

Planning and Development Reports


Committee Consideration – 12 July 2016
Council Resolution – 26 July 2016

Table of Contents

Item No.		Page No.
PD33.16	(Lot 194) No. 82 Louise Street, Nedlands – Extension to Single Dwelling with Setback Variations (Retrospective).....	2
PD34.16	(Lot 245) No. 12 Carrington Street, Nedlands – Patio Roof Material.....	11
PD35.16	(Lot 75) No. 262 Marine Parade, Swanbourne – Retrospective Street Setback Area Fencing.....	17
PD36.16	(Lot 159) No. 24 Neville Road, Dalkeith – Additions (Patio) to Single House.....	26
PD37.16	(Lot 7) No. 66 Wood Street, Swanbourne – Proposed Additions (Store) to Single House.....	32
PD38.16	(Lot 7) No. 66 Wood Street, Swanbourne – Retrospective Additions (Patio) to Single House.....	39
PD39.16	(Lot 6) No. 12 Davies Road, Dalkeith – Front Fencing to Southern Side Boundary.....	46
PD40.16	Cottesloe Golf Club Inc. – Proposal for Reserve 9299.....	52

Council: 26 July 2016

PD33.16	(Lot 194) No. 82 Louise Street, Nedlands – Extension to Single Dwelling with Setback Variations (Retrospective)
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Committee	12 July 2016
Council	26 July 2016
Applicant	R Cullen
Landowner	R and J Cullen
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/125 – LO7/82
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Survey Plan prepared on behalf of the City 2. Site Plan 3. Elevations 4. Floor Plan 5. Photographs of the views from the study towards 84 Louise Street 6. Photograph of the view along the southern boundary on 82 Louise Street

1.0 Executive Summary

A retrospective development application has been received for an extension constructed at the rear of the dwelling on the property which has been built closer to the southern lot boundary than what was approved, brought to the City's attention as a consequence of concerns being received.

The application was advertised for comment due to the extension not complying with the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) with regard to the lot boundary setbacks and a visual privacy setback. During the advertising period one objection was received.

The lot boundary setback variations have occurred as a result of the setbacks being measured from the dividing fencing, which the applicant believed was on the lot boundary but has subsequently found encroaches partially onto 84 Louise Street (the neighbouring property).

However, the variations which exist are considered to be minor and are deemed to satisfy the design principles of the R-Codes, it is therefore recommended that Council approves the application.

The application has been referred to Council for determination, as officers do not have the delegation to determine an application under instrument of delegation 6A, where specific objections have been received.

2.0 Recommendation to Committee

Council approves the retrospective development application for an extension constructed at the rear of the dwelling with setback variations at (Lot 194) No. 82 Louise Street, Nedlands, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the study room, bathroom and bedroom 1 only.**
- 3. The proposed 1.6m high lattice screen shall be installed within 28 days from the date of this approval, and be maintained by the landowners to the City's satisfaction thereafter.**
- 4. Only one kitchen being permitted on the property. The kitchen within the original section of the dwelling being removed prior to the extension's practicable completion to the City's satisfaction (refer to Advice Note 1).**

Advice Notes specific to this approval:

- 1. With regard to Condition 4, the applicant is advised that if a kitchen within the original section of the dwelling is to be retained or installed, the extension will be deemed to be self-contained (ancillary accommodation). A separate development application for this will be required to be submitted to and approved by the City.**
- 2. Any fencing and/or further privacy screening behind the street setback area which is more than 1.8m in height above natural ground level and within 0.9m of a dividing lot boundary, requires approval from the City prior to erecting.**
- 3. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**
- 4. 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.**

3.0 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).

4.0 Legislation / Policy

- *Planning and Development Act 2005* (Act)
- Metropolitan Region Scheme (MRS)
- *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations)
- City of Nedlands Town Planning Scheme No. 2 (TPS 2)
- Residential Design Codes (R-Codes) of WA 2015
- Council Policy – Neighbour Consultation
- Council Policy – Fill and Fencing

5.0 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.

6.0 Risk Management

Should Council refuse the application, the applicant may appeal Council's decision.

7.0 Background

Property address		(Lot 194) No. 82 Louise Street, Nedlands
Lot area		1,011m ²
Zoning/ Reserve	MRS	Urban
	TPS 2	Residential R10

The subject property (82 Louise Street) contains a single storey dwelling as shown on the locality plan below, and its topography falls towards the southern (side) boundary. The area on 84 Louise Street (the neighbouring property) adjacent to the extension contains a garden bed, a garage, a carport and an outdoor living area.

The neighbouring property's natural ground level, with the exception of the garden bed, is approximately 1m lower than the subject property. Based on information obtained by the City, a section of the dividing fencing between the subject and neighbouring property has not been erected on the lot boundary.



In September 2015, approval was granted for an extension to be constructed at the rear of the dwelling on the subject property. The bedroom and bathroom portion of the extension was to be setback 1m, and a study room setback 1.5m, from the southern boundary. The study room was approved with a finished floor level of 0.45m above natural ground level.

The City was provided with a survey plan by the owners of the neighbouring property which showed the dividing fencing potentially encroaching onto their property, which differed to the plan approved as part of the application for the extension granted in September 2015. In such cases where disputes arise regarding the location of dividing fencing it is to be dealt with in accordance with the Dividing Fences Act which the City does not administer. The complainants were advised of this. Due to other concerns being received (i.e. overlooking) the City arranged for a survey plan to be prepared (refer to Attachment 1 for this survey plan).

Subsequently it was concluded from the survey plan that the extension had been constructed between 0.1m and 0.13m closer to the southern (side) boundary than that approved, also the finished floor level of a study room was 0.62m in lieu of the permitted level of 0.5m above natural ground level.

8.0 Application Details

The applicant seeks retrospective development approval for an extension constructed at the rear of the dwelling with setback variations. Details of which are the following:

- a) The extension is single storey in nature and contains a study room, bathroom and bedroom.
- b) The finished floor level of the study room is 0.62m above natural ground level.

- c) The bedroom and bathroom portion of the extension has a wall height of 3.04m above natural ground level, is 8.9m in length, and is setback 0.87m from the southern boundary.
- d) The study room portion of the extension has a wall height of up to 3.49m above natural ground level, is 3.7m in length, and is setback 1.4m from the southern boundary.
- e) A lattice screen 1.6m in height above the study room's finished floor level and 6.8m in length, is to be erected adjacent to the southern lot boundary.

Refer to Attachments 2 to 4 for the site plan, elevations and floor plan.

9.0 Consultation

The application was advertised to the affected landowners for comment due to:

- a) The study room being setback 1.4m in lieu of 1.5m from the southern lot boundary;
- b) The bathroom and bedroom being setback 0.87m in lieu of 1m from the southern lot boundary; and
- c) The finished floor level of the study room being 0.62m in lieu of 0.5m above the natural ground level, and having a visual privacy setback of 1.4m in lieu of 4.5m.

During the advertising period an objection was received. The following is a summary of the concerns raised:

- a) The proposal resulting in reduced privacy for the adjoining property.
- b) The setback of the bathroom window being in violation of the R-Codes.
- c) An existing retaining wall encroaching into the adjoining property.
- d) The dwelling containing 2 kitchens and therefore being used as ancillary accommodation.
- e) The proposed lattice screen overshadowing the adjoining property and not providing adequate privacy.

Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

The impact the extension is having on the adjoining landowners is discussed in the following sections.

10.0 Statutory Provisions

The relevant provisions of TPS 2, the R-Codes and the local planning policies (LPPs) which are not being met by the proposal are addressed in the following sections.

10.1 State Planning Policy 3.1 – Residential Design Codes

10.1.1 Lot Boundary Setbacks

Deemed-to-comply Requirement	Proposed	Complies
<p>5.1.3 Lot Boundary Setback</p> <p>Buildings setback from lot boundary in accordance with Tables 2a and 2b.</p>	<p>The study room being setback 1.4m in lieu of 1.5m from the southern boundary.</p> <p>The bathroom and bedroom being setback 0.87m in lieu of 1m from the southern boundary.</p>	No

Variations to this provision can be considered subject to satisfying the following design principles:

Design Principles	Assessment Comment	Satisfies
<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	<p>The extension has been constructed between 0.1m and 0.13m closer to the lot boundary than that permitted under the Deemed-to-Comply provisions of the R-Codes.</p> <p>Colorbond fencing of approximately 1.8m to 2m in height exists between 82 and 84 Louise Street.</p> <p>The extension is single storey in nature and complies with the overshadowing requirements of the R-Codes. Whatever overshadowing encroaches onto the adjoining property will mostly be onto the roof of the dwelling, garage and patio.</p> <p>The finished floor level of the study room is 0.62m in lieu of 0.5m above the natural ground level meaning that some overlooking is possible onto 84 Louise Street.</p> <p>Lattice screening 1.6m in height above the study room's finished floor level and 6.5m in length is proposed to be erected on the property, in proximity to the major opening for the study room. Considering the finished floor level of the study the lattice screen shall be 2.2m in height above natural ground level. The majority of which shall be screened by the existing dividing fence.</p>	Yes

	<p>Any overlooking experienced will be mainly onto the roof of a patio and garage, and into a clothes drying area on the adjoining property. Refer to Attachments 5 and 6 for photographs of the views from the study room towards 84 Louise Street and also of the view along the southern boundary of 82 Louise Street.</p> <p>Whilst the bathroom window is closer than 1m from the lot boundary it is compliant with the R-Codes in terms of overlooking due to not being a habitable room, and is also compliant with the Building Code requirements in terms of fire separation.</p> <p>The setback variations are deemed minor, and are breaches which normally would be unnoticeable other than to a person well-versed in the applicable legislation.</p> <p>Considering the above, the proposal is deemed to satisfy the design principles of the R-Codes with regard to lot boundary setbacks.</p>	
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10.1.2 Visual Privacy

Deemed-to-comply Requirement	Proposed	Complies
<p>5.4.1 Visual Privacy</p> <p>Major openings to studies which have a floor level of more than 0.5m above natural ground level being setback 4.5m from lot boundaries.</p>	<p>The finished floor level of the study room is 0.62m above the natural ground level, and is setback 1.4m from the southern lot boundary.</p>	No

Variations to this provision can be considered subject to satisfying the following design principles:

Design Principles	Assessment Comment	Satisfies
<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> building layout and location; design of major openings; 	<p>The height, length and location of proposed lattice screening, and the height of the existing solid dividing fencing, means that the majority of any direct overlooking will be onto the roofs of structures on 84 Louise Street, with some being possible into a clothes drying area.</p>	Yes

<ul style="list-style-type: none"> landscape screening of outdoor active habitable spaces; and/or location of screening devices. <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure. 	<p>The study room window is off set from the outdoor living area on the adjoining property.</p> <p>The proposal is therefore deemed to satisfy the design principles of the R-Codes with regard to visual privacy.</p>	
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10.1.3 Planning and Development (Local Planning Schemes) Regulations 2015

Regulations Clause	Assessment Comment	Satisfies
<p>Under Schedule 2 Part 9 Clause 67 (Matters to be Considered by Local Government) under the Regulations, the following provisions are to be taken into consideration:</p> <p>a) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the appearance of the development.</p> <p>b) Any policy of the Commission.</p> <p>c) Any submissions received on the application;</p>	<p>Whilst the development does not comply with the Deemed-to-Comply provisions of the R-Codes in terms of lot boundary setbacks and visual privacy setbacks, the extension is single storey in nature, and overlooking will be minimised due to proposed screening and the existing dividing fencing. The proposal is deemed to satisfy the applicable design principles of the R-Codes.</p> <p>The setback variations are deemed minor, and are breaches which normally would be unnoticeable other than to a person well-versed in the applicable legislation.</p>	Yes

11.0 Other Matters of Concern

During the advertising period concerns were also received with regard to:

- A retaining wall encroaching onto the adjoining property; and
- A portion of the dwelling being used as ancillary accommodation.

11.1 Retaining Wall Concerns

The survey plan prepared on behalf of the City shows a retaining wall towards the rear of the extension encroaching approximately 0.03m onto 84 Louise Street (the neighbouring property). The top of the retaining wall is shown on the survey plan as being 19.47 and the portion of the neighbouring property adjacent to the retaining wall is shown as being 19.12, the retaining wall is therefore approximately 0.36m high on the neighbouring property. Refer to Attachment 1 for the survey plan.

The retaining wall is located behind the dividing fencing which also partially encroaches onto the neighbouring property. The retaining wall is therefore not visible to the neighbours.

In accordance with clause 5.5.4 (Preservation of Amenity) of TPS 2, as the retaining wall is less than 0.5m in height based on the survey plan development approval is not required for it, as such, the issue relating to its location is to be dealt with as a civil matter between the landowners.

11.2 Ancillary Accommodation Concerns

The landowners have advised the City that there will only be one kitchen on the property. If the application is approved by Council it is recommended that an appropriate condition be included so that only one kitchen exists.

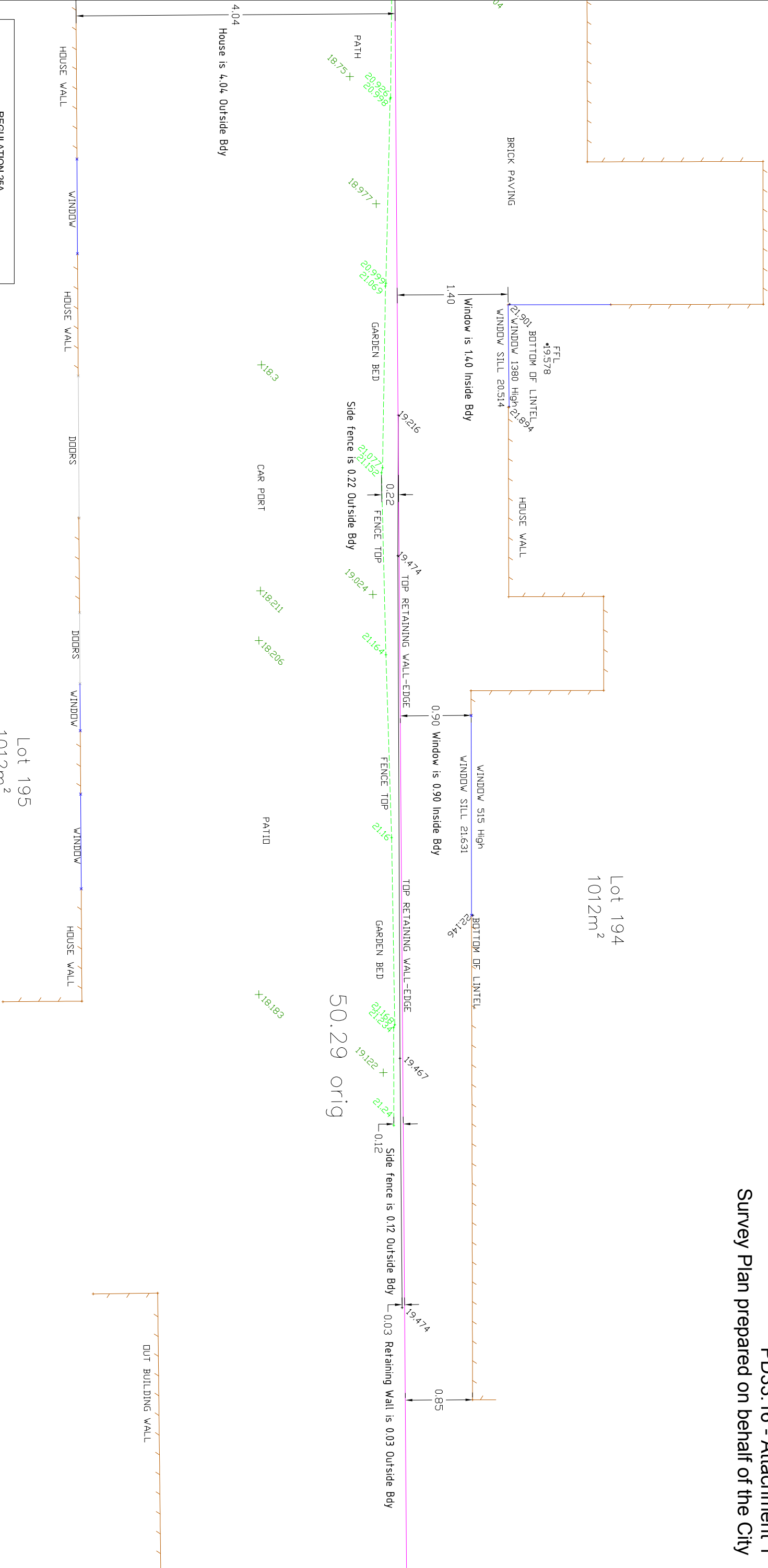
If the applicant wishes to install or retain an existing (second) kitchen a separate development application will be required to be submitted as the extension will then be deemed to be self-contained (ancillary accommodation).

12.0 Conclusion

Retrospective development approval is being sought for an existing extension constructed at the rear of the dwelling with setback variations.

The appearance, height and location of the extension and screening in the form of solid fencing and a lattice structure, means that it satisfies the applicable design principles of the R-Codes. It is recommended that the application be approved by Council.

PD33.16 - Attachment 1
Survey Plan prepared on behalf of the City




REGULATION 25A
LICENSED SURVEYORS ACT 1909
SURVEYORS CERTIFICATE

I, Gavin Campbell, Licensed Surveyor, certify that on the 9th day of March 2016, I re-established the boundary of Lot 194 Louise Street Nedlands, as shown on the sketch and that the survey was performed in accordance with all relevant written laws.

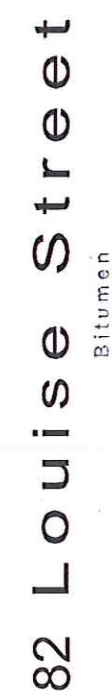
LICENSED SURVEYOR

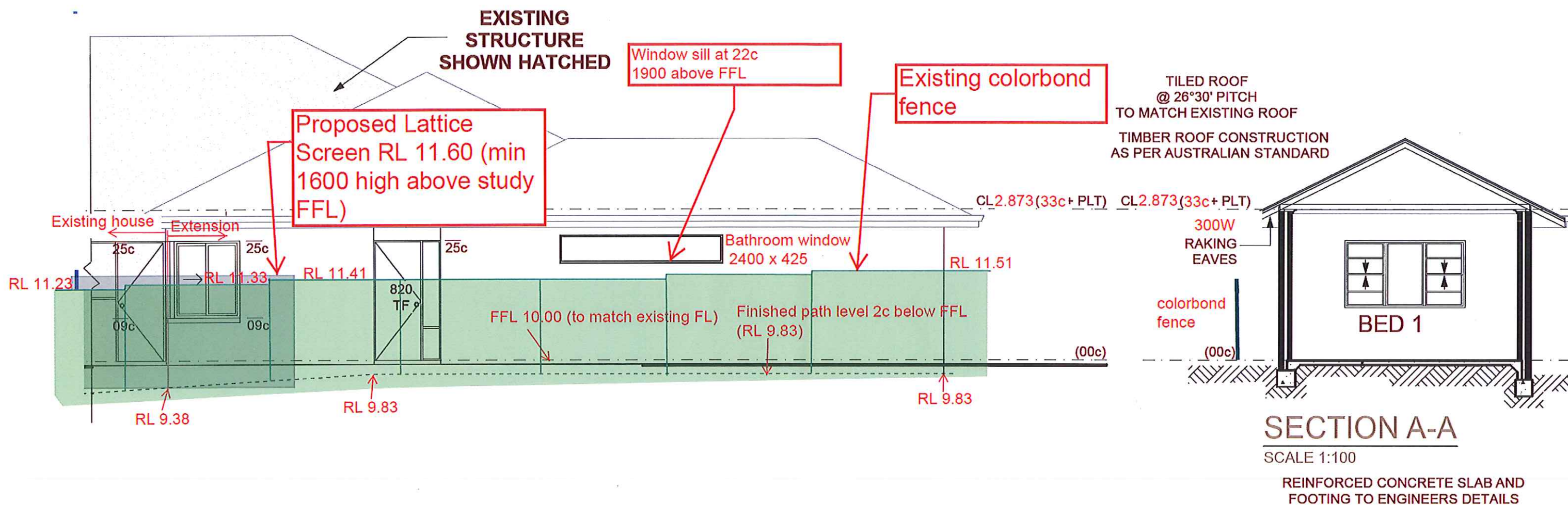
March 10th, 2015

JOB No.			
R1326			
PLAN No.			
R1326-01A			
REPEG			
REPEG CERTIFICATE			
LOTS 194 & 195, LOUISE STREET NEDLANDS			
CLIENT:			
CITY OF NEDLANDS			
BUNBURY		PERTH	
BUNBURY CITY COUNCIL		CITY OF PERTH	
BUNBURY VIA 6200		PERTH VIA 6100	
Phone 08 9394 1111		Phone 08 9447 4000	
admin@cityofbunbury.nsw.com.au		admin@cityofperth.wa.gov.au	
ALBANY		ALBANY	
ALBANY CITY COUNCIL		ALBANY CITY COUNCIL	
ALBANY VIA 6200		ALBANY VIA 6200	
Phone 08 9394 1111		Phone 08 9447 4000	
admin@cityofalbany.nsw.com.au		admin@cityofalbany.nsw.com.au	
SCALE:			
1 : 50 @ A3			
SHEET:			
2 of 2			

DATA FILE			
HORIZONTAL : PCG 94			
CAD FILE			
VERTICAL : AHD			
			
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A	11/03/2016	Initial Issue	G.C. G.C. D.P.

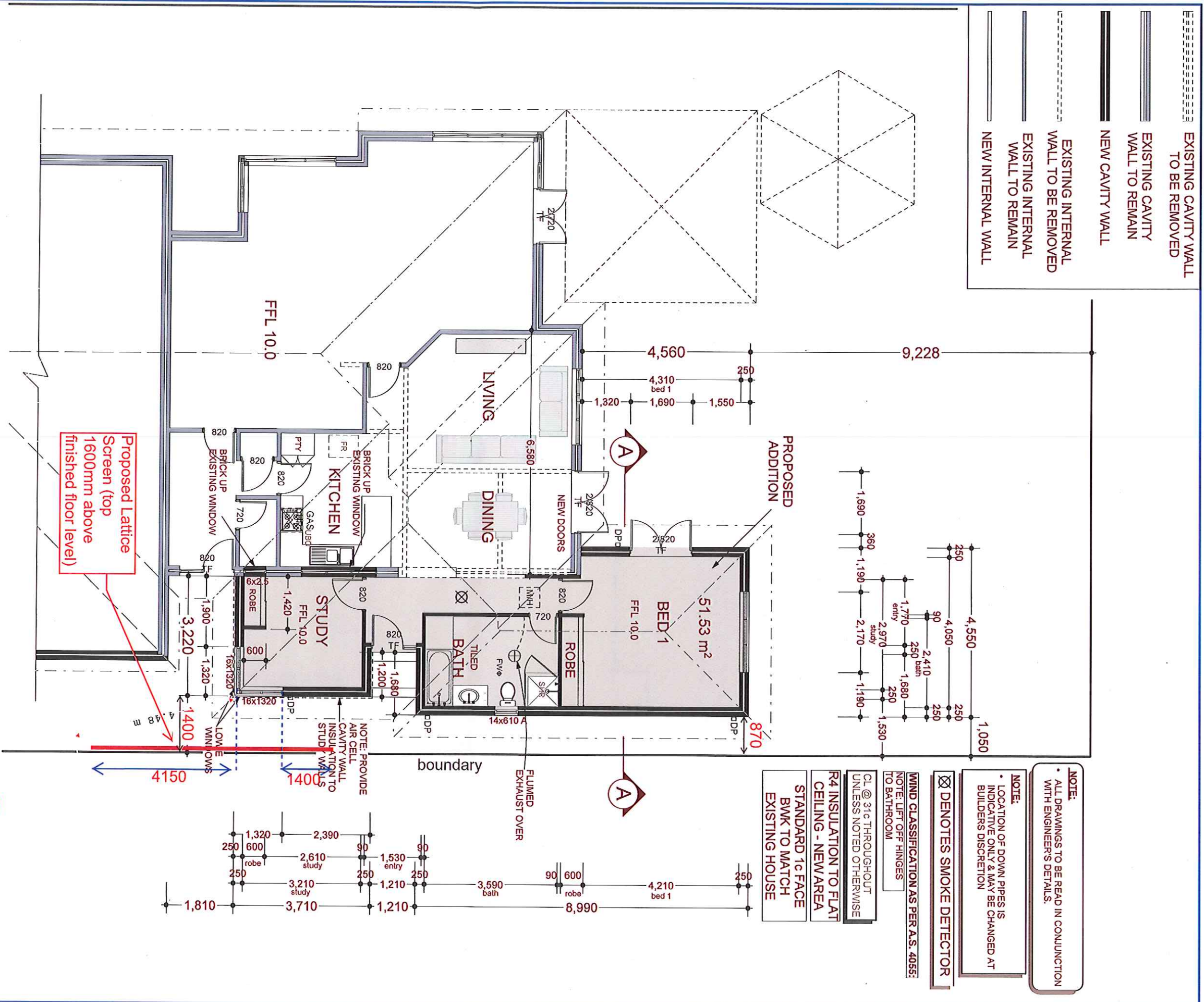
NOTE: No structural changes can be made to this design after 15 (working) days of the Preparation of Plans Agreement (PPA) being signed.





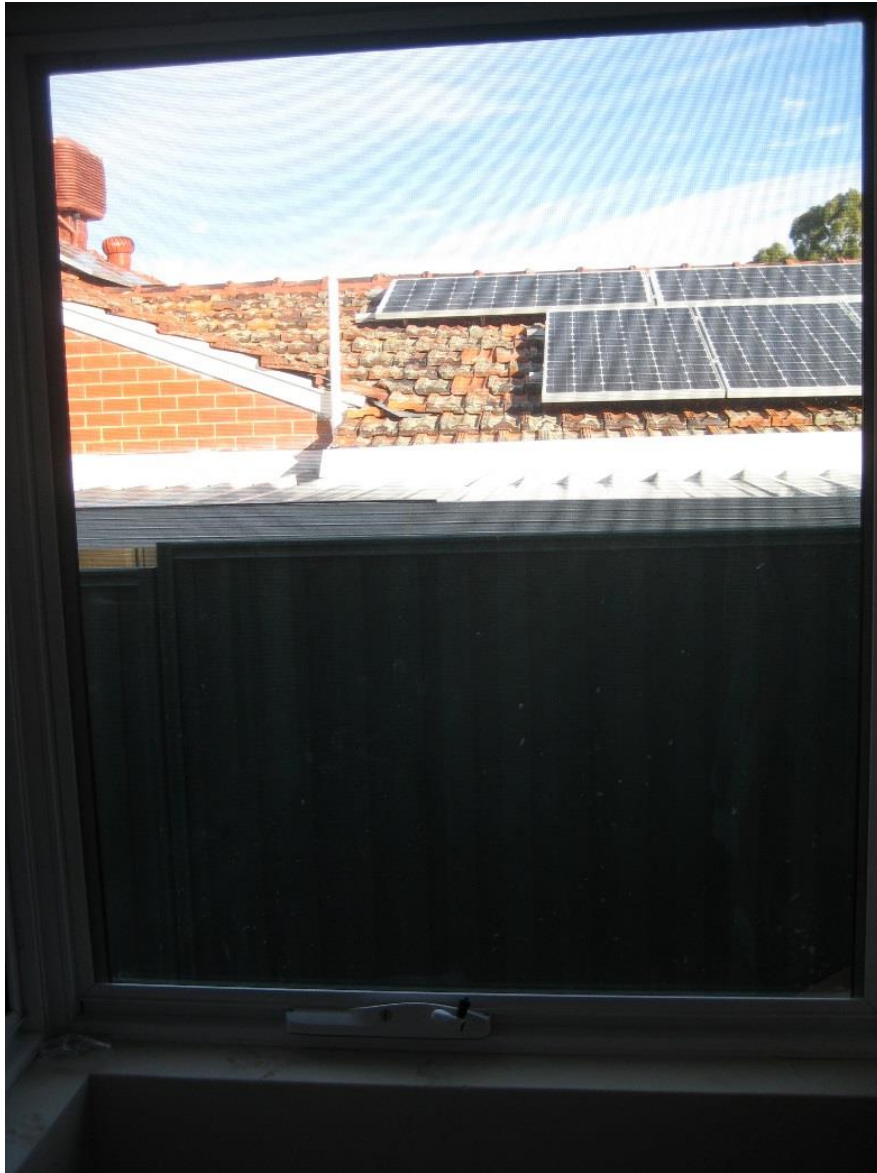
EXTENSION AT 82 LOUISE ST NEDLANDS
REVISED DRAWING SHOWING BUILT SITUATION SOUTH ELEVATION
AMENDED BY R CULLEN 24 APRIL 2016
Scale 1:100 at A4

29 APR 2016
CITY OF NEDLANDS



RECEIVED
29/4/16


FINAL DRAWINGS					
CLIENT:		CULLEN			
ADDRESS:		82 LOUISE STREET NEDLANDS			
VARIATION NO.	DATE	CUSTOMER	DATE	DRAWN:	REV:
				RR	07.09.14
				SHEET No:	2 OF 3
		BUILDER	DATE	JOB No:	1057







PD34.16 (Lot 245) No. 12 Carrington Street, Nedlands – Patio Roof Material

Committee	12 July 2016
Council	26 July 2016
Applicant	A Kovidis
Landowner	A Kovidis and A Bacik
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/115
Previous Item	Item PD53.15 – December 2015
Attachments	<ol style="list-style-type: none"> 1. Site Plan Approved by Council 2. Elevation Approved by Council 3. Photograph taken from the patio's location towards the rear boundary 4. Photograph from the patio's location towards the east (side) boundary 5. Applicant's Justification

1.0 Executive Summary

In December 2015, Council resolved to approve a patio at the rear of the property. It is a requirement that the patio's roof be of a non-reflective material. The patio has since been constructed and the City has received concerns regarding glare from the roof, as it has not been erected with non-reflective material.

Subsequently an application has been received from the applicant for Council to amend its approval decision, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, by removing the requirement for the roofing to be of a non-reflective material.

The application was advertised to surrounding neighbours and during the advertising period one objection 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.

Considering the patio's location and orientation, and the amount of screening available, it is recommended that the application be approved by Council with the condition relating to roofing material being excluded.

2.0 Recommendation to Committee

Council approves the development application received on 18 April 2016 for the patio at (Lot 245) No. 12 Carrington Street, Nedlands, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the patio only.**

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.**
- 2. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 3. 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.**

3.0 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.

4.0 Legislation

- *Planning and Development Act 2005 (Act).*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Residential Design Codes (R-Codes) of WA 2015
- Council Policy – Neighbour Consultation.

5.0 Budget / Financial Implications

The request relates to works undertaken on a private lot, and therefore has no immediate budget or financial implications for the City.

6.0 Risk management

Should Council refuse the application, the applicant may appeal Council's decision.

7.0 Background

Lot area	1,011m 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 and its topography is relatively flat as shown in the locality plan below. Solid fencing of approximately 1.8m in height exists along the rear dividing boundary and solid fencing of between 1.6m and 1.8m in height exists along the east (side) dividing boundary. Mature landscaping exists along the east and rear boundaries of the subject property, and along the rear boundaries of the properties at the rear and to the west.

The area where the patio exists has been paved and limestone blocks have been laid around the perimeter of the paved area. It should be noted that the area adjacent to the limestone blocks has not been backfilled and therefore the blocks do not act as retaining walls.

Refer to Attachments 1 to 4 for the site plan, elevations, and photographs of the patio's location.



8.0 Application Details

A request has been received from the applicant for Council to amend its approval decision in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, by removing the requirement for roofing to be of non-reflective material.

The patio has been constructed in accordance with the approval granted, details of which are as follows:

- a) The patio is setback 4.3m from the rear (southern) boundary and 3.2m from the side (eastern) boundary.
- b) Its overall height is 3.4m above the natural ground level.

By way of justification in support of this request, the applicant has provided the following justification as to why the requirement should be removed:

“We believe the condition should be removed as it is ambiguous, too general and is not reasonable or appropriate to attach this condition to a development approval. It should not have been added to the development approval in the first instance.

It is believed any glare from the patio roof would not unduly impact on the neighbouring properties or the adjoining property to the south and would not be excessive.

The orientation of the southern adjoining house in relation to our patio. The patio roof is positioned on the rear side and away from the southern adjoining property. Therefore, the southern boundary house is not directly facing the patio roof.”

Refer to Attachment 5 for a full copy of the applicant’s justification.

9.0 Consultation

Surrounding landowners were informed about the request being received and given the opportunity to provide comment. During the advertising period one objection was received.

The following is a summary of the concerns raised:

- a) The patio not being constructed in accordance with Council’s requirements in terms of the roof material.
- b) Glare from the roof entering into habitable rooms.
- c) The glare affecting neighbours’ enjoyment of their home.

Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.

The impact the unit has on the neighbours’ amenity is discussed in the following sections.

10.0 Statutory Provisions

The relevant provisions of Town Planning Scheme No. 2 (TPS 2), and Residential Design Codes (R-Codes) which are not being met by the proposal are addressed in the following sections.

10.1 Planning and Development (Local Planning Schemes) Regulations 2015

10.1.1 Amending Development Approvals

Schedule 2 Part 9 Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the provisions relating to amending development approvals.

10.1.2 Amenity

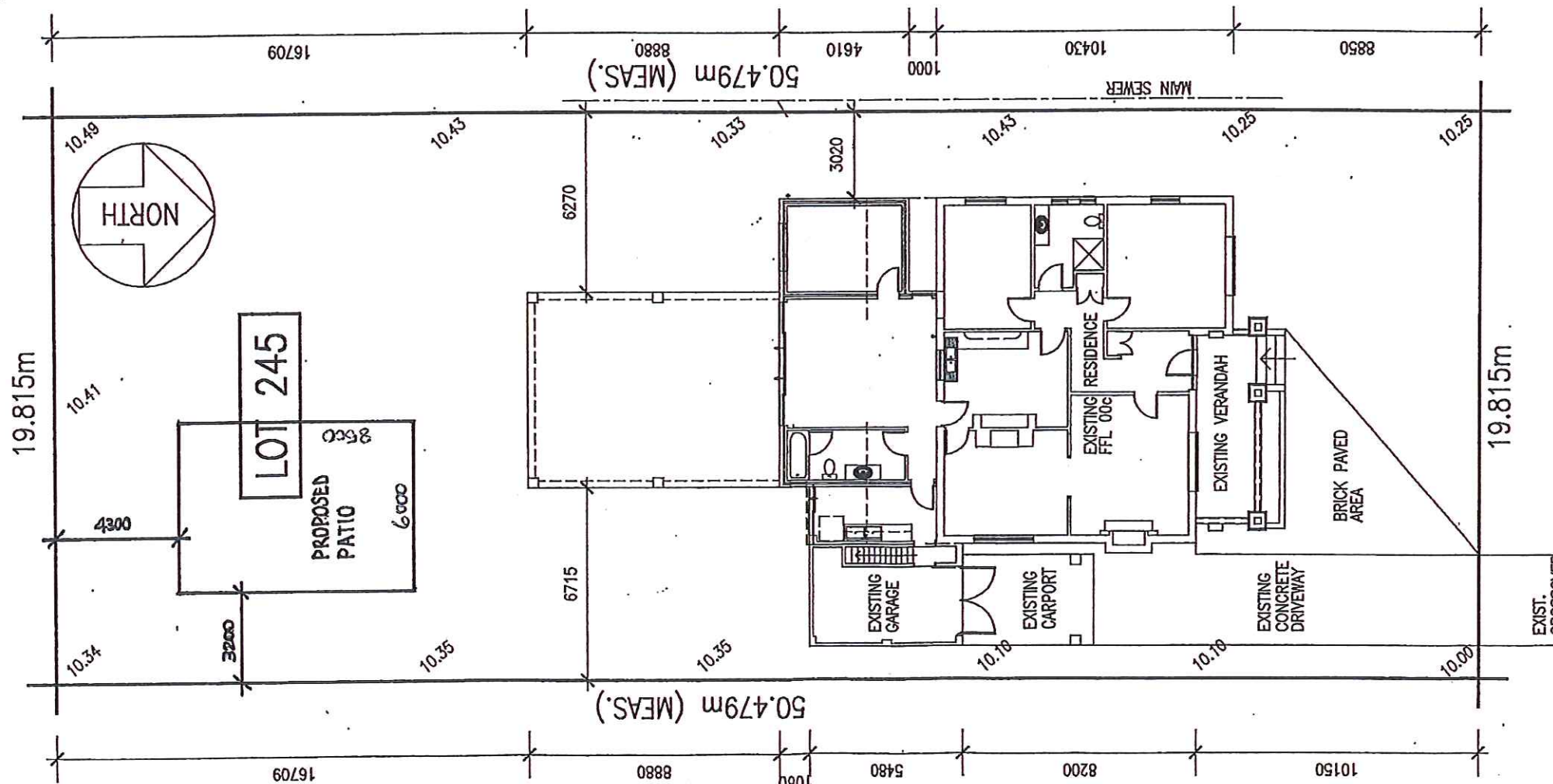
Regulations Clause	Assessment Comment	Satisfies
<p>Under Schedule 2 Part 9 Clause 67 (Matters to be Considered by Local Government) under the Regulations, the following provisions are to be taken into consideration:</p> <p>a) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the appearance of the development; and</p> <p>b) Any submissions received on the application.</p>	<p>Concerns received during the advertising period were in relation to glare from the patio's roof and the impact this is having on adjoining properties.</p> <p>All metal roofing results in reflection at some times of the day for some months of the year, but the impact of such reflection varies according to:</p> <ul style="list-style-type: none"> a) The time of day and season; b) The position of the observer relative to the reflective roofing; c) The frequency and duration of the reflection; d) The size and orientation of the roofing and of the openings affected by the reflection; and e) The presence of any landscaping and/or fencing which could screen. <p>Since the patio's construction the City has received concerns from an adjoining landowner regarding glare from the patio's roof. With regard to this the following should be noted:</p> <ul style="list-style-type: none"> a) The patio is facing towards the east and west. b) No major openings (e.g. windows for bedrooms and/or living rooms) exist on the adjoining properties to the east and/or west which directly face the patio's roof nor are positioned so 	Yes

	<p>as to be above the dividing fencing on these properties.</p> <ul style="list-style-type: none"> c) The orientation and location of the patio in relation to the dwelling to the south means that no major openings directly face the portion of roofing producing the glare. Therefore the duration of any glare experienced will be relatively short. d) Fencing between 1.8m and 2.1m in height and mature landscaping exists along the dividing boundaries. e) Over time the patio's roof material will weather and therefore the glare will reduce. f) The property which would be affected most by the glare is to the east, and during the advertising period no objections were received from them. <p>Considering the above, any glare from the patio's roof is not deemed to have a significant impact on the neighbours' amenity.</p>	
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12.0 Conclusion

An application has been received for Council to consider removing the requirement for the patio's roofing to be of non-reflective material.

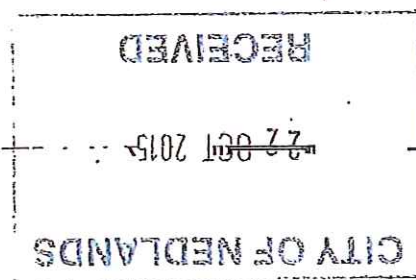
It is recommended that the application be approved excluding any condition regarding the roofing being of non-reflective material. The impact any glare is having on the adjoining properties is not deemed significant, by virtue of the patio's location and orientation, and the subsequent impact this has on the duration any of glare experienced.



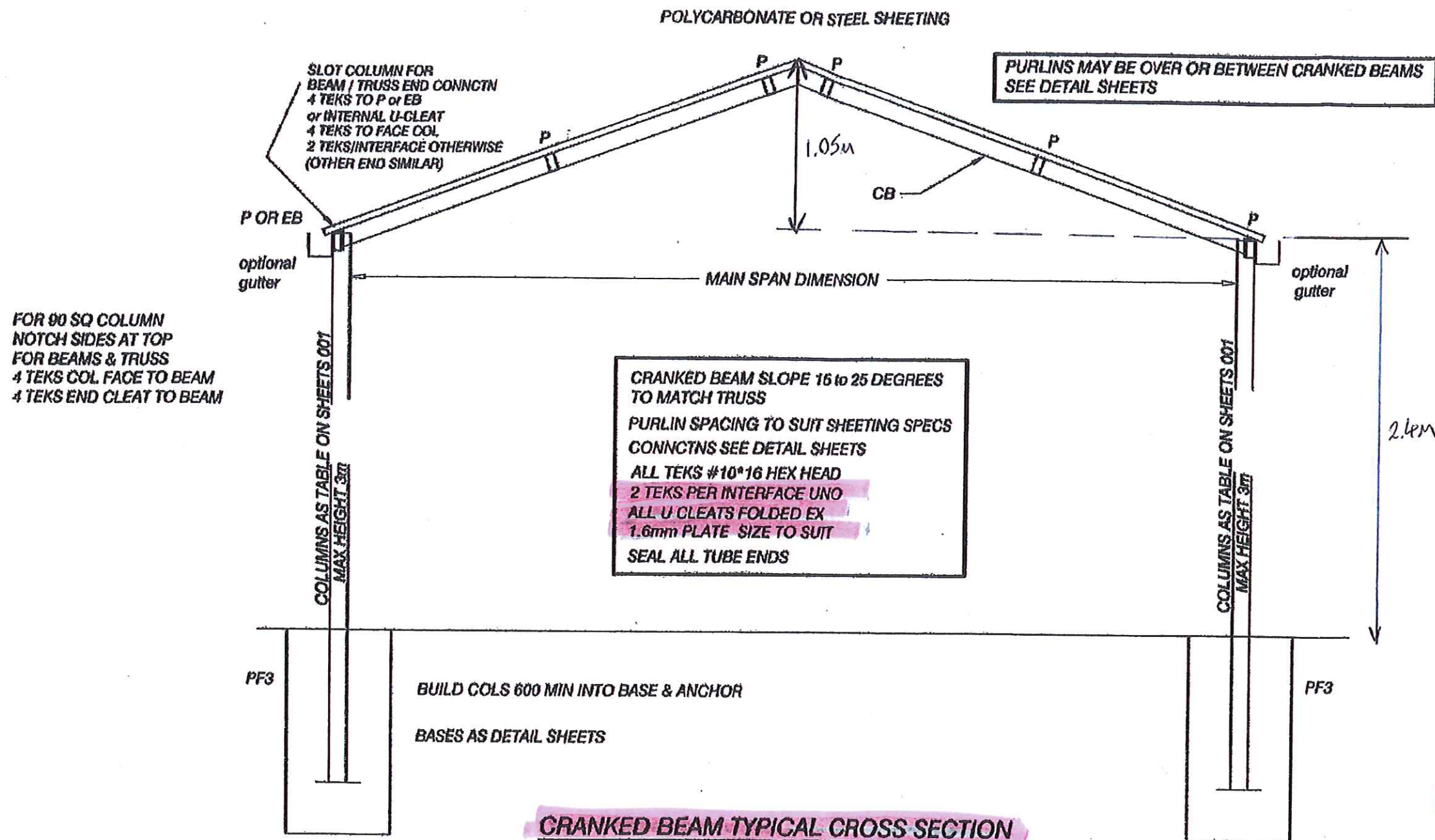
ANGELO KOVIDIS &
ANNA BACIK.
12 CARRINGTON ST
NEDLANDS WA 6009.

CARRINGTON STREET

SITE PLAN
SCALE : 1:200



CITY OF NEDLANDS	
DEVELOPMENT APPLICATION DATED:.....	
APPROVED	
Subject to the endorsements herein and compliance with the conditions of approval to commence development	
FILE REF.	DA151400
DATE APPROVED	15.12.15
NOTE: THIS APPROVAL DOES NOT CONSTITUTE A BUILDING LICENCE	



(CONNECTION DETAILS SIMILAR TO TRUSS DETAIL SHEETS)
GABLE CRANKED BEAM DETAILS
FREESTANDING PATIO
(NOT TO BE ENCLOSED)

Peter C Williamson BE(Const) MBA(UWA) GDipComp
Professional Structural Engineer
K.A. Williamson Structural Engineers
PO Box 1100, Roleystone WA 6111
Phone: 0409 290 481 Email: kawilliamson@ilnet.net.au

Client
THE PATIO FACTORY
Unit 6, 113-119 Kurnall Road,
Welshpool W.A 6106
mob : 0433 179551
Ph : 9258 5443

Project
GENERAL GABLE PATIO DESIGN - REGION A1>A4

THIS DRAWING IS INVALID FOR A BUILDING PERMIT APPLICATION UNLESS ACCOMPANIED
BY A CURRENT CERTIFICATION LETTER SIGNED IN RED INK BY THE ENGINEER.

Drawing © copyright K.A. Williamson 2015
scale - N.T.S
25/06/2015 4:01 PM
PCW/DC
STRUCTURAL
ref 150101 GA
sheet 002D Issue 1

150101 the patio factory a gable 002 002a 002b 002c 002d 003 004.dwg

12 CARRINGTON ST
NEDLANDS

ANGELO AKOVIOLIS







Dear Andrew,

We would like to request the Council considers removing its condition relating to the roof material being non-reflective.

The planning approval for the patio material was Colourbond, colour Surf-mist. That is what was built and constructed. Therefore the patio is compliant to the development approval issued by the Council.


We believe the condition should be removed for the following reasons:

- We believe the condition should be removed as it is ambiguous, too general and is not reasonable or appropriate to attach this condition to a development approval. It should not have been added to the development approval in the first instance.
- It is believed any glare from the patio roof would not unduly impact on the neighbouring properties or the adjoining property to the south and would not be excessive.
- The window/s of the southern adjoining property are deemed minor opening under the State legislation. The fact that the dwelling to the south does not have any major window or door openings directly facing the roof and the north position of the patio on the subject land. Therefore, any potential glare experienced would not be deemed significant.
- The east-west orientation of the adjoining southern property and the north-south upward pitch of the roof does not present directly to the window/s of the adjoining southern property.
- The design of the patio roof facing north and the pitch of the patio roof does not produce direct sunlight nor reflect or glare excessively on the adjoining southern adjoining property.
- The patio's setback will present limited or no impact of glare or reflect direct sunlight to the southern adjoining property.
- Existing mature trees act as privacy screening on the south and east fence line on the subject property minimising any potential reflective/glare issues to the adjoining properties. The windows of the adjoining southern and eastern properties receive overshadowing from mature trees from the subjected property, limiting any impact of glare or potential reflection.
- The orientation of the southern adjoining house in relation to our patio. The patio roof is positioned on the rear side and away from the southern adjoining property. Therefore, the southern boundary house is not directly facing the patio roof.
- The position and location of the subject patio roof and the off-white (Surf-mist) colour will not result in excessive glare or any adverse effect upon the occupants of the adjoining neighbours.

Thank you for your consideration.

Yours sincerely,
Angelo Kovidis and Anna Bacik

PD35.16	(Lot 75) No. 262 Marine Parade, Swanbourne – Retrospective Street Setback Area Fencing
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Committee	12 July 2016
Council	26 July 2016
Applicant	T Roberts
Landowner	T Roberts
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/140 – MA1/262
Attachments	1. Site Plan and Elevations 2. Photographs of the fencing

1.0 Executive Summary

In February 2016, a development application was received for solid fencing in the front setback area of the property. This application was cancelled by the applicant before being determined. The applicant was advised at the time that a new application would be required if they wished to erect the fencing.

Subsequently concerns were received that the fencing has been erected.

On the request of the City a retrospective development application has been received for 1.8m high solid fencing within the street setback area of the property. The fencing does not comply with Council's Fill and Fencing Local Planning Policy (Fencing LPP) due to:

- a) Being 1.8m in lieu of 0.75m in height above natural ground level within 1.5m of the property's vehicle access points; and
- b) All other fencing being solid 1.8m in lieu of 1.2m in height above natural ground level.

The application was therefore advertised to nearby residents for comment. During the advertising period no submissions were received.

The application has been referred to Council for determination, as officers do not have the delegation to refuse an application where discretion exists for Council to approve the variation(s).

The fencing is not deemed to satisfy the requirements of TPS 2 nor the Fencing LPP, it is therefore recommended that Council refuses the application.

2.0 Recommendation to Committee

Council

- 1. Refuses the retrospective development application for 1.8m high solid fencing within the street setback area of (Lot 75) No. 262 Marine Parade, Swanbourne, for the following reasons:**
 - a) The proposal would not be consistent with orderly and proper planning, as it does not satisfy the following:**
 - i. The Design Principles stipulated under clause 5.2.5 (Sight Lines) of the Residential Design Codes;**
 - ii. Clauses 4.3, 4.4 and 4.5 (Fencing Height Requirements) of the Fill and Fencing Local Planning Policy;**
 - iii. Clause 5.5.1 (Preservation of Amenity) of Town Planning Scheme No. 2; and**
 - iv. Schedule 2 Part 9 Clause 67 (b), (g) and (m) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - b) The proposed height of the solid fencing within the street setback area setting an undesirable precedent.**
 - c) Alternative fencing is available which would serve the same purpose but have less of an impact on the local amenity.**
- 2. Advises the applicant/landowner that if the fencing and gates within the street setback area of the property are not removed within 60 days from the date of the decision the City may commence legal proceedings to have the fencing removed.**

3.0 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 TPS 2.

4.0 Legislation / Policy

- *Planning and Development Act 2005* (Act)
- Metropolitan Region Scheme (MRS)
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Nedlands Town Planning Scheme No. 2 (TPS 2)
- Residential Design Codes (R-Codes) of WA 2015
- Fill and Fencing Local Planning Policy (Fencing LPP)
- Council Policy – Neighbour Consultation

5.0 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.

6.0 Risk Management

Should Council refuse the application, the applicant may appeal Council's decision.

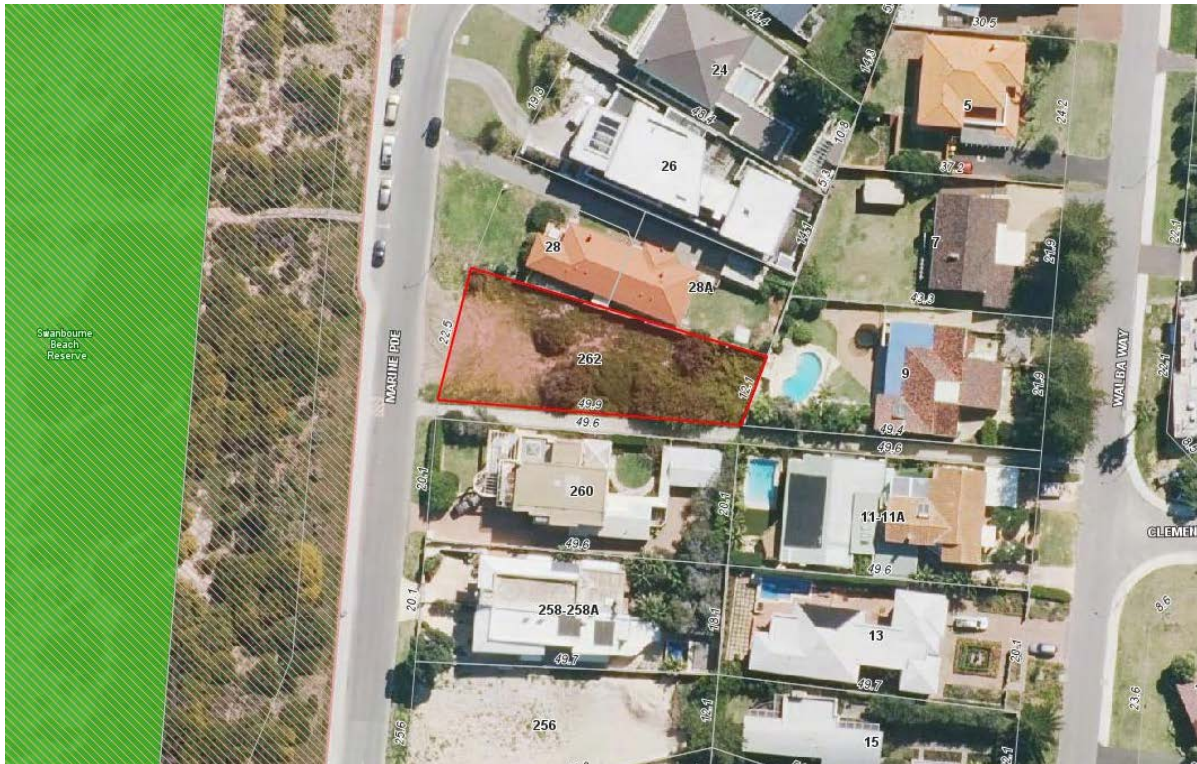
7.0 Background

Property address		(Lot 75) No. 262 Marine Parade, Swanbourne
Lot area		860m ²
Zoning/ Reserve	MRS	Urban
	TPS 2	Residential R12.5/20

The property is currently vacant, contains vegetation at various stages of maturity, and its topography slopes from east to west. Adjoining the southern (side) boundary of the property is a pedestrian access way. On the opposite side of Marine Parade is Swanbourne Beach Reserve as shown on the locality plan on the following page.

In February 2016, a development application for fencing to be erected within the street setback area of the property was cancelled upon the landowner's request. The letter sent by the City to the landowner advised *"that once an application has been cancelled, progression of this matter will require a fresh application to be lodged, including additional fees"*.

In April 2016, concerns were received regarding the fencing having been erected. Subsequently a Planning Infringement Notice was issued by the City on the landowner as a prescribed offence under Schedule 2 Part 7 Clause 60 of the *Planning and Development (Local Planning Schemes) Regulations 2015* had been committed.



8.0 Application Details

The applicant seeks retrospective development approval to retain solid fencing within the property's street setback area, details of which are as follows:

- The fencing is 1.8m in height above natural ground level and is constructed from 'surfmist' Colorbond.
- A temporary crossover constructed from crushed limestone is proposed to provide access to an existing double gate. The gate is the same height and material as the fencing.
- Landscaping is proposed to be planted in front of the fencing along the adjoining portion of verge, in the form of Grevillias which reach up to approximately 1m to 1.2m in height at full maturity.
- No other development is currently proposed on the remainder of the private property.

Refer to Attachment 1 for the site plan and elevations, and Attachment 2 for photographs of the fencing concerned.

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

- "This is a temporary fence and there will be very limited traffic flow in and out of the property."*
- "A key reason for installation of the fence is to primarily prevent unauthorised dumping and unauthorised parking, ahead of a construction process."*
- "There is no footpath along this section of road, meaning there is significant room between the fence and areas where pedestrians may be walking."*

- d) *“Plans are still being developed. Perhaps in the next 3-4 months there will be concepts ready for preliminary discussions with Council planning.”*
- e) *“The site is not yet developed, the land behind is covered in weeds etc so the colourbond fencing was deemed more suitable to screen the land behind and create a uniform backdrop to the new planting at the front.”*
- f) *“The Colorbond fence will be replaced with fencing which is compliant with the ‘Primary Street Fences’ as part of the site redevelopment.”*

The applicant has also advised that the fencing was erected as it is alleged that the City advised them that approval was not required for it. There is no evidence available, nor has been provided by the applicant, to support this claim. The advice contained in the application cancellation letter sent in February 2016 clearly states that progression of the matter will require a fresh application to be lodged.

9.0 Consultation

The retrospective development application was advertised to the affected residents by the City for 14 days for comment. During the advertising period no submissions were received.

The impact the fencing is having on the local amenity is discussed in the following section.

10.0 Statutory Provisions

The relevant provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Town Planning Scheme No. 2 (TPS 2), the Residential Design Codes (R-Codes) and the Fencing LPP which are not being met by the proposal are addressed in the following sections.

10.1 Fill and Fencing Local Planning Policy

Policy Clause	Assessment Comment	Complies
Fencing Height Requirements In primary street setback areas, solid fencing to a maximum height of 1.2 metres above natural ground level, and visually permeable fencing to a maximum height of 1.8m above natural ground level.	The fencing is 1.8m in height above natural ground level and solid. The applicant's reasons for requiring fencing along the front of the property are noted (e.g. unauthorised dumping and parking), however alternative fencing materials, potentially at a lower height, can be used which would serve the same purpose and have less of an impact on the local amenity.	No

	Having 1.8m high solid fencing to screen the appearance of the vacant property from public view is not deemed a sufficient enough argument to support the proposal.	
<p>Fences are not to be higher than 0.75 metre above natural ground level, within 1.5 metres of where it adjoins vehicle access points where a driveway meets a public street and where two streets intersect.</p> <p>Within the 1.5m area, the following obstructions are deemed acceptable by the City:</p> <ul style="list-style-type: none"> a) One pier with a maximum height of 2.1 metres above natural ground level with a length and width of no greater than 0.5m; and b) All other solid structures to be reduced to a height of no greater than 0.75 metres above natural ground level; and c) All visually permeable structures to a maximum height of 1.8 metres above natural ground level. 	<p>The fencing is not truncated, therefore 1.8m high solid fencing exists up to and across the entrance to the property.</p> <p>It is noted that due to being vacant vehicular movement in and out of the property is not expected to be particularly frequent. Likewise it is noted that a pedestrian footpath does not currently exist along the adjoining portion of verge.</p> <p>However given that gates exist vehicles will be entering the property at some stage, and a pedestrian access way adjoins the property's southern boundary. Therefore it is highly likely that pedestrians will be walking past the property.</p> <p>Considering the above, there is the potential for pedestrians to be at risk from vehicles leaving the property due to there being insufficient sightlines.</p>	No

10.2 State Planning Policy 3.1 – Residential Design Codes

Deemed-to-comply Requirement	Proposed	Complies
<p>Sight Lines</p> <p>Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where fences, adjoin vehicle access points where a driveway meets a public street.</p>	<p>Solid 1.8m high fencing is proposed within 1.5m where it adjoins a vehicle access point. (i.e. truncation)</p>	No

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

Design principles	Assessment/Comment	Satisfies
Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.	The height and the material of the fencing, and the property's proximity to a pedestrian access way, means that there is the potential for pedestrian safety to be put at risk from vehicles leaving the property.	No

10.3 Planning and Development (Local Planning Schemes) Regulations 2015

Clauses	Assessment Comment	Satisfies
<p><i>Under Schedule 2 Part 9 clause 67 (Matters to be Considered by Local Government) the following provisions are to be taken into consideration:</i></p> <p>a) <i>The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.</i></p> <p>b) <i>The amenity of the locality.</i></p> <p>c) <i>Any submissions received on the application.</i></p>	<p>The fencing does not satisfy the applicable legislation in terms of height both within and outside of the truncation areas, and as a consequence creates a potential safety issue for pedestrians. Approval of such fencing within the street setback area and for the reasons given by the applicant, would also set an undesirable precedent.</p> <p>No commitment has been provided as to when approval will be sought from the City for the redevelopment of the property, therefore there is no certainty as to how long the fencing shall remain in place.</p> <p>If the main purpose of the fencing is to prevent unauthorised dumping and parking on the property then other forms of fencing should be considered, which would prevent this from occurring whilst also allowing for the property to be visible to the public.</p>	No

10.4 Town Planning Scheme No. 2

Clauses	Assessment Comment	Satisfies
Under clause 5.5.1 (Preservation of Amenity) of TPS 2, Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the local area.	<p>The fencing is having an unacceptable impact on the streetscape due to its height. It also potentially has an impact of the safety of pedestrians due to inadequate sightlines for drivers leaving the property.</p> <p>Approval of fencing of this height and material within the street setback area, for the reasons given by the applicant, would set an undesirable precedent.</p>	No

11.0 Conclusion

Retrospective development approval is being sought for 1.8m high solid fencing within the street setback area of the property.

The fencing does not comply or satisfy the applicable legislation due to its height, material and location on the property, and the subsequent impact this is having on the local amenity and potentially pedestrian safety.

It is therefore recommended that the application be refused by Council.

11.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application the following wording and conditions are recommended:

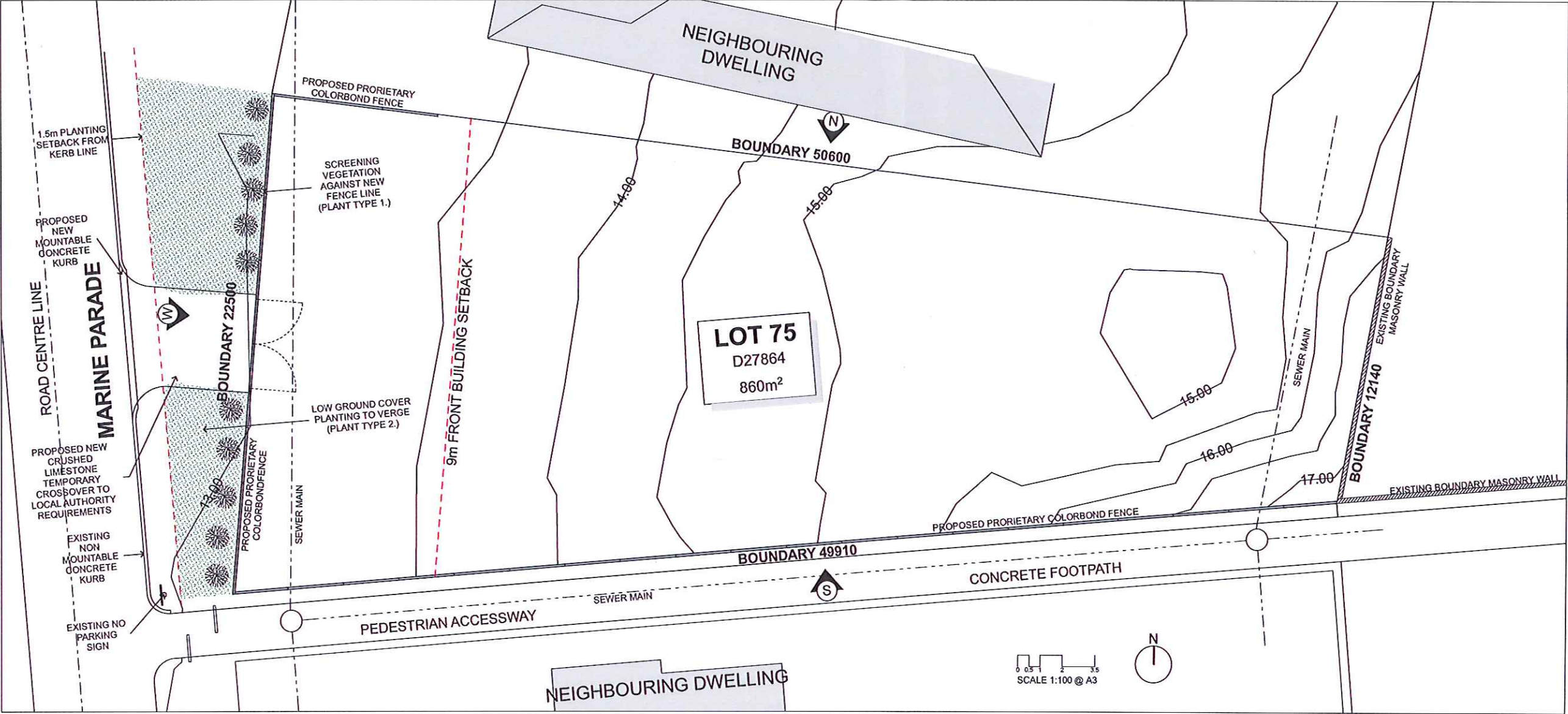
Council approves the retrospective development application for 1.8m high solid fencing within the street setback area of (Lot 75) No. 262 Marine Parade, Swanbourne, subject to the following conditions:

1. The development shall at all times comply with the approved plan.
2. This retrospective development approval only pertains to the 1.8m high solid fencing and gate within the street setback area of the property.
3. The landscaping shown on the approved plan being planted by the landowner within 60 days from the date of this decision.
4. The fencing, gate and landscaping being maintained by the landowner to the City's satisfaction.

5. The fencing and gate within the street setback area be removed prior to any authorised development commencing on the property. Refer to Advice Note 1.

Advice Notes specific to this approval:

1. With regard to Condition 5, the applicant/landowner is advised that any replacement fencing and gates are to be in accordance with Council's Fill and Fencing Local Planning Policy and the Residential Design Codes. The City's Statutory Planning Department are to be contacted to ascertain whether development approval is required to be obtained prior to erecting.
2. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to construction.



SITE PLAN
SCALE 1:100 @ A3

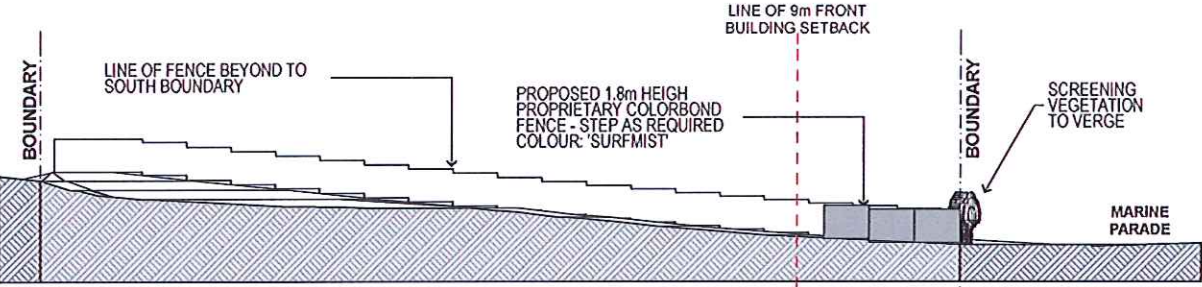
PLANTING LEGEND



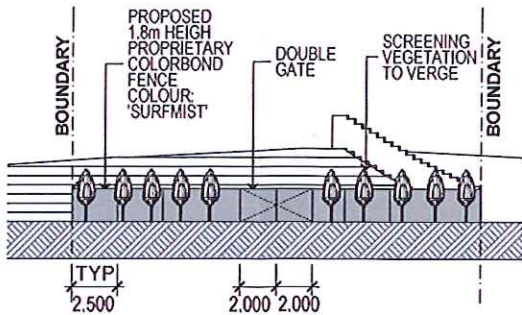
PLANT TYPE 1:
LOW SHRUB
GREVILLIA OLIVACEA
CENTRES - 1.2m



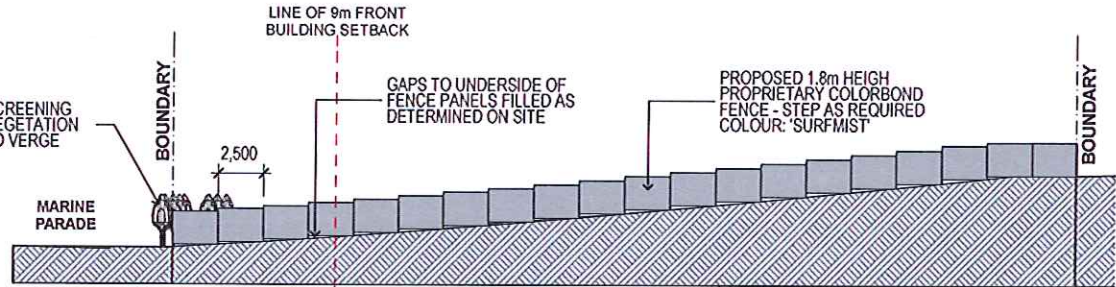
PLANT TYPE 2:
GROUND COVER
GREVILLIA GIN GIN GEM
CENTRES - 1m



NORTH ELEVATION
SCALE 1:200 @ A3



WEST ELEVATION
SCALE 1:200 @ A3



SOUTH ELEVATION
SCALE 1:200 @ A3

RECEIVED
18/5/16


PROPOSED TEMPORARY FENCE LAYOUT

No. 262, LOT 75 MARINE PARADE, SWANBOURNE
SCALE 1:100 AND 1:200 @ A1

REV 02 - 17 MAY 2016



PD36.16	(Lot 159) No. 24 Neville Road, Dalkeith – Additions (Patio) to Single House
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Committee	12 July 2016
Council	26 July 2016
Applicant	Oasis Patios
Landowner	S S Ren
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA16/58
Previous Item	Nil.
Attachments	1. Site Plan 2. Eastern Elevation

1.0 Executive Summary

The proposal is for a patio addition to a single house. The application proposes an open space variation with the majority of the proposed patio enclosed on three sides. The proposal is not considered to meet the relevant open space design principles of the Residential Design Codes (R-Codes) and is therefore recommended for refusal.

The application has been referred to Council for determination as officers do not have the delegation to refuse an application where discretion exists for Council to approve the variation/s under the City's Town Planning Scheme No. 2, policies and the R-Codes.

2.0 Recommendation to Committee

Council refuses the application for Additions (Patio) to Single House at (Lot 159) No. 24 Neville Road, Dalkeith, in accordance with the application received on 23 February 2016 and amended plans received on 04 May 2016, for the following reason:

1. The patio does not comply with the design principles of Clause 5.1.4 of the R-Codes as it will:
 - a) reduce morning sun into the dwelling during the winter months; and
 - b) add to building bulk and appear inconsistent with the low density locality and applicable density code.

3.0 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.

4.0 Legislation

- *Planning and Development Act 2005* (Act).
- Metropolitan Region Scheme (MRS).
- *Planning and Development (Local Planning Scheme) Regulation 2015* (Regulations).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Residential Design Codes of Western Australia 2015 (R-Codes).
- Council Policy – Neighbour Consultation.

5.0 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.

6.0 Risk management

Should Council refuse the application, the applicant may appeal Council's decision.

7.0 Background

Lot area	1011.7m 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 two storey dwelling was approved in 2014 with a site coverage of 40% - the maximum permitted within the R10 density code. The property has a significant slope of approximately 3m from north to south, with the patio proposed to be located on the eastern side of the dwelling where a level area was previously created as part of the dwelling construction. The patio will contribute to side coverage as the patio will be enclosed on three sides for the majority of the patio area.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks approval to construct a patio on the eastern side of the dwelling which is 2.2m in height above the existing finished level and 3m in height above natural ground level at the eastern lot boundary, is setback 1.5m from the eastern side boundary and enclosed on three sides for the majority of the patio area.

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

- *"The proposed patio will have clear sheeting (skylights) and therefore will still provide adequate sun to the building;*
- *The proposed patio is an open style patio therefore ventilation to the building will not be compromised.*
- *The proposed patio will provide privacy for the owners and for adjoining properties.*
- *The proposed patio will not impact the streetscape, as it is located to the rear of the property;*
- *Because there is only a small outdoor area, it is the only space available for a patio and will suit the future needs of residents.*
- *Clear sheeting (sunlight) will ensure sunlight to the property."*

9.0 Consultation

The development application was advertised to affected landowners for comment due to the proposed patio reducing open space from 60% down to 56.52% (37.44m² enclosed area). No submissions were received during the consultation period.

The development application is compliant with the applicable requirements with the exception of the matters discussed in the following sections.

10.0 Statutory Provisions

10.1 Amenity

Provision	Assessment/Comment
Under clause 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.	<p>The proposed development will represent an over-development of the lot, with the applicable density coding of R10 to achieve the feeling of open-ness around dwellings with a large amount of landscaping around the dwellings.</p> <p>The patio will reduce the sunlight into the dwelling during the winter months and can be located elsewhere on the property – such as to the rear of the dwelling so that it can be open on two or three sides and co-located with landscaped area. Location at the rear will not contribute to site cover as the patio can be open on two or more sides and not elevated more than 6.5m above natural ground level.</p>

10.2 Open Space

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
60% open space	56.52% open space

Variations to the Deemed-to-Comply requirements can be considered subject to satisfying the following Design Principle provisions:

Design Principles	Assessment/Comment
Reflect the existing and/or desired streetscape character or as outlines under the local planning framework	The character of the area is low density single residential with space around the dwellings – usually landscaped and outdoor living areas being to the rear of the dwellings. The proposed dwelling takes up 40% of the lot already being significantly larger than many other dwellings approved within the area with the patio addition on the eastern side of the dwelling exacerbating
Provide access to natural sunlight for the dwelling	

Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or outlined in the local planning framework	the site cover and impact of the size of the dwelling on neighbouring properties.
Provide an attractive setting for the buildings, landscape, vegetation and streetscape	If the landowners want/require covered outdoor living area there are opportunities towards the rear of the dwelling which would permit a covered outdoor area open on three sides, similarly located to the outdoor living areas on neighbouring lots. The location at the rear of the dwelling would not contribute to site cover if the patio is less than 50m ² and not raised more than 0.5m above natural ground level.
Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site	The additional site cover from the proposed patio will result in less morning sun into the dwelling in the winter and will reduce the articulation of the building which was provided in the dwelling's design to reduce the impact of building bulk as viewed from the neighbouring property to the east.
Provide space for external fixtures and essential facilities	

11.0 Conclusion

The proposal is for a patio to the eastern side of the dwelling. The proposal involves variation to the open space 'deemed-to-comply' provisions of the R-Codes. The variations are not considered compliant with the relevant 'design principles' of the R-Codes as the proposed patio will enclose area which allows morning winter sun into the dwelling and will result in an over-development of the site - contributing to the appearance of building bulk with a reduction in the articulation of the building as viewed from the eastern side boundary.

Accordingly, the application is recommended for refusal to Council.

11.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application, the following wording and conditions are recommended:

Council approves the retrospective development application for Additions (Patio) to the existing Single House at (Lot 159) No. 24 Neville Road, Dalkeith, in accordance with the application received 23 February 2016 and amended plans received on 04 May 2016, subject to the following conditions and advice notes:

Conditions:

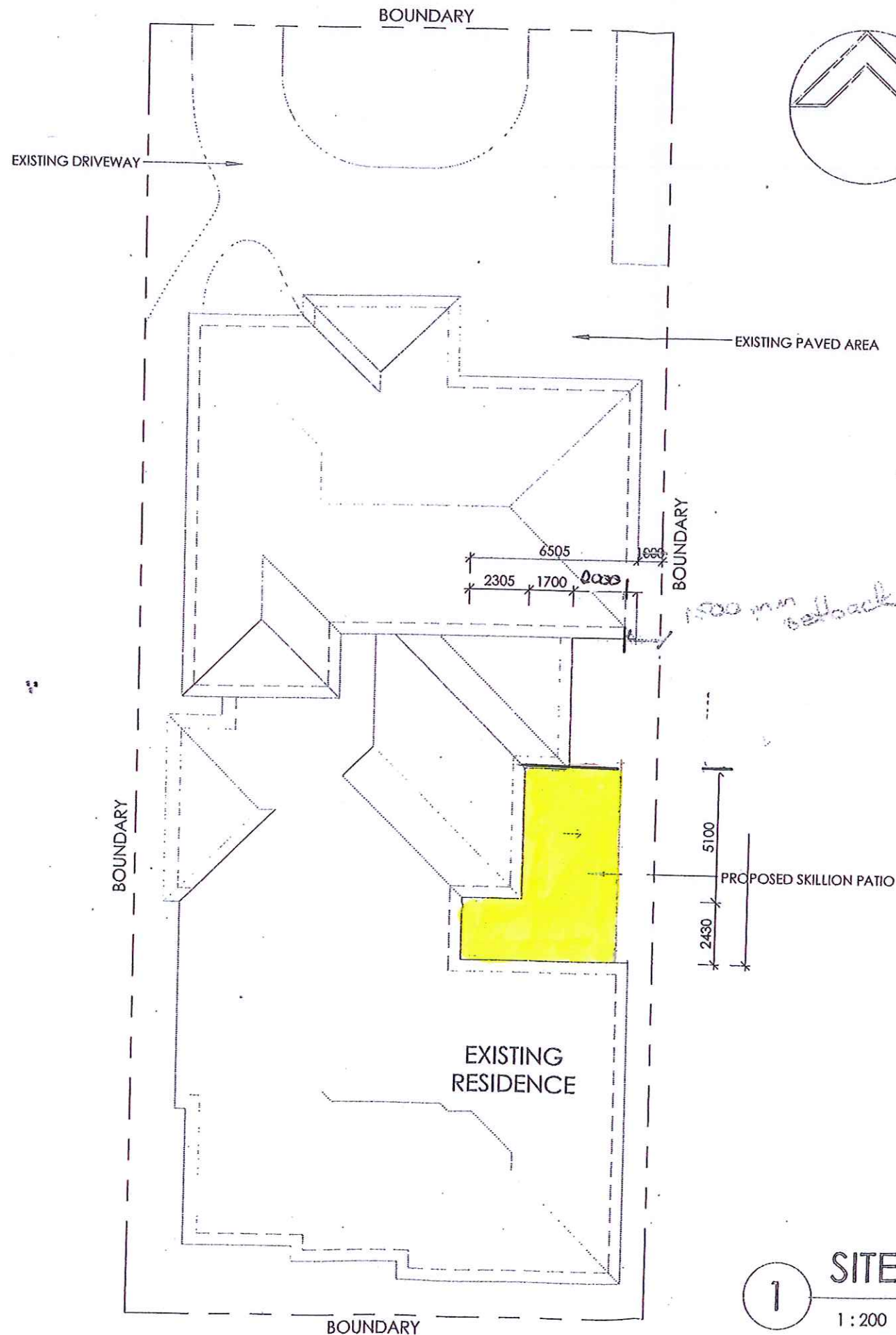
1. The approval only relates to the proposed patio.
2. The development shall at all times comply with the approved plans.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice Notes:

1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.
2. With regard to condition no. 3, it is recommended to comply with this requirement to have stormwater contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m^3 for every 80m^2 of calculated surface area of the development. Each soak-well is to be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
3. 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.

NEVILLE ROAD

Amended Site Plan
Showing size Reduction



PROPOSED SKILLION PATIO

NO CHANGES TO GROUND LEVELS
FFL: 100mm BELOW RESIDENCE
PEAK HEIGHT: 2209
COLUMN HEIGHT: 2095
TOTAL AREA: 32.68

SITE PLAN

ISSUED FOR COUNCIL

PROPOSED PATIO

24 NEVILLE ROAD,
DALKEITH

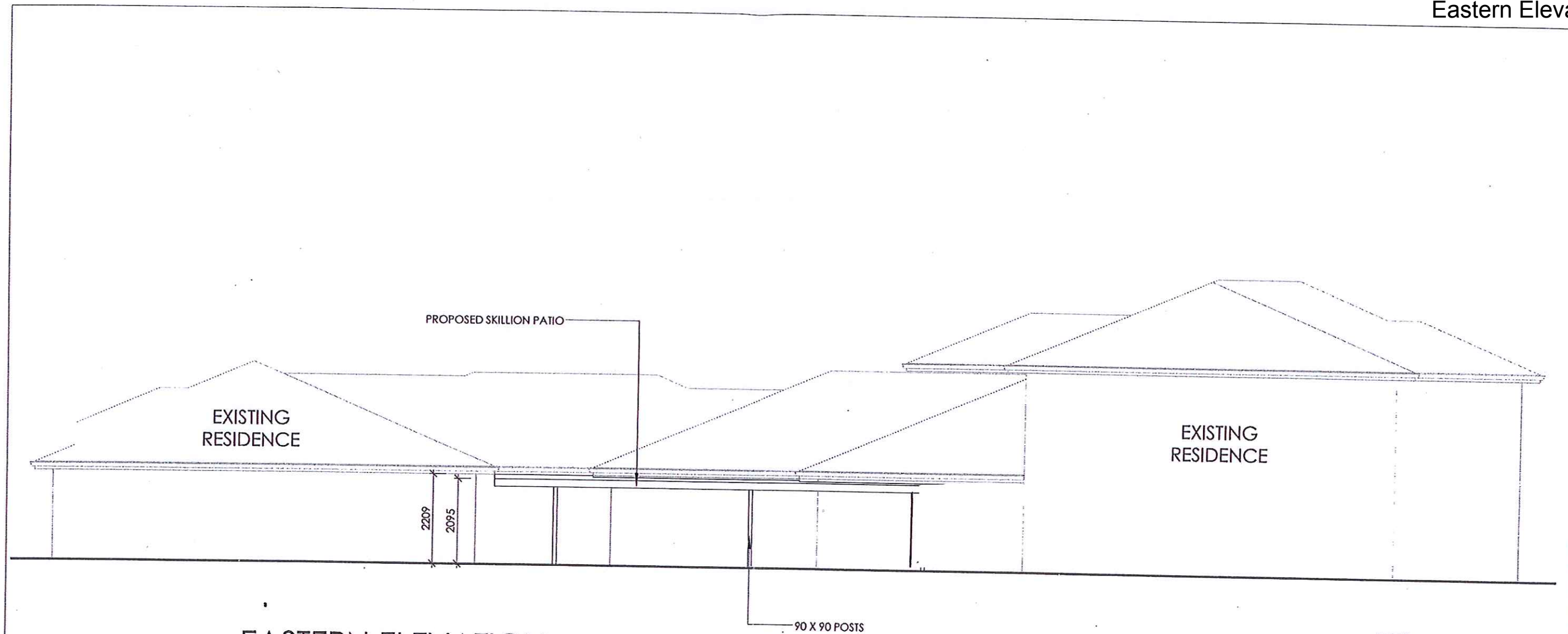
MR. REN

NO. OF SHEETS	A	1
DATE	01	18.02.2016
REVISION	5698	
SCALE	1 : 200	
DATE	18.02.2016	
DESIGNER	JF	
CHECKED	JF	

CITY OF NEDLANDS
RECEIVED

04 MAY 2016

oasis patios



3 EASTERN ELEVATION
1 : 100

ARCHITECT
OASIS PATIOS
ELEVATIONS

PROJECTIONS
ISSUED FOR COUNCIL

PROPOSED PATIO

24 NEVILLE ROAD,
DALKEITH


MR. REN

AL-1000000	A	Architectural drawing of the proposed patio structure.
PROJ-001	02	Project number.
REF-5698	5698	Reference number.
SCALE	1 : 100	Scale of the drawing.
DATE	18.02.2016	Date of the drawing.
DESIGN	JF	Designer.
CHECKED	JF	Checker.

**CITY OF NEDLANDS
RECEIVED**
04 MAY 2016

oasis patios

PD37.16	(Lot 7) No. 66 Wood Street, Swanbourne – Proposed Additions (Store) to Single House
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Committee	12 July 2016
Council	26 July 2016
Applicant	Ranlak Pty Ltd
Landowner	G M & C J O'Sullivan
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA16/94, DA16/95 & DA15/163
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan 3. North and West Elevations 4. South and East Elevations 5. Site Photographs

1.0 Executive Summary

A development application has been received for a proposed store on the eastern side of the existing dwelling on the property. The application proposes a variation to the lot boundary setback deemed-to-comply provisions of the Residential Design Codes (R-Codes) with a nil setback proposed in lieu of the required 1m.

The proposal was advertised to impacted neighbouring landowners for comment with one objection received during the consultation period. The proposal is not considered to meet the relevant lot boundary setback design principles of the Residential Design Codes and is therefore recommended for refusal.

The application has been referred to Council for determination as officers do not have the delegation to refuse an application where discretion exists for Council to approve the variation/s under the City's Town Planning Scheme No. 2, policies and the R-Codes or when objections have been received.

Additionally, a separate retrospective development application has also been lodged for a patio at the rear of the property which is the subject of a separate report to Council.

2.0 Recommendation to Committee

Council refuses the application for Additions (store) to Single House at (Lot 7) No. 66 Wood Street, Swanbourne, in accordance with the application received 23 March 2016 and amended plans received 14 April 2016, for the following reasons:

- 1. The store does not comply with the design principles of Clause 5.1.3 of the R-Codes as the reduced setback:**
 - a) has a negative impact on the neighbouring property in terms of building bulk and amenity;**
 - b) does not positively contribute to the prevailing streetscape and development context; and**
 - c) does not make effective use of space for enhanced privacy of the subject or neighbouring properties.**

3.0 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.

4.0 Legislation

- *Planning and Development Act 2005 (Act).*
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- *Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations).*
- Residential Design Codes of WA 2015 (R-Codes).
- Council Policy – Neighbour Consultation.

5.0 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.

6.0 Risk management

Should Council refuse the application, the applicant may appeal Council's decision.

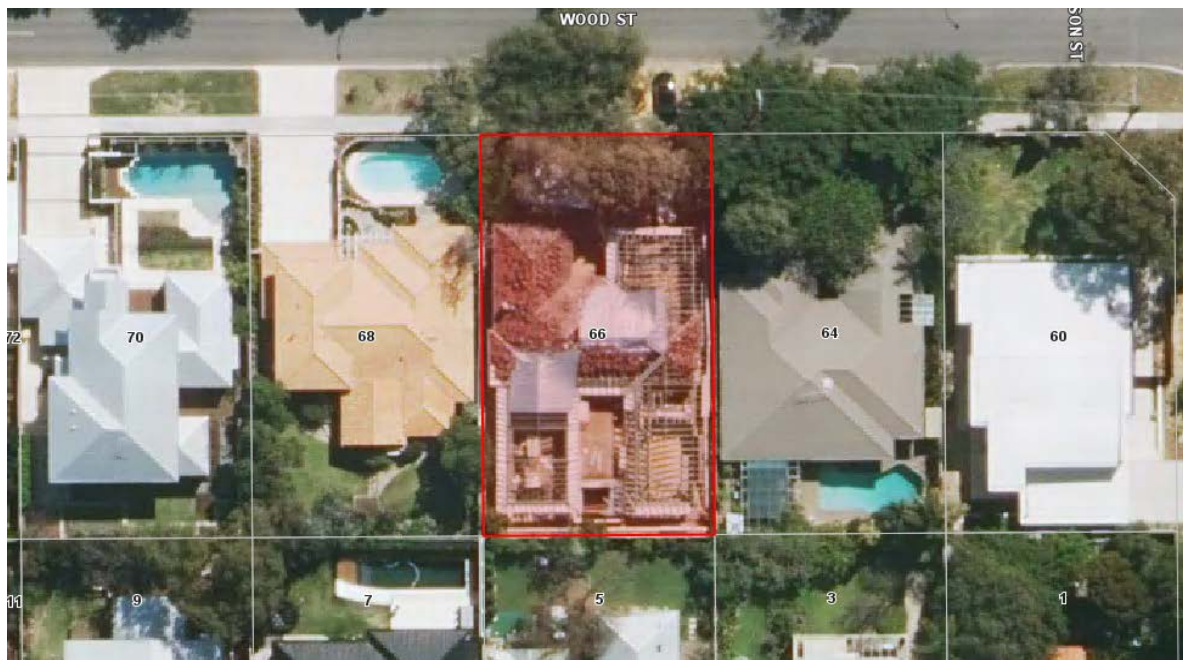
7.0 Background

Lot area	741.1m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential R15
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

In May 2015, rear extensions and some modifications to the existing single house were approved. The applicants have subsequently added an external bathroom (bath and shower) and cover to this area to the rear of the approved extensions without planning approval, which is the subject of a separate development application also referred to Council for determination.

The subject property has a slope of approx. 1-1.5m from the western boundary down to the eastern side boundary in accordance with the original natural ground levels.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks approval to construct a store open on two sides on the eastern side of the existing dwelling for the storage of garden equipment. Details of the application are as follows:

- A 1.8m wall height on the lot boundary with the roof sloping up to meet the existing eave of the dwelling;
- The roof height proposed to be 3.2m above natural ground level;
- 14.27m² roof area; and
- Nil setback to the eastern side boundary.

The applicant has provided justification in support of the application as follows:

“The roof structure over the proposed store on the eastern boundary is adjacent to the area on the neighbour’s property. The roof is a small skillion structure that does not contribute to the building bulk along this boundary. The roof will not impact on direct sun or ventilation of the neighbouring property and increases privacy for both properties in accordance with the design principles of the R Codes.”

9.0 Consultation

The development application was advertised to affected landowners for comment due to the store having a nil setback in lieu of the required 1m from the eastern (side) boundary. The following is a summary of the concerns raised:

- a) The location of the store on the boundary will create additional noise in this area adjacent to our dwelling bathroom windows;
- b) It would provide a platform for climbing adjacent to the dividing fence for intruders;
- c) Even if the structure is built of flame retardant materials, it is right on the boundary and would collect leaved and debris in the angled roof adjacent to the dividing fence; and
- d) The visual impact of the building being unacceptable.

The development application is compliant with the applicable requirements with the exception of the matters discussed in the following sections.

10.0 Statutory Provisions

10.1 Amenity

Provision	Assessment/Comment
<p>Clause 5.5.1 of TPS2:</p> <p><i>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 development is building up to a lot boundary in a low density area where buildings on boundaries are not prevalent or an accepted development standard. The structure is ad-hoc as the over-all additions and alterations approved in 2015 did not take into account the need for storage. It is considered that the development being built up to the lot boundary will have a negative impact on the streetscape and neighbouring property’s amenity.</p>
<p>Clause 67 of Regulations:</p> <p><i>In considering an application for development approval, the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:</i></p>	<p>The locality is considered to be low density with buildings on boundary not common within the locality. The aim for lower density areas is to have space around the dwelling to give a sense of open-ness with buildings on boundary more prevalent in higher density codes (R20 and above) where boundary walls</p>

<p>m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the including , but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p> <p>n) <i>the amenity of the locality including the character of the locality;</i></p> <p>y) <i>any submissions received on the application.</i></p>	<p>are permitted under the 'deemed to comply' provisions of the R-Codes.</p> <p>The provision of a store in this location is considered to compromise both the streetscape and neighbouring property amenity.</p>
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10.2 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
1m setback required	Nil (0m) setback

Variations to the Deemed-to-Comply requirements can be considered subject to satisfying the following Design Principle provisions:

Design Principles	Assessment/Comment
Reduce impact of building bulk on adjoining properties.	The store will enclose an area on the side of the dwelling which will add to the appearance of building bulk as viewed from the eastern neighbour's property.
Provide adequate access to direct sun and ventilation to the property and adjoining properties.	The store will have no impact on direct sun and ventilation to the subject property or neighbouring property's major openings and outdoor living areas.
Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	There is currently no overlooking where the store is proposed with the subject property having a garage adjacent to the proposed store and the neighbouring property having bathrooms and a laundry adjacent. The placement of a store in this location will result in greater use of the side setback area and may result in a perceived loss in privacy, however no major openings or active habitable areas will be directly impacted.

Makes effective use of space for enhances privacy for the occupants or outdoor living areas.	The structure does not enhance privacy as there are no major openings facing each other on the impacted eastern side boundary, but rather encourages greater use of the side setback area between the lot boundary and the dwelling on the subject property.
Does not have any adverse impact on the amenity of the adjoining property.	The structure will extend the roofing of the dwelling to the lot boundary, providing an outlook of mainly roofing from the impacted neighbour's property. The structure on the boundary will not contribute positively to the amenity of the impacted neighbours' property.
Positively contributes to the prevailing development context and streetscape.	The prevailing development context is single residential with setbacks to the side boundaries to reflect the low density coding of the area. Building to the boundary is inconsistent with the streetscape character and inconsistent with the prevailing development context of space around the dwellings.

11.0 Conclusion

The application seeks approval for a store on the eastern side of the existing dwelling. The proposal involves variation to the lot boundary setback deemed-to-comply provisions of the R-Codes with a nil setback proposed in lieu of the required 1m. The variation is not considered to comply with the relevant design principles of the R-Codes as the proposed store will not contribute to the prevailing streetscape and prevailing development context, does not make effective use of space to enhance privacy for occupants and will have a negative impact on the amenity of the neighbouring property.

Accordingly, the application is recommended to the Council for refusal.

11.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application, the following wording and conditions are recommended:

Council approves the development application for proposed Additions (Store) to the existing Single House at (Lot 7) No. 66 Wood Street, Swanbourne, in accordance with the application received 23 March 2016 and amended plans received on 14 April 2016, subject to the following conditions and advice notes:

Conditions:

1. The approval only relates to the proposed store on the eastern side of the dwelling.
2. The development shall at all times comply with the approved plans.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
4. The store not being used for habitation or commercial purposes.

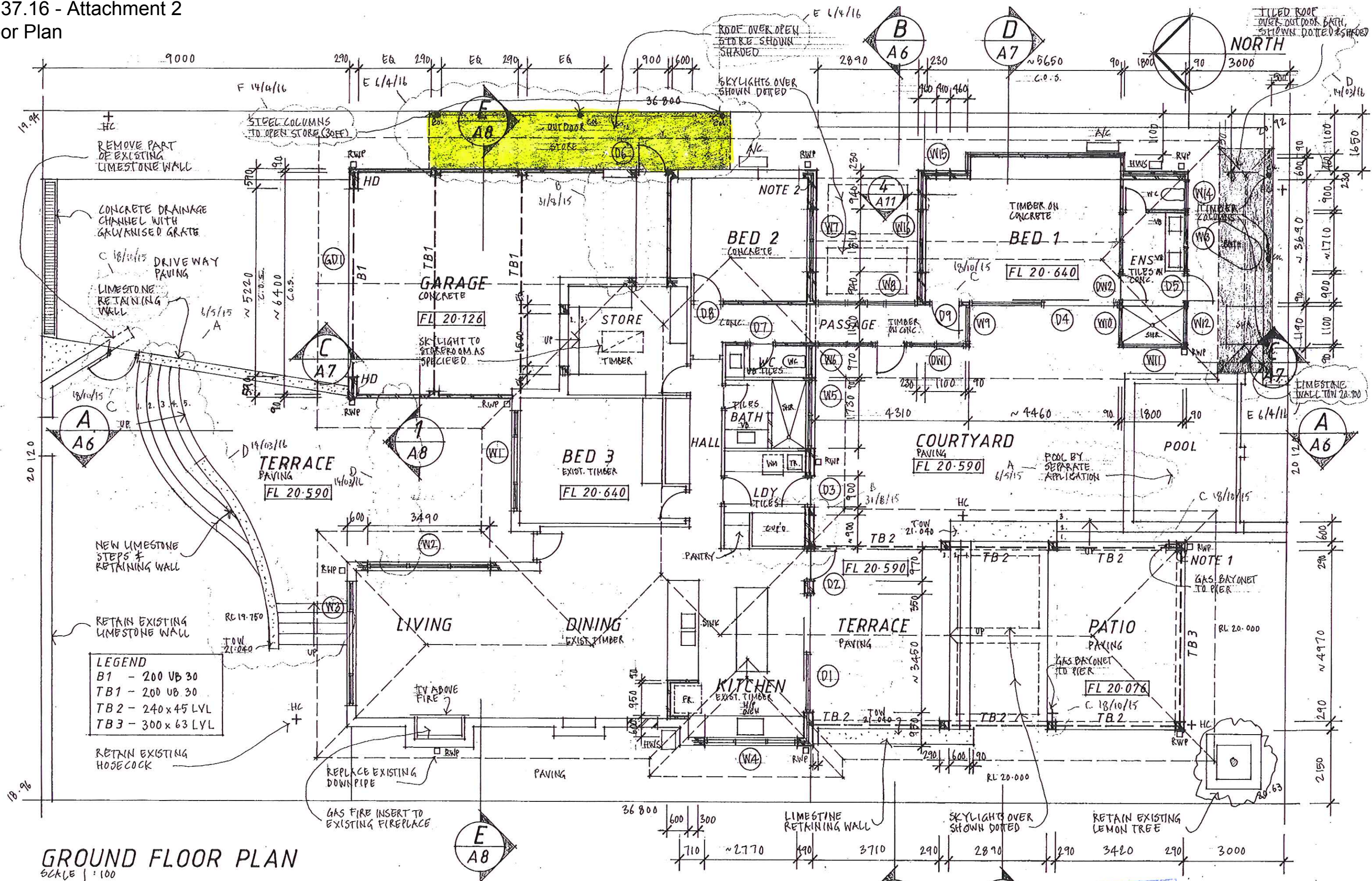
Advice Notes:

1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands, noting the design will need to include adequate fire separation measures.
2. With regard to condition no. 3, to achieve compliance with this requirement it is recommended that stormwater is contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells to have a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. Each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
3. 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.



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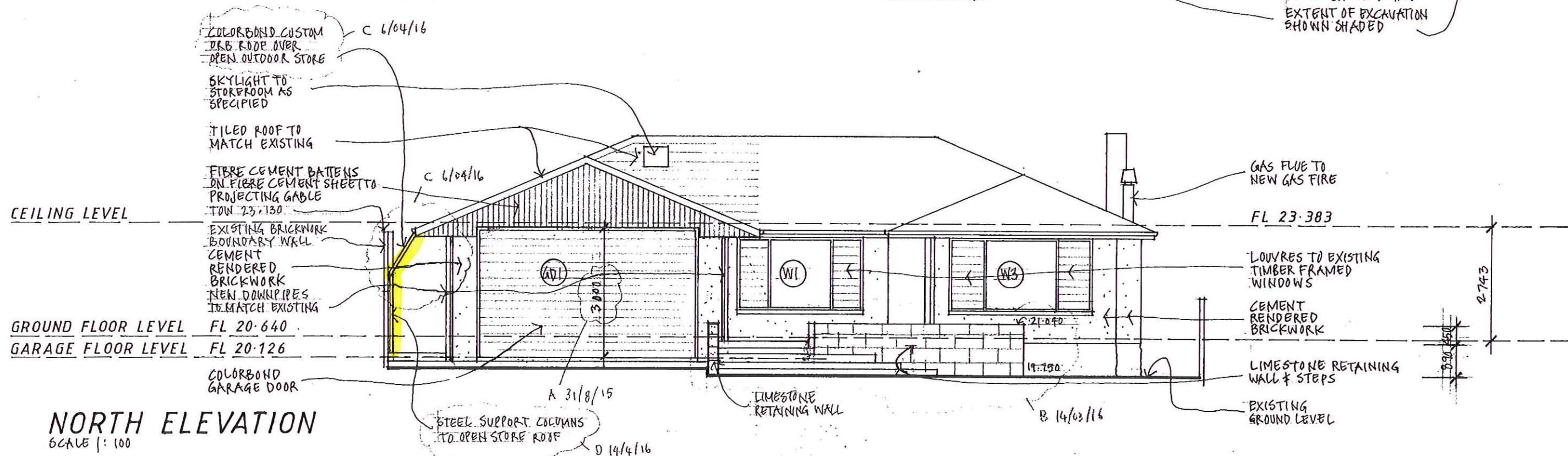
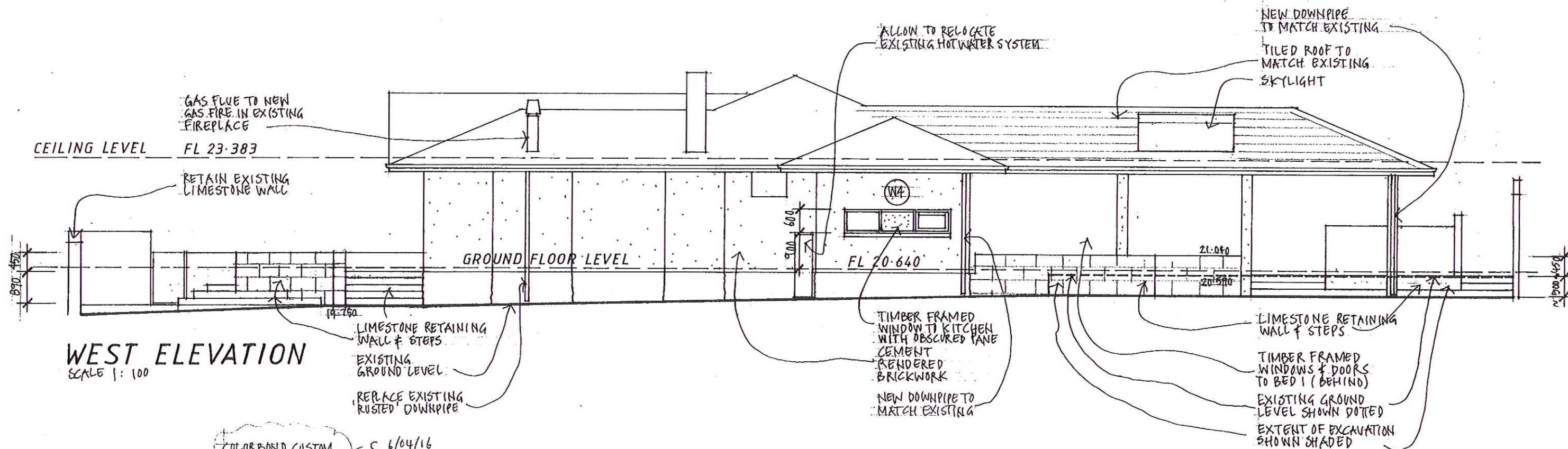
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ALTERATIONS & ADDITIONS
66 WOOD STREET, SWANBOURNE

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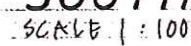
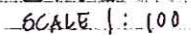
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ALTERATIONS & ADDITIONS
66 WOOD STREET, SWANBOURNE



A4 D




A5.







PD38.16	(Lot 7) No. 66 Wood Street, Swanbourne – Retrospective Additions (Patio) to Single House
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Committee	12 July 2016
Council	26 July 2016
Applicant	Ranlak Pty Ltd
Landowner	G M & C J O'Sullivan
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA16/95 & DA15/163
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan 3. North and West Elevations 4. South and East Elevations 5. Site Photographs

1.0 Executive Summary

A retrospective development application has been received for a rear patio addition to a single house to cover an outdoor bathroom. The application has a variation to the rear lot boundary setback with the patio having a 0.5m setback in lieu of the required 6m.

The proposal was advertised to impacted neighbouring landowners for comment with two objections received during the consultation period.

The patio is not considered to meet the relevant lot boundary setback design principles of the Residential Design Codes and is therefore recommended for refusal.

The application has been referred to Council for determination as officers do not have the delegation to refuse an application where discretion exists for Council to approve the variation/s under the City's Town Planning Scheme No. 2, policies and the R-Codes or when objections have been received.

Additionally a separate development application has been lodged for a proposed store on the eastern side of the dwelling which is the subject of a separate report to Council.

2.0 Recommendation to Committee

Council refuses the retrospective application for Additions (Patio) to Single House at (Lot 7) No. 66 Wood Street, Swanbourne, in accordance with the application received 23 March 2016 and amended plans received 14 April 2016, for the following reasons:

- 1. The patio does not comply with the design principle of Clause 5.1.3 as the reduced patio setback:**
 - a. Has a negative impact on neighbouring properties in terms of building bulk and amenity;**
 - b. Does not provide an effective use of space for the occupants; and**
 - c. Is contrary to the prevailing development context which comprises of mainly 6m rear setbacks being provided.**

Advice Notes:

- 1. Please be advised that if the rear patio structure is not removed within 28 days of the date of this determination to the City's satisfaction, a planning infringement notice will be issued as a prescribed offence under the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

3.0 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.

4.0 Legislation

- *Planning and Development Act 2005* (Act).
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
- Residential Design Codes WA 2015 (R-Codes).
- Council Policy – Neighbour Consultation.

5.0 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.

6.0 Risk management

Should Council refuse the application, the applicant may appeal Council's decision.

7.0 Background

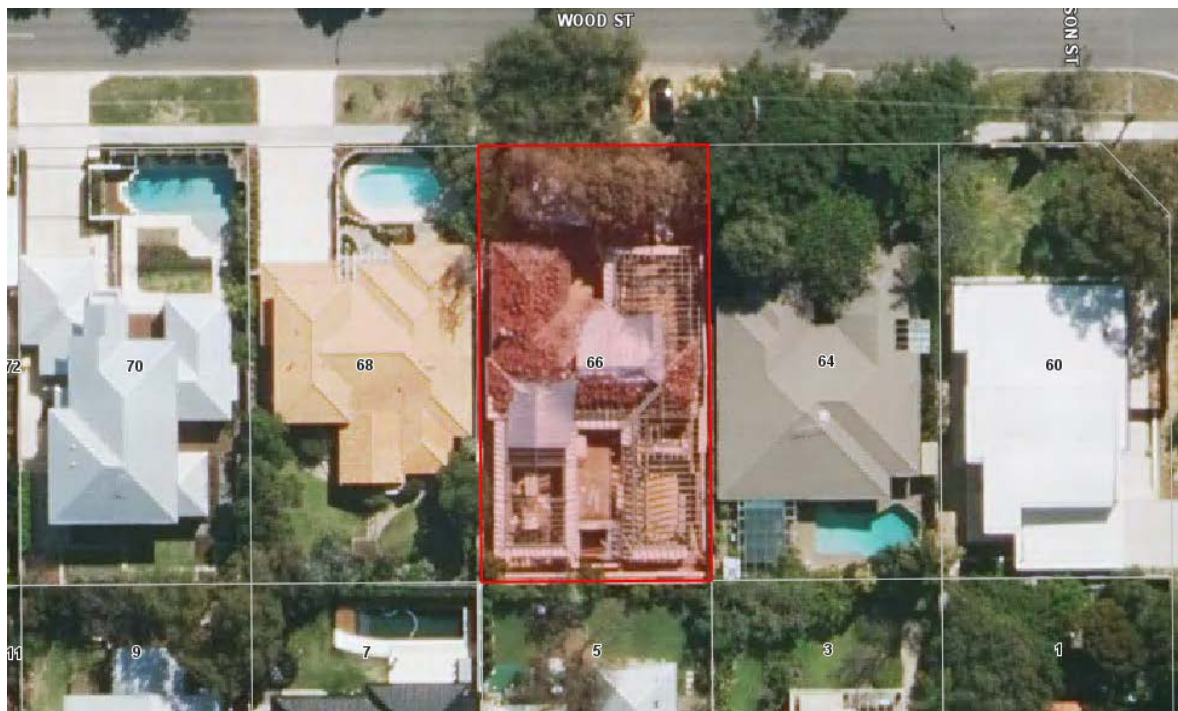
Lot area	741.1m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R15
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

In May 2015, rear extensions and some modifications to the existing single house were approved. The additions included a variation to the rear setback with a minimum 3m setback provided in lieu of the required 6m.

The applicants have subsequently added an external bathroom (bath and shower) and cover to this area to the rear of the approved extensions without planning approval, reducing the approved setback of 3m down to 0.5m (see attachments 1-4). The City became aware of this through compliance investigation and requested the submission of planning and building applications.

The subject property has a slope of approx. 1-1.5m from the western boundary down to the eastern side boundary in accordance with the original natural ground levels.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks retrospective approval for a rear patio addition to cover an outdoor bathroom to an existing dwelling, details of which are as follows:

- a) 2.8m wall height above natural ground level;
- b) 3m roof height above natural ground level;
- c) 10.4m² roof area;
- d) 1.65m eastern side boundary setback; and
- e) 0.5m rear lot boundary setback.

A setback of 0.5m is considered to be a 'building on boundary' under the provisions of the R-Codes.

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

- *"The outdoor bathroom is an efficient use of space;*
- *The outdoor bathroom is at the existing ground level is not overlooking and not overlooked; privacy is maintained;*
- *The outdoor bathroom sits behind existing boundary wall, only the ridge of the structure will be visible; the structure does not adversely impact the amenity of the adjoining property to the south;*
- *The eaves height of the structure is slightly lower than the existing boundary wall height and therefore direct sun to outdoor living areas for the adjoining property to the south is not restricted; and*
- *The design of the structure matches the existing development and compliments the prevailing development."*

The applicant's justification is addressed in the following sections of this report.

9.0 Consultation

The development application was advertised to affected landowners for comment due to the patio being setback 0.5m in lieu of 6m from the southern (rear) boundary. The following is a summary of the concerns raised:

- a) As the patio has been built without Council approvals, it may not have been built to contain stormwater appropriately;
- b) The reduced setback has increased levels of noise audible from the property, resulting in a loss of perceived privacy;
- c) The roof of the patio is 'grass/thatched' and given the reduced setback poses a fire risk to neighbouring properties. There was a fire on the property during the construction recently;
- d) Noise and visual impact are affected by the disparity of the heights of the properties – the difference between the two properties is around 1-2m;
- e) The outdoor bath is visible from the neighbouring properties with or without a roof cover;
- f) We object to any further rear setback variation from the previously approved 3m variation; and
- g) We believe that setbacks are an important measure in maintained the outlook from our property as well as maintaining privacy.

The development application is compliant with the applicable requirements with the exception of the matters discussed in the following sections.

10.0 Statutory Provisions

10.1 Amenity

Provisions	Assessment/Comment
<p>Clause 5.5.1 of TPS2:</p> <p><i>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 development reduces the rear setback and has therefore reduced the amenity of neighbouring properties through a loss of privacy and impact of additional building bulk in an area where the majority of dwellings have a 6m rear setback. The dividing fence is the only screen between the properties for this area.</p>
<p>Clause 67 of Regulations:</p> <p><i>In considering an application for development approval, the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:</i></p> <p><i>b) the requirements of orderly and proper planning;</i></p> <p><i>m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the including , but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p> <p><i>n) the amenity of the locality including the character of the locality;</i></p> <p><i>p) whether adequate provision has been made for the landscaping of the land to which the application relates;</i></p> <p><i>y) any submissions received on the application.</i></p>	<p>The patio is already in place without planning approval, however the application is required to be dealt with no differently than proposed development applications.</p> <p>The majority of lots within the area have a setback of 6m or more to the dwellings with pergolas (not classified as a building) and swimming pools the only structures within the rear setback areas. The patio is considered to have a negative impact on neighbouring properties in terms of building bulk as a result of the reduced rear setback and also a negative impact on the amenity with a perceived loss of privacy due to the reduced setback provided.</p> <p>The extension of the building further towards the rear of the lot with the internal courtyard paved and containing a swimming pool offers little opportunity for landscaping of the lot behind the front setback area which is contrary to the prevailing development context of landscaped rear yards.</p> <p>The neighbouring landowners have observed the patio and deemed its impact unacceptable, rather than having to visualise the impact of a proposed development and then deem if the development is acceptable. This gives additional weight to their submissions in terms of the perception of privacy and appearance of the development as viewed from neighbouring properties.</p>

10.2 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
Rear setback – 6m	0.5m

Variations to the Deemed-to-Comply requirements can be considered subject to satisfying the following Design Principle provisions:

Design Principles	Assessment/Comment
Reduce impact of building bulk on adjoining properties.	The proposed patio increases the impact of the existing rear setback variation as viewed from neighbouring properties (see attachment 3).
Provide adequate access to direct sun and ventilation to the property and adjoining properties.	The patio location does not impact upon the major openings and outdoor living areas of neighbouring properties.
Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	The reduced setback of the patio provides a smaller separation between active habitable spaces to neighbouring properties and therefore noise and light from the subject property has more impact on neighbouring properties than the previous design which had a 3m setback and no external fixtures (outdoor bathroom) to create noise directly adjacent to the rear lot boundary.
Makes effective use of space for enhances privacy for the occupants or outdoor living areas.	The patio over the outdoor bathroom is likely located at the rear of the approved extensions due to the internal ensuite adjacent. These facilities can be located elsewhere on the property to reduce the impact on neighbouring landowners and make more effective use of existing covered areas.
Does not have any adverse impact on the amenity of the adjoining property.	
Positively contributes to the prevailing development context.	The prevailing development context is a 6m rear setback to the dwellings and therefore the development cannot be considered to contribute to this development context with a reduced setback of 0.5m vastly less than the rear setback provided on other properties.

11.0 Conclusion

The application seeks retrospective approval for a patio to the rear of the property and involves variation to the lot boundary setback 'deemed-to-comply' provisions of the R-Codes. The variation is not considered to comply with the relevant 'design principles' of the R-Codes as the proposed patio increases the appearance of building bulk as viewed from neighbouring properties, is contrary to the prevailing development context of the locality of a 6m rear setback and has resulted in a perceived loss of privacy to neighbouring properties.

Accordingly, the application is recommended to the Council for refusal.

11.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application, the following wording and conditions are recommended:

Council approves the retrospective development application for Additions (Patio) to the existing Single House at (Lot 7) No. 66 Wood Street, Swanbourne, in accordance with the application received 23 March 2016 and amended plans received on 14 April 2016, subject to the following conditions and advice notes:

Conditions:

1. The approval only relates to the proposed rear patio.
2. The development shall at all times comply with the approved plans.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

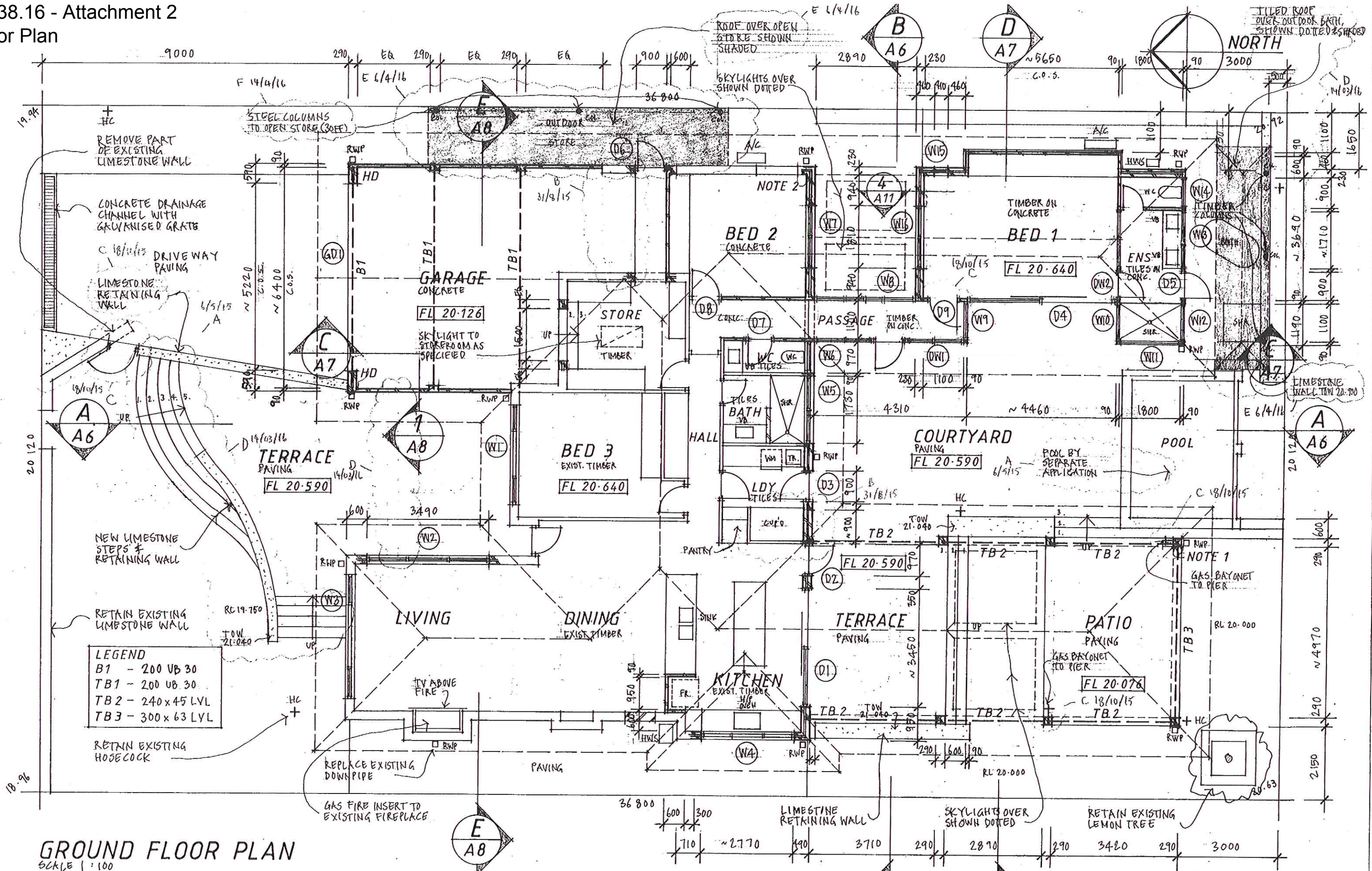
Advice Notes:

1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.
2. With regard to condition no. 3, to achieve compliance with this requirement it is recommended stormwater is contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells to have a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. Each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
3. 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.



ALTERATIONS & ADDITIONS
66 WOOD STREET, SWANBOURNE

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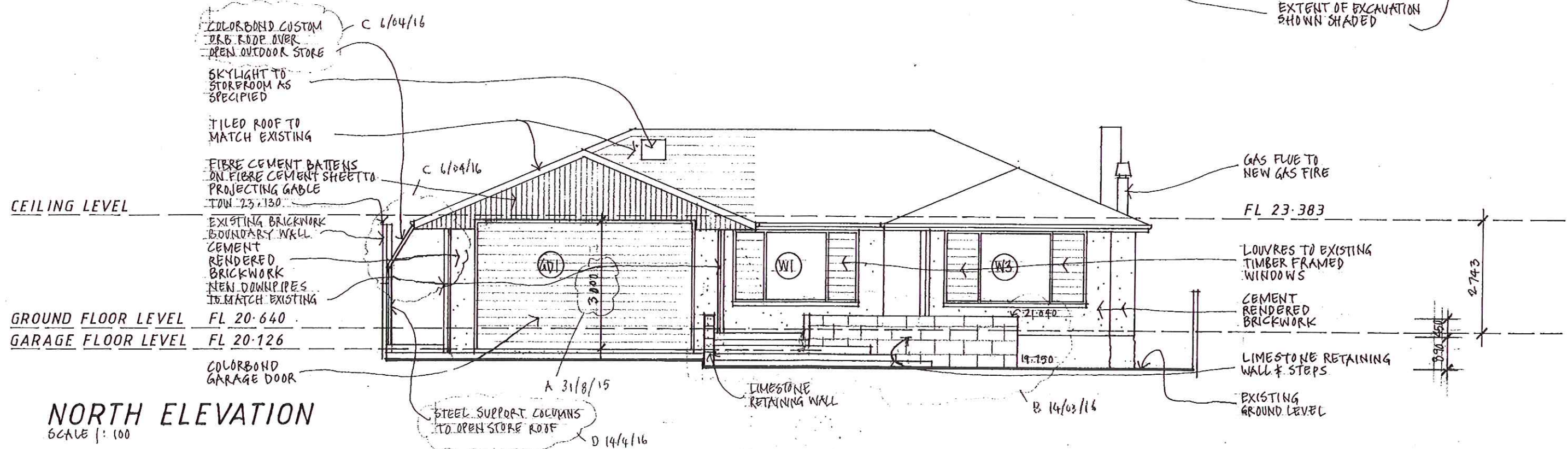
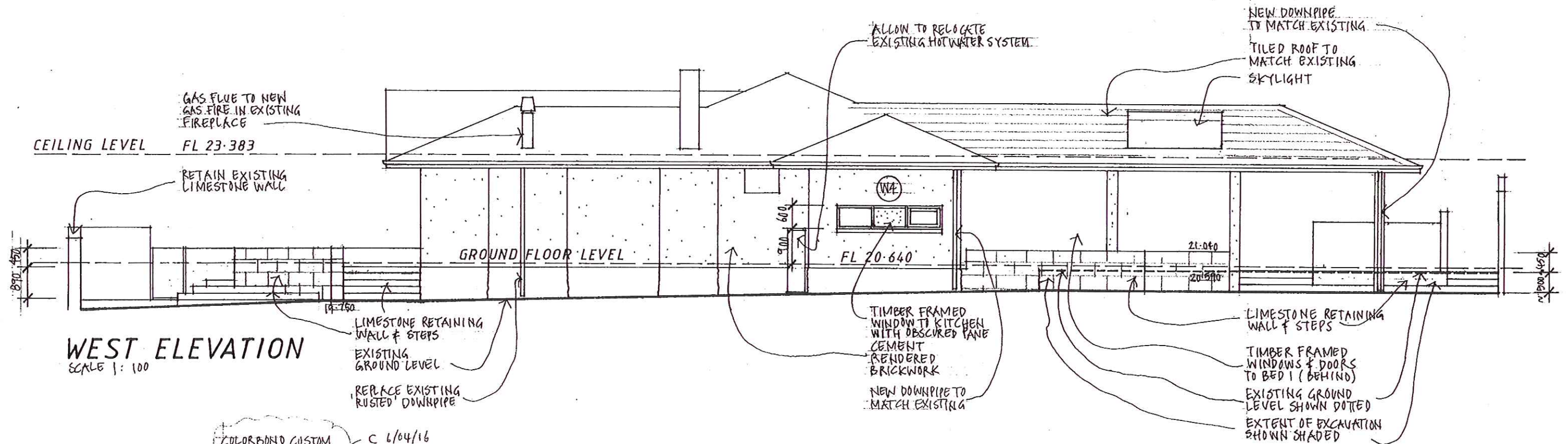
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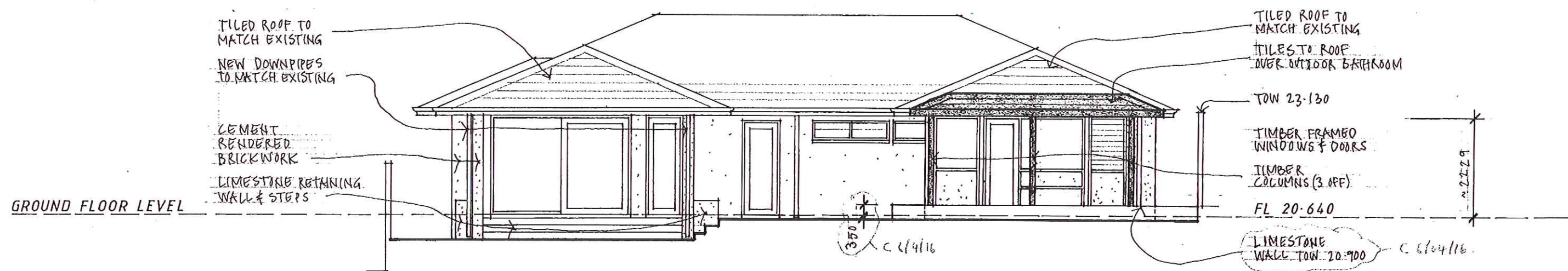
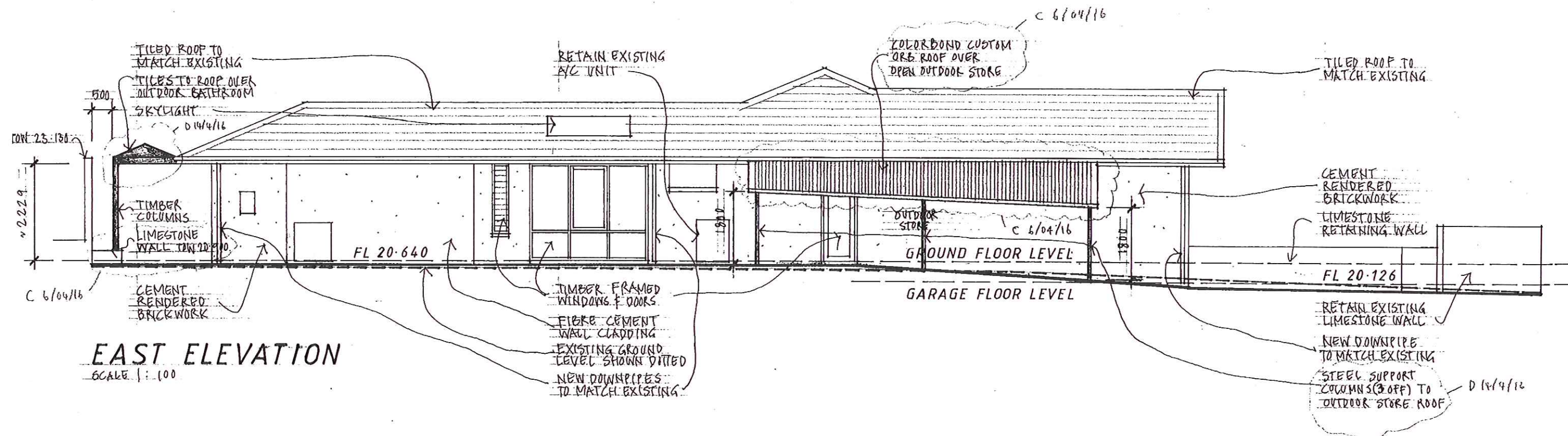
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ALTERATIONS & ADDITIONS
66 WOOD STREET, SWANBOURNE



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ALTERATIONS & ADDITIONS
66 WOOD STREET, SWANBOURNE

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A5 D.






**Outdoor
Bathroom**

**Length of shadow cast on eastern
property – 2nd June @ 4pm**



PD39.16	(Lot 6) No. 12 Davies Road, Dalkeith – Front Fencing to Southern Side Boundary
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Committee	12 July 2016
Council	26 July 2016
Applicant	G J & J H O'Neill
Landowner	G J & J H O'Neill
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA15/422 & DA16/145
Previous Item	Item PD16.16 – April 2016
Attachments	<ol style="list-style-type: none"> 1. Partial Site Plan 2. Detail of Posts 3. South Elevation

1.0 Executive Summary

The proposal is for fencing within the front setback along the southern side boundary. The fence is proposed to be solid up to 1.8m in height and therefore does not comply with the deemed-to-comply requirements of the Residential Design Codes or the City's Fill and Fencing Council Policy which permits solid fencing up to 1.2m in height.

This application was previously referred to Council in April 2016 where the application was approved subject to modification to make the fencing visually permeable. The application has been re-lodged for reconsideration based on a misunderstanding of what Council has discretion to consider and approve.

One (1) submission was received during the consultation period objecting to the height and design of the fencing. Where an objection has been received, administration does not have the delegation to determine the application and therefore the application is referred to Council for determination.

The fencing material proposed is timber-lap in contrast to the fencing along the front boundary which is rendered brick with wrought iron in-fill. The provision of a solid 1.2m high fence with visually permeable in-fill above to a height of 1.8m will afford the same levels of privacy and match the existing front boundary fencing. The application is therefore recommended for approval subject to modifications to ensure compliance with the R-Codes, TPS2 and Council Policy.

2.0 Recommendation to Committee

Council approves the development application to construct fencing within the front setback along the southern side boundary at (Lot 6) No. 12 Davies Road, Dalkeith, in accordance with the plans dated 8 December 2015 subject to the following conditions and advice notes:

Conditions:

- 1. Amended plans are submitted with the building permit demonstrating the fencing is reduced to 1.2m in height or 1.8m in height with visually permeable in-fill above a solid section no more than 1.2m in height.**
- 2. The development shall at all times comply with the approved plans as annotated in red.**
- 3. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**

Advice Notes:

- 1. The applicant is required to obtain a building approval for the fencing within the front setback from the City of Nedlands.**
- 2. 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.**

3.0 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.

3.0 Legislation

- *Planning and Development Act 2005 (Act).*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Metropolitan Region Scheme (MRS).
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Residential Design Codes WA 2015 (R-Codes).
- Council Policy – Neighbour Consultation.
- Local Planning Policy – Fill and Fencing.

5.0 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.

6.0 Risk management

Should Council refuse the application, the applicant may appeal Council's decision.

7.0 Background

Lot area	956m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R12.5
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The applicant has advised that a number of years ago the existing fencing within the front setback along the southern side boundary was removed due to its poor condition. This fencing was never replaced as a mature tree provided a certain amount of privacy between the property's front yards. The mature tree has since been removed – in agreement of both owners, and hence the front yards now are more open and the applicant wishes to provide more privacy to their front yard area through the provision of a solid fence which ranges from 1.65m in height at the front boundary up to 1.8m.

A previous application for the same fencing was approved with a condition to modify the design of the fencing at a Council Meeting in April 2016 (Council Resolution No. PD16.16). The same proposal has been re-lodged as a new development application as there was a misunderstanding at the previous Council Meetings with regard to the Council's ability to exercise discretion for fencing within the front setback which does not comply with the Council's Fill and Fencing Policy, therefore the proposal is being put to Council again.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks approval for a solid fencing within the front setback along the southern side boundary ranging from 1.65m up to 1.8m in height.

The applicant has provided a justification in support of the development application provided and a full copy of the applicant's submission received by the City has been given to the Councillors prior to the Council meeting.

9.0 Consultation

The development application was advertised to affected landowners for comment due to the solid portion of the fence exceeding 1.2m in height within the front setback area. The following is a summary of the concerns raised:

- The submitter believes that the proposed height for the first 9 metres of setback is too high as the Residential Design Codes allow 1.2m.
- The submitter believes the additional height proposed will be visually unappealing and it will box in the subject and neighbouring property, instead of creating a friendly, community feel, through a visual sense of openness.
- The submitter believes that the house entrance will be further obstructed by the fence.
- The submitter requests that the fence is no higher than 1.2m as they believe it will create the right balance between privacy and separation as well as providing a harmonious design to the street.
- The submitter believes the additional height of the fence will block out northern light during winter to their property.

The potential impact the fencing shall have on amenity is discussed in the following sections of the report.

10.0 Statutory Provisions

10.1 Amenity

TPS 2 Provision	Assessment/Comment
Under clause 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.	The fencing within the front setback area along the southern side boundary will be visible from the approach to the dwelling. The lowering of the solid section of the fencing to 1.2m will ensure that the fencing will reduce the bulk and scale of the fence as viewed from the street and neighbouring properties.

10.2 Street walls and fences

The proposal is not compliant with the following provision(s) of the deemed to comply requirements of the R-Codes:

Deemed-to-Comply Requirement	Proposed
Fences are to be visually permeable above 1.2m	South Boundary – Solid fence from 1.65m up to 1.8m in height

Variations to the Deemed-to-Comply requirements can be considered subject to satisfying the following Design Principle provisions:

Design Principles	Assessment/Comment
<p>Front fences are low or restricted in height to permit surveillance and enhance streetscape with appropriate consideration to the need:</p> <ul style="list-style-type: none"> For attenuation of traffic where the street is designated as a primary or district distributor or integrator arterial; and For necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial. 	<p>Although the fencing being along the south side boundary within the front setback does not have any implications in terms of passive surveillance from the dwelling, the additional height does not enhance the streetscape.</p> <p>Davies Road is not a primary or district distributor or integrator arterial road and the front setback area is not the main outdoor living area of the property.</p> <p>The applicant has advised of two properties within the immediate streetscape where the fencing is solid within the front setback along the side boundaries. This design of fencing is not compliant with the Residential Design Codes Design Principles nor the City's Fill and Fencing Council Policy and should not be able to proliferate due to the negative impact on the streetscape with regard to bulk</p>

	and scale of front fencing. An approval should not be granted on the basis of an approval of similar development within the locality, but rather based on the merits of the proposal taking into consideration the impact on the streetscape. The majority of dwellings within the street block on Davies Road have permeable fencing within the front setback or no fencing and therefore modifications are recommended to ensure the fencing will not have a detrimental impact on the streetscape.
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10.3 Local Planning Policy – Fill and Fencing

The proposal is not compliant with the following provision(s) of the Fill and Fencing Council Policy:

Policy Provision	Proposed	Assessment/Comment
<p>The height of solid fencing shall be a maximum of 1.2 metres from natural ground level.</p> <p>Any fencing which does not meet these requirements are required to:</p> <ul style="list-style-type: none"> a) meet the design principles of Clause 5.2.4 (Street walls and fences) and 5.2.5 (Sight lines) of the R-Codes; b) be assessed in terms of the developments likely impact upon streetscape; and c) be advertised in accordance with the Council's Neighbour Consultation Policy. 	<p>The fencing is solid to a height of 1.65m to 1.8m above natural ground level within the front setback along the southern side boundary.</p>	<p>As outlined above, the proposed fencing does not comply with the design principles of Clause 5.2.4 and is likely to have a detrimental impact on the streetscape due to the additional height.</p> <p>The impacted neighbouring landowner was consulted by the City who provided objections to the development which are summarised above.</p>

11.0 Conclusion

The proposal is to construct fencing within the front setback area along the southern side boundary at 1.65m to 1.8m in height above natural ground level. The proposal involves a variation to the deemed-to-comply provision of the R-Codes and the City's Fill and Fencing Council Policy.

The variation is considered not to be compliant with the relevant design principles of the R-Codes, amenity provisions of the City's TPS2 and requirements of the City's Fill and Fencing Council Policy. Accordingly, the application is recommended to Council for approval with modifications to ensure compliance with the City's abovementioned requirements.

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RECEIVED
20 MAY 2016

RESIDENCE 14 DAVIES ROAD

OPEN CARPORT

DRIVEWAY

PROPOSED NEW
PINEBLA FENCE

BOUNDARY 45260
RAISED GARDEN BED

12.00

11.80

11.00

10.46

STUMP

200 HIGH
RETAINING WALL

GARAGE

RESIDENCE 12 DAVIES ROAD

FRONT
BOUNDARY

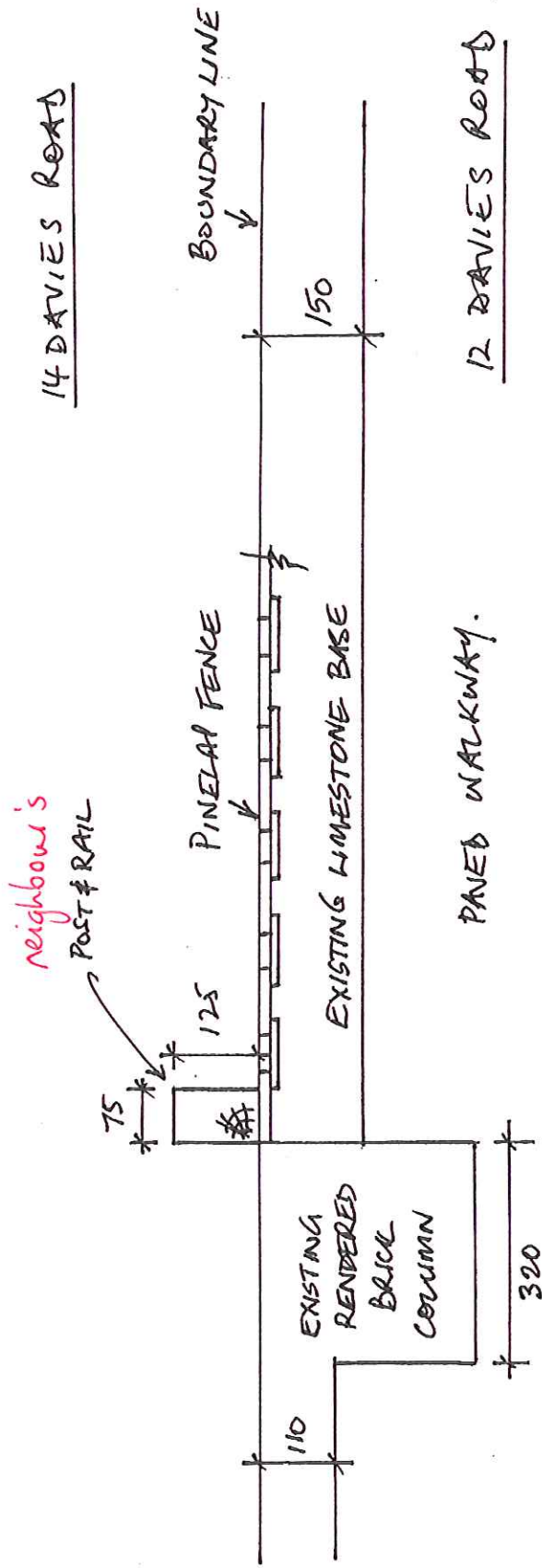


SCALE 1:100

SOUTH BOUNDARY SCREEN FENCE DETAIL

12 DAVIES ROAD, DARKEITH

CITY OF NEDLANDS
RECEIVED
20 MAY 2016



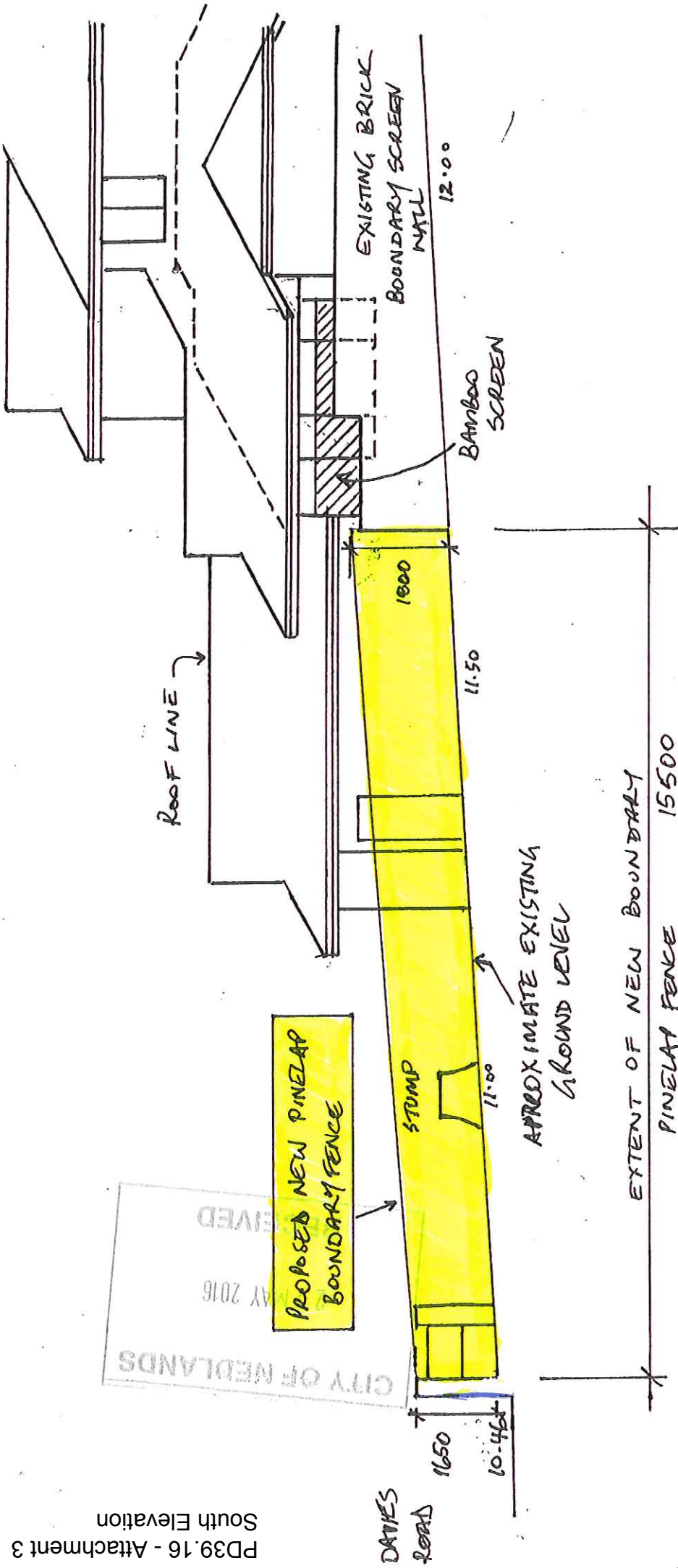
POST DETAIL SCALE 1:10

12 DAVIES ROAD, DARKEITH.

CITY OF NEDLANDS
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20 MAY 2016

CITY OF NEDLANDS
MAY 2016
RECEIVED




SCALE 1:100

SOUTH BOUNDARY SCREEN FENCE DETAIL

12 DAVIES ROAD, DARKEITH

CITY OF NEDLANDS
RECEIVED
20 MAY 2016

PD40.16	Cottesloe Golf Club Inc. – Proposal for Reserve 9299
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Committee	12 July 2016
Council	26 July 2016
Applicant	Cottesloe Golf Club Inc. as Lessee of Reserve 9299
Landowner	City of Nedlands as Management Body of Reserve 9299
Officer	Rebecca Boley – Leased Assets Coordinator
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	PD40.16
Previous Item	D51.11, 23 August 2011
Attachments	1. Development Proposal

1.0 Executive Summary

Cottesloe Golf Club Inc. lease Crown Reserve 9299 for purpose of a golf course, golf club and uses reasonably ancillary thereto. The Club have approached the City as landlord seeking in-principle consent to a proposed development of a portion of the reserve. The proposed development is the construction of 57 apartments for private sale. This item now considers the proposal from a landlord perspective.

2.0 Recommendation to Committee

Council refuses to endorse the Cottesloe Golf Club's proposal for a portion of its lease premises at Crown Reserve 9299.

3.0 Strategic Community Plan

KFA: Governance and Civic Leadership

This item focuses primarily on Council's position as landlord of Crown reserve land at Cottesloe Golf Course and attempts to assist with this role to ensure outcome aligns with the City's Key Focus Area of Good Governance and Civic Leadership. In the role of landlord of this reserve and lease premises Council must consider requirements of good governance and civic leadership in resolving on acceptable use of this community asset. Council is required to consider aspects of innovative leadership and at the same time wise stewardship.

4.0 Background

Reserve 9299 is a Class 'C' Crown reserve with designated purpose of "recreation". Management and control of the reserve is vested in the City of Nedlands through a management order (the Order). The Order includes a power to lease for the designated purpose for a term not exceeding 42 years subject to the approval in writing of the Minister for Lands being first obtained.

The current lease of Reserve 9299 by Cottesloe Golf Club Inc. (the Club) commenced on 1 March 2012 (the Lease). The Lease has an initial term of 21 years with a further term of 21 years. Item 6 of the schedule to the Lease records the permitted purpose as "Golf Course, Golf Club and uses reasonably ancillary thereto".

Clause 12 of the Lease, entitled "Use" provides that the Lessee must not use the Premises or any part of it for any purpose other than for the purposes for which the Premises are held by the Lessor, as set out at Item 6 of the Schedule (defined above).

Clause 11 of the Lease entitled "Alterations" provides that the Lessee must not without the prior written consent from the Lessor, from any other person from whom consent is required under this Lease... make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises...

The Club has approached the City seeking to receive in-principle consent to a proposed development of a portion of the Club's lease premises. The proposal is to construct an apartment building with some 57 apartments being offered for private sale. The proposal is outlined in Attachment 1. The Club advises that the objectives of the proposed development are:

- to deliver an outcome which allows the Club to undertake the strategic objectives to ensure the Club's long term future; including refurbishment and upgrade of existing ageing clubhouse facility and to complete a master plan for the site, including course improvements, irrigation upgrades, pathways, landscaping.
- is to provide a long term income stream to ensure the professional care and management of the reserve
- to deliver a residential alternative to members of the Club and the community when considering downsizing options.

5.0 Key Relevant Previous Council Decisions

On 23 August 2011 Council considered item D51.11 and resolved to approve the surrender of lease between the Cottesloe Golf Club and the City in favour of the current lease with initial term of 21 years + further 21 year term. Council made requirement for further conditions on the lease being; provision of safe pedestrian accessible linkages across outer parts of the course, measures to recognise safety issues for residences and pedestrian traffic abutting the course and installation of appropriate signage warning pedestrians of risks on course.

6.0 Legislation / Policy

Legislation relevant to this item are the provisions of the Land Administration Act 1997 (the Act). The Act provides for handling of Crown reserve land by a management body. Section 46 – Care, control and management of reserves notes requirements for management of reserve land in accordance with purpose of a management order. Section 18 provides for Crown land transactions that need Ministerial approval. Any such development as proposed by the Club would fall within this provision.

The Act would further guide any process to follow if Council resolved to endorse the Club's proposed development.

7.0 Consultation Process

Administration have met with the Club on several occasions to learn details of the Club's proposal. The Club has also presented to Councillors at a briefing session to advise details of proposal.

The City is not obliged to consult the public on this item. At this point it is a landlord matter for Council to resolve on, based on lease provisions, considerations of land tenure and purpose as well as Council debate.

Public Consultation required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Public consultation required by City of Nedlands policy:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If Council was to endorse the Club's proposed development of land there would be a necessary process of consultation with the Department of Lands to further the necessary process of excision of land from the reserve.

8.0 Budget / Financial Implications

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

Any financial impacts of this proposal will be borne by the Club as lessee.

If the proposed development were to proceed, the Club would be responsible for costs associated with achieving the proposed development (ie. Land survey costs, legal fees). Once land is excised from the reserve Department of Lands and the Club would negotiate any land sale direct. The City would be removed from dealings once land is no longer a reserve managed by the City.

9.0 Risk management

There is no foreseeable risk associated with Council refusing to endorse the Club's proposed development.

10.0 Discussion

Although the Club identify several benefits to the City of Nedlands through this proposal this item simply looks at the proposed use of a portion of Crown reserve land from a landlord perspective.

The proposed development to construct 57 apartments for residential private sale is in direct conflict with the designated purpose of “recreation” that is attached to Reserve 9299.

Furthermore the proposed development of land is in conflict with the purpose of the Lease which is a “golf course, golf club and uses reasonably ancillary thereto”. In effect the proposal would privatise public land for private benefit.

To progress such a development which is in conflict with both the reserve’s purpose and the Lease’s purpose would require the land to be removed from this framework of landholding which involves an excision process. Relevant land would need to be formally identified through a land survey and then excised from the Crown reserve for disposition to Club in freehold. This process would need to follow an application by the City to the Department of Lands to excise that land from Reserve 9299. To achieve the freehold status of land the Club desire would require Department of Lands as the Crown’s land administration representative to negotiate with the Club to process a sale of excised land to the Club.

Referring to the current land tenure and associated conditions of use for lease premises at Reserve 9299 the City as landlord is restricted to permitting land use that aligns with a golf course, golf club and recreational uses. The development of residential apartments for private sale does not align with these purposes.

11.0 Conclusion

The Cottesloe Golf Club’s proposal to construct 57 apartments for private sale on Reserve 9299 is not a use that accords the purpose of either the Lease or the purpose of the reserve as recorded in the Management Order over the land. For this simple reason Council as landlord is advised to refuse the lessee Club’s request for endorsement of the proposal for a portion of the reserve.

Should Council choose to approve the Club’s application the following alternative motion is provided:

Council

1. Endorses the Cottesloe Golf Club’s proposal to develop a portion of its lease premises at Crown Reserve 9299 in the manner advised in the Development Proposal (Attached);
2. Instructs Administration to apply to the Department of Lands to excise the relevant portion of Reserve 9299 for the purpose of the development;
3. Instructs Administration to formalise the necessary amendments to the Lease agreement to record any excision of Reserve 9299, with the financial costs of this process being borne by the Club as lessee; and

4. Delegates authority to the Chief Executive Officer and Mayor to sign any Variation of the Lease (required under point 3. of the alternative motion above) with application of the City's common seal.



Cottesloe Golf Club (Inc)
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Development Proposal



173 Alfred Road, Swanbourne WA 6010
PO Box 2512, Mt Claremont WA 6010

Tel: (08) 9384 3222 Fax: (08) 9383 2211 www.cottesloegc.com



Cottesloe Golf Club (Inc)
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Contents

1. Background
2. Cottesloe Golf Club today and looking into the future
3. Project Vision
4. Project Objectives
5. Target Housing Outcomes
6. Proposal
7. Preliminary Financial Outcome
8. Frequently Asked Questions



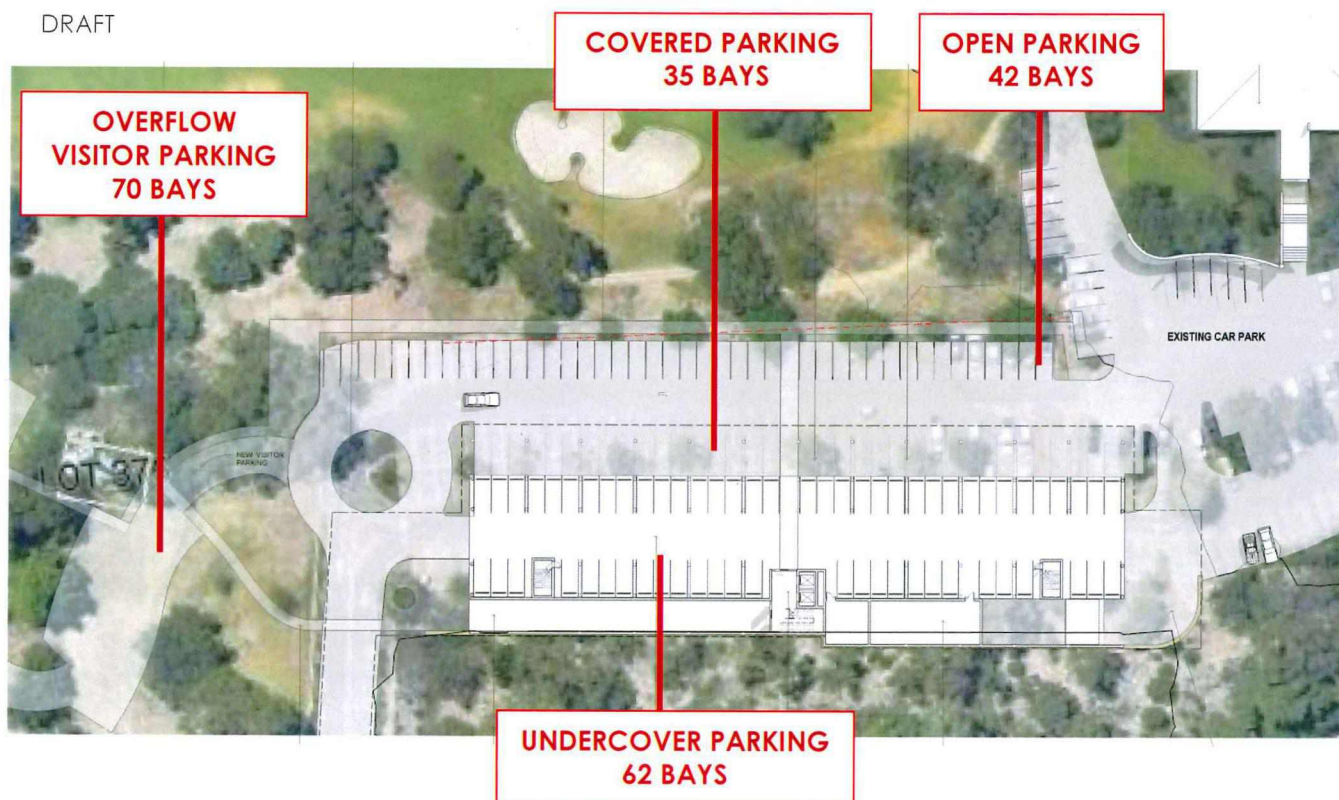


Cottesloe Golf Club (Inc)
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Preliminary Financial Outcome

REVENUE	Sale of 57 apartments (based on recent sales evidence)	\$68,210,000
	Less selling costs	(\$1,768,000)
	Less GST	(\$6,200,800)
	TOTAL REVENUE	\$60,241,200
COSTS	Land purchase based upon VG's indicative price/m ²	(\$8,800,000) (incl. GST)
	Land Acquisition costs	(\$595,600)
	Construction costs including 5% contingency	(\$35,962,000) (incl. GST)
	Other costs including professional fees, interest etc.	(\$9,517,000) (incl. GST)
	Less GST reclaimed	\$4,822,200
	TOTAL COSTS	(\$50,052,400)
PROJECTED NET PROFIT		\$10,188,800

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Cottesloe Golf Club (Inc)
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Project Vision

CGC has pursued the creation of a residential development on the Land with the vision "To develop a high quality residential apartment project, that accommodates the changing housing needs while allowing residents to remain living in their existing community, while enjoying the amenity and lifestyle offered by the golf course location."

Project Objectives

- To deliver an outcome which will allows CGC to undertake the strategic objectives.
- To provide a long term income stream to ensure the professional care and management of the Land.
- To deliver a residential alternative to members of CGC and the community when considering downsizing options.

Target Housing Outcomes

- 2 bedroom, 2 bathroom high quality apartments that are appropriately priced.
- Some smaller and larger apartments are included in the Development Proposal.
- An apartment product that allows for single floor living accessed by lifts.
- A residential community that provides security and amenity
- A housing product that is adaptable and accommodates universal design so that care can be provided in home, or at a minimum allow the residents to remain within the home despite restricted movement.
- Secure parking and sufficient storage with direct access from this area to individual apartments.
- Useable balcony spaces for outdoor entertainment.

* * * * *

"I am pleased to write in support of this exciting development proposal. It will provide a residential opportunity that will be unique to the western suburbs of Perth in terms of location and proximity to desirable lifestyle resources.

The steering committee and Board of Cottesloe Golf Club are to be congratulated for their foresight and drive with the project which will provide an outstanding addition to the golfing and tourism landscape in Western Australia."

IM (Max) Hannah
Chairman, Golf Western Australia

Frequently Asked Questions

1. **What is the likelihood of the project proceeding?**

The Development Proposal has been prepared for the City of Nedlands with the anticipated outcome being formal support for the Development.

Expressions of support have been received from or are anticipated to be received from:

- a) State Government: Local Member and Premier, the Honourable Colin Barnett.
- b) City of Nedlands – Workshops conducted with Councillor's and key Council staff have provided for positive and considered feedback.
- c) Department of Lands.

2. **Will CGC and or its members have any exposure to the costs associated with the Development?**

It is envisaged a Special Purpose Vehicle (SPV) specifically designed for these types of projects will be formed to undertake the Development. Expenses and costs will be incurred by the SPV with no exposure for CGC. Until land acquisition and developmental approvals are obtained an external entity will be meeting all costs associated with achieving the aforementioned.

3. **Would apartment owners/residents be required to be members of CGC?**

Yes, in order for them to obtain access via the front security gates and club house facilities membership would be necessary. The normal membership process will apply to all non-members purchasing an apartment.

4. **Are the apartments restricted to over 55s?**

Yet to be determined, but unlikely.

5. **Will owners have individual titles?**

All apartments will be Strata Titled. Owners will form a Strata Company which will elect a Council of Owners. The Council of Owners will be responsible for appointing a Strata Manager to collect strata fees/levies etc. As CGC will own the lower ground floor parking bays, CGC will have an automatic position on the Council of Owners.

6. **What is the anticipated cost to acquire the Land?**

The value will be determined by the Valuer General's Department. A land purchase value of \$8.8million has been used in determining the preliminary financial outcome based on an indicative valuation of the Land from the Department of Lands.

7. **Who would fund the acquisition of the land and the development?**

CGC is currently working through a number of funding options and the recommended option will be presented to members as one of the key deliverables to undertake the Development. The SPV will consider and be able to enter into normal funding arrangements.

8. **Will there be any tax implications for CGC on derived profits?**

No. From preliminary advice all profits will flow back to CGC and utilised to achieve the strategic objectives CGC will seek its own independent and professional advice at the appropriate time.

9. **Will the building have any Eco advantages?**

Yes, it is proposed that the roof will have sufficient solar panels to provide all the required power to service the undercroft and overflow parking areas as well as common areas.

10. **Why does the Land include the CGC driveway entrance?**

The Strata title owners need to have access guaranteed beyond the life of the CGC Lease. However, the CGC will be the titled owner of the undercroft car parking bays which will protect all rights of carriage way.

Background

Since 1931 Cottesloe Golf Club (CGC) has been the leaseholder of a parcel of Reserve Land 9299 (the Land). The Land is vested under the management of the City of Nedlands and in 2012 CGC entered into a 21 year lease with the provision of a further term of 21 years.

CGC not only recognises how privileged it is to be the custodians of the Land, but understands the obligation to preserve and manage the site with diligence and responsibility. The Club has demonstrated this by working closely with the City of Nedlands in order to maintain the high expectations of the members and the general community.

Cottesloe Golf Club today and looking into the future

With in excess of 1,800 members CGC is one of only a small number of golf clubs in Australia which enjoys full membership and is uniquely placed with a waiting list to join.

CGC is proud of its traditions and the part which it plays in the community. Not only does it encourage and promote all facets of golf from youngsters learning to play to the elderly still enjoying the sport, it sponsors tournaments and provides scholarships to talented young golfers from all over Western Australia. The CGC Board is very conscious of the need to preserve the heritage of this great Club and to ensure its existence well into the future. With the Graham Marsh Course Master Plan almost complete the course is considered to be one the country's best member golf courses and boasts over 35,000 rounds of golf played each and every year.

CGC's most important challenge is to now undertake a number of strategic objectives to ensure the Club's long term future. Some of these strategies include:

- Refurbishment and upgrading of the existing and ageing clubhouse facility and surrounds to meet the needs of members .
- Completion of the Graham Marsh Course Master Plan as well as course improvements which involve tee to fairway landscaping with native vegetation, the rollout of consistent pathways and irrigation upgrades.

CGC is very aware of the impact on housing opportunities due to the growing population the state is experiencing which is a key reason for the Development Proposal.

"I was very pleased to learn that Cottesloe Golf Club is going to take a leading position in developing accommodation on or near its course. I'm sure it will be well received by members and will only serve to strengthen the Club. The health of all our Clubs is paramount to Golf Australia."

John Hopkins OAM
Chairman, Golf Australia

Proposal

After extensive consultation with developmental advisors and City of Nedlands Councilors CGC considers the best location for the development is positioned above the outer member's carpark. The benefits of this location include:

- To optimise retention of remnant bush land between the carpark and Alfred Road
- Provision for covered, undercroft car parking for members
- Reduced land area required for the proposed construction

The Development Proposal offers significant benefits to CGC.

- Development profit to be invested for the long term benefit of members (as detailed in Project Objectives)
- Undercover and secure parking for members
- Enhanced entry statement
- Visitor and overflow carpark area
- Opportunity for members to reside in a safe and secure environment with immediate access to the facilities

** This package of information is provided to assist interested parties to understand the proposal. Information contained herein is preliminary and is subject to change as the development proposal evolves.*

DRAFT SITE PLAN





Cottesloe Golf Club (Inc)
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11. What is the variance between existing member car parks and the number proposed?
Currently the outer car park has 135 bays. The draft plans show approximately 70 new bays for overflow parking (non-members/visitors). In addition, 42 car bays remain along the northern wall and there will be 97 bays under cover exclusively for members, making a total of 209.
12. Has the club undertaken a traffic plan to determine what, if any, impact the development may bring to the area?
There has been some preliminary modeling but it is intended to undertake an independent study and submit the findings to the City of Nedlands.
13. How can a non-member prospective buyer of an apartment be certain that their application to join CGC will be successful?
The Offer & Acceptance Contract would include a condition that the Sales Contract is subject to the purchaser's membership application being successful. Should they fail to join the Club then the contract to purchase would terminate.
14. Will there be adequate member parking during the construction phase of the development?
There will be some inconvenience but the overflow parking (non-member/visitors) will be completed prior to any building construction being started.

The Development Proposal will benefit:

1. Members
All profits will be utilised to:
 - ✓ Undertake the strategic objectives including facilities.
 - ✓ Provide a long term income stream to ensure the professional care and management of the Land.
 - ✓ Deliver residential alternatives to members and the community.
2. State Government
 - ✓ Revenue from the sale of land.
3. Local Government
 - ✓ Comfort in knowing the Land will be managed with professional care with no financial constraints.
 - ✓ Additional revenue through rates and taxes.

