

# Planning and Development Reports

**Committee Consideration – 12 March 2013**

**Council Resolution – 26 March 2013**

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<b>PD09.13</b>	<b>No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House</b>
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<b>Committee</b>	12 March 2013 PD09.13 No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House
<b>Council</b>	26 March 2013

<b>Applicant</b>	J Corp Pty Ltd t/as Perceptions
<b>Owner</b>	Kandos Pty Ltd
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	DA12/413 : RO5/90
<b>Previous Item No's</b>	-
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Purpose**

This application is referred to Council for determination as officers do not have delegation to determine an application under instrument of delegation 6A, where valid objections have been received.

**Recommendation to Committee**

**Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:**

- 1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**
- 2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;**
- 3. all stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;**

4. further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;
5. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and
6. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

**Advice Notes specific to this approval:**

1. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
2. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second;
3. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
4. the applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties

prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring

**properties and if necessary take measures to suppress noise;  
and**

- 5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.**

### **Strategic Plan**

KFA 3: Built Environment

- 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.

### **Proposal Detail**

Property Address: No. 90 (Lot 51) Rosedale Street, Floreat

Zoning MRS: Urban

Zoning TPS No. 2: Residential, R12.5 coding

Lot Area: 943 m<sup>2</sup>

This application is for a two storey dwelling to be constructed at No. 90 Rosedale Street, Floreat. Refer to attachments 2 - 5 to view the plans of the proposed development.

### **Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation Period: 21 November 2012 – 5 December 2012

Comments received: Two (2) objections\*

\*Note: Two (2) separate objections were received from the same household. A full copy of the comments received by the City has been given to the City's Councillors prior to the meeting.

Summary of comments received:	Officers technical comment:
<p><b>Privacy</b> – <i>“..I have enjoyed the benefits of a large block on which my house sits. It has always given me privacy and peace. I believe that an alfresco, which I believe suggest entertaining and noise should be restricted to the required setback.”</i></p>	<p><b>Not upheld</b> – The proposed setback variation is considered to meet the relevant performance criteria of the Residential Design Codes. This is examined further in the Discussion section.</p> <p>Refer to attachment 6 to view the area of the alfresco (0.86m<sup>2</sup>) encroaching into the rear setback area.</p> <p>The majority of the alfresco is located behind the rear setback area. It is considered that the portion of the floor area within the rear setback area will not amplify noise from the alfresco.</p> <p>If the property was to front Kirwan Street, the boundary in question would be considered to be a side boundary rather than a rear boundary. If this was the case, an alfresco could potentially be approved setback 1m from the boundary.</p>
<p><b>Dividing fence</b> – <i>“I object to paying half the cost to remove and replace the existing fence which is perfectly sound and half the cost for a retaining wall at the fence line when there has never been a retaining wall before”</i></p>	<p><b>Not upheld</b> – This is not a planning consideration. Dividing fences are a civil matter and with the City having no jurisdiction. It is the responsibility of the affected property owners to consult and reach agreement for the repair and/or replacement of the fence.</p> <p>The <i>Dividing Fences Act 1961</i> outlines the process neighbours are to undertake for sharing the cost of building and maintaining a dividing fence.</p>

## Legislation

- City of Nedlands Town Planning Scheme No.2 (TPS2)
- Residential Design Codes (RCodes)
- Council Policy *Neighbour Consultation – Planning Applications*

## Discussion

Proposed variation to the Residential Design Codes – rear setback:

Proposal:	A portion (0.86m <sup>2</sup> ) of the proposed alfresco is setback 5.3m from the rear boundary (refer to attachment 6).
Requirement:	The RCodes at clause 6.3.1 A1 requires a minimum setback of 6m from the rear boundary.  Where the proposed setback does not comply, it is assessed under the relevant performance criteria.
Performance criteria:	<i>“Buildings setback from boundaries other than street boundaries so as to:</i> <ul style="list-style-type: none"> <li>• <i>Provide adequate direct sun and ventilation to the building;</i></li> <li>• <i>Ensure adequate direct sun and ventilation being available to adjoining properties;</i></li> <li>• <i>Provide adequate direct sun to the building and appurtenant open spaces;</i></li> <li>• <i>Assist with protection of access to direct sun for adjoining properties;</i></li> <li>• <i>Assist in ameliorating the impacts of building bulk on adjoining properties;</i></li> <li>• <i>Assist in protecting privacy between adjoining properties.”</i></li> </ul>
Applicant’s justification (summary):  Note: A full copy of the applicant justification received by the City has been given to the City’s Councillors prior to the meeting.	<i>The main part of the building is setback at minimum 6.8m from the rear however the setback from the alfresco to the rear boundary is 5.3m. This minor encroachment is due to the shape of the block.</i>  <i>Due to the positioning of the dwelling, orientation of the site and compliance with all other associated setbacks, the variation sought is minor.</i>

	<p><i>A larger building could be constructed on the site that would have a far greater impact on the adjoining property and yet be deemed to comply with the Acceptable Development Provisions of the RCodes.</i></p>
<p>Officer technical comment:</p>	<p>The variation is considered to be minor, with 0.86m<sup>2</sup> of the alfresco within the rear setback area (refer to attachment 6). It is noted that lot is irregular in shape and that the rest of the building is setback more than 6m from the rear boundary.</p> <p>The boundary between 90 Rosedale Street &amp; 85 Kirwan Street is classed as the rear boundary. This is because the property fronts Kirwan Street and the boundary opposite the front of the property is considered to be the rear boundary.</p> <p>The proposed development is considered to comply with the performance criteria mentioned above, for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The setback variation will not detrimentally affect access to direct sun or ventilation to the property or the adjoining property. There are no buildings on the adjoining property adjacent to the proposed alfresco.</li> <li>2. The encroaching area of the alfresco is 0.86m<sup>2</sup> which is considered to be minor. This area will not contribute to any impacts of building bulk on the adjoining property.</li> <li>3. The proposed setback variation does not diminish the protection of privacy between the properties. The floor level of the alfresco is lower than the existing ground levels in the location, therefore will not overlook the adjoining property.</li> <li>4. If the property was to front Kirwan Street instead of Rosedale Street, the boundary in question would be considered to be a side boundary rather than a rear boundary. If this was the case, an alfresco could potentially be approved setback 1m from the boundary.</li> </ol>

## Amenity and Other Considerations under the Scheme

### *Preservation of Amenity*

TPS2 clause 5.5.1 under section 5.5 *Preservation of Amenity* states:

*'Without limiting the generality of Clause 6.5 the 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 proposal is not considered to have an adverse affect on the amenity of the surrounding area or the locality.

The traffic and noise generated as a result of the proposal would be consistent with the expected traffic and noise levels in a Residential zone.

### *Consideration of Applications*

TPS2 clause 6.4.1 under section 6.4 *Consideration of Applications* states:

*'In considering any application for planning approval the Council may have regard to the appropriateness of the proposed use and its effect on the Scheme area, and in particular the provisions of this Scheme or any By-laws in force in the district and the relationship of these to the proposed development or use.'*

The land is zoned Residential R12.5, and the proposed 'Dwelling House' use is a use consistent for which the land is zoned.

The proposal has been assessed and is deemed to be in accordance with the Scheme (TPS2). It is considered that the proposed dwelling is appropriate, subject to the recommended conditions.

## **Conclusion**

The proposed two storey single house has been assessed against the provisions of the City of Nedlands Town Planning Scheme No.2, Residential Design Codes and Council's policies. The application complies with exception of the rear setback requirements of the Residential Design Codes. As discussed above the setback variation is minor and is considered to meet the relevant performance criteria.

For these reasons, it is recommended the application be approved subject to the recommended conditions.

## **Attachments**

1. Locality Plan
2. Proposed Site Plan
3. Proposed Elevations
4. Proposed Ground Floor Plan
5. Proposed Upper Floor Plan
6. Site Plan showing Required Rear Setback



Wednesday, 13 February 2013

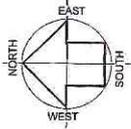
1:353

**PD09 -13 Attachment 1**  
Locality Plan

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



City of Nedlands



**LOT 51**

943sqm  
SANDY

NOTE: BOUNDARY POSITION AS PER ALIGNMENT REQUIRES REPEG SURVEY

NOTE: APPROXIMATELY 3.7 Km FROM COAST LINE

NOTE: ADD 5.93 TO ALL LEVELS ON PLAN TO OBTAIN APPROXIMATE A.H.D. LEVELS. THIS VALUE DERIVED FROM WATER CORP. AS CONSTRUCTED RECORDS & MAY NOT BE EXACT. AN A.H.D. SURVEY IS REQUIRED TO OBTAIN AN ACCURATE VALUE.

CLIENT:	DATE:	CLIENT:	DATE:	
BUILDER:	DATE:			
JOB#	SHEET#	10 OF 10		
80240	10			
REVISION	VO#	DRN	DATE	CHK
ADJUST RAW		MKN	26.11.12	MKN
ENGINEERING		MKN	21.11.12	MKN
SHR LETTER		RRT	14.12.12	GB
RET.ADJUST.		KJ	19.12.12	GB
RET.ADJUST.SHIRE		AB	17.01.13	GB

COASTAL CATEGORY 4

NOTE:  
N1 WIND CLASSIFICATION. REFER TO ENGINEERS SPECIFICATION.

NOTE:  
STORMWATER DISPOSAL BY BUILDER TO COUNCIL REQUIREMENTS.

NOTE:  
PROVIDE REFLUX VALVE.

**SITE COVERAGE:**

BLOCK AREA: 943 m<sup>2</sup>  
HOUSE & GARAGE/STORE AREA: 193.30 m<sup>2</sup>  
TOTAL COVERAGE: 20.50%

LOCATION	GRANO m <sup>2</sup>	B/PAVED m <sup>2</sup>
Alfresco, A/C Plint & Porch	00.60	31.99
Garage, Store Path, & Drive	48.41	48.13

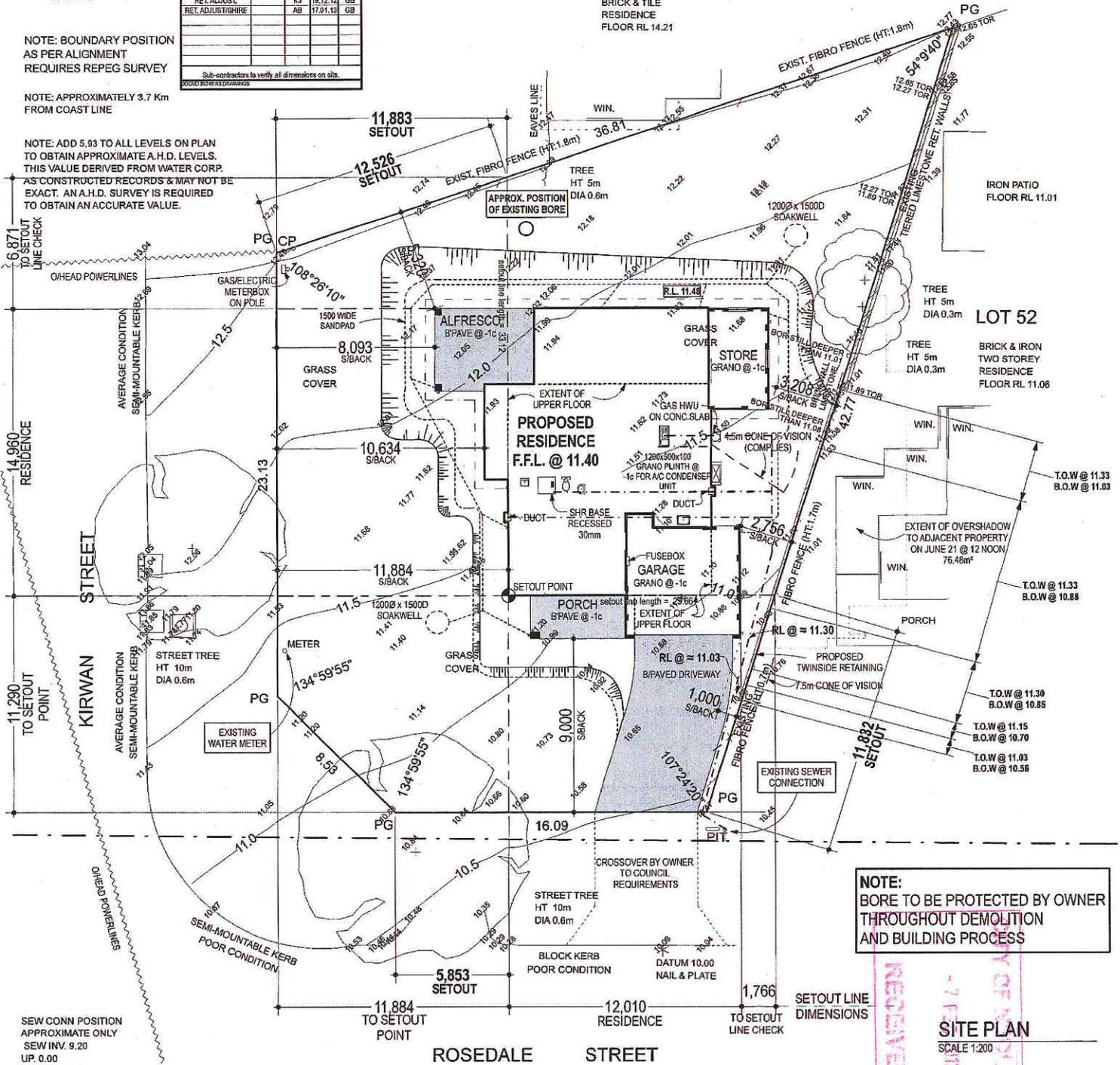
**WARNING!**  
BOUNDARY RE-PEG SURVEY  
REQUIRED TO CONFIRM PEG POSITIONS

**PLANNING REQUIRED**  
• FOR REDUCED REAR SETBACK  
• FOR BALCONY OVERLOOKING

**WARNING!**  
OVERHEAD POWERLINES

**LOT 53**

BRICK & TILE  
RESIDENCE  
FLOOR RL 14.21



**NOTE:**  
BORE TO BE PROTECTED BY OWNER THROUGHOUT DEMOLITION AND BUILDING PROCESS

**SITE PLAN**  
SCALE 1:200

CLIENT	CHISWELL	BUILDER	PERCEPTIONS
LOT	51 ROSEDALE STREET	AUTHORITY	NEDLANDS
SUBURB	FLOREAT	MAP REF.	371 18 50
PLAN	6210	C/T Vol.Fol.	1227 312
DATE OF SURVEY	28.08.12	SCALE	1:200 @ A3
JOB No. OURS:	180827	YOURS:	80240

SERVICE INFORMATION				SEWERAGE	YES	DEPTH	1.25m
GAS	YES	WATER	YES	PRELAI			
AREA	ESTABLISHED	TELSTRA	YES	POWER	O/H		
WATER	SV STOP VALVE	HY HYDRANT	FP FLUSH POINT	METER	WATER METER		
SEWERAGE	SEWSEWER MANHOLES	INSPECTION SHAH	INSPECTION OPENING	GAS	GAS METER		
POWER	CP CONSUMER POL	PP POWER POLE	LP LAMP POST	SP STAY POLE	PD POWER DOME		
STORMWATER	SW MANHOLE	GRATE	SIDE ENTRY PIT	TELSTRA	PIT TELSTRA PIT		
SURVEY	PF PEG FOUND	Pdist PEG DISTURBED	PG PEG GONE	STATION	*	DATUM / CONTROL	

**AUTOMATED SURVEYS**  
LICENSED SURVEYORS AND DEVELOPMENT CONSULTANTS

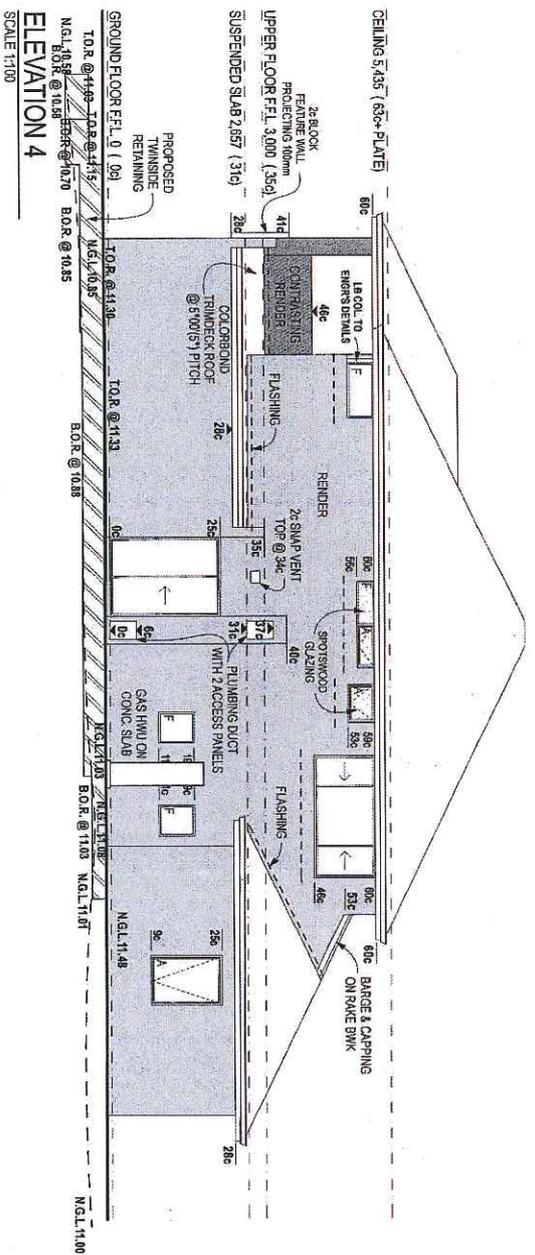
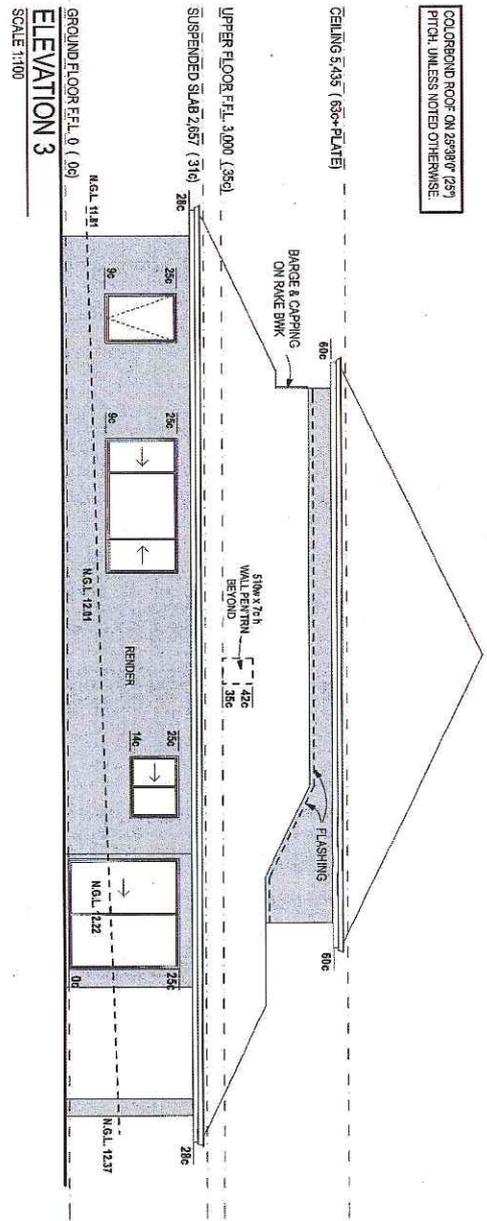
**PD09 -13 Attachment 2**  
Proposed Site Plan

on this drawing is current as at the date of survey.  
to be confirmed with relevant Authorities.  
without limitation:  
erage, Water Supply, Drainage, Power Supply, Gas Supply & Communications.  
sts / notifications / encumbrances may be listed on the Certificate of Title.  
boundary in relation to fences or boundary markers is not guaranteed.  
located arbitrarily as per best fit. Repeg Survey will be required.  
© Automated Surveys Pty. Ltd. All rights reserved.





COLORBOND ROOF ON 28°38'0" (25°)  
PITCH, UNLESS NOTED OTHERWISE.



CITY OF HIGHLANDS  
 - 7 FEB 2010  
 RECEIVED

**PERCEPTIONS**  
LUXURY FOR LIFE

229 Balcolta Road Balcolta WA 6021  
Telephone: (08) 9481 5500 Facsimile: (08) 9481 5561  
P.O. Box 115, Mt. Hawthorn, W.A. 6015.  
Reg. Builder No: 6415, A.C.N. 009 083 076.  
A Division of J. Corp Pty. Ltd.

REVISION	VO #	DRN	DATE	CHK
ADJUST RW		AP	30.10.12	GB
ENGINEERING		MKN	20.11.12	MKN
SHIRE LETTER		RR	14.12.12	GB
RET. ADJUST.		KJ	19.12.12	GB
PET. ADJUST/SHIRE		AB	17.01.13	GB

CLIENT: .....  
 DATE: .....  
 CLIENT: .....  
 DATE: .....  
 BUILDER: .....  
 DATE: .....

CLIENT:  
**M. & L. CHISWELL**  
 ADDRESS:  
**LOT 51 (#90)  
 ROSEDALE STREET  
 FLOREAT PARK**

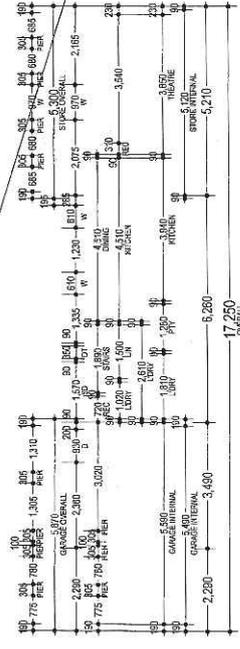
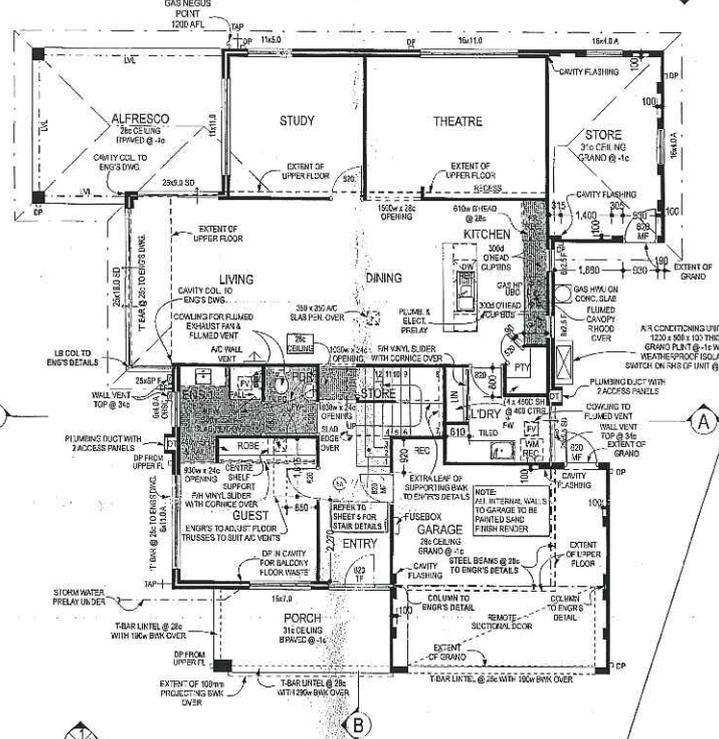
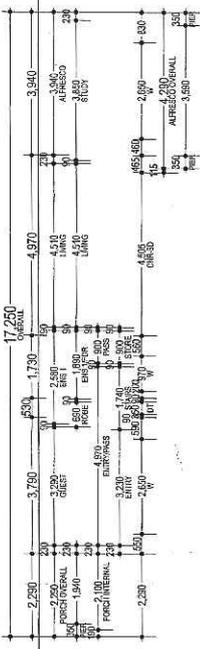
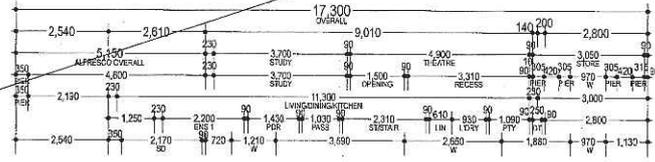
© COPYRIGHT

<b>THE MAYFAIR</b>	
Ultra Premium Specification	MODERN
MODEL N°	DATE
7460	17.01.13
MAP REF.	WIND RATING
371 18 50	N2
COASTAL CATEGORY	ENGINEERS DETAIL
4	
JOB N°	SHEET N°
80240	4 OF 10

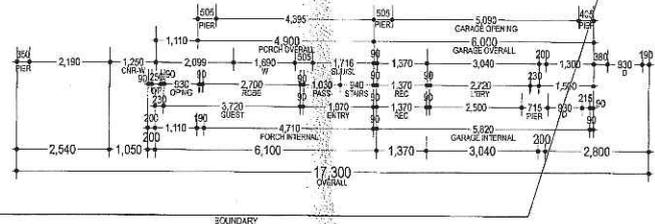
NOTE:  
 - R.A.P. INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE, GARAGE & STORE.  
 - LOCATION OF DOWNPIPES & INDICATING ONLY AND MAY BE CHANGED AT BUILDERS DISCRETION.  
 - PROVIDE 50mm ANTI-FORM INSULATION TO CARPARK FLAT ROOF AREA.  
 - PROVIDE HOOD IRON HOLDING DOWN STRAPS TO DCA 3.3.3.3 (b).  
 - CL @ 3% THROUGH-OUT GROUND FLOOR UNLESS NOTED OTHERWISE.  
 - FLOOR WASTES AND DRAIN VENTS SHOWN DIMENSIONALLY ONLY.  
 - (S) DENOTES SMOKE ALARM

NOTE:  
 - THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG.

AREAS:	PERIM. (m)	AREA (m <sup>2</sup> )
HOUSE AREA (Ground)	55.68	447.19
GARAGE	25.18	16.49
ALFRESCO	18.38	21.18
STORE	16.38	16.53
PORCH	14.38	11.22
<b>GROUND ROOF AREAS</b>		
<b>AREA (m<sup>2</sup> ON THE FLAT)</b>		<b>115.27</b>



GROUND FLOOR  
 SCALE 1:100



NOTE:  
 PROVIDE REFLUX VALVE.

(S) A/C WALL REGISTER

NOTE:  
 - UNDERCUT INTERNAL DOORS 25mm TO ALLOW AIR RETURN TO RETURN AIR GRILLE.  
 - OWNER TO ORGANIZE THE SUPPLY & INSTALLATION OF REVERSE CYCLE AIR-CONDITONING DURING CONSTRUCTION.

BUILDERS NOTE:  
 PROFILE SITE SHOWN FOR COUNCIL REASON ONLY

NOTE:  
 - TOP OF FOOTINGS FOR PERS TO GARAGE, PORCH, STORE & ALFRESCO ARE TO BE 20 BELOW FINISHED PARKING LEVEL.  
 - ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE RAW DIMENSIONS ONLY WHICH DO NOT INCLUDE PLASTER OR METAL READING TO BRICKWORK.  
 - FLOORTECH SUSPENDED FLOOR SLAB TO UPPER FLOOR TO ENGINEERS DETAILS.  
 - CLAY BRICKS TO ALL INTERNAL WALLS.  
 - ACRYLIC RENDERED FINISH TO EXTERNAL WALLS.

CITY OF HERRING ISLANDS  
 RECEIVED  
 - 7 FEB 2010

**PD09 -13 Attachment 4  
 Proposed Ground Floor Plan**

**PERCEPTIONS**  
 LUXURY FOR LIFE

220 Kestrel Road Palmdale WA 99571  
 Telephone (81) 848 5300 Facsimile (81) 848 5301  
 750, 800 The Mall, Bussellton, WA 98545  
 Reg. Builders No. 94161 ACT 11, 000543 076  
 A Licence # 4, 000 796 142

REVISION	VO #	AP	DATE	CHK
ADJUST R/W	MKN	AP	30.10.12	GB
ENGINEERING	MKN	MKN	20.11.12	MKN
SHIRE LETTER	RR	RR	14.12.12	GB
RET. ADJUST.	KJ	KJ	19.12.12	GB
RET. ADJUST/SHIRE	A3	A3	17.01.13	GB

CLIENT: M. & L. CHISWELL  
 DATE: 17.01.13  
 CLIENT: M. & L. CHISWELL  
 DATE: 17.01.13  
 BUILDER: PERCEPTIONS  
 DATE: 17.01.13

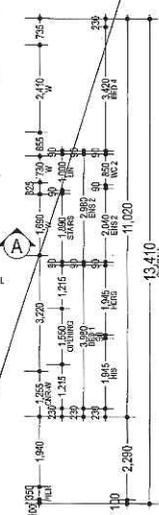
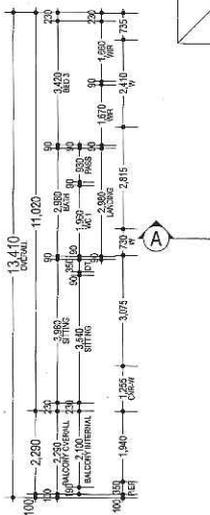
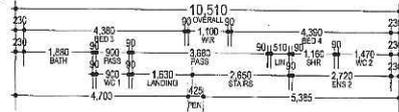
CLIENT: M. & L. CHISWELL  
 ADDRESS: LOT 51 (#90)  
 ROSEDALE STREET  
 FLOREAT PARK

THE MAYFAIR	
Like Premium Specification	MODERN
VOCL W	
MAP REF: 7469	DATE: 17.01.13
COASTAL CATEGORY: 371 18 50	DVD PAIRING: N2
JOB #: 4	ENGINEERS DFN:
80240	SHEET #: 1 OF 10

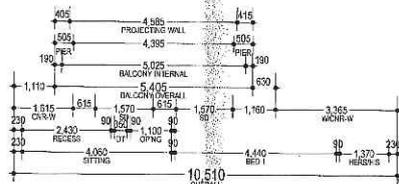
- NOTE:
- CLAY BRICKS TO INTERNAL WALLS.
  - R10 INSULATION TO ALL ROOFED CEILING AREAS OF HOUSE, GARAGE & STORE.
  - 50mm ANTI-COIL TO FLAT ROOF OVER GARAGE ONLY.
  - FLOOR WASTES AND CEILING VENTS SHOWN DIAGRAMMATICALLY ONLY.
  - PROVIDE HOOP IRON HOLDING DOWN STRAPS TO R.C.D. 8.3.3.3 (f)

(S) DENOTES SMOKE ALARM

AREAS UPPER		
	PERIM. (m)	AREA (m <sup>2</sup> )
HOUSE AREA (Upper)	43.06	115.82
BALCONY	15.58	12.82
<b>UPPER ROOF AREAS</b>		
AREA (m <sup>2</sup> ON THE FLAT)	150.90	



UPPER FLOOR  
SCALE 1:100



- NOTE:
- UNDERCUT INTERNAL DOORS 25mm TO ALLOW AIR RETURN TO RETURN AIR GRILLE.
  - OWNER TO ORGANIZE THE SUPPLY & INSTALLATION OF REVERSE CYCLE AIR-CONDITIONING DURING CONSTRUCTION.

BUILDERS NOTE:  
PROFILES SHOWN FOR COUNCIL REASON ONLY

- NOTE:
- THIS DRAWING IS TO BE READ IN-CONJUNCTION WITH ENG'S DWG.

- NOTE:
- ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE RAW DIMENSIONS ONLY WHICH DO NOT INCLUDE PLASTER OR METAL BEADING TO BRICKWORK.
  - FLOORED & SUSPENDED FLOOR SLAB TO UPPER FLOOR TO ENGINEER'S DETAILS.
  - CLAY BRICKS TO ALL INTERNAL WALLS
  - ACRYLIC RENDERED FINISH TO EXTERNAL WALLS UNLESS NOTED OTHERWISE.

RECEIVED  
 7 FEB 2010  
 CITY OF NEWCASTLE

## PD09 -13 Attachment 5 Proposed Upper Floor Plan

**PERCEPTIONS**  
LUXURY FOR LIFE

229 Seabrook Road Belmont WA 6011  
Telephone (08) 9441 8200 Fax (08) 944 8091  
PO Box 115, Mt. Pleasant, WA, 6015,  
New South Wales, Australia  
A Division of Corp Pty Ltd

REVISION	VO #	DRN	DATE	CHK
ADJUST RAW		AP	30.10.12	GB
ENGINEERING		MKN	20.11.12	MKN
SHIRE LETTER		RR	14.12.12	CB
RET.ADJLS		KJ	19.12.12	GB
RET.ADJUSTSHIRE		AB	17.01.13	GB

Sub-contractors to verify all dimensions on site.

CLIENT: .....  
DATE: .....  
CLIENT: .....  
DATE: .....  
BUILDER: .....  
DATE: .....

CLIENT:  
**M. & L. CHISWELL**  
ADDRESS:  
**LOT 51 (#90)  
ROSDALE STREET  
FLOREAT PARK**

**THE MAYFAIR**

Ultra Premium Specification	DATE	MO/DE/EN
WORLD REF:	7463	17.01.13
WAF REF:	371 18 50	N2
CONTRACT NO/ENCLRY	4	ENGINEERS DETAIL
JOB NO	80240	SHEET NO
		2 OF 10



<b>PD10.13</b>	<b>Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings</b>
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<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013

<b>Applicant</b>	Burgess Design Group
<b>Owner</b>	Mr and Mrs. Venoutsos- Lot 289 (No 123) Dalkeith Road
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	TPN/A200
<b>Previous Item No's</b>	-
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

### **Purpose**

The purpose of this report is for Council to consider an application to initiate an amendment to the Town Planning Scheme No. 2. Burgess Design Group has submitted an application to amend the zoning of Lot 289 (No. 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use'. The proposal will facilitate the development of three dwellings at the site.

### **Recommendation to Committee**

#### **Council:**

1. **initiates the proposed scheme amendment to rezone Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings;**
2. **instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.**

## **Strategic Plan**

### **KFA 3: Built Environment**

- 3.2 Encourage the development of diverse residential and commercial areas to meet the future needs of the whole City.
- 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
- 3.5 Develop and implement precinct plans for key areas in the City.

## **Background**

Property Address: Lot 289 (No. 123) Dalkeith Road, Dalkeith

Zoning MRS: Metropolitan Region Scheme

Zoning TPS No. 2: Town Planning Scheme No. 2

Lot Area: 1011 m<sup>2</sup>

A service station has operated at the Lot 289 (No. 123) Dalkeith Road since the late 1950's. The current owners of the site have been operating the business for the past 20 years. The surrounding area of the subject site is mainly characterized by low density single residential housing, with a small group of shops located directly east of the subject site. Together they combine to function as a small local hub.

## **Proposal Detail**

The proposal is for an amendment to Town Planning Scheme No. 2. The scheme amendment proposes to rezone Lot 289 (No. 123) Dalkeith Road from 'Service Station' zone to 'Residential' zone with an additional use that permits for three dwellings. The potential rezoning and redevelopment of the site will require the removal of existing underground petrol storage tanks, which if not removed may pose a future issue for the City.

The applicant has raised the following points in support of the proposal:

1. The proposed change of zoning to residential reflects the surrounding land uses.
2. On the basis of removing an undesirable land use from a predominantly residential area that generates greater activity than a residential zoning would, an increase in density from the R10 density coding that ordinarily applies in this area to residential properties to an equivalent R30 density coding is appropriate.
3. Although the proposed zoning under Draft LPS No. 3 is not yet known, given the Draft Scheme has not yet been released for public consideration, the likelihood is that 'Service Station' zone will not be included in LSP No. 3, and the site may be classified as

‘Commercial / Retail’ or ‘Residential’ with an additional use of ‘Service Station’ in accordance with current State requirements to rationalise uses.

4. The cost of remediation of the site and the inability to sell the business leaves the landowner in an undesirable financial position given the years he has put into the business.

### Consultation

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

At this stage of the process there is no need for public consultation. If Council initiates this proposed amendment to Town Planning Scheme No. 2 and a favourable response is received from the Environmental Protection Agency, it will be advertised for 42 days in accordance with legislative requirements.

### Legislation

- *Planning and Development Act 2005, (part 5)*
- *City of Nedlands Town Planning Scheme No. 2*

### Budget/financial implications

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

This proposal has no budget implications for the City at this stage other than the processing of the application.

The proposal has no financial implications for the city.

### Risk Management

The risk to Council if it decides not to initiate this scheme amendment proposal is that the council be instructed by the Minister for Planning to amend the site’s zoning under s76 of the Planning and Development Act 2005.

The risk to Council if it decides to initiate this scheme amendment proposal is that it loses control of the final outcome.

## Discussion

### Current function of site

The use classes of “Dwelling Houses – Single, Grouped /Attached or Multiple dwellings” are not permitted uses under the site’s current zoning of ‘Service Station’.

The service station assists the shops in Princess Road by generating business and providing a source of overflow parking.

One of the traders in this group of shops, ‘Feast Restaurant’ has a parking arrangement with the service station. The arrangement was formalised to permit the restaurant to operate with 25 seats rather than 20 seats as long as two parking bays at the service station are made available ([2010] WASAT 53).

### Proposed Zoning

The proposed zoning for the service station is ‘Residential’ with an additional use. The additional use outlines what is permitted on the site. It is a mechanism that has been widely used for smaller lots within the City resulting from historic subdivision practices. The proposed additional use for the service station site is:

1. *“Three (3) Single or Grouped Dwellings;*
2. *Dwellings shall comply with the relevant provisions of the Residential Design Codes as they would normally apply to the ultimate density to which the site is developed.”*

After assessing the proposal it is considered that this particular mechanism (residential zone with an additional use) is acceptable. It is noted that the proposal facilitates the service station to be developed according to the R30 density code.

### Future planning for the area

This part of the City has not been identified as a growth area. There are no specific plans that direct the future of this area. However, some broad planning has occurred namely:

1. The Strategic Community Plan, which identifies this site as being part of a potential hub.
2. The Draft Local Planning Scheme No 3, which is based on the premise that existing uses in areas not identified for development are retained.

The Strategic Community Plan confirms Council's long-term intent to pursue hubs. The service station is identified in this document as being a part of a potential hub. Given its location and function, it is reasonable to draw the conclusion that this hub will not be anymore than one that serves its immediate locale.

It is likely that a more generic use class category will apply in the Draft Local Planning Scheme No. 3 in line with state planning's rationalisation of schemes, which would potentially allow for residential use in addition to the existing service station use.

#### Impact of proposed Scheme Amendment

From a planning perspective there are arguments for and against this proposal.

The following counts in favour of progressing this proposal:

1. As the proposed use of this lot for residential purposes aligns with the uses of lots surrounding it, the proposal is expected to blend into the area.
2. The proposed amendment aligns with the already existing handful of smaller lots in the area that are as a result of historic subdivision practices, both an R20 and R30 density code equivalent, and would not negatively impact the area. An example of a relatively recent subdivision at R30 is the land on the corner of Adelma Place and Waratah Avenue that previously accommodated the Bridge Club, which was subdivided into three lots of approximately 330m<sup>2</sup> each.
3. The proposal would contribute to housing diversity in the City.
4. The resulting availability of land could be used to enhance the capacity of the existing shopping area by providing space for the necessary parking shortfall that currently limits the shopping area and due to additional households being introduced in the area.

The following counts against this proposal:

1. In the absence of detailed planning having been done for the area this proposal amounts to ad hoc planning, which is contrary to the orderly and proper planning, and set an undesirable example.
2. Implementation of this proposal potentially will impact on the viability of the current business area as it will result in a decrease in activity and will impact on the adjoining neighbour along the northern boundary of the site, who would have three neighbours as opposed to the current one neighbour.

3. The proposal limits the potential expansion of the commercial activities of a future “hub” for the area

Ideally, planning actions such as scheme amendments should occur within a strategic framework in order to ensure comprehensive development of an area. In this instance the need for comprehensive planning is to provide certainty regarding to the potential of a “hub” for the area. Accordingly this approach would suggest that it is not appropriate to support this rezoning proposal.

However given the low density low rise residential nature of the area, and the location of the existing shopping area in this area, it is likely that a potential ‘hub’ identified in the Strategic Community Plan will remain a locally focussed area characterised by low intensity activity.

Within this context the aspects in favour of supporting this proposal outweigh those against the proposal, despite the concern that ad hoc scheme amendments are generally not desirable.

### **Conclusion**

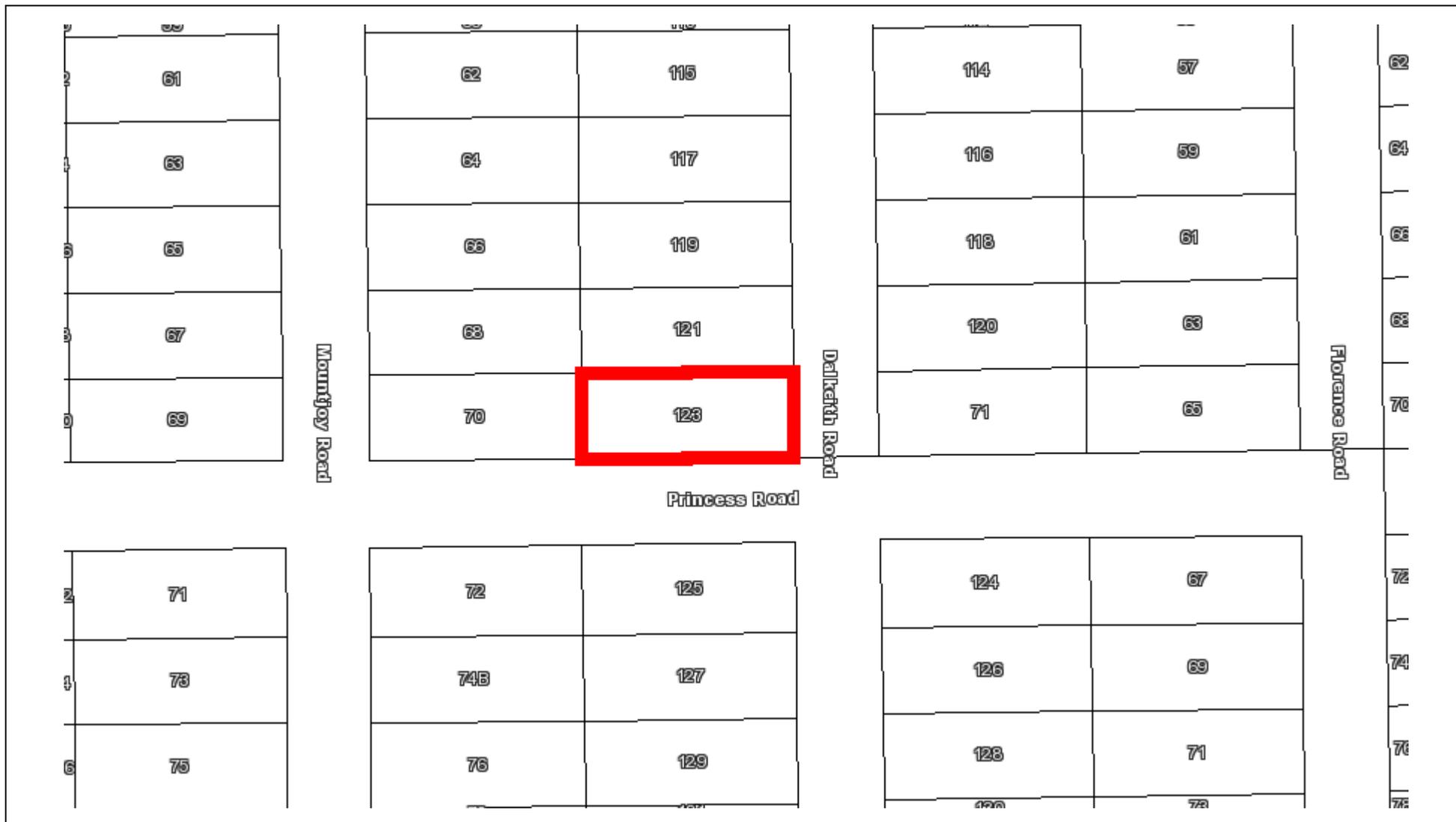
The proposed scheme amendment will impact the property to the north of the subject site and the Feast Restaurant. However its impact on the overall area in the short or long term is likely to be neutral, or potentially positive if the opportunities that are created are capitalised on.

Whilst there are a number of arguments in favour and against the proposal, on balance it is considered that there is sufficient planning merit to support that this proposal commences and go for public consultation. Given the amount of planning merit for this proposal it is also not expected to negatively impact subsequent planning in the City.

It is therefore recommended that the scheme amendment initiated.

### **Attachments**

1. Locality Map
2. Scheme Proposal



City of Nedlands

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

Thursday, 21 February 2013

1:1338



# **CITY OF NEDLANDS**

**TOWN PLANNING SCHEME NO.2**

**AMENDMENT NO.XX**

**PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**CITY OF NEDLANDS**

**TOWN PLANNING SCHEME NO.2 – AMENDMENT NO.XX**

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act 2005 (as amended) amend the above Local Planning Scheme by:

**Rezoning Lot 289 (No.123) Corner Dalkeith and Princess Roads, Dalkeith from “Service Station” to Residential and apply an “Additional Use” to the site with the following details to be inserted into Schedule 1 – Additional Uses:**

	Lot No.	Street	Zone	Additional Use Permitted
	289	Corner Dalkeith and Princess Roads	Residential	<ul style="list-style-type: none"><li>• Three (3) Single or Grouped Dwellings;</li> <li>• Dwellings shall comply with the relevant provisions of the Residential Design Codes as they would normally apply to the ultimate density to which the site is developed.</li></ul>

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

## SCHEME AMENDMENT REPORT

1. LOCAL AUTHORITY : CITY OF NEDLANDS
2. DESCRIPTION OF LOCAL PLANNING SCHEME : TOWN PLANNING SCHEME NO.2
3. TYPE OF SCHEME : DISTRICT ZONING SCHEME
4. SERIAL NUMBER FOR AMENDMENT : XX
5. PROPOSAL : Rezoning Lot 289 (No.123) Corner Dalkeith and Princess Roads, Dalkeith from "Service Station" to Residential and apply an "Additional Use" to the site to permit the development of up to three dwellings on the property.

### REPORT

#### Introduction

This rezoning seeks to facilitate the removal of an existing "Service Station" use whilst allowing for the redevelopment of the site for residential purposes. The Amendment will provide the City of Nedlands with a surety as to what can, and will be developed over the site ensuring that it meets with Council's objectives and the community's vision for the area.

The following report provides an overview of the site characteristics, the local context, findings of preliminary investigations and explains the rationale of the scheme amendment proposal.

#### Site Description and Details

Lot 289 (No.123) Dalkeith Road, Dalkeith is registered in the ownership of Anne Venoutsos, Holbrook Gardens, Carine.

The site is formally described as:

- Lot 289 on Deposited Plan 3668, Certificate of Title Volume 769, Folio 1.

There are no notifications registered on the title. Refer **Appendix 1** – Certificate of Title.

The site has a total area of 1,011m<sup>2</sup>.

## **Location**

The site is located in the suburb of Dalkeith and has frontages to both Dalkeith and Princess Roads. The site has a traditional frontage to Dalkeith Road and a long side frontage to Princess Road (refer Location Plan and Aerial Photograph).

The site has existing access points to both Dalkeith and Princess Roads. There is a triple-width crossover to Dalkeith Road and two double-width crossovers to Princess Road.

## **Existing and Historical Landuse**

It is known that the site has operated as a service station since at least the late 1950's.

The current owners of the service station have been operating the business from the site for almost 20 years.

## **Surrounding Land Use and Development**

The local area is generally characterised by low density single residential development, although it is noted that the immediate residential area accommodates a number of additional use sites that permit the development of two senior persons dwellings on each of the affected lots.

A small area of commercial/retail development is located on the lot to the east of the subject site on the north eastern corner of Dalkeith and Princess Roads.

## **Planning Framework**

### Current Zoning

Under the City's Town Planning Scheme No.2 the subject site is classified as "Service Station" zone.

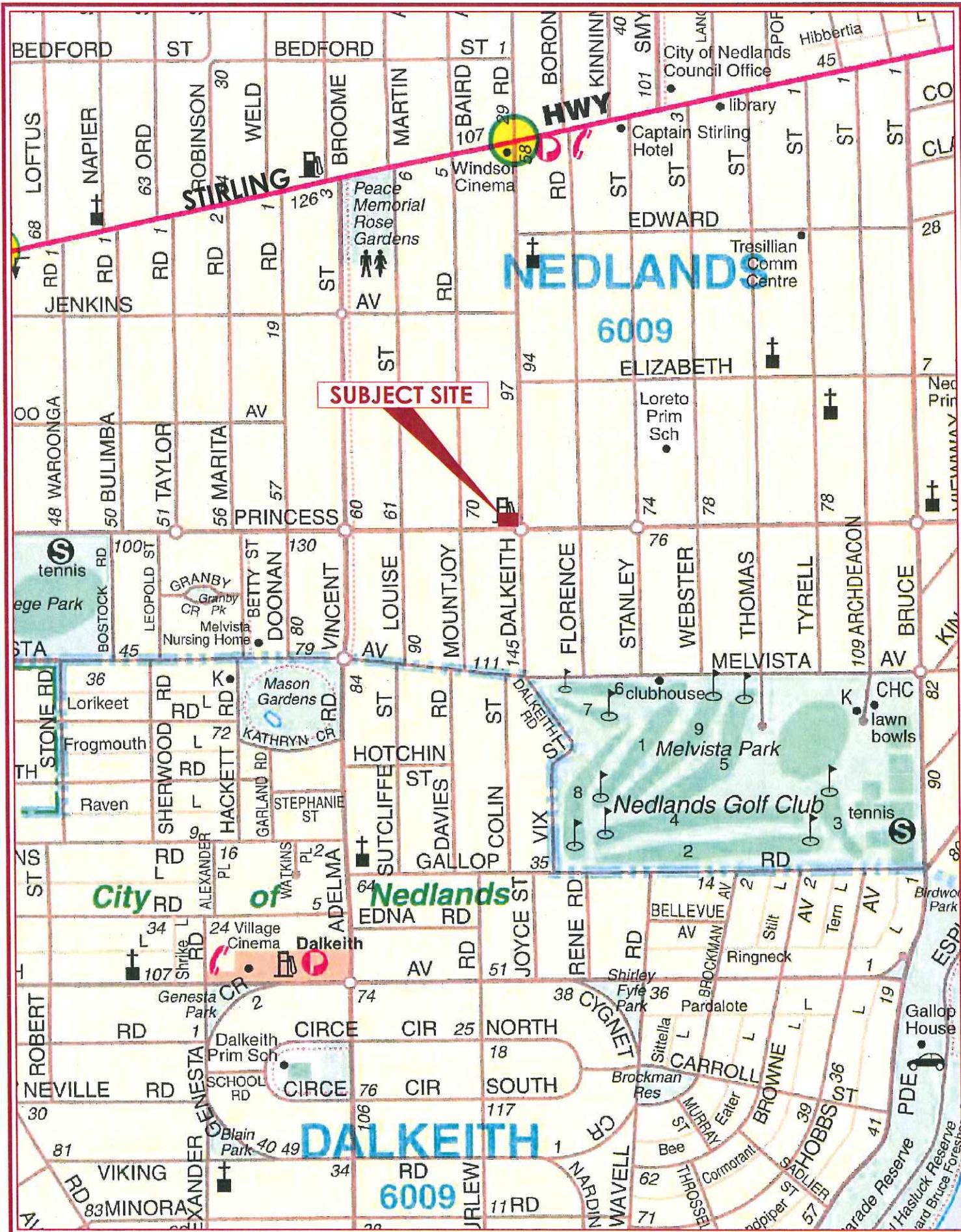
The "Service Station" use is defined by the Scheme as follows:

*"Means land and buildings used for the supply of petroleum products and automotive accessories and for carrying out greasing, tyre repairs, and minor mechanical repairs to motor vehicles but does not include panel beating, spray painting, major repairs or wrecking, and may include a roadhouse in a predominantly rural area."*

### Future Zoning

It is understood that the City's Draft Local Planning Scheme No.3 (LPS No.3) has been prepared and forwarded to the Western Australian Planning Commission for the Minister's consent to advertise.

The proposed zoning of the site under Draft LPS No.3 is not yet known given the Draft Scheme has not yet been released for public consideration. However, it is expected that in accordance with current State requirements and directions that the zones within the Draft Scheme will be rationalised. It is expected that the "Service Station" zone will not be included within LPS No.3 and that the site may be classified as a commercial/retail zone or, more likely, be zoned "Residential" with an additional use of "Service Station".



**SUBJECT SITE**

**NEDLANDS**  
6009

City of Nedlands

**DALKEITH**  
6009

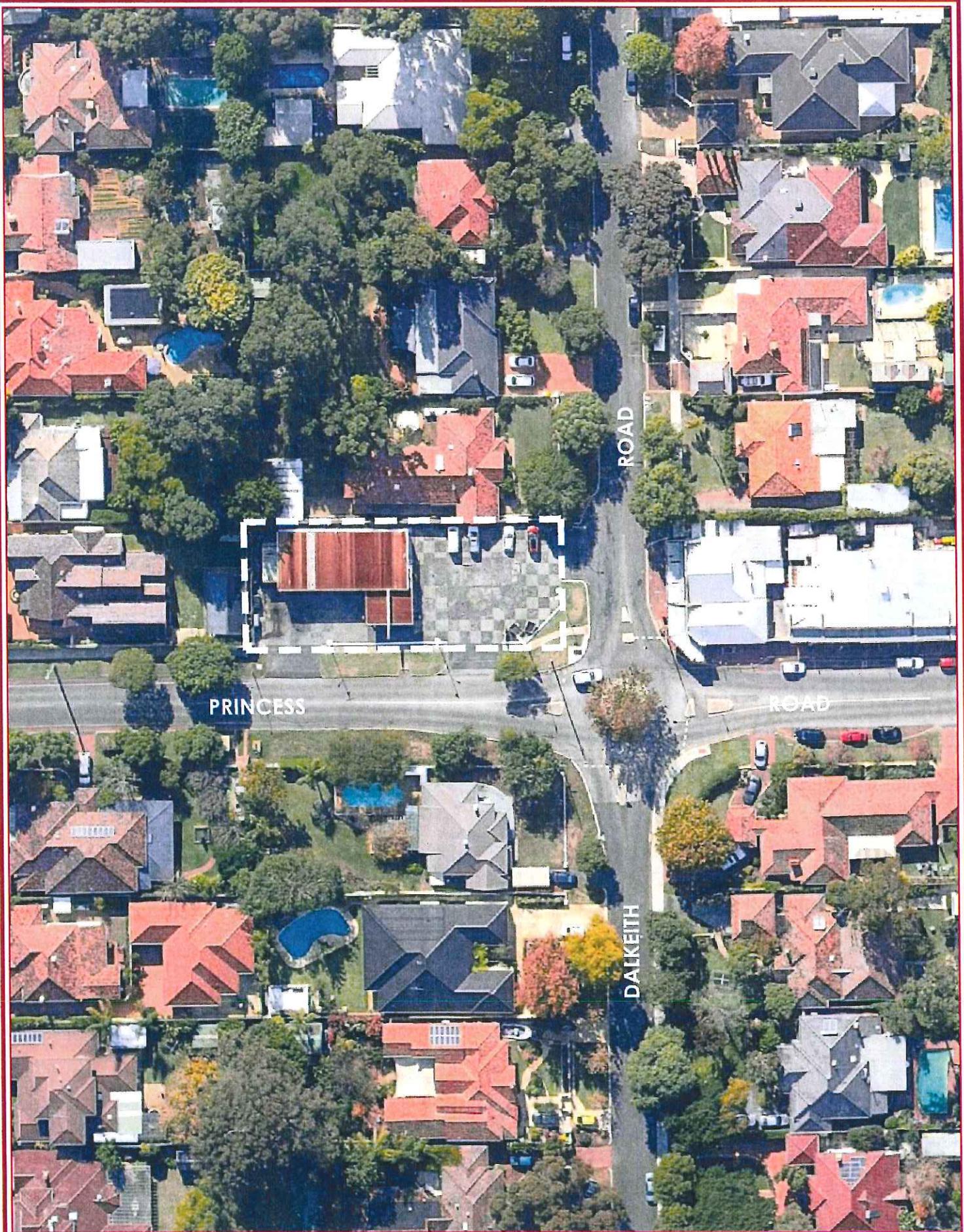


0 50 100 150 200 250m  
SCALE 1:10,000 (A4)

**LOCATION PLAN**

**LOT 289 (123) PRINCESS ROAD, NEDLANDS**

**CITY OF NEDLANDS**



NORTH



**AERIAL PHOTOGRAPH**  
**LOT 289 (123) PRINCESS ROAD, NEDLANDS**

**burgess design group**  
TOWN PLANNING + URBAN DESIGN

PO Box 8779, Perth Business Centre 6849  
[www.burgessdesigngroup.com.au](http://www.burgessdesigngroup.com.au)

P (08) 9328 6411  
F (08) 9328 4062

Plan No: VTS NED 7-01 A  
Date: 08.01.13

Planner: MS

**CITY OF NEDLANDS**

Given advice from the Department of Planning that Draft LSP No.3 has not yet been fully assessed, there is no real understanding of the timing of the new Scheme and as such the landowner wishes to commence Scheme amendment proceedings in regards to the subject property at this time.

## **Proposal**

The Amendment seeks to rezone the land from its current "Service Station" zoning to a base "Residential" zone to reflect the zoning of adjoining properties. In addition the Amendment seeks to provide additional development potential beyond what would normally be permitted under the existing prevailing density code of adjoining/surrounding lots.

Under the prevailing Residential R10 density code the site would only be capable of accommodating one (1) dwelling. This Amendment seeks to provide additional development potential for the site to permit an additional two (2) dwellings to be developed, thus permitting a total of three (3) dwellings over the site.

It is proposed that the potential for additional dwellings on the site be provided via an "Additional Use" as has been the preference by the City in the past.

In this instance the City may consider it more suitable to simply rezone the site to "Residential" and apply a site specific density code of R30. This would certainly represent the most simple and elegant solution for the ultimate development of the site and would be acceptable to the existing landowner. However, as a starting point, this Amendment has been prepared to reflect Council's previous practices where additional development potential has been applied to individual properties.

It is noted that there may be some concern by Council that this could be considered a "spot rezoning", but given the site specific circumstances of this proposal, it is considered that it can be justified and would not represent any precedent for other spot rezoning/recodings in the area.

## **Justification**

The subject site accommodates a service station that has been operating since at least the late 1950's. It is accepted that the service station has undoubtedly contributed to the convenience of the local community during its time of operation. However, for the reasons outlined below the owner is forced to close the existing business and is now seeking an Amendment to the Scheme to allow the redevelopment of the site for other purposes.

### Economic

The landowner/business operator has reached a point where he is now considering retirement and has taken the opportunity to investigate the options for the sale of the site and the associated business. These investigations, including advice from a number of business brokers, have found that the sale of the site and ongoing business at an acceptable price will be very difficult, if not impossible.

The value of the land, at current prices, makes the purchase of both the site and the business beyond the reach of any sole operator. The annual turnover from the business is sufficient for an owner/operator but does not allow for an investor/manager arrangement. Furthermore, the larger petrol companies have shown no interest in the site due to the low volumes of passing traffic and their need to subsidise fuel sales with large areas and volumes of sales of convenience goods.

#### Landuse

The potential for the site to accommodate some form of commercial/retail floorspace (or mixed-use development) has been investigated by both the Council and the existing landowner. It is understood that a study undertaken by the City indicated that the site may be suitable to form part of a local commercial hub but it is noted that the landowners enquiries have raised questions as to the viability of additional commercial floorspace in the area.

This proposed Amendment therefore seeks to rezone the site from its current 'Service Station' zoning to a 'Residential' zoning. The proposed Additional Use to permit the construction of additional dwellings is sought to offset the financial costs of remediating the site and to provide some benefit to the existing landowner for not being able to sell the business as an ongoing concern.

It is considered that there are sufficient planning grounds upon which Council may consider supporting an increased residential coding on the basis that removing an undesirable use from a predominantly residential area would be a benefit to the community. It is further noted that the existing service station represents a higher intensity landuse than that of the generally surrounding low density residential development, and that the development of the site at a slightly higher residential density, should be acceptable to the local community given its historical use and potential to continue operating as a 'Service Station' indefinitely.

It is also understood that Council's investigations have found a significant shortage of smaller lots and housing choice in Dalkeith and the broader Nedlands area.

In light of the above the owner is seeking Council's support to permit the development of the lot for residential purposes up to a maximum equivalent density of R30 (three dwellings).

It is accepted that the service station has operated for a considerable period of time with limited negative effects on the amenity of adjoining properties and the immediate locality and that is generally due to the low-key nature of the service station run by the current owner. It is however considered that the removal of the service station use would be of benefit to the immediately adjoining properties. It is also noted that if the site is on-sold with the existing 'Service Station' zoning in place there is the possibility that the site could be redeveloped for a much more intensive service station than the low-key one currently operating from the site.

#### Traffic

The site obviously generates a significant level of vehicle movements over and above those that would be expected from purely residential development. As an operating service station (smaller station) the traffic volumes can be in the order of 500 to 1500 vehicle movements per day. The use of the site for residential purposes at a density of R30 (three dwellings) would likely generate a range of 5 - 6.5 vehicle trips per dwelling, per day.

## Environment

The rezoning of the site and its subsequent redevelopment for residential purposes will also require the decommissioning of the existing underground petrol storage tanks. The removal of these tanks provides an environmental benefit to the whole community. It is accepted that petrol storage tanks are constructed and maintained to extremely high standards to avoid any contamination but the removal of the tanks from the site lays to rest any possibility of future leakage and or contamination from the site.

## Lot Size & Housing Choice

The studies undertaken by Council's Planning Services as part of the Scheme review have determined that there is a significant shortage of housing and lot choice in the City. These studies have also indicated a significant proportion of aged persons in the City over the metropolitan average. It is expected that as the population of the City continues to age there will be an increasing demand by existing residents of the area for smaller more manageable lots and dwellings. The closure of the service station and rezoning of the site represents an opportunity, albeit a minor one, to add to the housing and lot-size choice in the Dalkeith area.

## **Conclusions**

The subject site has accommodated a service station use for over 50 years and has provided a convenience service to the residents of Dalkeith in that time. The landowner is now wishing to retire and has spent considerable time and resources attempting to sell the site and the business as an ongoing concern.

The changing economics of the retail petrol and vehicle servicing business have left the current owner with little option but to close the business, remediate the site and seek its subsequent sale. The cost of remediation of the site and the inability to sell the business as a going concern leaves the landowner in an unenviable financial position given the years that he has put into the business.

It is considered that the rezoning of the site and its subsequent redevelopment for residential purposes provides a number of benefits to the City of Nedlands and the surrounding community:

- Removal of a landuse with the potential to generate significantly higher traffic movements than that of surrounding low-density residential landuses;
- Developing the land for residential purposes to compliment the immediately adjoining properties and remove an existing non-complimentary landuse;
- The decommissioning of the existing underground petrol storage tanks and thus the removal of any potential for future environmental contamination; and
- The provision of additional opportunities to increase the housing and lot choice in the City of Nedlands.

**PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)**

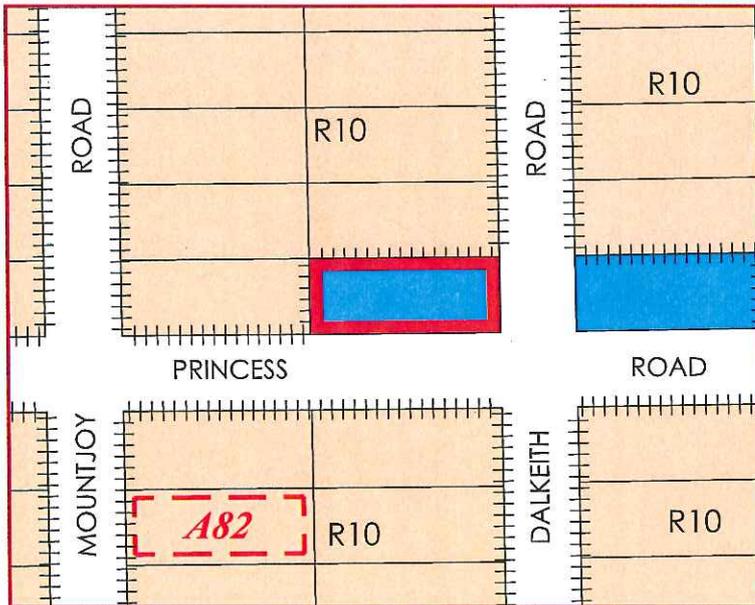
**CITY OF NEDLANDS**

**TOWN PLANNING SCHEME NO.2 – AMENDMENT NO.XX**

The Council of the City of Nedlands, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005 (as amended), hereby amends the above Local Planning Scheme by:

**Rezoning Lot 289 (No.123) Corner Dalkeith and Princess Roads, Dalkeith from “Service Station” to Residential and apply an “Additional Use” to the site with the following to be inserted into Schedule 1 – Additional Uses:**

	<b>Lot No.</b>	<b>Street</b>	<b>Zone</b>	<b>Additional Use Permitted</b>
	289	Corner Dalkeith and Princess Roads	Residential	<ul style="list-style-type: none"><li>• Three (3) Single or Grouped Dwellings;</li><li>• Dwellings shall comply with the relevant provisions of the Residential Design Codes as they would normally apply to the ultimate density to which the site is developed.</li></ul>



### LEGEND

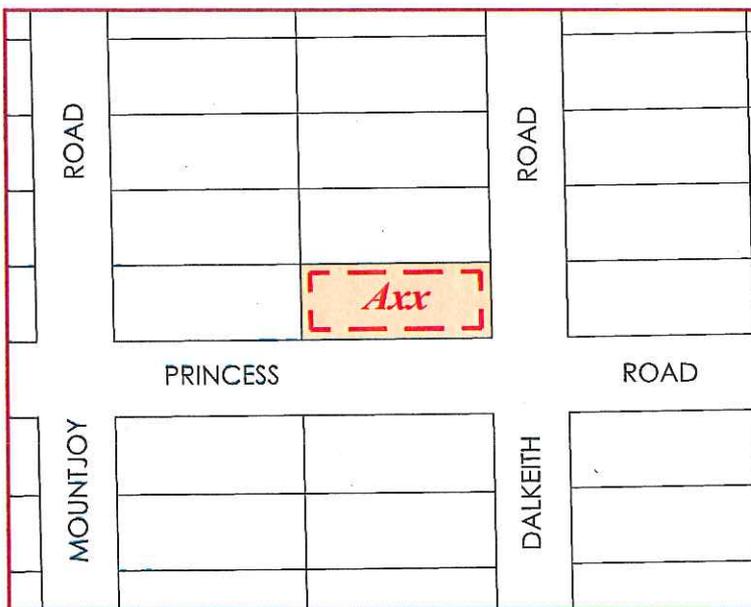
#### ZONES

-  RESIDENTIAL
-  RETAIL SHOPPING
-  SERVICE STATION

#### OTHER

-  R CODES
-  ADDITIONAL USES

**EXISTING ZONING**



### LEGEND

#### ZONES

-  RESIDENTIAL

#### OTHER

-  ADDITIONAL USES

**PROPOSED ZONING**

**PROPOSED AMENDMENT No.xx  
TOWN PLANNING SCHEME No.2**

**LOT 289 (123) PRINCESS ROAD, NEDLANDS**

**CITY OF NEDLANDS**



NORTH

**RESOLUTION TO AMEND SCHEME**

Adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**MAYOR**

**RESOLUTION TO ADOPT AMENDMENT TO SCHEME**

Adopted by resolution of the Council of the City of Swan at the Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_

- (a) That the amendment to the Scheme be adopted with/without modification, or
- (b) That it does not wish to proceed with the amendment to the Scheme

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

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**MAYOR**

**Recommended/Submitted for Final Approval:**

\_\_\_\_\_  
**DELEGATED UNDER S.16  
OF THE PLANNING AND  
DEVELOPMENT ACT (2005)**

**Date:** \_\_\_\_\_

**Final Approval Granted:**

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

**Date:** \_\_\_\_\_

**Appendix 1**  
**Certificate of Title**

WESTERN



AUSTRALIA

REGISTER NUMBER <b>289/P3668</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME  
**769**

FOLIO  
**1**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

  
REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 289 ON PLAN 3668

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

ANNE VENOUTSOS OF 2 HOLBROOK GARDENS, CARINE

(T G899477 ) REGISTERED 11 SEPTEMBER 1998

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. G899478 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 11.9.1998.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 769-1 (289/P3668).  
PREVIOUS TITLE: 768-198.  
PROPERTY STREET ADDRESS: 123 DALKEITH RD, NEDLANDS.  
LOCAL GOVERNMENT AREA: CITY OF NEDLANDS.

TRANSFER 4299 Vol. 768 Fol. 198  
 5225 11/19 1927  
 1921 2211/35 35 968/60  
 32371/55 6514  
 1778/50 1928/45  
 1949/46

hs Rev  
 INDEXED.



REGISTER BOOK.  
 Vol. 769 Fol. 1

WESTERN AUSTRALIA.

**Certificate of Title**

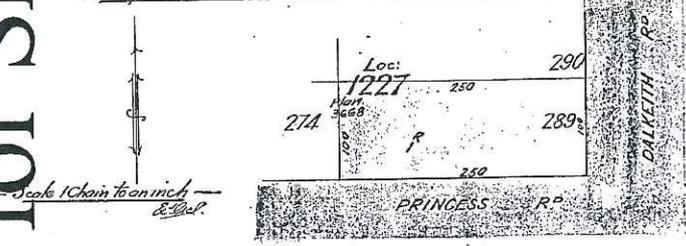
under "The Transfer of Land Act, 1893" (Sec. 5, 56 Vic., 14.)



Superseded Copy for Sketch Only

*Ernest Edward Davies*, of *Houssell Avenue, East Perth*,  
 Commonwealth Public Servant,  
 is now the sole proprietor

of an estate in fee simple in possession subject to the easements and encumbrances notified hereunder in ALL  
 that piece of land delineated and coloured *green* on the map hereon,  
 containing *one road*  
 or thereabouts, being *portion of Swan Location 1227, and being Lot 289*  
*on plan 3668.*



Dated the *twentieth* day of *February* One thousand nine hundred and *twenty-one*

*W. J. C. G. G.*  
 Registrar of Titles.

Transfer 4295/1929 Transferred to *Frederick William Stephen* of *43 Bruce Street, Nedlands*  
 Builder Registered 18<sup>th</sup> April 1929 at 12-360c

50 Vic No 114 Sec 187  
 Application 2919/1945. On the 19<sup>th</sup> April 1945 *Frederick William Stephen* died and on the 13<sup>th</sup> June  
 probate of his will was granted to *Catherine Munro & Stephen* of *70 Mountjoy Road, Nedlands*  
 whose the executors therein named  
 26<sup>th</sup> November 1945  
*W. J. C. G. G.*  
 ASSISTANT REGISTRAR OF TITLES

Application 4199/1947.  
 Transfer 1116/1945 Transferred to *Catherine Munro Stephen* of *70 Mountjoy Road, Nedlands* and registered 12<sup>th</sup> December 1945  
 4<sup>th</sup> April  
*W. J. C. G. G.*  
 ASSISTANT REGISTRAR OF TITLES

Application 4190/1947. On the 16<sup>th</sup> March 1947 *Catherine Munro Stephen* died and on the 14<sup>th</sup> April 1947 probate of her will was granted to *Dorcas Stephen*  
 of *70 Mountjoy Road, Nedlands*, Minister. The executors therein named.  
 4<sup>th</sup> December 1947  
*W. J. C. G. G.*  
 ASSISTANT REGISTRAR OF TITLES

Transfer 17413/1947 Transferred to *Catherine Munro Jarvis* of *Huddell Road, Upper Swan, Married Woman*  
*Minfred Stephen* and *Dorcas Stephen*, both of *70 Mountjoy Road, Nedlands*, Applicants as tenants in common in  
 equal shares. Registered 4<sup>th</sup> December 1947 at 12-450c  
*W. J. C. G. G.*  
 REGISTRAR OF TITLES.

Transfer 696/1959 to *Ampol Petroleum Limited* of *Strawberry Hill, Adelaide Terrace, Perth*.  
 Registered 18<sup>th</sup> May 1959 at 11-230c  
*W. J. C. G. G.*  
 ASSISTANT REGISTRAR OF TITLES

Application C440514. On 13-1-1962 the proprietor changed its name to Ampol Limited, and its address is now 220 Saint George's  
 Terrace, Perth.  
 20th October 1962.

FOR FURTHER ENTRIES SEE PAGE 3 OF 4 PAGES  
 For encumbrances and other matters affecting the land see back.

EASEMENTS AND ENCUMBRANCES REFERRED TO.

708/1931. Lodged 2-6-1931 at 12.15 oc. *Barthall*  
 Withdrawal 1227/1931 of Easement 708/1931. Lodged 18-12-1931 at 10.15 oc. *Barthall*  
 Instrument stamped 7.1.7.6  
 Mortgage 466/1935 Frederick William Stephen to The Commercial Bank of Australia Limited. Registered 2nd  
 January 1935 at 10.10. oclock **DISCHARGED** *Barthall*  
 Discharge 1492/1935 of Mortgage 466/1935. Registered 17th April 1935 at 10.50 oc. *Choy Smith*  
 Instrument stamped 7.1.7.6  
 Mortgage 1981/1935 Frederick William Stephen to Louisa Gillions Jones of  
 26 Glenroyd Street Mount Lawley widow. Registered 17th April 1935 at  
 10.10. oclock *Choy Smith*  
 Mortgage 1981/1935 only  
 On the 21st May 1955 Louisa Gillions Jones, the Mortgagee died and on the 16th May 1955  
 the Will was granted to The West Australian Executor and Agency Company Limited of 135 Saint  
 Georges Terrace Perth and Veronica Louisa Armstrong of 26 Glenroyd Street Mount Lawley. Married names the  
 names therein named. *John Brown*  
 Discharge 4158/1959 of Mortgage 1981/1935. Registered 18th May 1959 at 11.23 oc. *John Brown*  
 Mortgage 6899478 to National Australia Bank Ltd. Registered 11th September 1998 at 8.19 hrs. *Jablow*  
 ASSISTANT REGISTRAR OF TITLES  
 REGISTRAR OF TITLES  
 GOVERNMENT ASSISTANT

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Transfer 6899477 to Anne Venoutsos of 2 Holbrook Gardens, Carine. Registered 11th September 1998 at 8.19 hrs.



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