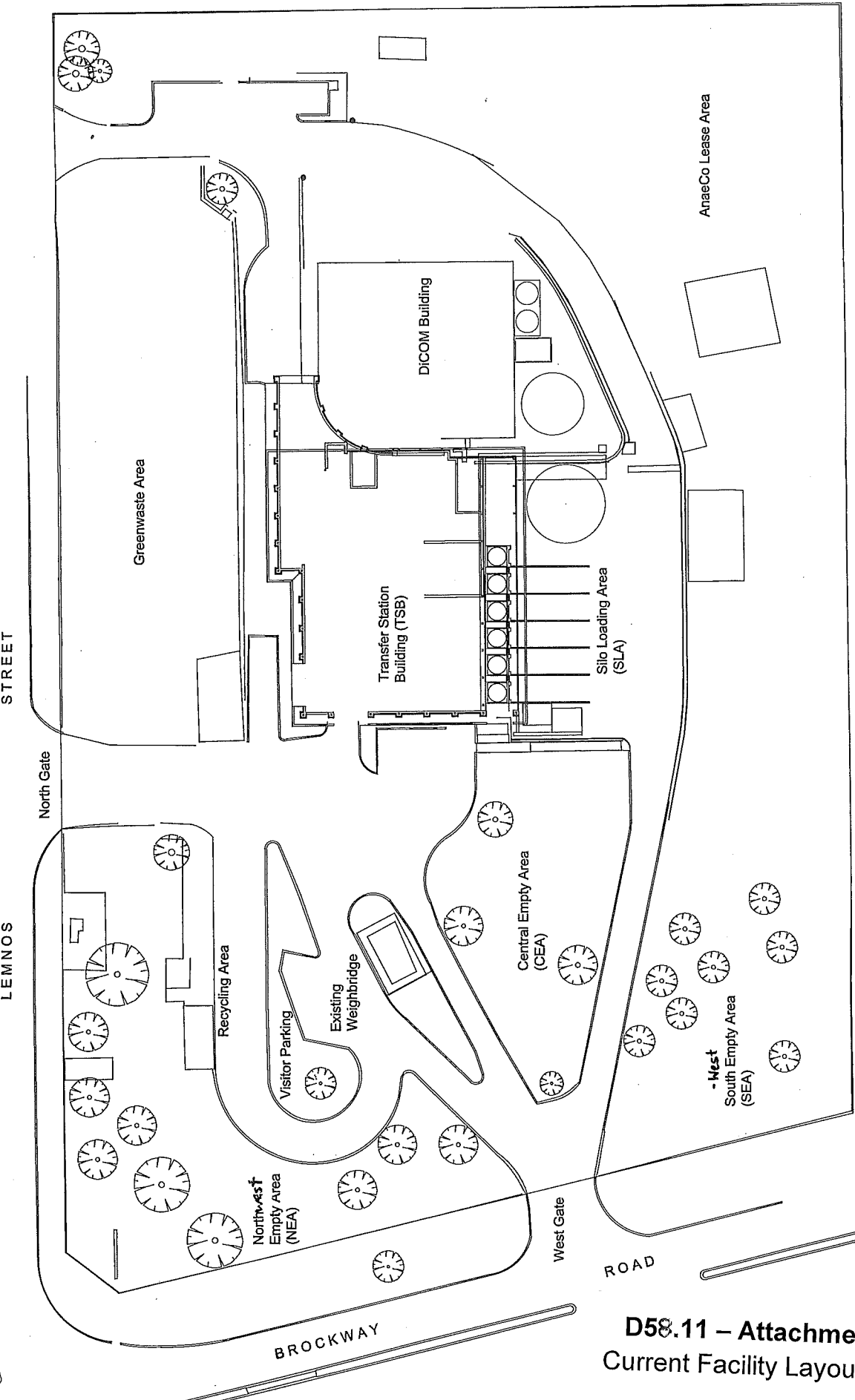
**LOCALITY PLAN**  
 60 Lemnos St, Shenton Park

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



City of Nedlands

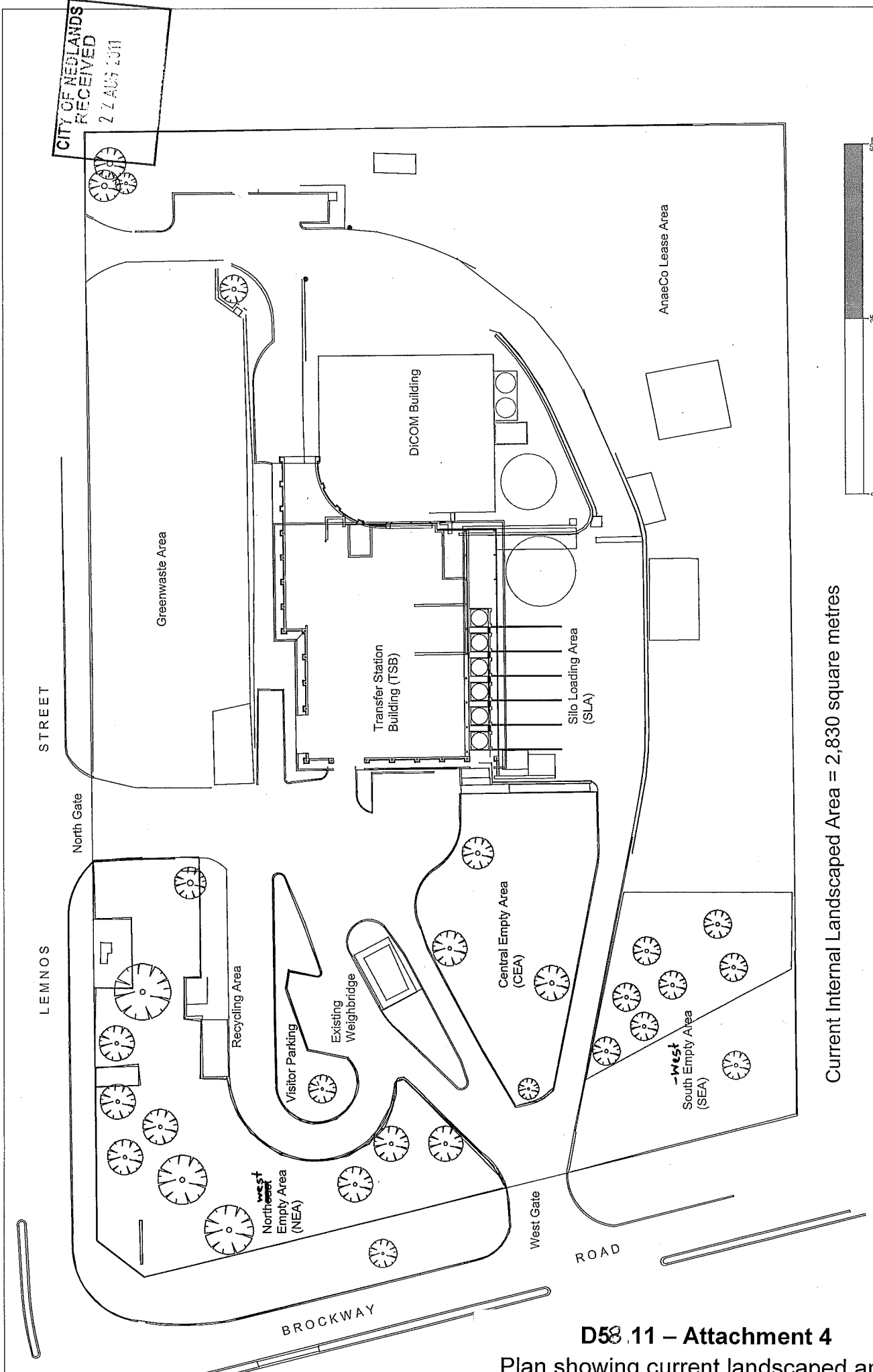
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DESIGNED		AMEE HYNES CHIEF EXECUTIVE OFFICER	SCALES 1:500 (A3) SURVEY DATA AUTOCAD REF	TRANSFER STATION REDESIGN Drawing 3 - Current Facility Layout	
DRAWN				WESTERN METROPOLITAN REGIONAL COUNCIL	
CHECKED				DRAWING NO. D1-002	
APPROVED				AMENDMENT 0	
NO.	DATE				

**D58.11 – Attachment 2**  
**Current Facility Layout Plan**





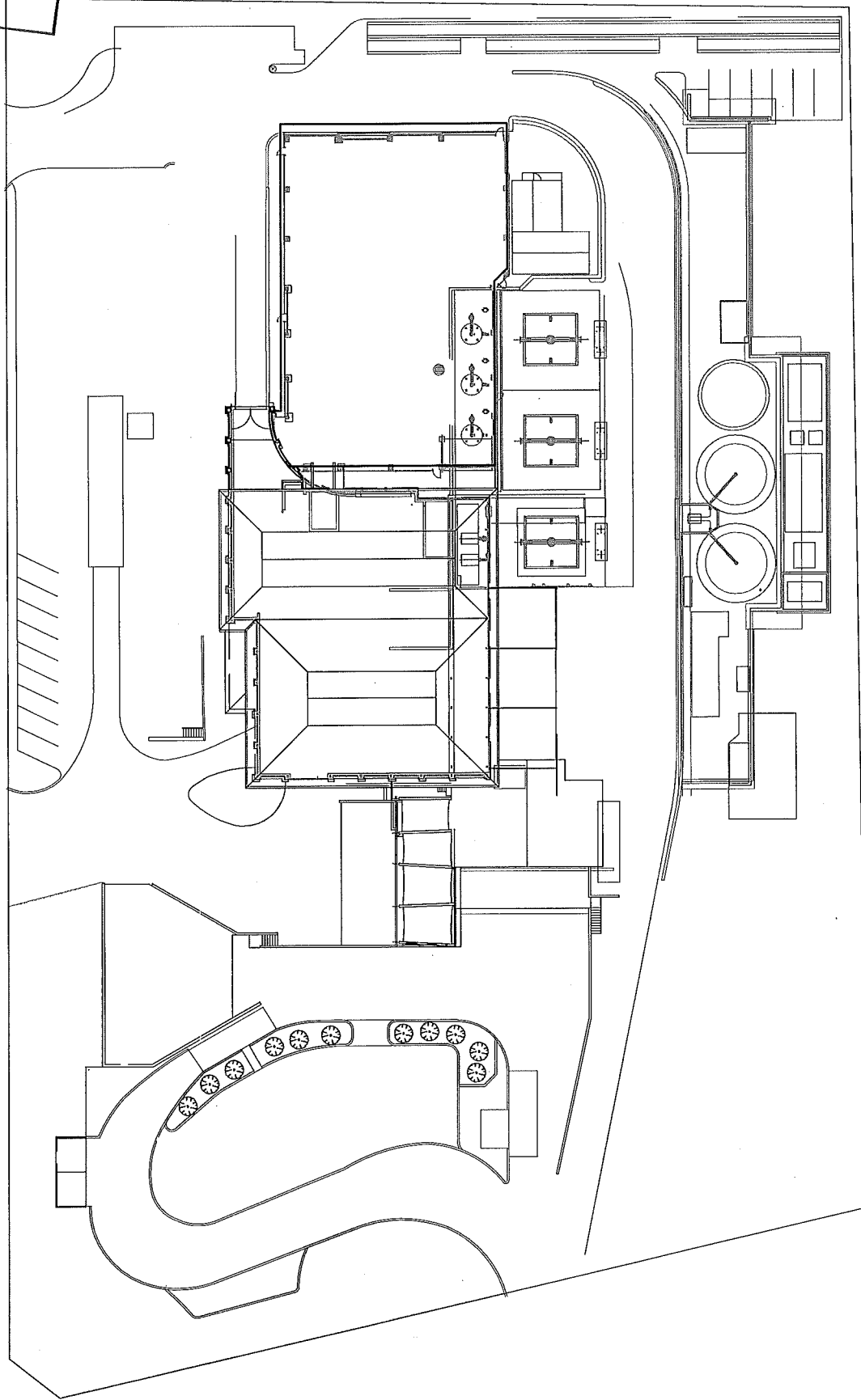
Current Internal Landscaped Area = 2,830 square metres

**D58.11 – Attachment 4**

Plan showing current landscaped areas

DESIGNED AMEE HYNES	SCALES 1:500 (A3)	JFR (Jim) McGeough Resource Recovery Facility
DRAWN	SURVEY DATA	Current Landscaped Areas
CHECKED	AUTOCAD REF	Landscaping shown in green
APPROVED		DRAWING NO. D1-018
		AMENDMENT 0
0 AH 15/08/2011 Drawing based on D2-002-0 NO. INT. DATE		WESTERN METROPOLITAN REGIONAL COUNCIL

CITY OF WESTERN METROPOLITAN  
 REGIONAL COUNCIL  
 2016



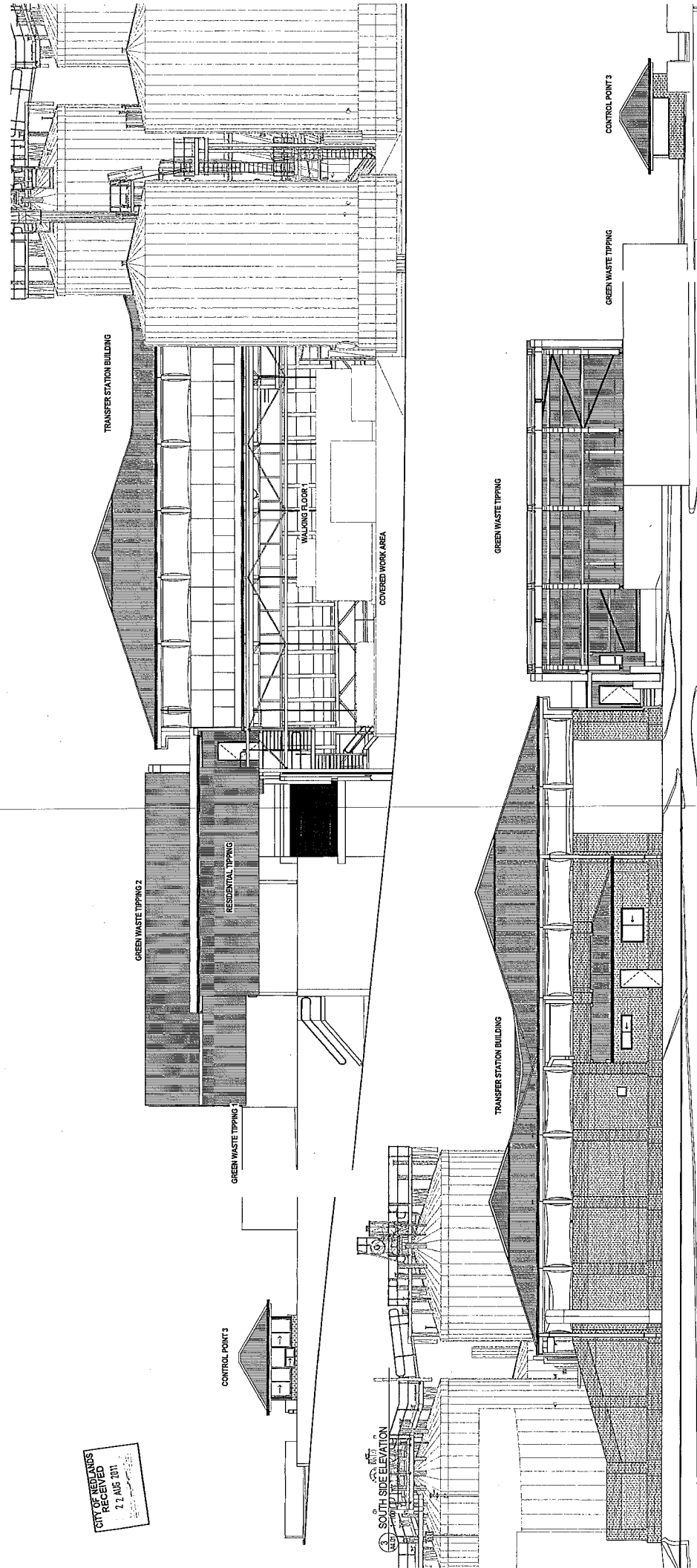
Future Internal Landscaped Area = 1,640 square metres

**D58.11 – Attachment 5**  
 Plan showing proposed landscaped areas

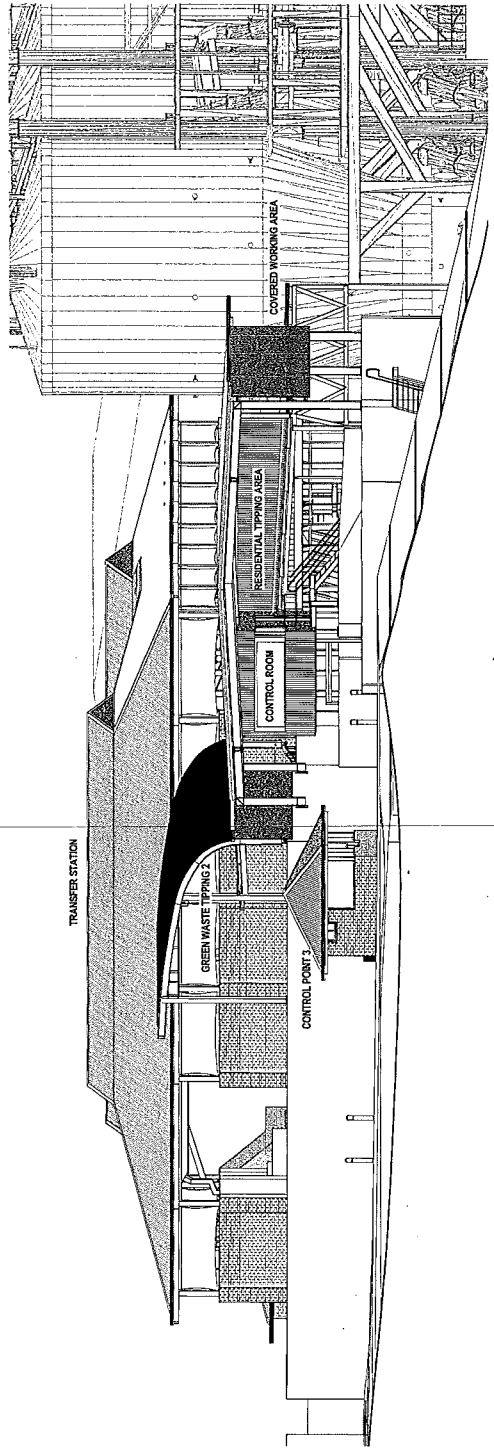
AMENDMENT	NO.	DATE	INDICATIVE FUTURE LANDSCAPING AREAS	Chief Executive Officer	APPROVED	TRACED	CHECKED	DRAWN	DESIGNED	SCALES	1:500 (A3)	SURVEY DATA	AUTOCAD REF	WESTERN METROPOLITAN REGIONAL COUNCIL	JFR (Jim) McCreough Resource Recovery Facility Indicative Future Landscaping Areas Landscaping shown in green	DRAWING NO.	D1-019	AMENDMENT	0
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CITY OF MELBORNE  
RECEIVED  
27 AUG 2011

3 SOUTH SIDE ELEVATION  
AS PER 1:100 SCALE



2 LEINOS STREET VIEW  
AS PER 1:100



## D58.11 – Attachment 6 Elevation Plan

GREEN WASTE TIPPING

1 BROCKWAY ROAD ELEVATION  
AS PER 1:100

REV.	DATE	DESCRIPTION
		ISSUED FOR APPROVAL
		PRELIMINARY
		407 TO BE USED FOR INDICATION

Q3 ARCHITECTURE  
5 Stephenson Street  
Melb. CBD VIC 3000  
Phone: 03 9437 2000  
www.q3architect.com.au

Project  
**REPURBISHMENT OF TRANSFER  
STATION AT JFR (JIM) MCGOUGH  
RESOURCE RECOVERY CENTRE  
WESTERN METROPOLITAN  
REGIONAL COUNCIL**  
Address  
**CNR LEINOS & BROCKWAY  
SHENTON PARK**

Scale as per Elevations	Sheet No. <b>1028</b>	Drawn JF	Checked JF	Drawn No. 1028	Sheet No. <b>DA01</b>	Scale 1:100
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This drawing is issued for construction purposes only. It is not to be used for any other purpose without the written consent of the architect.





<b>D59.11</b>	<b>No.7 (Lot No.112) Riverview Court Dalkeith – Proposed Four Storey Dwelling, front fence and Swimming Pool</b>
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<b>Committee</b>	11 October 2011
<b>Council</b>	25 October 2011

<b>Applicant *</b>	Milenkov Designs and Project Management
<b>Owner</b>	Carla Di Latte
<b>Officer</b>	Nick Bakker - Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	RI2/7-02
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Purpose**

This application is referred to Council for consideration as officers have no delegation to approve an application once objections have been received.

The proposed dwelling is located on a lot partly located within the Swan River Trust (SRT) Development Control Area; Council is therefore required to determine the application under the City's Town Planning Scheme No. 2 (TPS2) and forward a recommendation to the Western Australian Planning Commission (WAPC) who is also required to determine the application under the Metropolitan Regional Scheme this application.

**Recommendation to Committee**

**Council approves an application under the City's Town Planning Scheme No. 2 (TPS2) and recommends that the Western Australian Planning Commission (WAPC) approve the application under the MRS for the proposed four storey dwelling (including swimming pool and front fence) at No.7 (Lot 112) Riverview Court, Dalkeith in accordance with an application dated 28 April 2011 and the amended plans dated 6 September 2011 attached hereto, subject to the following conditions:**

- 1. prior to the issue of a building licence, the plans shall be amended to show the proposed screen located on the southern side of balcony 4 shall be increased in length by 1.2 m to protrude a total of 4.7 m, in order to comply with Clause 6.9.1 of the Residential Design Codes (RCodes) (as marked in red on the approved plans);**
- 2. the proposed roof decks are to remain non-accessible;**
- 3. the use of the basement and lower levels shall be restricted to the uses as depicted in the plans submitted and dated 6 September 2011 i.e. wine cellar, boat shed, cool room, communications room, toilet, and equipment store for the basement level and; garage, air conditioning plant room, garden store, document store, pool store, and toilet on the lower level;**
- 4. prior to the issue of a Building Licence for the development the owner shall execute and provide to the City a notification pursuant to section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement and lower levels is subject to the restriction set out in condition 2 above;**
- 5. all stormwater from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1.0 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property;**
- 6. all crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**
- 7. the parapet wall and footings shall be constructed wholly inside the allotment;**
- 8. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building/roof to reduce the reflectivity to a level acceptable to Council;**

9. a grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary and the discharge from this drain to be run to a soakwell situated within the property;
10. any swimming pool soakwell shall not be situated closer than 1.8 m to any boundary of a lot, building, septic tank or other soak well; and
11. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council;

**Advice Notes specific to this approval:**

- a. Without limiting Condition 10, it is advised that further planning approval shall be required for:
  - i. any proposed dividing fence greater than 1.8 m above natural ground level;
  - ii. any additional fill/retaining not shown on the plans;
- b. you are advised that a new easement along the southern side of the lot is needed for the purposes of stormwater drainage;
- c. with specific reference to the Water Corporation sewer easement located adjacent to the eastern and southern boundaries, you are advised to ensure that the proposed dwelling is clear of all easements located on the property or alternatively the necessary arrangements have been made with the appropriate authorities.
- d. all internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second;
- e. all swimming pool waste water is to be disposed of into an adequate dedicated soakwell located on the same lot, or in a manner approved by the Council's Sustainable Nedlands department;
- f. ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.

- g. it is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's *Visual and Acoustic Privacy Information* document and also the fairair noise calculator online at [www.fairair.com.au](http://www.fairair.com.au);**
- h. any pump or pump enclosure and filter equipment for the swimming pool/spa pool should be carefully located so as to ensure that a nuisance is not caused by unreasonable noise or vibration. Should noise levels exceed those stipulated in the *Environmental Protection (Noise) Regulations 1997*, equipment may require relocation or other attenuation measures, or the equipment may be prohibited from being used. It is recommended that applicants refer to the City's *Visual and Acoustic Privacy Information* document; and**

### **Strategic Plan**

KFA 3: Built Environment

- 3.2 Encourage the development of diverse residential and commercial areas to meet the future needs of the whole City.
- 3.3 Promote urban design that creates attractive and liveable neighbourhoods.

### **Background**

Property Address: No.7 (Lot 112) Riverview Court, Dalkeith  
Zoning MRS: Urban  
Zoning TPS2: R12.5  
Lot Area: 836.384 m<sup>2</sup>

26 February 2004 – Application for the subdivision of No.7 Riverview Court into 2 lots was approved by the WAPC.

14 December 2004 – Application for a three storey dwelling and swimming pool was recommended under delegation for approval to the WAPC.

6 July 2005 – WAPC approved the abovementioned development application (the development never went ahead and the approval expired).

### **Proposal Detail**

The application is for a 4 storey dwelling including a basement level and undercroft garage.

The Basement level consists of the following:

- wine cellar
- boat shed
- cool room
- communications room
- toilet and
- equipment store

The undercroft garage (lower) level consists of the following

- 9 car garage
- air conditioning plant room
- garden store
- document store
- pool store and
- toilet

The main living areas of the dwelling are located on the ground and upper floors.

**Consultation**

Required by legislation: Yes  No

As the development is located in the City of Nedlands Controlled Development Area (CDA), the application is required to be advertised for a period of 21 days to adjoining landowners and occupiers. There were also a number of variations to the Residential Design Codes (RCodes) which were advertised at the same time as the 21 day CDA advertising period.

CDA Advertising 29 July 2011 to 19 August 2011

Required by City of Nedlands policy: Yes  No

- Council Policy 6.4 Neighbour Consultation

Two Storey Sign 8 June 2011 to 22 June 2011

Comments received: Three (3) in total, one objection, one support and a letter regarding an issue not associated with this application.

Summary of comments received	Officers technical comment
<p>Objection to the proposed RCodes south side setback variations.</p>	<p><b>Dismiss</b></p> <p>As a result of the neighbours concerns the applicant has amended the plans to remove side setback variations along the south boundary.</p>

<p>Impact on privacy resulting from the bedroom 4 balcony and the master suite window.</p>	<p><b>Condition</b></p> <p>Although the plans indicate that the master suite window does not comply with the privacy provisions of the RCodes, the assessing officer has calculated the privacy setback and it does comply with the RCodes</p> <p>Balcony 4 has a cone of vision setback of 6 m in lieu of 7.5 m. As this does not comply with the acceptable development criteria of the RCodes, it is recommended the existing screen be increased in size to comply with the overlooking provisions.</p>
<p>Adverse impact of the proposed overshadowing caused by the proposed setback variations.</p>	<p><b>Dismiss</b></p> <p>The proposed amount of overshadowing into the southern property is 252 m<sup>2</sup>. The total site area of the southern property is 1329 m<sup>2</sup> therefore the proposed dwelling overshadows to a maximum of 19 % of this lot.</p> <p>The Acceptable Development Criteria of the RCodes allows maximum overshadowing of 25 % therefore the proposal complies with the RCodes.</p> <p>The submission received from a planning consultant acting for the neighbouring land owner discusses that the impact of the overshadowing is increased due to the proposed setback variations. The plans have since been amended to comply with the setback requirements of the RCodes as per the neighbour's request.</p> <p><b>Dismiss</b></p> <p>The fact that the two lot boundaries do not align for the whole length is not considered a valid reason for objecting to the overshadowing.</p>

<p>Acknowledge that the overshadowing meets the acceptable development criteria of the RCodes, however consideration should be given to the fact that the boundaries of both properties do not align which results in the major living areas of the property being overshadowed.</p>	<p>It is noted that the location of the proposed dwelling is directly adjacent to a number of the main indoor habitable living areas on the southern property resulting in partial overshadowing.</p> <p>However as the proposed lot is considerably smaller in size than the property to the south there is limited area to build on the site and it would be impossible to avoid some overshadowing of the southern property, especially on the western portion of this property (as indicated in attachments 9 &amp; 10).</p> <p>Furthermore it is noted that under the RCodes Council is required to approve applications where the acceptable development criteria are met and the overshadowing complies.</p>
<p>Concerned that the proposed 'non-accessible roof decks' are capable of being accessed and used as living area in the future.</p>	<p><b>Dismiss</b></p> <p>This type of proposed 'roof deck' is quite common with this style of dwelling design and although they are labelled 'roof deck' there are now doors providing access and there is no indication that these will be modified in the future to become habitable.</p> <p>See the applicant's justification below for more detail regarding the purpose of the proposed 'non-accessible 'roof decks'.</p> <p>The city cannot refuse a proposal based on what may happen in the future. If they were to be changed in the future a separate planning application would be required or the City would take enforcement action.</p>



## **Legislation**

- Town Planning Scheme No.2
- Residential Design Codes 2008
- Council Policy 6.4 Neighbour Consultation

## **Discussion**

Although the application only proposed two variations (i.e. minor side setback and overlooking variations) to the acceptable development criteria of the RCodes, the following additional issues of concern were raised in a letter submitted to Council by a planning consultant on behalf of an adjoining neighbour and these are discussed below.

### **Overshadowing**

In relation to overshadowing the acceptable development criteria of the RCodes state:

*“Notwithstanding the boundary setbacks in design element 6.3, development in climatic zones 4, 5 and 6 of the state shall be designed that its shadow only cast at midday 21 June onto any other property does not exceed the following limits:*

*On adjoining properties coded R25 and lower – 25 per cent of the site area.”*

Administration Comment:

The proposed dwelling casts a shadow at midday on 21 June with a maximum area of 19 % of the neighbouring property.

In relation to the RCode overshadowing requirement of 25 % the application complies with the acceptable development criteria with proposed overshadowing of 19 %.

As previously discussed the proposal lot is considerably smaller than the southern property. As a result it would not be possible to build on this site and at the same time avoid any overshadowing. Refer to attachment 9 & 10 showing the overshadowing in relation to the dwelling on the property to the south.

### **Proposed roof decks**

As the proposed ‘roof decks’ are non-accessible there are no specific requirements relating to these in the relevant legislation.

The roof deck areas are noted on the plans as non accessible and according to the applicant the purpose for the use of these structures is to assist in climatic and energy efficiency.

In addition to the roof decks being noted as non-accessible on the plans there is also no indication that the roof decks will become accessible in the future, for example there are no doorways and/or balustrades associated with the decks. However, in order to ensure the roof decks remain non-accessible a condition has been placed on the approval.

Therefore the City has no reason to assume the areas noted as 'roof deck' will be used as accessible living area in the future.

**Town Planning Scheme Clause 6.4.1 requirement**

The neighbour's comments draw attention to the fact that applications should be considered under the provisions of Clause 6.4.1 of the City's TPS2 which states;

*"In respect of an application for planning approval made under Clause 6.3 the applicant shall satisfy the Council that the following conditions and standards have been met.*

- *The nature and intensity of the proposed use or development will not detrimentally affect the locality;*
- *The plot ratio, site coverage, setbacks, height, landscaping and parking provisions are in keeping with the general character of the locality;*
- *The form, layout, appearance and material of any building is in keeping with the existing character of the locality;*
- *The proposed development or use is ... generally in keeping with the Council's Town Planning intentions for the locality;*
- *The desirability of preserving vegetation contributing the amenity of the locality;*
- *Any other matter considered relevant by Council."*

Administration Comment:

The dwelling is proposed on a R12.5 zoned lot and located within the City's Controlled Development Area (CDA).

The proposed dwelling meets all Scheme and RCode requirements in relation to site coverage, setbacks, height, landscaping and parking provisions and is in keeping with the larger grand style housing existing in the area along the river.

The property abuts and is partly located within the Swan River Trust and MRS Public Reserve which ensures the vegetation along the river is preserved and the relevant river setbacks are preserved.

Given the above it is considered the proposed dwelling meets the standards set out in Clause 6.4.1.

**Town Planning Scheme Clause 5.10 – Controlled Development Area**

The neighbour's concerns also mention that the application should be considered under the provision of the above Clause specifically Clause 5.10.3 (a) that states;

*"The Council shall not permit the ground level of any portion of any lot to be raised by an amount greater than 0.5m above natural ground level... unless it is satisfied that such changes in level will not unduly affect the amenity of the area including the amenity of the neighboring property."*

Administration Comment:

All proposed ground levels around the dwelling are lower than the existing natural ground level. It is therefore considered the application complies in this regard and does not adversely affect the amenity of the neighbouring property.

**Parapet wall on the northern boundary**

Although this issue was not a concern of the neighbour and complies with the RCodes, the discussion below has been included to explain the location of the parapet wall.

The side setbacks from this boundary would usually be assessed under table 2 of the RCodes. However there was a private agreement made between the owner of No.9 Riverview Court to the north and the previous owner of No.7 Riverview regarding the location of the parapet wall.

This was a civil agreement between the owners of the two properties which set out that a parapet wall at No.9 Riverview Court would abut the northern boundary of No.7 Riverview Court and vice versa.

As the proposed parapet wall abuts an existing parapet wall on the neighbouring property to the north it complies with the acceptable development criteria of the RCodes which allows for parapet wall where, *"the wall abuts an existing or simultaneously constructed wall of similar or greater dimension"*.

Given the above, it is not considered that the nil setback will adversely impact on either property in relation to the performance criteria of the RCodes.

Furthermore the adjoining owner to the north submitted a comment form with no objection after viewing the plans at the Council office.

In addition to the above discussion the proposed variations to the RCodes are discussed in the table below.

Issue: Northern boundary side setback variations

Requirement:	The proposed dwelling is required to be setback from the side boundaries in accordance with Clause 6.3.1 and Table 2a of the RCodes (as outlined below) and comply with the following performance criteria listed below.
Applicants Proposal:	<ul style="list-style-type: none"> <li>• The proposed ground floor portion of wall – Kitchen to Laundry – has a northern side boundary setback of 1.625 m in lieu of the required 2.8 m along the balance of the wall.</li> <li>• The proposed upper floor portion of wall – Bed 2 to Pergola – has a northern side boundary setback of 1.625 m in lieu of the required 3.3 m along the balance of the wall.</li> </ul>
Performance Criteria:	<p><i>“Buildings setback from boundaries other than street boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Provide adequate direct sun and ventilation to the building;</i></li> <li>• <i>Ensure adequate direct sun and ventilation being available to adjoining properties;</i></li> <li>• <i>Provide adequate direct sun to the building and appurtenant open spaces;</i></li> <li>• <i>Assist with protection of access to direct sun for adjoining properties;</i></li> <li>• <i>Assist in ameliorating the impacts of building bulk on adjoining properties;</i></li> <li>• <i>Assist in protecting privacy between adjoining properties.</i></li> </ul>
Officer technical comment:	<p>The same architect for this application also designed the recently constructed dwelling at No.9 Riverview Court to the north.</p> <p>It is clear from looking at the plans for the two dwellings that the boundary setbacks have been deliberately designed to coincide with each other. For example the parapet wall nil setbacks directly abut one another and both dwellings are stepped back from the</p>

	<p>boundary at the same point. Thus providing greater access to light and ventilation for both dwellings, especially the north facing major openings at No.7 Riverview Court.</p> <p>As there are no side setback variations to the southern boundary and the extent of northern side setback variations are relatively minor it is not considered that the proposed dwelling will have an adverse impact in relation to building bulk.</p> <p>The dwelling has been designed with privacy screening and obscure glazing to protect the privacy of adjoining properties. Therefore it is considered the proposed dwelling meet the performance criteria in this regard.</p>
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Issue: Overlooking from upper balcony 4

RCodes Requirement Acceptable Development	The upper balcony 4 requires a privacy cone of vision setback of 7.5 m or required to be screened in accordance with Clause 6.8.1 of the RCodes.
Performance Criteria	<p>Clause 6.8.1 states:</p> <p><i>Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimized by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscaping, or remoteness</i></p> <p><i>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscure glass.</i></p>
Applicants Proposal	The proposed upper balcony 4 has a privacy (cone of vision) setback of 6 m in lieu of the required 7.5 m.
<p>Applicant justification summary</p> <p>Note: A full copy of the applicant justification received by the City has been given to the City's Councillors prior to the meeting.</p>	The Bedroom 4 balcony cone of vision indicated on the plans predominately falls within the neighbour's side access way and has no affect on the outdoor living areas or openings to their residence. By the fact that the neighbouring residence has significantly been cut into its own site the privacy to the area in question from our property we believe is not adversely affected.

Officer comment	technical	<p>The proposed cone of vision from the upper balcony 4 does not comply with the acceptable development criteria of the RCodes.</p> <p>It is also considered that the overlooking from balcony 4 does not meet the performance criteria of the RCodes as it has views into the outdoor courtyard on the neighbouring property and does not fully protect their privacy.</p> <p>It is therefore recommended a condition be placed on the approval that the privacy screen shown on the plans be increased in length to remove any non-compliance with the privacy provisions of the RCodes.</p>
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### Conclusion

Given the above discussion it is considered the proposed dwelling fully complies with the City's Town Planning Scheme and Residential Design Codes.

It is therefore recommended Council approve the application with a condition that the existing screening along the southern side of balcony 4 is increased in length to remove any overlooking.

### Attachments

1. Locality Plan
2. Site Plan
3. Basement Floor Plan
4. Lower Floor Plan
5. Ground Floor Plan
6. Upper Floor Plan
7. Eastern Elevation Plan
8. North, West and South Elevation Plan
9. Overshadowing Diagram
10. Aerial Photo Showing Lot Alignments



Victoria Avenue

Weratui

Riverview Court

R12.5



Tuesday, 27 September 2011

1:839

**D59.11 – Attachment 1**  
Locality Plan

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

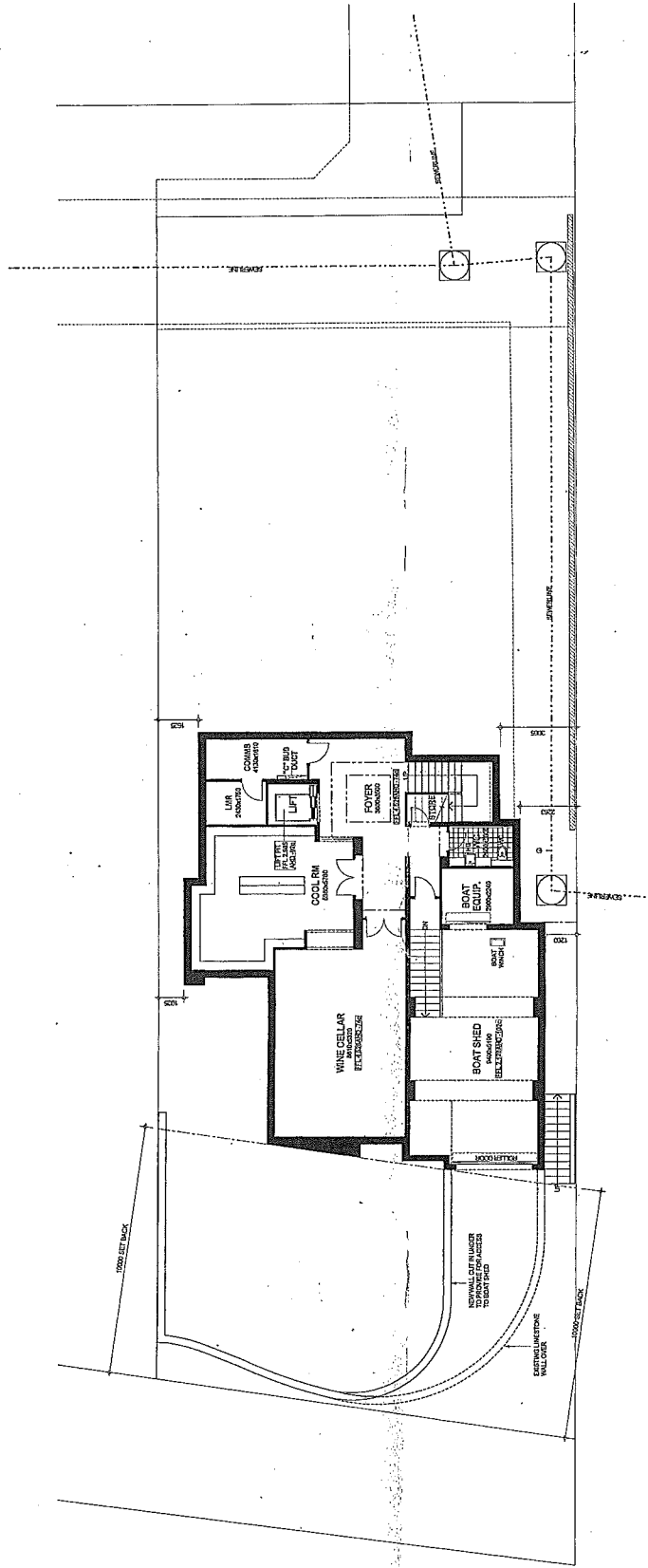


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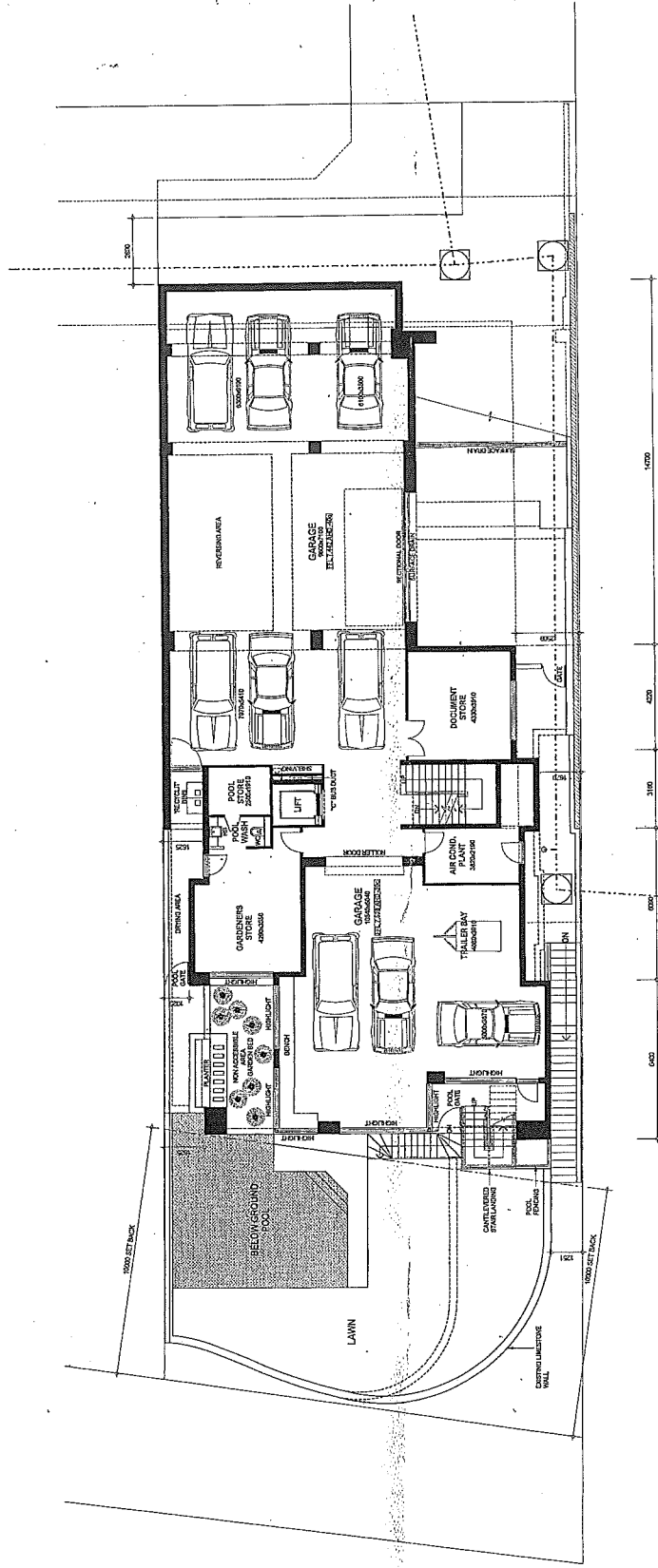


**BASEMENT FLOOR PLAN**  
 SCALE 1:100

**D59.11 – Attachment 3**  
**Basement Floor Plan**

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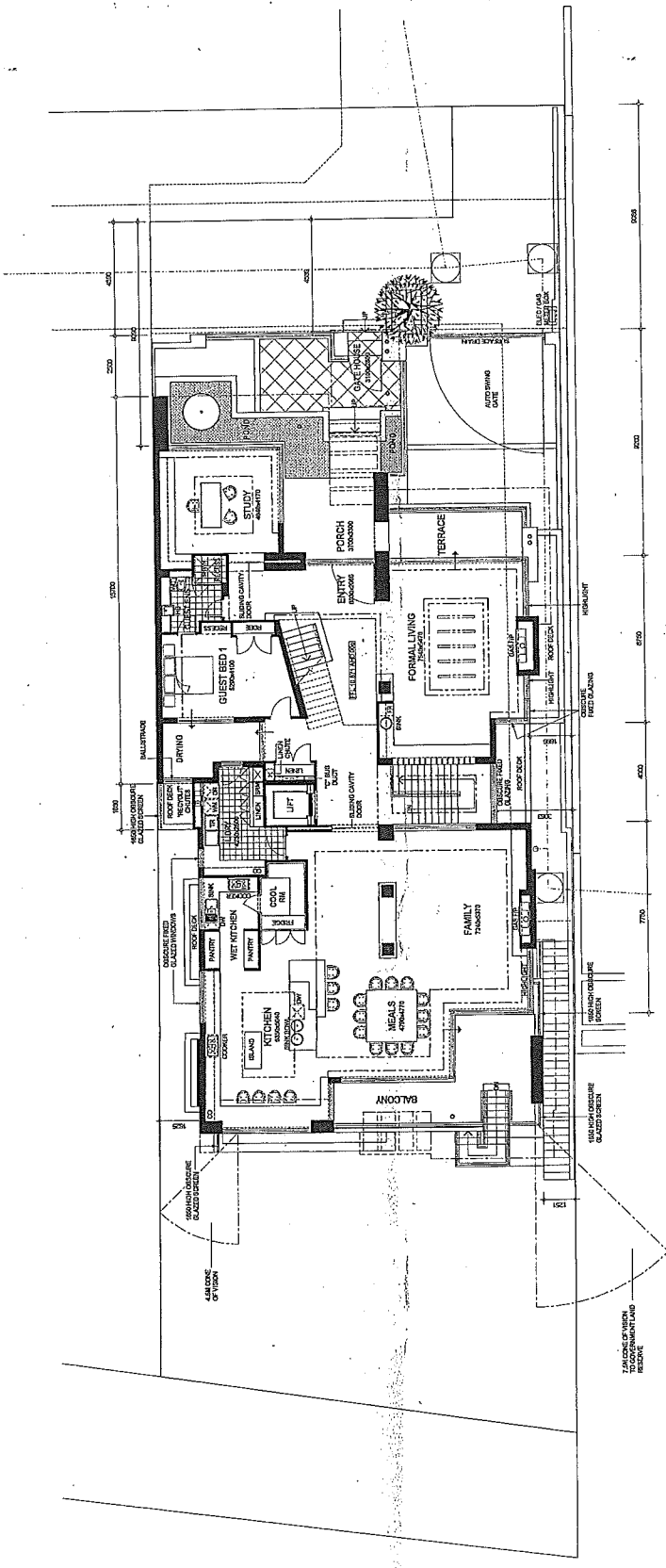
LOWER FLOOR PLAN  
 SCALE 1:100

D59.11 – Attachment 4  
 Lower Floor Plan

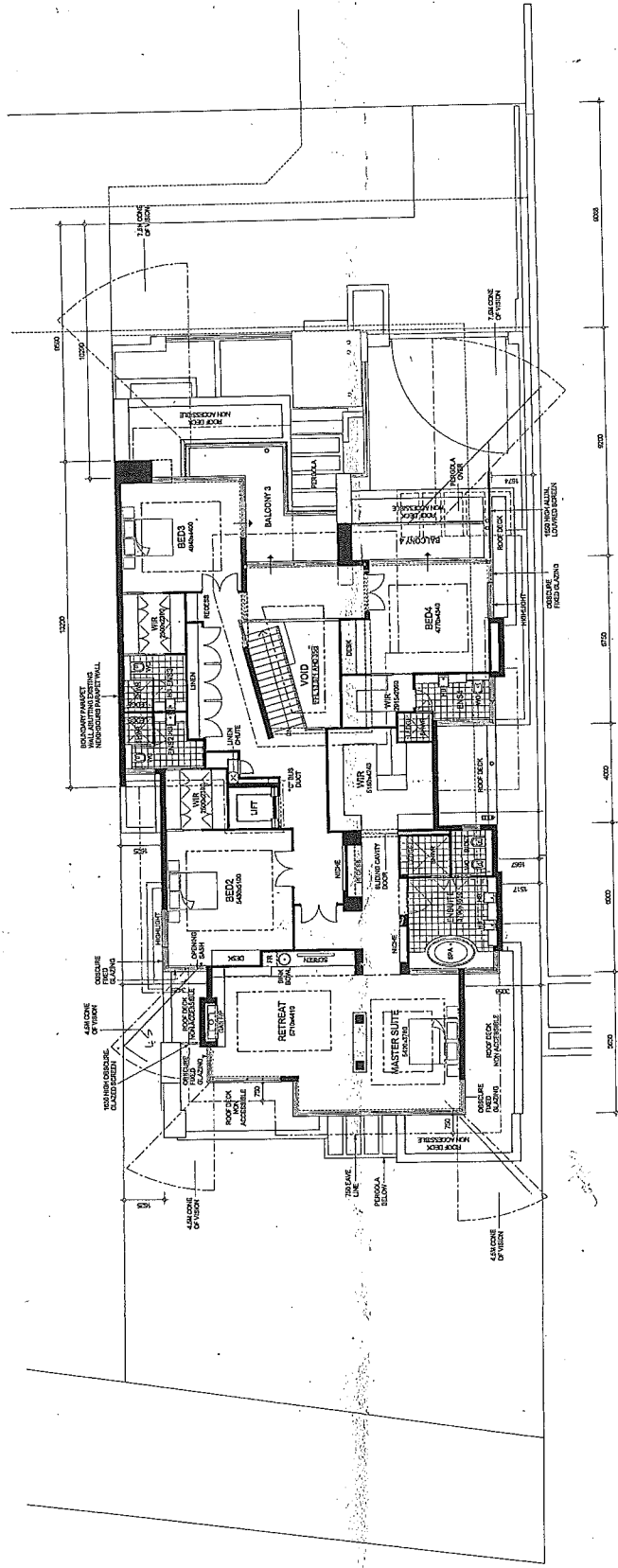
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**D59.11 – Attachment 5**  
**Ground Floor Plan**

**GROUND FLOOR PLAN**  
SCALE 1:100



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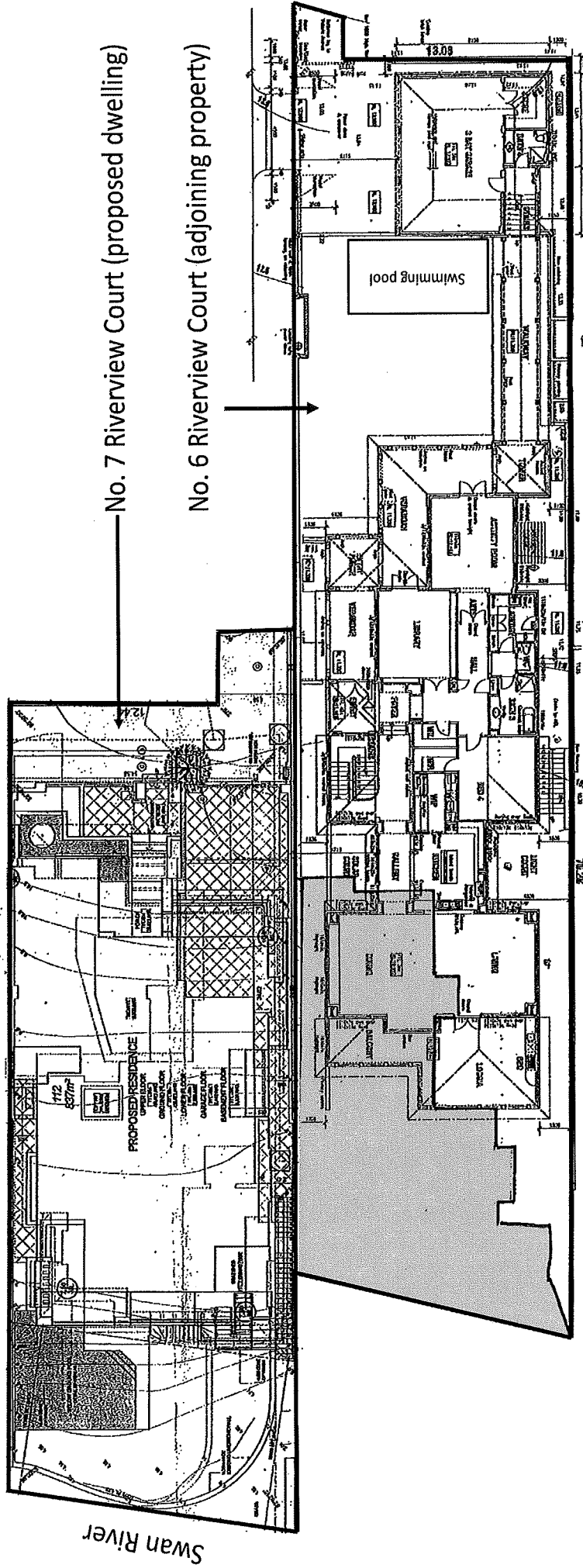
UPPER FLOOR PLAN  
SCALE 1:100

D59.11 – Attachment 6  
Upper Floor Plan





# Diagram Showing Overshadowing from Proposed Dwelling



■ Overshadowed Area  
19% of adjoining property.



Scale: N.T.S.

D59.11 – Attachment 9  
Overshadowing Diagram

Aerial Photo Showing Lot Alignment and  
Open Space Areas of Adjoining Lot



D59.11 – Attachment 10  
Aerial Photo Showing Lot Alignments



