



City of Nedlands

Planning and Development Reports

Committee Consideration – 14 June 2016


Council Resolution – 28 June 2016

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Council: 28 June 2016

PD25.16	(Lot 384) No. 99 Waratah Avenue, Dalkeith – Proposed Change of Use (From Office to Restaurant)
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Committee	14 June 2016
Council	28 June 2016
Applicant	TKO Office Fitouts
Owner	J and S Franetovich
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/84 – WA3/99
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan (A3) 2. Floor Plan (A3) 3. Waratah Avenue Placemaking Strategy – Concept Plan (Adopted in November 2015)

1.0 Executive Summary

This application is for a proposed change in use from an office to a restaurant, which will result in an additional shortfall of 11 car bays on site under Town Planning Scheme No. 2 (TPS 2).

The proposal was advertised to nearby landowners for comment and during the advertising period 6 objections and 1 non-objection were received.

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.

Due to a significant shortfall in the required amount of car bays it is recommended that the application be refused by Council.

2.0 Recommendation to Committee

Council refuses the application for the proposed change of use (from Office to Restaurant) at (Lot 384) No. 99 Waratah Avenue, Dalkeith, for the following reasons:

- 1. An insufficient number of car bays are provided for the proposed use, thus potentially creating safety issues for pedestrians and other road users.**
- 2. The proposed use does not satisfy the conditions and standards of clause 5.5.1 and clause 6.4.2 of the City of Nedlands Town Planning Scheme No.2, due to insufficient car parking.**

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 / Policy

- *Planning and Development Act 2005* (the Planning Act).
- Metropolitan Region Scheme (MRS).
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Local Planning Policy – Advertising Signs
- 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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk Management

Not applicable.

7.0 Background

Property address		(Lot 384) No. 99 Waratah Avenue, Dalkeith
Lot area		1,012m ²
Reserve/ Zoning	MRS	Urban
	TPS2	Retail Shopping
Use Class Permissibility under TPS 2 Zoning		AA

A commercial building exists on the property containing various office and restaurant uses, such as the Yabba Dabba restaurant and the Cimbalino restaurant. On surrounding properties are single dwellings, an aged persons respite centre and Dalkeith Hall. Genesta Park is on the opposite side of Waratah Avenue as shown on the locality plan below.

No car parking bays exist on site however time restricted on street car parking bays exist in close proximity to the subject property.



In November 2015, Council resolved to adopt the Waratah Avenue Placemaking Strategy, the concept plan for which shows the existing car bays adjacent to the northern side of Genesta Park being replaced with parallel car bays. This will result in fewer on street car bays being available in close proximity to the subject property. Refer to Attachment 3 for the adopted Concept Plan.

8.0 Application Details

Approval is being sought to change the use of the premises from an office to a restaurant, details of which are as follows:

- a) The restaurant is proposed to operate from the premises previously occupied by Giorgi Exclusive Homes.
- b) The restaurant is proposed to operate between Monday and Sundays 7.00am to 6.00pm.
- c) A total of 6 staff will be at the premises at any one time.
- d) No signage details are currently known.
- e) Seating able to accommodate up to 8 persons are proposed to be available based on details provided by the applicant.
- f) Primarily customers will be able to purchase meals (e.g. cooked breakfasts) to consume on the premises and/or purchase prepack foodstuffs and drinks which can be consumed on or off the premises.
- g) Breakfasts will be made to order between 7.00am to 11.30am.
- h) Dine in and take away food will be available at lunch.
- i) Take away food will only be available in the evenings.

Refer to Attachments 1 and 2 for the site plan and floor plan.

9.0 Consultation

The proposal was advertised for 21 days to nearby landowners for comment in April and May 2016, due to variations proposed to the amount of onsite car bays required and due to a restaurant being an 'AA' use in the Retail Shopping zone under TPS 2

During the advertising period 6 objections and 1 non-objection were received. The following is a summary of the concerns raised:

- a) There being not enough car parking bays available.
- b) An inadequate amount of waste bins being available.
- c) Toilets not being easily accessible for patrons.
- d) There already being 2 existing restaurants in the locality.
- e) The proposal resulting in more vehicles parking illegally and obstructing driveways within the locality.
- f) The proposal resulting in further traffic problems.

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 potential impact the proposal will have on the area's amenity is discussed in the following sections.

10.0 Statutory Provisions

The relevant provisions of TPS 2 which are not being met by the proposal are addressed in the following sections.

10.1 Town Planning Scheme No. 2

10.1.1 Existing Car Parking Demand

Car Parking Provision	Car Parking Requirement	Car Bays Available Onsite	Existing Car Bay Shortfall
<p><i>Office</i> 4.75 bays per every 100sqm of leasable floor area.</p> <p><i>Restaurant</i> 1 bay per each 2.6sqm of restaurant seating area, or 1 bay per 2 persons.</p>	<p><i>Office 1 (Estate Agents)</i> 3 bays minimum</p> <p><i>Office 2 (Travel Agents)</i> 3 bays minimum</p> <p><i>Office 3 (Architects)</i> 3 bays minimum</p> <p><i>Restaurant 1 (Yabba Dabba)</i> 35 bays minimum</p> <p><i>Restaurant 2 (Cimbalino)</i> 52 bays minimum</p> <p>Total = 96 car bays required</p>	Nil	96 car bay shortfall

In addition to the above table, one hour on street car parking restrictions exist along Waratah Avenue and Alexander Road, applying between Monday and Friday, 8am to 6pm, and on Saturdays, 8.00am to 1.00pm.

The City frequently receives complaints from residents about vehicles allegedly used by those visiting the commercial premises along Waratah Avenue, parking on verges, obstructing driveways, parking in 'no stopping' areas, and overstaying in time restricted car bays.

10.1.2 Future Car Parking Demand

Car Parking Provision	Car Parking Requirement	Car Bays Available Onsite	Proposed Car Bay Shortfall
<p><i>Restaurant</i> 1 bay per each 2.6sqm of restaurant seating area, or 1 bay per 2 persons.</p>	<p><i>Office 1 (Estate Agents)</i> 3 bays minimum</p> <p><i>Office 2 (Travel Agents)</i> 3 bays minimum</p> <p><i>Restaurant 1 (Yabba Dabba)</i> 35 bays minimum</p> <p><i>Restaurant 2 (Cimbalino)</i> 52 bays minimum</p> <p><i>Restaurant (Proposed)</i> 3 14 bays minimum required</p> <p>Total = 107 car bays required</p>	<p>Nil</p>	<p>107 car bay shortfall</p> <p>(An additional shortfall of 11 car bays).</p>

10.2 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) of the Regulations, the following provisions are to be taken into consideration:</p> <p>(a) The adequacy of the arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p> <p>(b) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p> <p>(c) Any submissions received on the application.</p>	<p>The City is aware of car parking difficulties within the vicinity, and the impacts this is having on the amenity of the area as reflected by the number of complaints received from nearby landowners.</p> <p>The impact of a restaurant with an additional 11 car bays required, compared with the existing office, would have a significant impact in terms of car parking given there is already a large shortfall in the area.</p>	<p>No</p>

11.0 Other Matters

During the advertising period concerns were received with regard to:

- a) An inadequate amount of waste bins being available.
- b) Toilets not being easily accessible for patrons.
- c) There already being 2 existing restaurants in the locality.

If the application was approved by Council, prior to commencing it will be a requirement that adequate staff and public sanitary conveniences be provided in accordance with the Building Code of Australia. Also that the waste bins being provided complied with the applicable environmental health requirements.

No planning requirements exist which restrict the amount of restaurants that can exist within a certain area. If a property's zoning under TPS 2 allows for it, then applications for such uses can be considered within close proximity to another.

12.0 Conclusion

A restaurant use is deemed to be a more intense use of the premises than the current approved use of an 'Office'. It is considered that there is inadequate provision of car parking to meet the predicted demand if the use is approved by Council.

The nature of the proposed use will mean that nearby car bays will be less regularly available for customers visiting the commercial premises.

When the Waratah Avenue Placemaking Strategy is implemented there will be fewer on street car bays available.

For these reasons it is recommended that the application be refused by Council. However, an alternative recommendation has been provided below in case Council resolve to approve the application instead.

12.1 Recommendation if Application is Approved

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

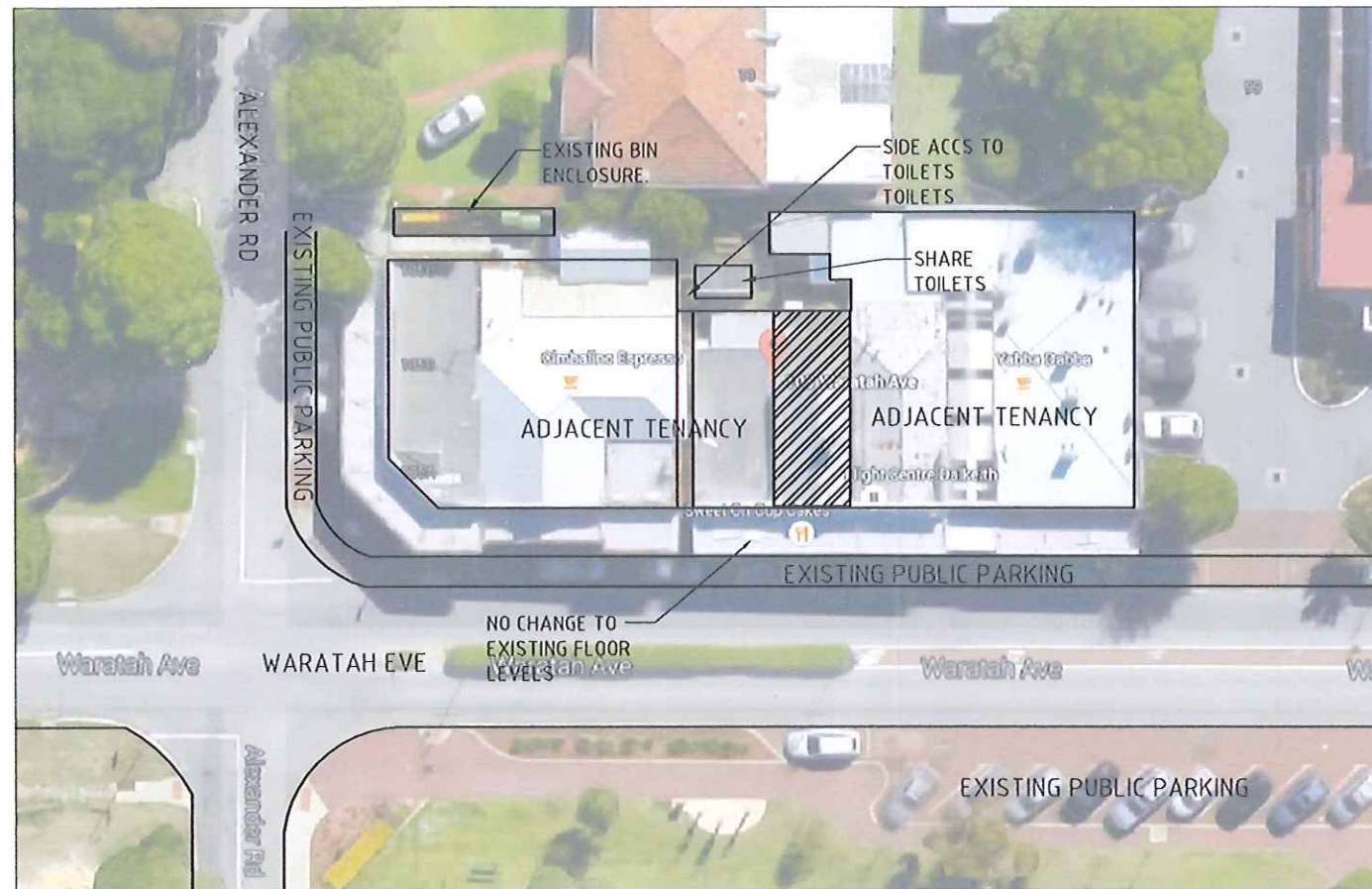
Council approves the application for the proposed change of use (from Office to Restaurant) at (Lot 384) No. 99 Waratah Avenue, Dalkeith, in accordance with the application received on 15 March 2016, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. The restaurant only being permitted to operate between Monday and Sundays 7.00am to 6.00pm.

Advice Notes specific to this proposal:

1. A separate Planning application is required to be submitted to and approved by the City prior to the erection/installation of any signage on the lot.
2. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
3. Prior to commencing development, an Application for Food Premises Alteration / Fit-out shall be submitted to and approved by the City.
4. Prior to commencing the proprietor shall lodge with the City a *Food Business Registration / Notification Form*.
5. Prior to commencing the premises shall receive an inspection from an Environmental Health Officer at the City.
6. The Food Business may commence operation subsequent to the receipt of a *Certificate of Registration of a Food Business*.
7. The applicant is advised to consult with the Water Corporation with respect to the disposal of industrial waste and the provision of a grease trap / grease arrestor where necessary.
8. An enclosure for the storage and cleaning of waste receptacles shall be provided on the premises to the City's satisfaction.
9. Access to any public sanitary convenience shall not be through or pass adjacent to, without complete physical segregation from, any food preparation, storage, packing or handling area.
10. Prior to commencement of operation the applicant shall provide confirmation to the City that all mechanical ventilation (i.e. exhausts) comply with *AS1668.2-2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings*.
11. 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.

ISSUE FOR DA



EXISTING PLAN

Scale 1:100



PARTITIONING LEGEND

- EXISTING BUILDING
- EXISTING GLAZING
- EXISTING DOOR
- FC 2700 FLUSH CEILING - GYPROCK HEIGHT ABOVE FLOOR LEVEL
- INS INSULATION PINK POLY R3' R3.0 THERMAL
- PB INSULATION BATTS PLENUM BAFFLE IN CEILING VOID
- LC TENANCY LOAD CENTRE
- LD LOCAL DISTRIBUTOR
- DATA DATA/COMMS OUTLET
- EXISTING GPO
- EXIT ILLUMINATED EMERGENCY EXIT SIGN. NOTE: WITH BATTERY BACK-UP. SEMI RECESSED FLAG TYPE 'RUNNING MAN' WITH ARROWS AS INDICATED. 1 SINGLE SIDED, SIDE NOTED ON PLAN 2 DOUBLE SIDED
- EMERGENCY LIGHT 1 X 10W OPTICA
- SPEAKER
- EXISTING TROFFER LIGHT

A	FOR CHANGE OF USE	14.03.16
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REV: DETAILS DATE:

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE AND CONFIRM QUANTITIES BEFORE STARTING ANY WORK OR SHOP DRAWINGS. DO NOT SCALE OFF DRAWINGS.

CLIENT
TRILY & CO PTY LTD
 103 WARATAH AVE
 DALKEITH 6009



9 DONOVAN STREET
 OSBORNE PARK WA 6017
 T: 08 9347 1800
 F: 08 9347 1859
 W: www.tkofitouts.com.au

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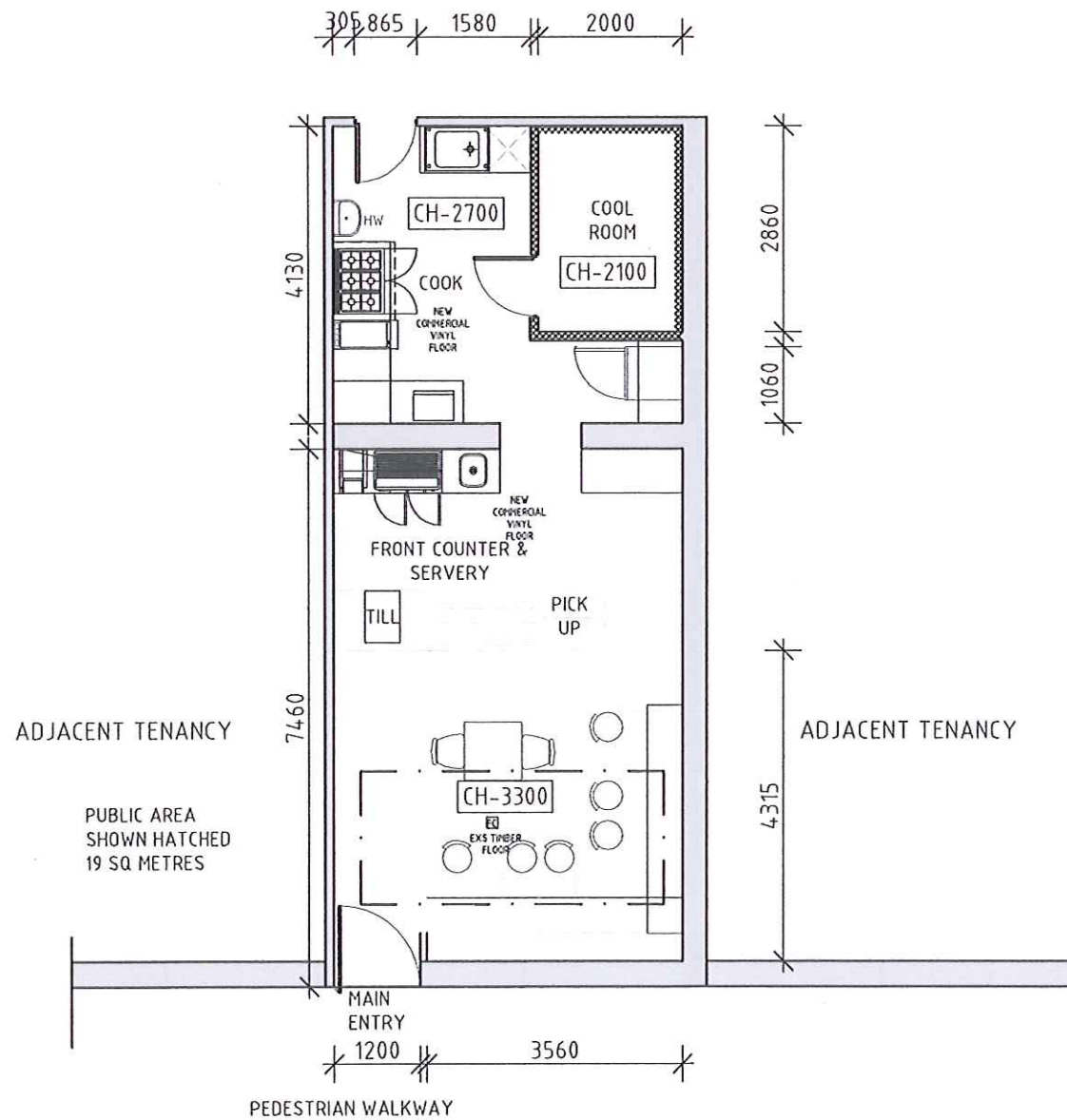
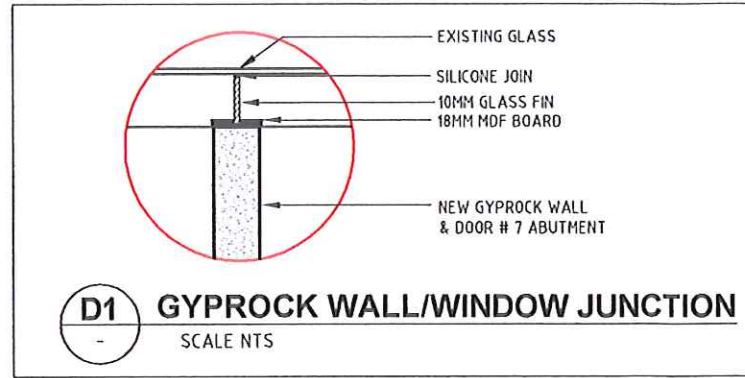
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ISSUE FOR DA

<p>GENERAL NOTES: ALL GLAZING SHALL CONFORM TO AUSTRALIAN STANDARDS A.S. 1428.1-2009 CL.6 A.S. 2214 - SAFETY GLAZING A.S. 1179 - LOADING CODE C.O.S. - DIMENSION TO BE CHECKED ON SITE, PRIOR TO MANUFACTURE/CONSTRUCTION. GROUND FLOOR CEILING LEVEL @ 2719 AFL COS</p>		
FRONT ELEVATIONS	<p>TYPICAL NEW DOOR AND GLAZING PARTITIONS</p>	
DOOR & GLAZING PLAN		
ITEM TYPE	TYPICAL GLAZING	TYPICAL OFFICE DOOR
FINISH NOTES	GLASS PANELS WITH SILICON JOINTS ALSPEC SILICONE 45mm DISPLAY SUITE, CLEAR ANODISED ALUMINIUM 65mm FRAME. GLAZING PANEL & THICKNESS CONFORM TO A.S. 2214 - SAFETY LAMINATED GLAZING AND A.S. 1179 - LOADING CODE.	CLEAR ANODISED ALUMINIUM DOOR HARDWARE TO MATCH EXISTING HANDELS/12" SHAPE TO CONPLY AS 1428.1-2009 CL. 13.5) REFER TO PLAN FOR HANGING & SWING DIRECTION REFER TO PLAN FOR QUANTITY ALLOCATION

DOOR AND WINDOW DETAIL

Scale 1:100



PROPOSED FLOOR PLAN

Scale 1:100
 Total Square Meters: 56



NOTES:

SAFETY/ VISION STRIP IN FROSTED GLAZING VINYL IN ACCORDANCE WITH AUSTRALIAN STANDARDS 1428.1-2009 CL.6.6; VISUAL INDICATORS TO BE PROVIDED ON ALL FULL HEIGHT GLAZING PARTITIONS.
 ALL DOORS TO HAVE 30% LUMINANCE CONTRAST AS PER AS1428.1- 2009 CL.13.1
 DOOR HARDWARE TO COMPLY TO AS 1428.1 - 2009 CL. 13.5
 ALL NEW COVERINGS TO COMPLY WITH BCA 2014 SPECIFICATIONS C1.10 FOR FIRE HAZARD PROPERTIES.
 PLEASE REFER TO WD09 FOR TYPICAL PARTITION DETAILS.

Floor Plan

PARTITIONING LEGEND

- EXISTING BRICK OR PLASTERBOARD PARTITION OR GLAZING
- NEW FULL HEIGHT PLASTERBOARD PARTITION
64mm STEEL STUDS COVERED WITH 13mm PLASTERBOARD FILLED WITH POLYESTER INSULATION. PAINTED IN 2 COATS OF SOLVER ENAMEL. COLOUR AS SPECIFIED. 100mm CLEAR ANODISED ALUMINIUM SKIRTING
- NEW FULL HEIGHT GLASS PARTITION
CLEAR FULL HEIGHT GLASS, SILICONE BUTT JOINTED, CONFORMING TO AUSTRALIAN STANDARDS 1288, FIXED IN 45MM X 25MM ALUMINIUM SUITE
- NEW 1/2 HEIGHT PLASTERBOARD PARTITION TO 1200MM H WITH GLASS ABOVE TO CEILING HEIGHT. 64mm STEEL STUDS COVERED WITH 13mm THICK PLASTERBOARD. PAINTED IN 2 COATS OF SOLVER ENAMEL. COLOUR AS SPECIFIED. 100mm BLACK MASONITE SKIRTING. CLEAR GLASS ABOVE FIXED IN AN ALUMINIUM SUITE AND SILICONE BUTT JOINTED.
- NEW 1/2 HEIGHT PLASTERBOARD PARTITION TO 1200MM H 64mm STEEL STUDS COVERED WITH 13mm THICK PLASTERBOARD. PAINTED IN 2 COATS OF SOLVER ENAMEL. COLOUR AS SPECIFIED. 100mm CLEAR ANODISED ALUMINIUM SKIRTING
- CHANGE IN CEILING HEIGHT OR BULKHEAD
CEILING HEIGHT RAISED TO 3500 AFL
- EXISTING DOORS
- NEW DOOR
REFER TO DOOR SCHEDULE, MIN 920mm CLEAR OPENING
- CEILING FINISH
(CT - CEILING TILE, F P/B - FLUSH PLASTERBOARD)
CEILING HEIGHT
- ILLUMINATED EMERGENCY EXIT SIGN.
IN ACCORDANCE WITH AS 2293
WITH BATTERY BACK-UP. SEMI RECESSED FLAG TYPE 'RUNNING MAN' WITH ARROWS AS INDICATED.
- EMERGENCY LIGHT
1 X 10W OPTICA
- SMOKE DETECTOR
IN ACCORDANCE WITH AS 1670
- NEW 2.5KG DRY POWDER FIRE EXTINGUISHER
- INSULATION
PINK POLY R3' R3.0 THERMAL INSULATION BATTS
- PB
PLENUM BAFFLE IN CEILING VOID

CITY OF NE
15 MAR 2016

REV:	DETAILS:	DATE:
A	FOR CHANGE OF USE	14.03.16

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE AND CONFIRM QUANTITIES BEFORE STARTING ANY WORK OR SHOP DRAWINGS. DO NOT SCALE OFF DRAWINGS.

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PROPOSED FLOOR PLAN			
DATE	DRAWN BY	PROJECT #	DRAWING NO.
14.03.16	JV	4332	WD00
SCALE	REVISION		
1:100@A3	A		

WARATAH AVENUE CONCEPT PLAN



THE STREET


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

THE PARK

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

Note: This concept plan is indicative only

PD26.16	(Lot 2) No. 2A Archdeacon Street, Nedlands – Short Stay Accommodation – Request to Approve its Continuation
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Committee	14 June 2016
Council	28 June 2016
Applicant	TPG Town Planning, Urban Design and Heritage
Landowner	A and B Giambazi
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/93
Previous Item	Item PD09.15 – February 2016
Attachments	1. Strata Plan 2. Floor Plans 3. Management Plan (Approved on 25 May 2015)

1.0 Executive Summary

In March 2015, Council resolved to approve a retrospective development application for the dwelling on the property to be used as short stay accommodation subject to, amongst others, the following requirement:

“Unless otherwise approved by the City, the short stay accommodation is to cease operation no later than 12 months from the date of this approval, after which point, the building is not to be used for any purpose other than that of a dwelling.”

Subsequently, a development application has been received for the short term accommodation to continue operating without the need to reapply for further approval.

The application was advertised to nearby landowners for comment and 2 objections were 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.

Whilst various different occupants shall reside in the dwelling the impact this will have on the local amenity in terms of noise and traffic is not anticipated to be different to that of a single dwelling permanently occupied. It is therefore recommended that the application be approved by Council.

2.0 Recommendation to Committee

Council approves the application received on 22 March 2016 for the dwelling at (Lot 2) No. 2a Archdeacon Street, Nedlands, to continue to be used as short term accommodation, subject to the following conditions and advice:

1. The Management Plan approved by the City on 25 May 2015 being complied with at all times by those residing at the property.

Advice Notes specific to this approval:

1. If more than 6 persons are to be accommodated the lodging house requirements stipulated under the *Health Act 1911* are to be complied with.
2. Noise emissions are to comply with the *Environmental Protection (Noise) Regulations 1997*.

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 of WA 2013 (**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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk management

Nil.

7.0 Background

Lot area	443m 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
Use Class Permissibility under TPS 2 Zoning	Use not listed

The subject property contains 2 grouped dwellings both with space to accommodate up to 2 vehicles on site. Refer to the locality plan below. Surrounding properties contain dwellings, and on street car parking restrictions exist along Archdeacon Street being:

- a) On the western side of Archdeacon Street – A maximum of 2 hours, between 8.00am and 5.00pm Monday to Friday; and
- b) No parking being permitted along the eastern side of Archdeacon Street.



8.0 Application Details

Approval is being sought for the short term accommodation to continue operating without the need to reapply for further approval.

No alterations are proposed to be made to the dwelling and/or the site layout compared with what was approved by Council in March 2015, nor the management plan.

Refer to Attachments 1 to 3 for the strata plan, floor plans and the approved Management Plan.

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

“The subject site is particularly well located in terms of public transport and neighbourhood amenities as previously outlined in the original application.”

“The proposed use takes place in a residential dwelling that fits in with the local built form, whilst providing a valuable contribution to the local area and nearby service facilities along Stirling Highway.”

“The building contains two double beds and two single beds, providing for a maximum number of 6 people at any one time. This is considered appropriate to that of the surrounding residential landscape on Archdeacon Street and is consistent with the existing amenity of the locality.”

Note: A full copy of the applicant’s justification received by the City has been given to the Councillors prior to the Council meeting.

9.0 Consultation

The proposal was advertised for 21 days to nearby landowners for comment in April and May 2016 in accordance with Town Planning Scheme No. 2.

During the advertising period 2 objections were received. The following is a summary of the concerns received:

- a) The behaviour (habits) of people if the property continued to be used as short term accommodation.
- b) The number of cars being parked at the property.
- c) The nature of the use being similar to that of a motel.

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 potential impact the short term accommodation will have on the local amenity is discussed in the following section.

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 section.

10.1 Planning and Development (Local Planning Schemes) Regulations 2015

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.</p> <p>(b) Any submissions received on the application;</p>	<p>Concerns received during the advertising period were in relation to the potential behaviour (habits) of those residing at the property, the number of cars parked on the property, and the use being similar to that of a motel.</p> <p>Anti-social behaviour is a matter which is dealt with by the police.</p> <p>Whilst vehicles appear to occasionally be parked on the property's crossover on some occasions, this also appears to be occurring on other properties based on the photos received as part of a submission.</p> <p>A Management Plan has previously been approved which outlines the conditions which those residing at the property are required to abide by (refer to Attachment 4). According to the City's records no complaints have been received since March 2015 with regard to noise, car parking and/or traffic associated with the property.</p> <p>No alterations are proposed to be made to the application approved by Council previously.</p> <p>Considering the above, the continuation of the short term accommodation on a permanent basis will not have a detrimental impact on the local amenity.</p>	<p>Yes</p>

11.0 Conclusion

The proposal is to allow for the short term accommodation to continue operating without the need to apply for further approval.

Whilst various different occupants shall reside in the dwelling the impact this will have on the local amenity in terms of noise and traffic is not anticipated to be different to that of a single dwelling permanently occupied by the same occupants.

According to the City's records no complaints have been received since the use was approved in March 2015 with regard to noise, car parking and/or traffic associated with the property.

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

STRATA PLAN

TBA

SHEET 1 OF 3 SHEETS

PLAN OF
LOT 136 ON PLAN 1747(2)

CERTIFICATE OF TITLE
VOL. 802 FOL. 49

LOCAL GOVERNMENT
CITY OF NEDLANDS

INDEX PLAN
BG34(2) 10 : 22
FIELD BOOK

SCALE 1 : 300 @ A3

CITY OF NEDLANDS

18 JUL 2014

RECEIVED

VER.	AMENDMENT	AUTHORISED BY	DATE

SURVEYOR'S CERTIFICATE - Reg 54

I, SURVEYOR _____
hereby certify that this plan is accurate and is a correct representation of the -
(a) "survey; and/or
(b) "calculations from measurements.
(Delete if inapplicable)
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is to

LICENSED SURVEYOR _____ DATE _____

PD26.16 - Attachment 1
Strata Plan

NAME OF SCHEME
2 & 2A ARCHDEACON STREET
NEDLANDS

ADDRESS OF PARCEL
2 & 2A ARCHDEACON STREET
NEDLANDS. 6009.

MANAGEMENT STATEMENT NO

LODGED CERTIFIED CORRECT

DATE COR. FILE

IN ORDER FOR DEALINGS

FEE PAID SUBJECT TO EXAMINATION BY STATUTORY AUTHORITIES & LODGEMENT OF RELEVANT DOCUMENTATION

ASSESS No. FOR REGISTRAR OF TITLES DATE

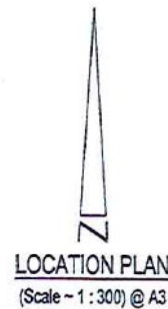
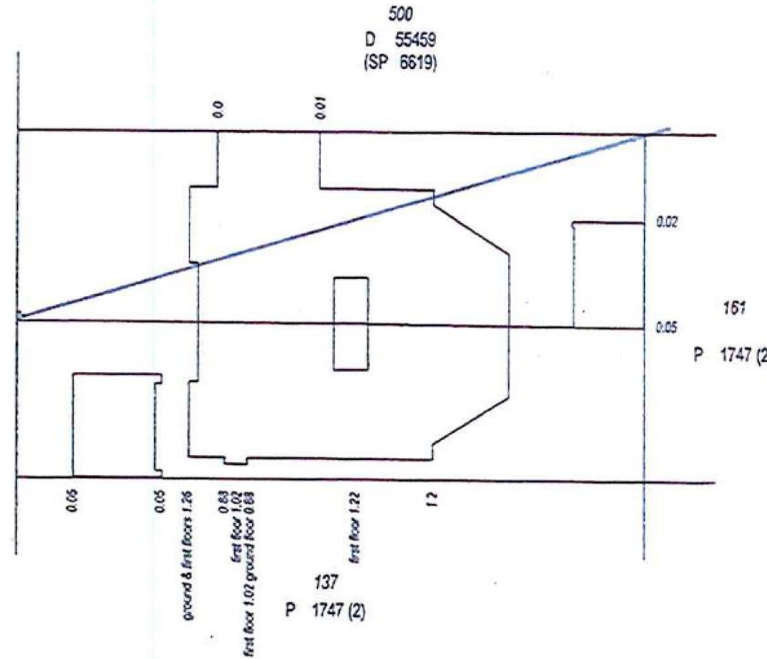
REGISTERED APPLICATION

DATE REGISTRAR OF TITLES SEAL

WESTERN AUSTRALIAN PLANNING COMMISSION
W.A.P.C. REF: Certificate of Approval of W.A.P.C. under Section 25B(2) of Strata Titles Act 1985

Delegated under S.16 P&D Act 2005 DATE

ARCHDEACON STREET



BERRYMAN & PTOLOMEY PTY. LTD.

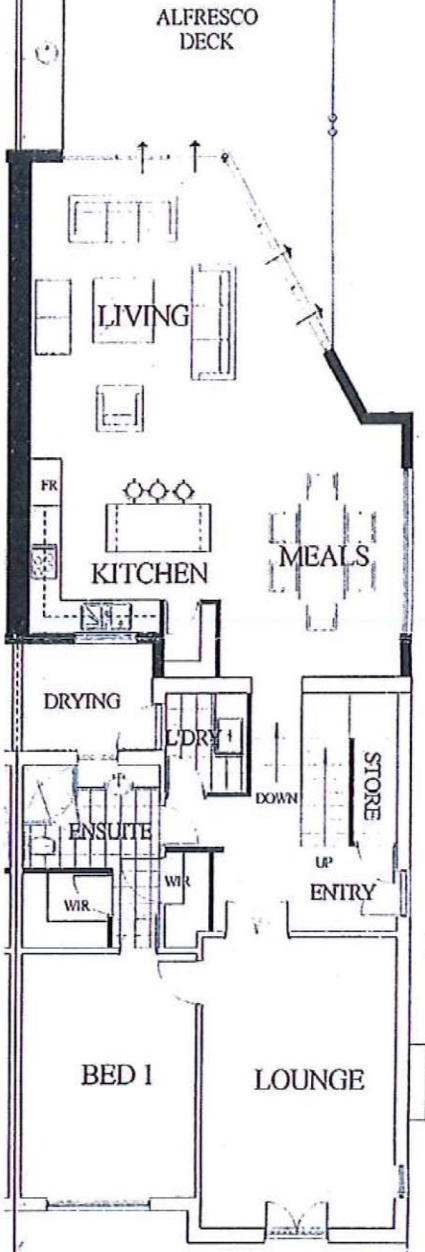
LICENSED LAND SURVEYORS
86 CANNING HIGHWAY, VICTORIA PARK WA 6100
PHONE - 9361 3732, 9361 5278 | FAX - 9470 9278
email - ptolomey@inet.net.au
pl2 archdeacon str1 sp.dwg



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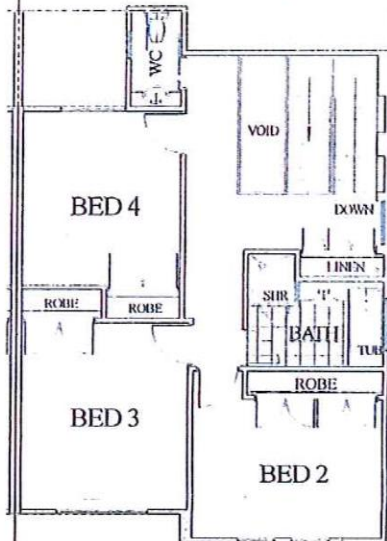
CARPORT
BOTICA DESIGN GROUP
109 WATERFORD AVENUE WATERFORD W.A. 6152
Tel/Fax: 08 9313 3485 Mobile: 0419 046 264
email: bdg@bigpond.com.au 10/09/2014

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ON LOT 13

BOTICA DESIGN GROUP
109 WATERFORD AVENUE WATERFORD W.A. 6152
Tel/Fax: 08 9313 3488 Mobbs: 0419 046 264
email: bdg@bigpond.com.au 18/09/2014

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2A Archdeacon Street, Nedlands – House Rules


Please have regard to the following matters set out below to ensure your stay is comfortable, respecting those who live at the neighbouring properties.

1. There shall be no more than 6 persons accommodated at any one time, otherwise the lodging house requirements stipulated under the Health Act 1911 will apply.
2. Consider the neighbours – you are currently in a quiet residential area and you must not create noise which is offensive to occupiers of neighbouring properties especially between 10pm and 8am and during arrival and departure at any time during your occupancy.
3. This home is not a 'party house' and any such activity is strictly prohibited.
4. Treat this home as if it were your own and ensure that your behaviour reflects the characteristics of the neighbourhood, having respect for the surrounding residents.
5. All cars are required to be parked in the relevant car parking area on site, and avoid parking your vehicle(s) on the street where possible. In cases where you have no other option other than to park your vehicle(s) on the street, you are to do so in accordance with the City of Nedlands' Parking and Parking Facilities Local Law.
6. Please leave this home in the neat and tidy condition that you found it in.
7. Guests and visitors must dispose of garbage and recycling in accordance with the usual practice undertaken in the allocated bins on site, ensuring that excess rubbish is not left in public or common areas.
8. Whenever you are absent from the property, close all windows and doors and maintain security and prevent rain and water damage.
9. Any damages or breakages must be reported in the comments area below. Should any damage to the property pose a risk to the safety of adjoining landowners/tenants and/or the general public, it is required to be reported immediately using the emergency details below.
10. Report all incidents and problems either by way of contacting the emergency details below or providing details in the comment area below.
11. Emergency contact name and number are:
 - Arthur Giambazi – 0414 861 232
12. If you wish to make a complaint or advise of any concern or maintenance issue that you had during your stay, please note this down in the comments area below.

We hope that you enjoy your stay.

Comments:

PD27.16	(Lot 7) No. 32A Jutland Parade, Dalkeith – Additions and Alterations to Single House
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Committee	14 June 2016
Council	28 June 2016
Applicant	Boughton Architecture
Landowner	S S Fowell
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	JU2/32A – DA16/55
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Survey Plan (1) 2. Site Survey Plan (2) 3. Site Plan 4. Level 1 5. Level 2 6. Level 3 7. Level 4 8. North Elevation 9. South Elevation 10. East Elevation 11. West Elevation 12. Section 1 13. Section 2 14. Site Photographs 15. Examples of Materials of Construction 16. Applicant justification

1.0 Executive Summary

The proposal is for additions and alterations to an existing single house. The property is within the Controlled Development Area of the City's Town Planning Scheme No. 2 (TPS2) with the existing dwelling falling within the required 7.5m setback to the rear boundary (to the river).

The non-compliant aspects of the application include alterations to the existing dwelling within the 7.5m rear setback area and also lot boundary setback and visual privacy setback variations.

The application has been referred to Council for determination at the request of the applicant. Administration has delegation to refuse the application because there is no discretion to approve the aspects of the development in the 7.5m rear setback area. However, it is considered appropriate to have Council consider the application so that the applicant has been given every opportunity to be heard for those aspects of the proposal that have discretion.

The development within the 7.5m rear setback cannot be approved by Council as there is no discretion provided by TPS2 to this effect.

Given the lack of discretion available for development in the 7.5m setback area, it is recommended Council instructs Administration to consider these issues in the preparation of the new Local Planning Scheme No. 3.

2.0 Recommendation to Committee

Council resolves the following:

- 1. Refuses the application for Additions and Alterations to the existing Single House at (Lot 7) No. 32A Jutland Parade Dalkeith, in accordance with the application received on 19 February 2016 and amended plans received on 01 April and 06 May 2016, for the following reasons:**
 - a) The proposed alterations are considered to be development which is not permitted within the 7.5m rear setback as per Clause 5.10.3 (b) of the City's Town Planning Scheme No. 2 and the Council does not have the discretion to consider variations.**
- 2. Instructs administration to consider existing development within the 7.5m rear setback area in the Controlled Development Area in the preparation of the City's Local Planning Scheme No. 3.**

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 Schemes) Regulations 2015 (Regulations).*
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Council Policy – Fill and Fencing.
- 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, however should Council refuse the application, there may be financial implications through an appeal of Council’s decision.

6.0 Risk management

Nil.

7.0 Background

Lot area	810.4m 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	Yes

The subject property is a battle-axe lot with direct frontage to the river. When the property was originally subdivided (during the 1960’s), the river reserve was ceded with the State government and therefore in comparison to neighbouring properties further west, the rear lot boundary is approximately 10m further from the river foreshore.

The topography of the lot is significant with a 7m slope from the river up to the rear of No. 32 (effective lot area of the subject property). An aerial image showing the location of the property follows.



8.0 Application Details

The application is for alterations to the existing dwelling and additions to the north of the existing dwelling – with the removal of the existing carport and swimming pool to facilitate the extensions. The plans have been provided as attachments to this report (attachment no. 1 – 13) and the details of the application are as follows:

Level 1

- a) Remove the existing west facing window to the proposed lounge
- b) Remove the floor slab between levels 1 and 2 in order to create a high ceiling in the lounge area
- c) Replace all south facing glazing with new double glazed windows
- d) Removal of the existing retaining wall between level 1 and 2 and replacing stairs with compliant stairs
- e) Existing boat store is to be fitted with a new door
- f) Provide privacy blade wall to west elevation

Level 2

- a) Remove east facing window to the proposed bedroom 3
- b) Replace all south facing glazing with new double glazed windows
- c) Remove timber deck to roof over boat store, replace with concrete slab and tile over
- d) Replace handrail to roof terrace over boat store
- e) Internal renovations to provide ensuites and configuration of living areas
- f) Extension underground with new pool area, outdoor living and dining area, guest bedroom and ensuite along with service areas

Level 3

- a) Reduce the size of the east facing window to the proposed kitchen, replace remaining window with new double glazed window
- b) Increase the setback to bedroom 1 window by reducing the built form to that of the existing living room (increase setback by 460mm)
- c) Replace all south facing glazing with new double glazed windows
- d) Remove existing balcony for the extent of bedroom 1
- e) Remove portion of balcony projecting more than 2.4m south of existing window line
- f) Replace existing steel and timber balcony structure with concrete balcony with tile finish
- g) Replace timber balustrade and install new compliant glass balustrade
- h) Replace existing eaves lining and fascia
- i) Internal renovations to the living area configuration and bedroom 1 dressing room/ensuite
- j) New entry area and garage/store to the north of the existing dwelling

Level 4

- a) New roof terrace above garage with drying area and planter with stair access.

Cladding

The existing walls are constructed of concrete and steel frame and therefore have poor thermal performance and do not prevent water entry into the building. The existing building is proposed to be clad in ceramic tiles and copper (tarnished for effect and minimisation of reflectivity) to create thermal insulation and waterproof the building. This cladding reduces the existing building's lot boundary setbacks to the eastern and western side boundaries.

Roofing

Additionally the existing metal roof which has a low pitch of 1 degree is proposed to be replaced with a pitched roof to facilitate the concealment of services, allow more effective water run-off and better heating/cooling opportunities for the dwelling.

By way of justification in support of the development application the applicant has provided additional information (see attachment 16).

9.0 Consultation

The development application was referred to the Department of Parks and Wildlife – Rivers and Estuaries Division (DPAW – formerly Swan River Trust) for comment. DPAW has advised they have no objections to the proposed development subject to various conditions and advice notes (see alternate recommendation).

The development application was also advertised to affected occupiers and landowners for comment due to the development proposed within the Controlled Development Area 7.5m rear setback, lot boundary setback and visual privacy setback variations. Two submissions were received – one providing no comment on the proposal and the other provided no-objection.

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 development application is not compliant with the requirements 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 Town Planning Scheme No. 2

10.1.1 Amenity

TPS 2 Provision	Assessment/Comment	Complies?
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 development is for alterations and additions to the existing dwelling. The single dwelling residential land use of the land is not proposed to be altered with the appearance of the development consistent with a single residential land use.	Yes
<p><u>Clause 5.5.2</u></p> <p>Unless otherwise approved by the Council, no person shall erect or add to any building unless the external walls are constructed of brick, stone or concrete, other than in the case of:</p> <ul style="list-style-type: none"> a) outbuilding complying with the R-Codes and not exceeding 37m² in floor area; b) the upper floor of a dwelling of which the external walls of the ground floor are to be, or have been, constructed of brick, stone or concrete; c) an historic building. 	The proposal seeks to use ceramic tiles and copper as cladding to the existing dwelling to improve the energy efficiency of the dwelling and better waterproof the dwelling. The materials will better blend into the river environment with the ceramic tiles to be a medium-dark grey and the copper slightly tarnished/weathered. The proposed materials of construction were advertised to neighbouring landowners and residents for comment with no comment or objections received in relation to the proposed materials of construction.	Yes

10.1.2 Controlled Development Area

TPS 2 Provision	Assessment/Comment	Complies?
<p><u>Clause 5.10.2 (a)</u></p> <p>The Council shall consider the effect of development on the amenity of the surrounding area, the visual effect of the development as perceived from the Swan River and the effect on</p>	The scale and height of the development is consistent with other developments within the locality. The development will not appear substantially different as viewed from the river with the exception of the increased roof pitch. Additionally, the dwelling's setback to the river is consistent with what is	Yes

<p>the amenity of the parks and recreation reserves in that area in accordance with Council policy from times to time determined for each Controlled Development Area.</p>	<p>proposed/permitted within the locality further west.</p> <p>The appearance of the development (with improved balustrading and materials complementary to the river landscape) is likely to be greatly improved when comparing to the existing concrete and timber construction materials.</p>	
<p><u>Clause 5.10.3 (b)</u></p> <p>For the purpose of this clause the rear boundaries of certain lots shall be as delineated in Appendix I and the rear setback applicable to boundaries of lots so delineated shall be 7.5m.</p>	<p>The existing dwelling is already within the 7.5m rear setback. The proposal seeks to alter the existing dwelling which is within the 7.5m rear setback. This rear setback requirement was introduced after the dwelling was built. The majority of works (as listed above) are considered to be 'development' and therefore not permitted within the 7.5m rear setback. The scheme is silent on the circumstances for alterations to buildings which do not comply with this 7.5m setback requirement and the scheme does not provide discretion to approve 'development' within the 7.5m rear setback.</p> <p>It should be noted that development on lots to the west of the subject property along Jutland Parade have not ceded land as river reservation and hence their 7.5m rear setback is much closer to the river. Therefore if this development was proposed on any of these lots, it would be compliant with this clause.</p> <p>Should the building be removed and re-build proposed with a 7.5m setback to the rear boundary, the lot would be left with approximately 520m² of lot area to build on. Given the need to provide vehicle access in forward gear and lot boundary setbacks in line with the current standards within the R-Codes, this leaves an even smaller footprint for a dwelling to be built.</p> <p>The impacted neighbouring landowners/residents provided no comment in relation to the works within the controlled development area.</p>	<p>No</p>

10.2 Planning and Development (Local Planning Schemes) Regulations 2015

Regulations Clause	Assessment Comment	Satisfies
<p>Clause 67 under Schedule 2 (Deemed Provisions) of the Regulations stipulates that in considering a development application due regard is to be given to the following matters, amongst others:</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 locality 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 following:</i></p> <ul style="list-style-type: none"> <i>i. environmental impact of the development;</i> <i>ii. the character of the locality;</i> <i>iii. social impacts of the development</i> <p><i>(o) the likely effect of the development on the natural environmental or water resources and any means that area proposed to protect or to mitigate impacts on the natural environment or the water resource.</i></p> <p><i>(q) the suitability of the land for development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</i></p> <p><i>(y) any submissions received on the application;</i></p> <p><i>(za) the comments or submission received from any authority consulted under clause 66.</i></p>	<p>The dwelling is ideally located with the property to the north being some 6m or so higher than the subject property making the dwelling largely not visible from their dwelling and the property to the west has a large vacant rear yard area adjacent to the subject property.</p> <p>The property to the east can be considered the most impacted by the proposal given the similar lot configuration. The extensions to the dwelling are over 6m away from the lot boundary and the alterations only marginally reduce the existing lot boundary setback, however the proposed relocation of the building services (air conditioning units and hot water systems) from the eastern side of the dwelling into the new roof area will improve the appearance of the dwelling as seen from the neighbouring property.</p> <p>In terms of the environmental impact and the impact of the development on the river due to the proximity of the river reserve and slope of the land – the proposal was referred to DPAW for comment with no objections received to the development subject to conditions and advice provided as part of an approval.</p> <p>In terms of the character of the locality – the dwelling is considered to be of a suitable scale, height and location in relation to neighbouring properties and the river location when comparing to existing and proposed approved developments within the area.</p> <p>The submissions on the proposal stated no objections or comments in relation to the suitability of the development or the impact the development may have on amenity.</p>	<p>Yes</p>

10.3 State Planning Policy 3.1 – Residential Design Codes

10.3.1 Lot boundary setbacks

Deemed-to-Comply Requirement	Proposed	Complies?
North Level 3 Garage – 1.5m	0m – boundary wall	No
West Level 1 lounge – 1m	0.82m	No
West Level 2 void to family – 1.6m	0.82m	No
West Level 3 store – 1m	0m – boundary wall	No
West Level 3 bed 1 to ensuite – 2.3m	0.82m	No
East Level 2 bed 3 to ensuite – 1m	0.82m	No
East Level 3 terrace to living – 3.3m	0.7m	No
East Level 3 terrace to scullery – 2.3m	0.82m	No

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

Design Principles	Assessment/Comment	Satisfies?
Reduce impacts of building bulk on adjoining properties.	<p><u>North and West boundary walls</u> The boundary wall to the northern side boundary has a retaining wall close to the lot boundary on the adjoining lot with the neighbouring dwelling some 3-4m above the level at the lot boundary. The boundary wall to the western side boundary has a maximum height of 3m and an average height of 2.5m above natural ground level. The wall is also adjacent to vacant rear yard area which is landscaped directly adjacent to the lot boundary. These factors ensure that the impact of building bulk is minimised as viewed from neighbouring properties.</p> <p><u>Eastern lot boundary setbacks</u> The level 3 terrace is proposed to be slightly extended around the eastern side of the dwelling. This is not permitted under the CDA provisions of the TPS2.</p> <p>The remaining variations to the eastern side boundary are due to the cladding of the existing dwelling with only a small reduction of the lot boundary setback (currently 0.9m). This small reduction is considered to not have an adverse impact in terms of building bulk on the adjoining property, however the re-cladding of the building is</p>	Yes

	<p>considered development and therefore not permitted under the CDA provisions of the TPS2.</p> <p><u>Western lot boundary setbacks</u> The variations to the western side boundary are due to the cladding of the existing dwelling with only a small reduction of the lot boundary setback (currently 0.9m). This small reduction is considered to not have an adverse impact in terms of building bulk on the adjoining property, however the re-cladding of the building is considered development and therefore not permitted under the CDA provisions of the TPS2.</p>	
Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.	<p><u>North and West boundary walls</u> The location of the boundary walls to the northern and western lot boundaries is away from habitable areas of the neighbouring dwellings and outdoor living areas. Additionally the major openings and outdoor living areas of the dwelling are not considered to have less access to sunlight and ventilation as a result of the walls' location on the boundary.</p> <p><u>East and West Boundaries</u> The minor decrease in setbacks are a result of cladding and will not result in less sunlight and ventilation to neighbouring properties, however this cladding cannot be considered under the CDA provisions of the TPS2.</p>	Yes
Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	<p><u>North and West boundary walls</u> The boundary walls will have no impact on privacy of neighbouring dwellings or the subject property and are likely to improve privacy for all properties impacted.</p> <p><u>East and West boundaries</u> The minor decrease in setbacks are a result of cladding and will not result in any loss of existing levels of privacy for the subject property or neighbouring properties, however this cladding cannot be considered under the CDA provisions of the TPS2.</p>	Yes
Makes effective use of space for enhances privacy for the occupants or outdoor living areas	<p><u>North and West boundary walls</u> The north and west boundary walls are located at the highest point of the lot behind a retaining wall on the northern neighbour's lot and adjacent to vacant rear yard area to the west. The site's topography makes access around the dwelling difficult and therefore building up to the boundary makes effective use of space in a location where there will be negligible impact on neighbouring landowners.</p>	Yes
Ensures direct sun to major openings to habitable rooms and	<p><u>North and West boundary walls</u> The orientation of the lot being to the south of one neighbouring landowner and the western</p>	Yes

outdoor living areas for adjoining properties is not restricted	neighbouring landowner having their dwelling and main outdoor living areas located further north on their lot ensures that the boundary walls will not impact habitable rooms and outdoor living areas of the neighbouring properties.	
Positively contributes to the prevailing development context and streetscape.	<u>North and West boundary walls</u> The walls are concealed from the street and given the age and variance in architectural types of dwellings within the area, there is little prevailing development context. Given the favourable location of the boundary walls as detailed above, the boundary walls permit a greater use of masonry division between properties than less aesthetically pleasing dividing fence materials.	Yes

With regard to the above, it should also be noted that the impacted neighbouring landowners were consulted by the City and applicant for over 21 days. No comment or objection were received from the impacted neighbouring landowners with regard to the lot boundary setbacks. The northern neighbouring landowners were not contactable and hence the applicants was unable to obtain specific non-objections in relation to the proposed boundary wall and the western neighbouring landowner declined to provide comment – instead providing a no comment, objection or non-objection response.

10.3.2 Visual Privacy

The proposal is not compliant with the following Deemed-to-Comply provisions of the R Codes:

Deemed-to-Comply Requirement	Proposed	Complies?
West Level 3 terrace – 7.5m	7m	No
East Level 3 terrace – 7.5m	0.7m	No
East Level 3 kitchen – 6m	0.82m	Yes – existing

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

Design Principles	Assessment/Comment	Satisfies?
<p>Minimal direct overlooking of active habitable spaces and outdoor living areas if adjacent dwellings achieved through</p> <ul style="list-style-type: none"> • building layout and location • design of major openings • 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; • setting back the first floor from the side boundary; • providing higher or opaque fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters). 	<p>The western level 3 terrace setback of 7m in lieu of 7.5m is an improvement from the previous setback of 0.9m.</p> <p>The eastern level 3 kitchen setback is existing, the size of the major opening is proposed to be reduced.</p> <p>The eastern level 3 terrace setback of 0.7m is a reduction of the existing setback of 0.9m. The extension of the terrace is considered development and therefore not permitted within the CDA under the provisions of the City's TPS2.</p> <p>The impacted eastern neighbouring landowner has provided no objection to the visual privacy variations.</p>	<p>Yes</p>

11.0 Conclusion

The proposal is for alterations and additions to the existing dwelling which is partially located within the Controlled Development Area's 7.5m rear setback. The existing building was constructed in the 1960's and is of concrete and steel frame construction. According to the applicant, the existing building's construction has poor thermal qualities and is not waterproof with the alterations seeking to improve the function of the existing building with cladding and a new pitched roof which will also permit the concealment of the services currently located on the side of the building. The additions to the dwelling are to the north of the existing dwelling outside of the Controlled Development Area and are of rendered brick/concrete construction with a portion of the extensions underground.

The proposed alterations and renovations within the Controlled Development Area rear setback area are considered to be development and hence not permitted under the City's TPS2. The development application is therefore recommended for refusal as there is no discretion within TPS2 to consider development within the 7.5m rear setback area within the Controlled Development Area.

12.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application, conditions limiting the approval to the proportion of the additions and alterations outside of the 7.5m rear setback have been recommended. If approved, the following wording and conditions are recommended:

Council approves the development application for Additions and Alterations to the existing Single House at (Lot 7) No. 32A Jutland Parade, Dalkeith, in accordance with the application received 19 February 2016 and amended plans received on 01 April and 06 May 2016, subject to the following conditions and advice notes:

Conditions:

1. This development approval only applies to the development outside of the 7.5m Controlled Development Area rear setback area.
2. The development shall at all times comply with the approved plans which exclude any development within the 7.5m Controlled Development Area rear setback area.
3. Following a referral to the Swan River Trust, the following conditions are included:
 - a) Prior to commencement of the development, the applicant shall submit and have approved plans detailing the modification of the existing boat store so that the structures are located wholly within Lot 7 on Diagram 21411 (32A) Jutland Parade, Dalkeith, to the satisfaction of the City of Nedlands and the specification of the Department of Parks and Wildlife.
 - b) The development shall be implemented in accordance with the details approved under Condition 3 a).
 - c) Should dewatering be required, the proponent shall prepare and submit a dewatering management plan to the Department of Parks and Wildlife. No works shall commence prior to the approval of the dewatering management plan by the Department of Parks and Wildlife.
 - d) Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system.
 - e) The development shall be connected to the reticulated sewerage system prior to first occupation.
 - f) The applicant shall decommission, and backfill with clean material, any existing on-site effluent disposal systems.
 - g) No wastewater/backwash from the swimming pool is to be discharged onto the land, into the river or the local government drainage system.
 - h) No building materials, soil, rubbish or any other deleterious matter shall be placed on the Parks and Recreation reservation or be allowed to enter the river as a result of the works.

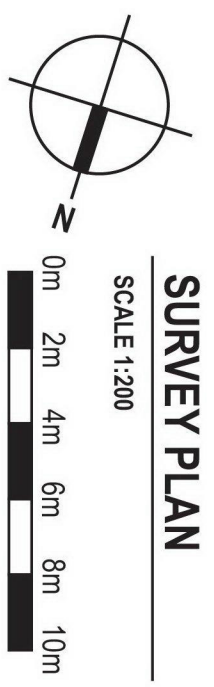
4. All fencing, visual privacy screens and obscure glass panels to Major Openings and/or Active Habitable Spaces, shown on the approved drawings and/or required as per planning condition(s), shall be fixed in place and be made to prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2015 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.
5. All footings and structures to boundary walls, fences and retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.
6. This approval does not pertain to any works within the nature-strip/verge. Any works in the nature-strip/verge (including footpaths) will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to the commencement of any works on site or within the nature-strip/verge.
7. All internal driveways (including circulation ramps) are to be designed to meet Australian Standards AS2890.1:2004.
8. The void area is not permitted to be converted for use other than storage and/or plant and equipment storage in order to comply with Clause 5.11 i) of the City's Town Planning Scheme No. 2.

Advice Notes

1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.
2. Proposed dividing fences which comply with the City's Town Planning Scheme No. 2 (no more than 1.8m above natural ground level) are compliant and do not require further planning approval.
3. This approval does not authorise any works to the existing retaining walls or stairs located within the adjacent Crown Reserve 24959.
4. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan Canning Development Control Area.
5. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot.
6. All swimming pools, whether being removed, retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well

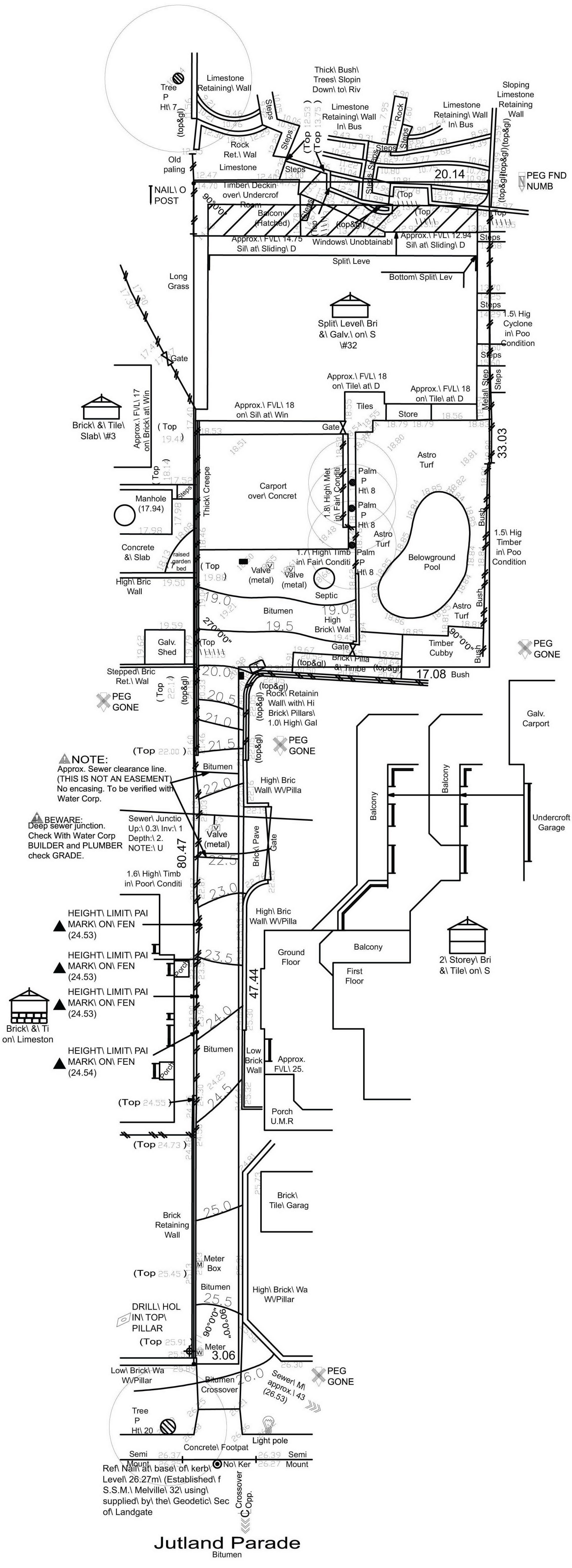
shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block.

8. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated.
9. The landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*.
10. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
11. 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.



SURVEY PLAN

SCALE 1:200



NOTE:
 Approx. Sewer clearance line.
 (THIS IS NOT AN EASEMENT)
 No encasing. To be verified with
 Water Corp.

BEWARE:
 Deep sewer junction.
 Check With Water Corp
 BUILDER and PLUMBER
 check GRADE.

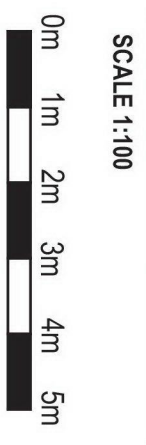
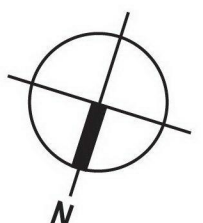
- ▲ HEIGHT LIMIT PAI MARK ON FEN (24.53)
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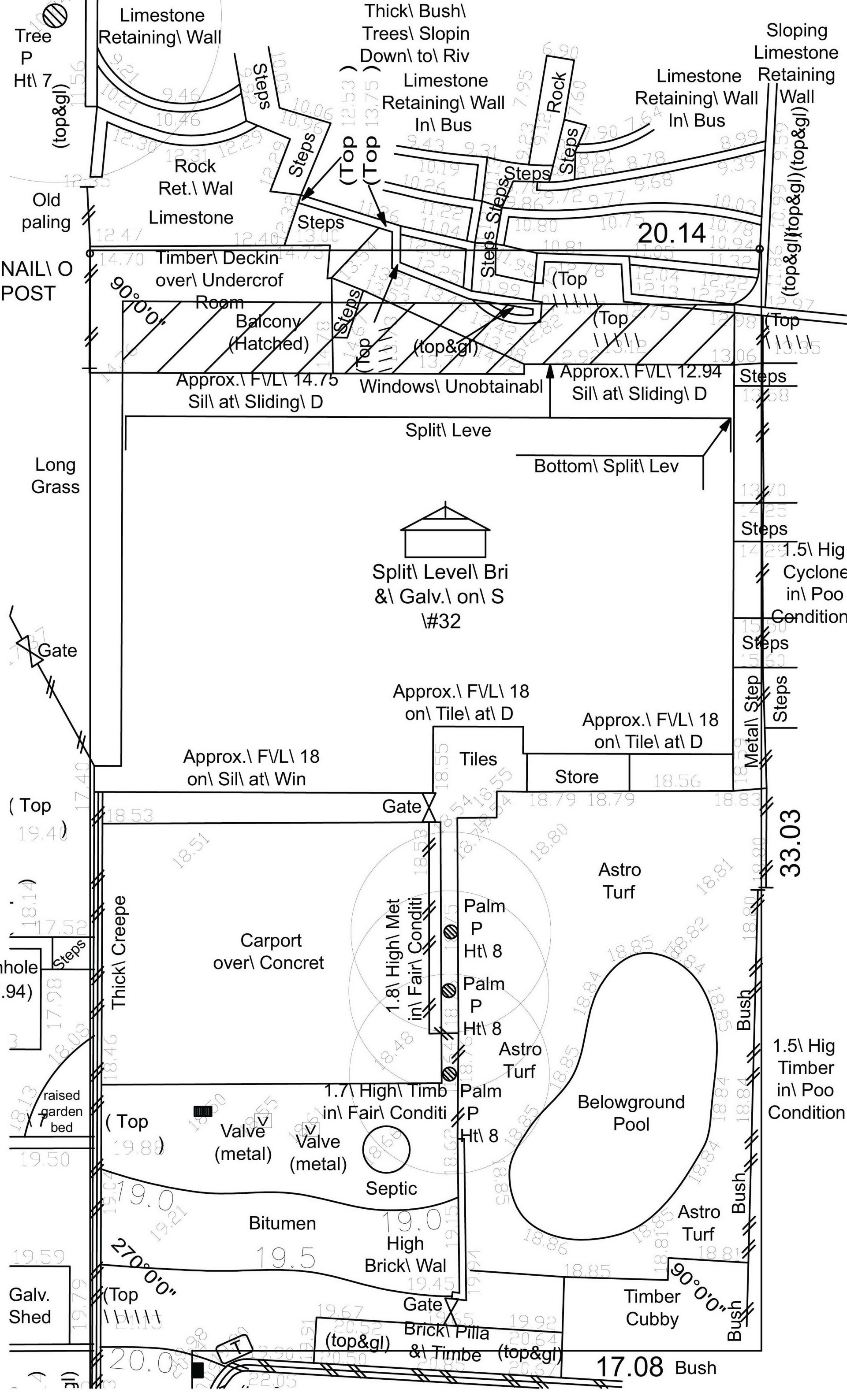
Jutland Parade
 Bitumen

job: 1408 | date: 18.02.16 | rev: -
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

architect:boughtonarchitecture
 architect:boughtonarchitecture
 Unit 4 / 120 Broadway | CRAVLEY, VA 61009 | t: (08) 6380 1555 | f: (08) 9389 9386 | e: boughton@boughtonarchitecture.com.au



SURVEY PLAN



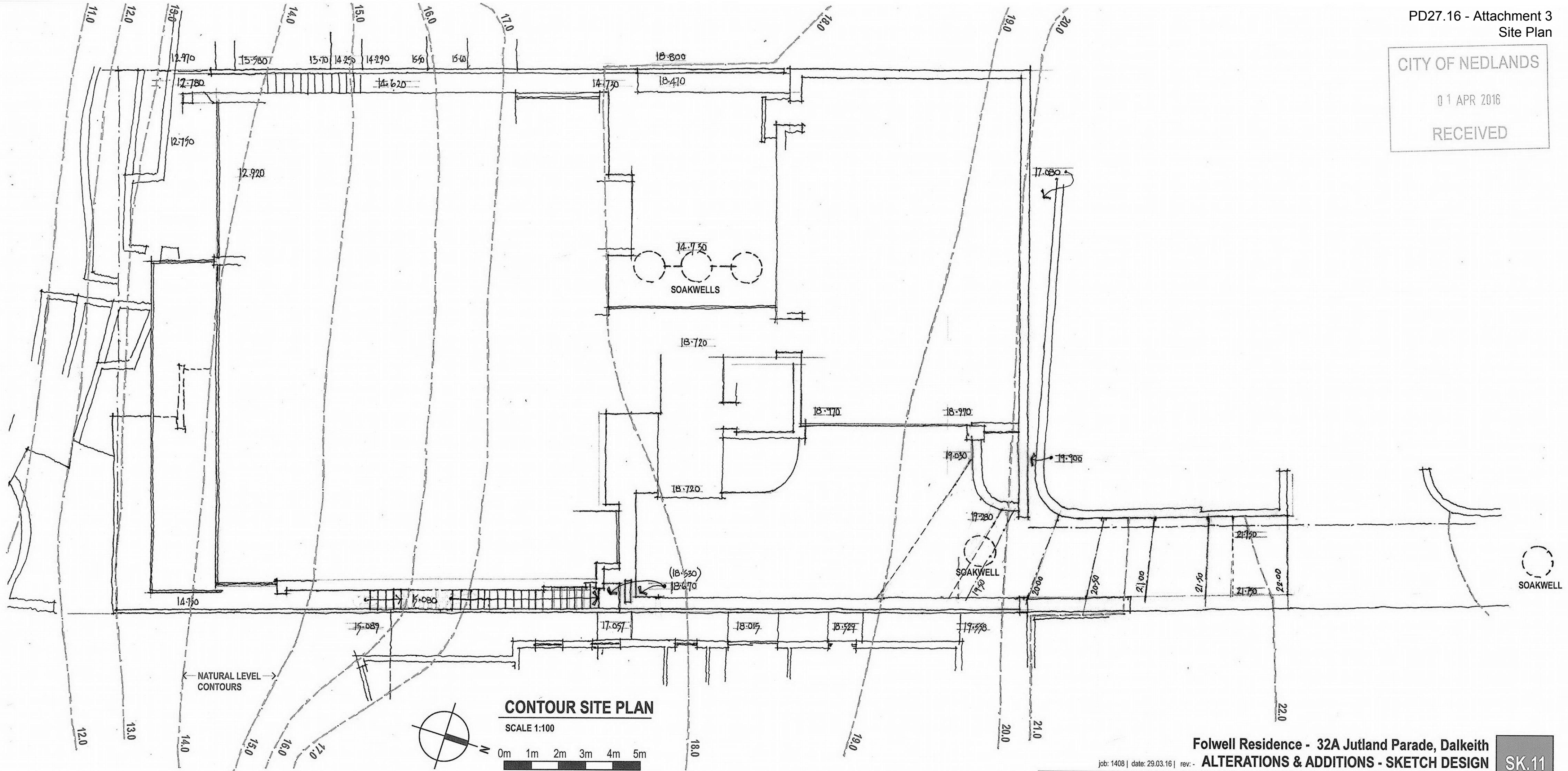
PD27.16 - Attachment 2
Site Survey Plan 2

job: 1408 | date: 18.02.16 | rev: -

Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN
architectureboughtonarchitectureboughtonarchitectureboughtonarchitecture
Unit 4/120 Broadway | CRAVILEY WA 6009 | T: (08) 9390 1555 | F: (08) 9399 9396 | e: a.boughton@boughtonarchitecture.com.au

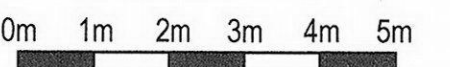


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CONTOUR SITE PLAN

SCALE 1:100



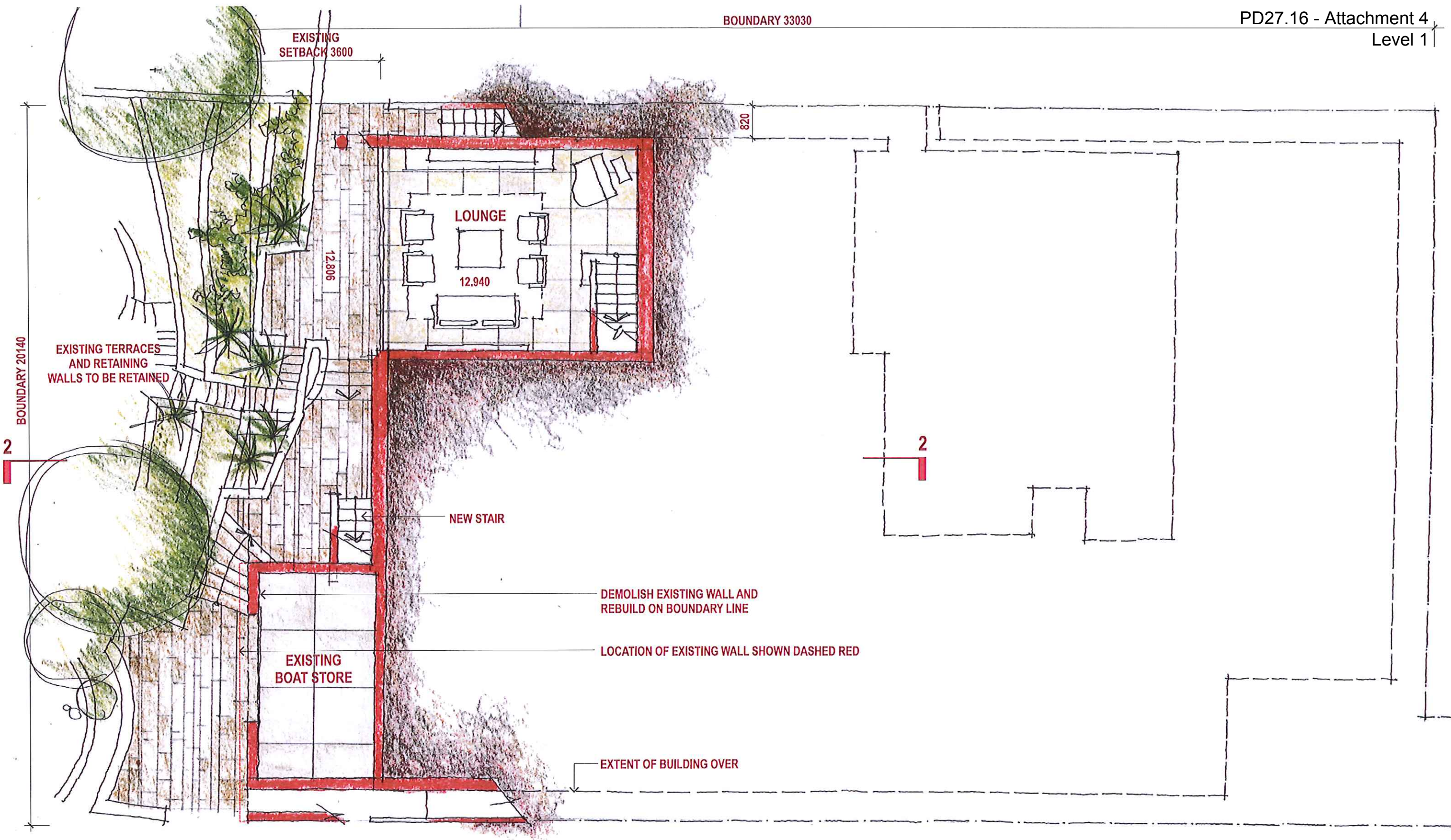
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.11

job: 1408 | date: 29.03.16 | rev: -

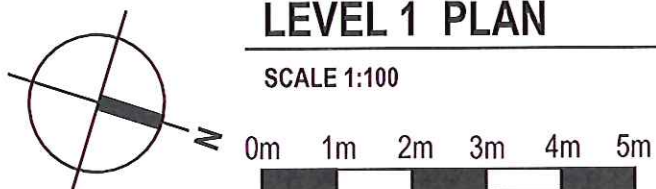
BOUNDARY 33030

EXISTING
SETBACK 3600



LEVEL 1 PLAN

SCALE 1:100



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Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.01

job: 1408 | date: 18.04.16 | rev: E

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BOUNDARY 33030

EXISTING
SETBACK 3600

14200

7930

6800

1000

1200

820

BOUNDARY 20140

2

2

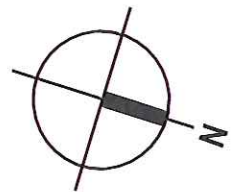
820

DEMOLISH EXISTING WALL AND
REBUILD ON BOUNDARY LINE

LOCATION OF EXISTING WALL SHOWN DASHED RED

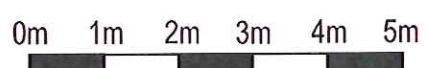
5500

1



LEVEL 2 PLAN

SCALE 1:100



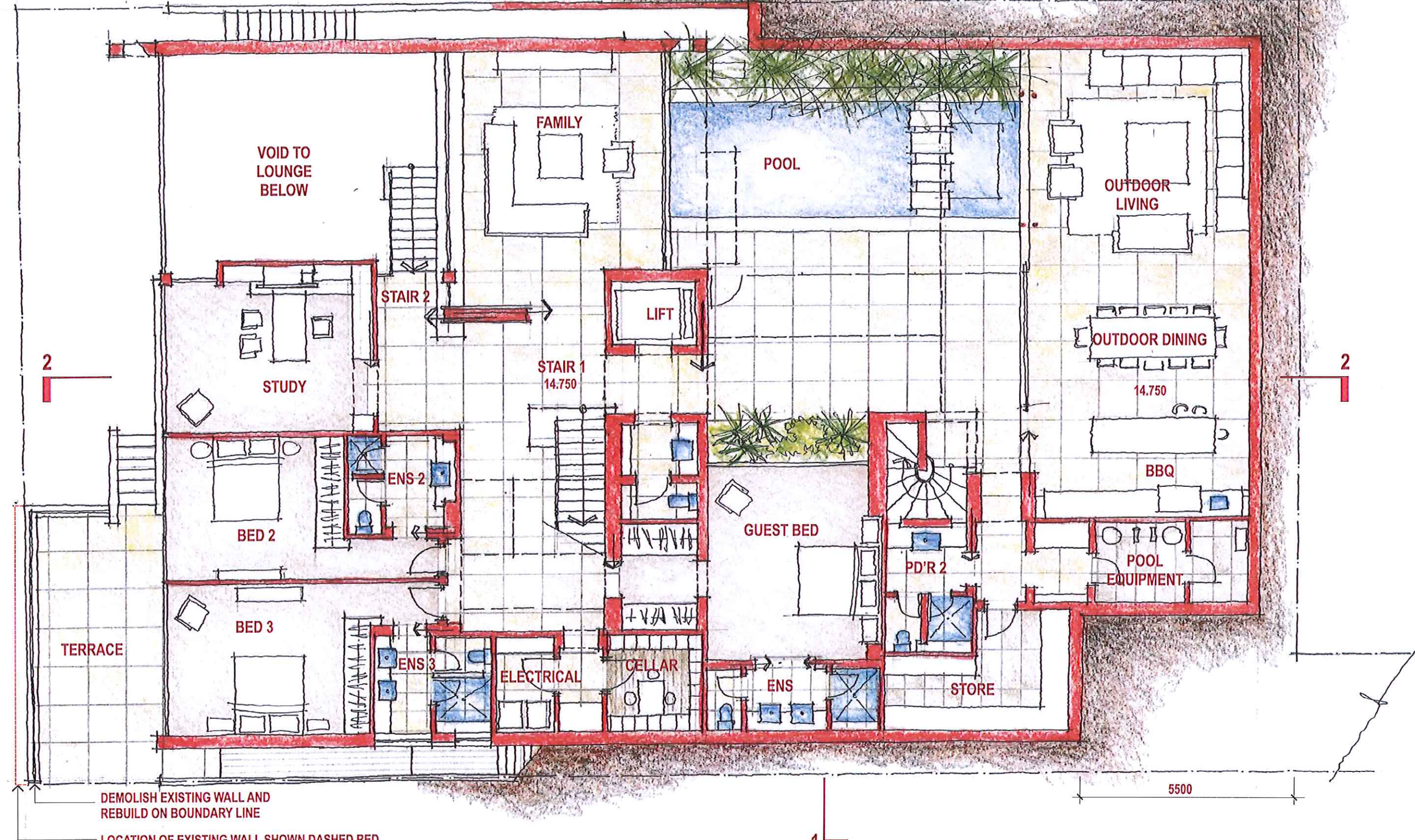
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06 MAY 2016

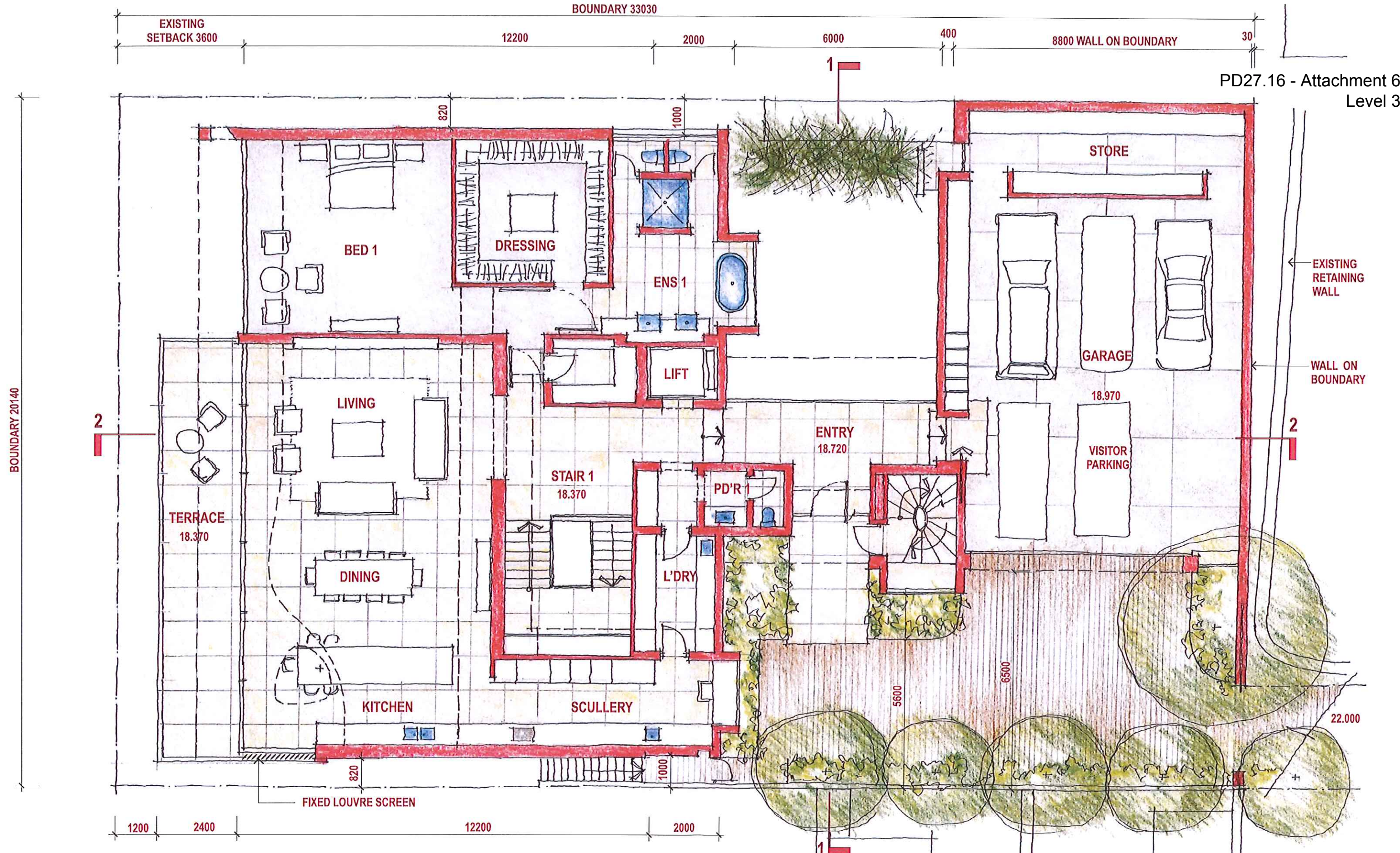
PD27.16 - Attachment 5
Level 2

Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.02

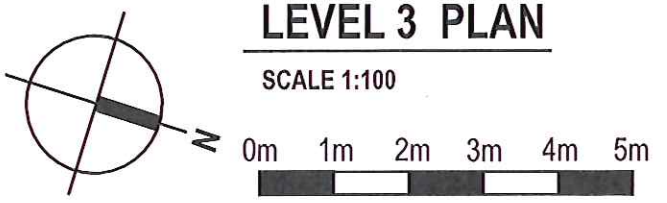
architectureboughtonarchitectureboughtonarchitectureboughtonarchitecture
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LEVEL 3 PLAN

SCALE 1:100

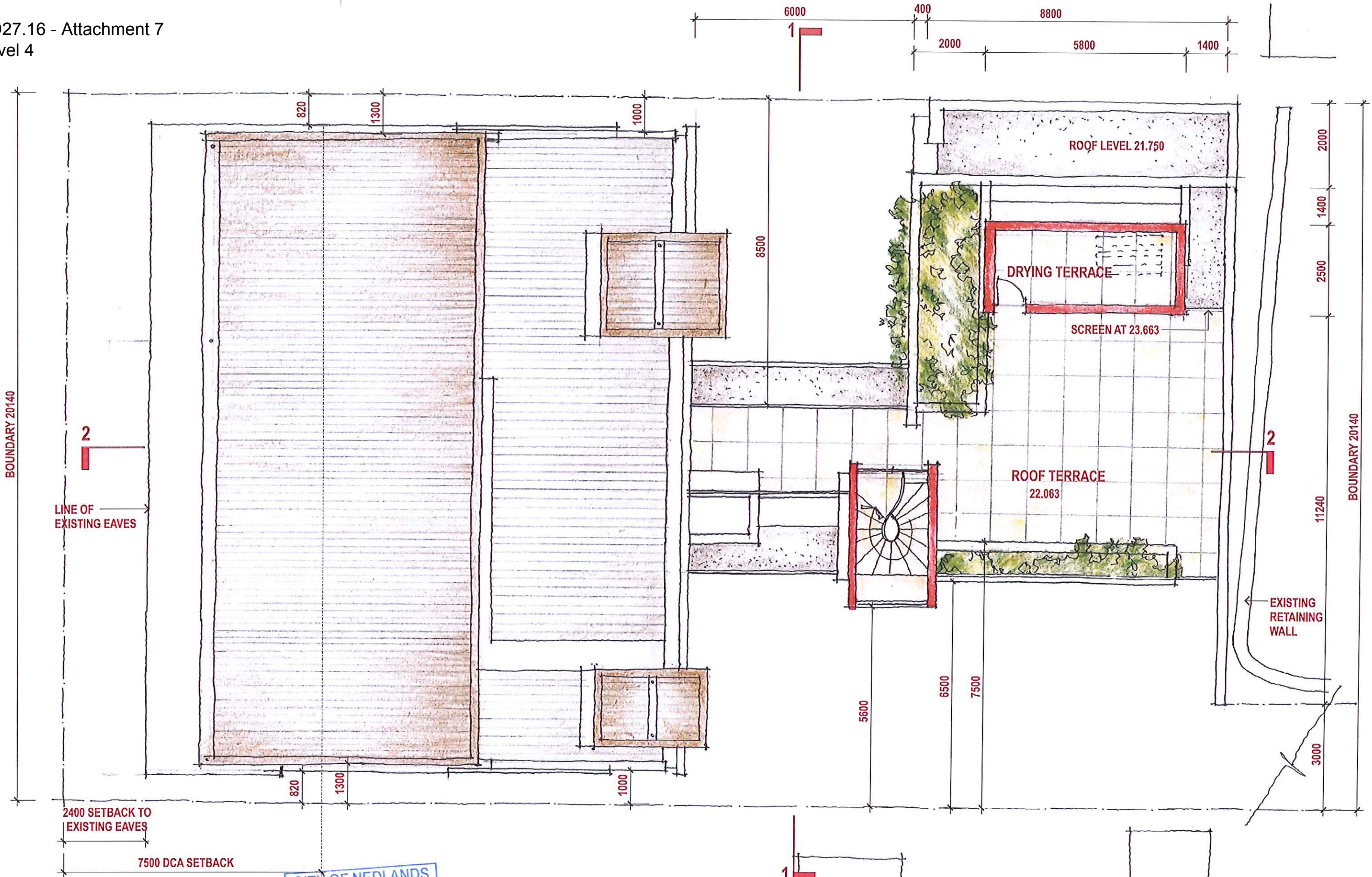


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06 MAY 2016

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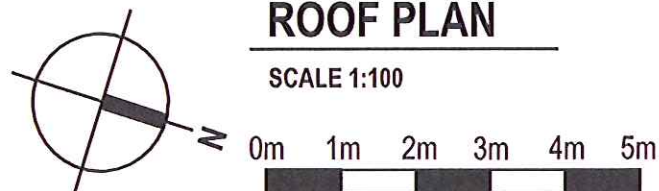
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.03



ROOF PLAN

SCALE 1:100



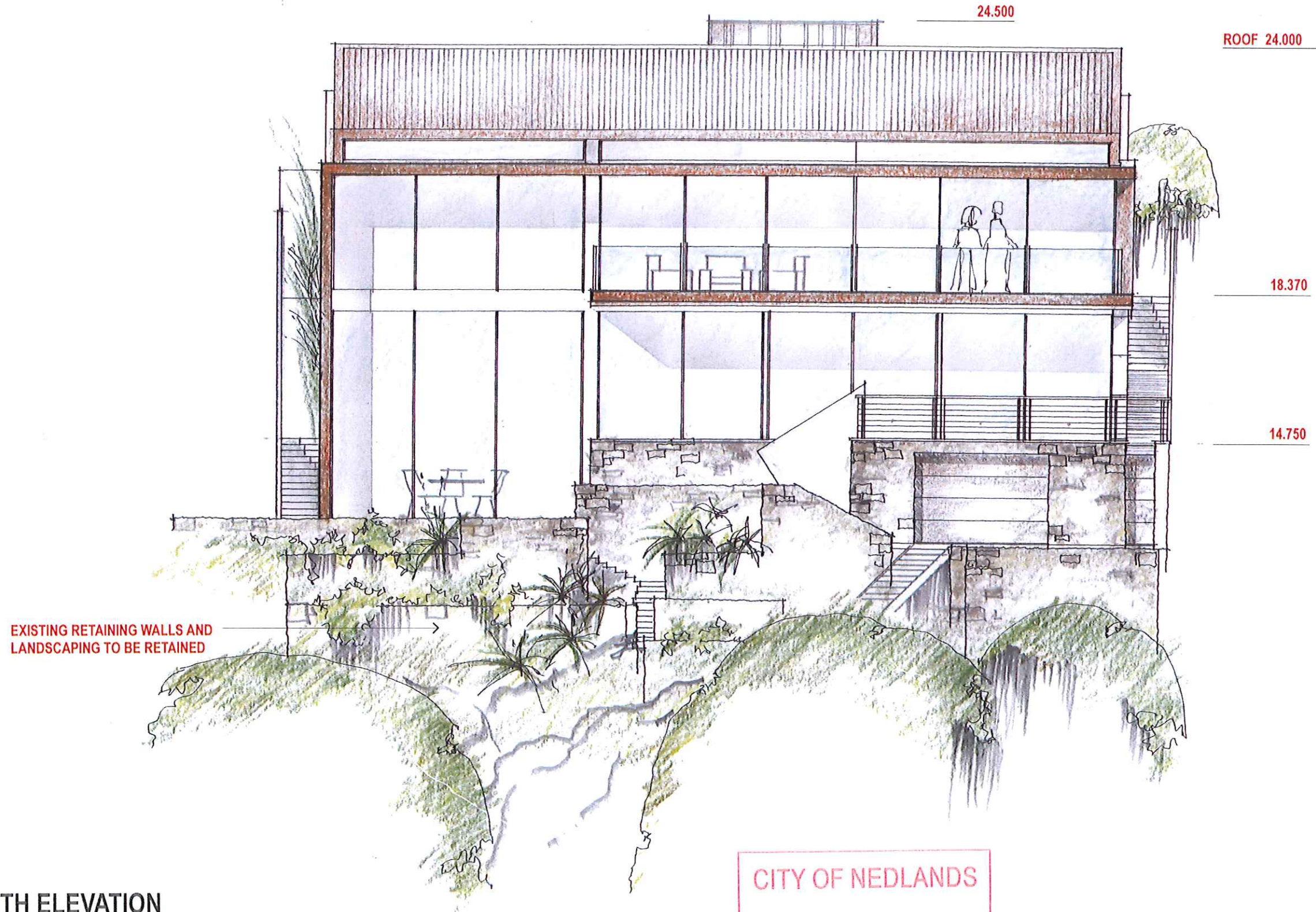
CITY OF NEDLANDS
RECEIVED
06 MAY 2016

Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.04

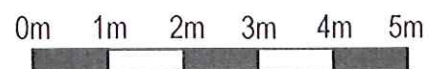
job: 1408 | date: 05.05.16 | rev: D

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Unit 4 / 120 Broadway | CRAWLEY WA 6009 | t: (08) 6380 1555 | f: (08) 9389 9396 | e: a.boughton@boughtonarchitecture.com.au



SOUTH ELEVATION

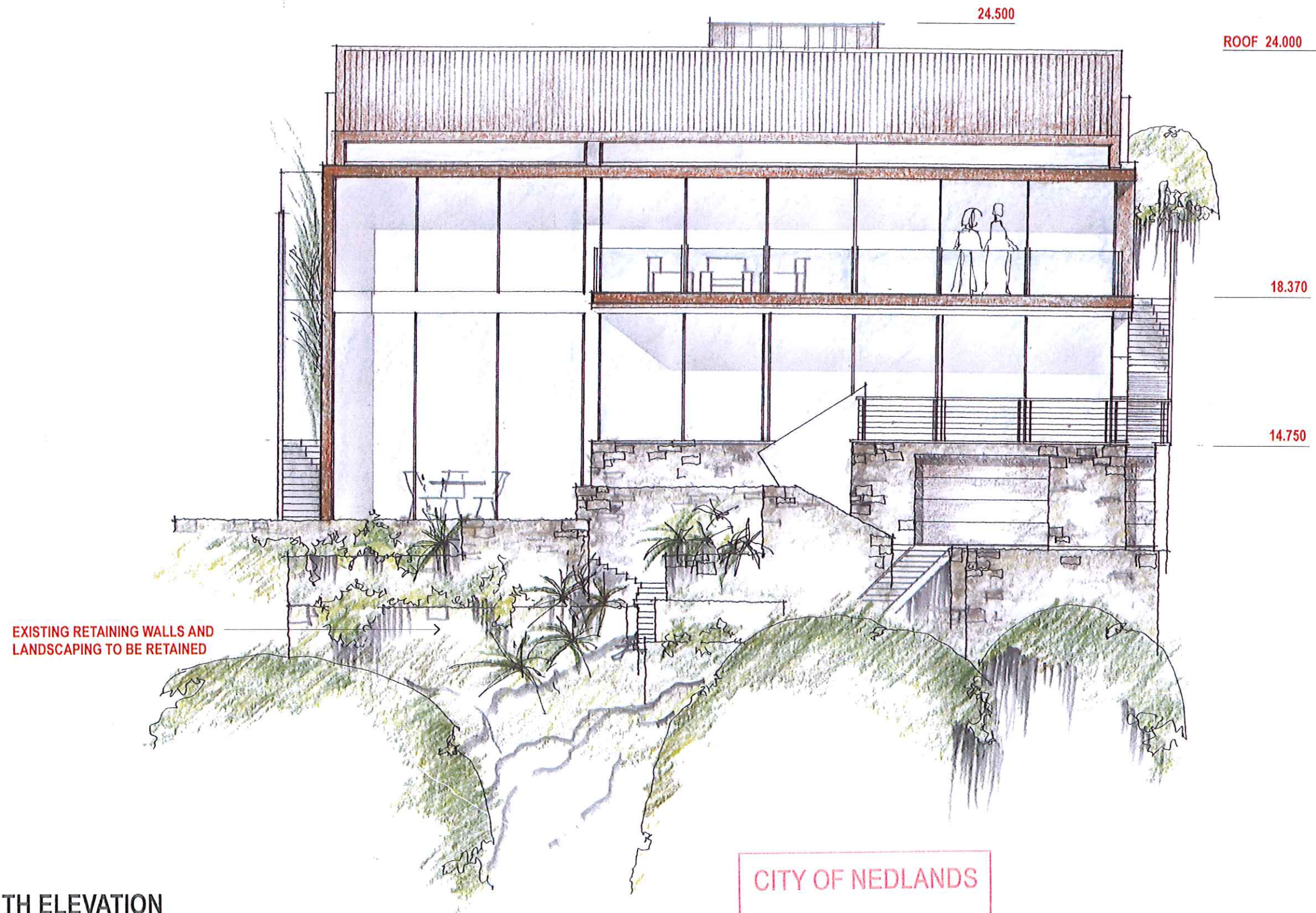
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01 APR 2016
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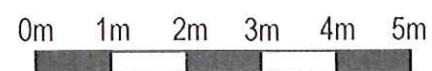
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.06



SOUTH ELEVATION

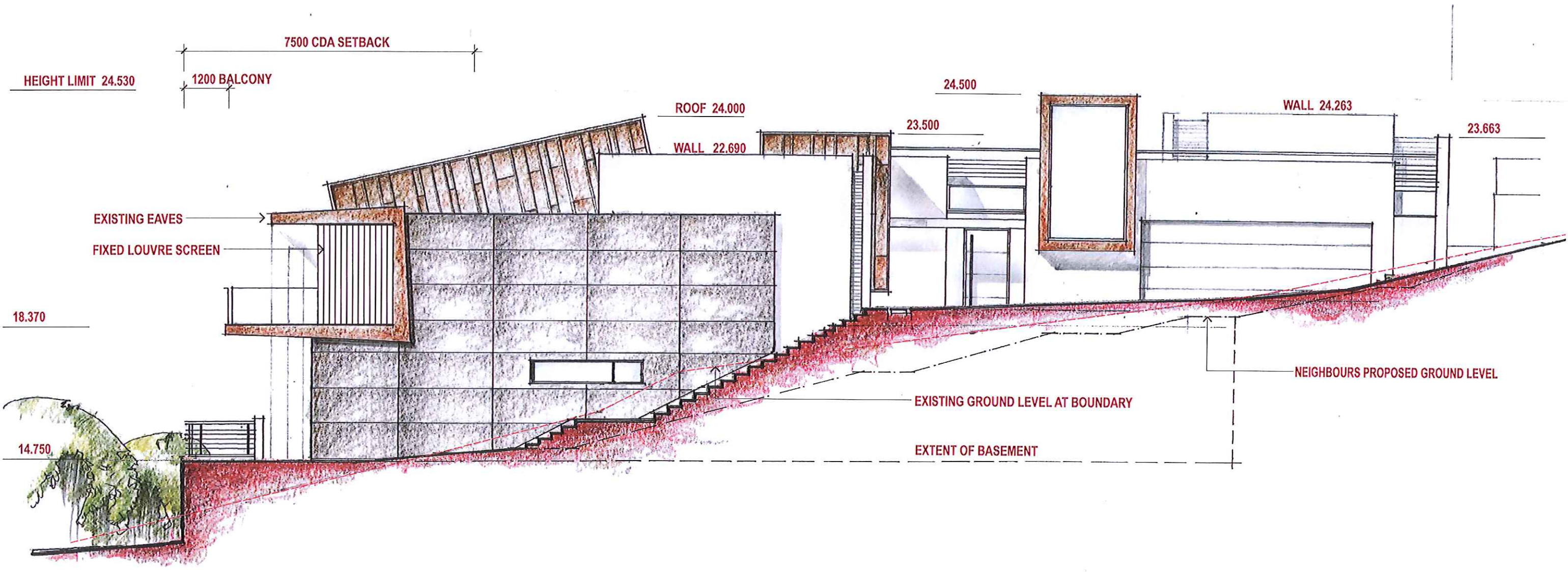
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Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.06



EAST ELEVATION

SCALE 1:100



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06 MAY 2016

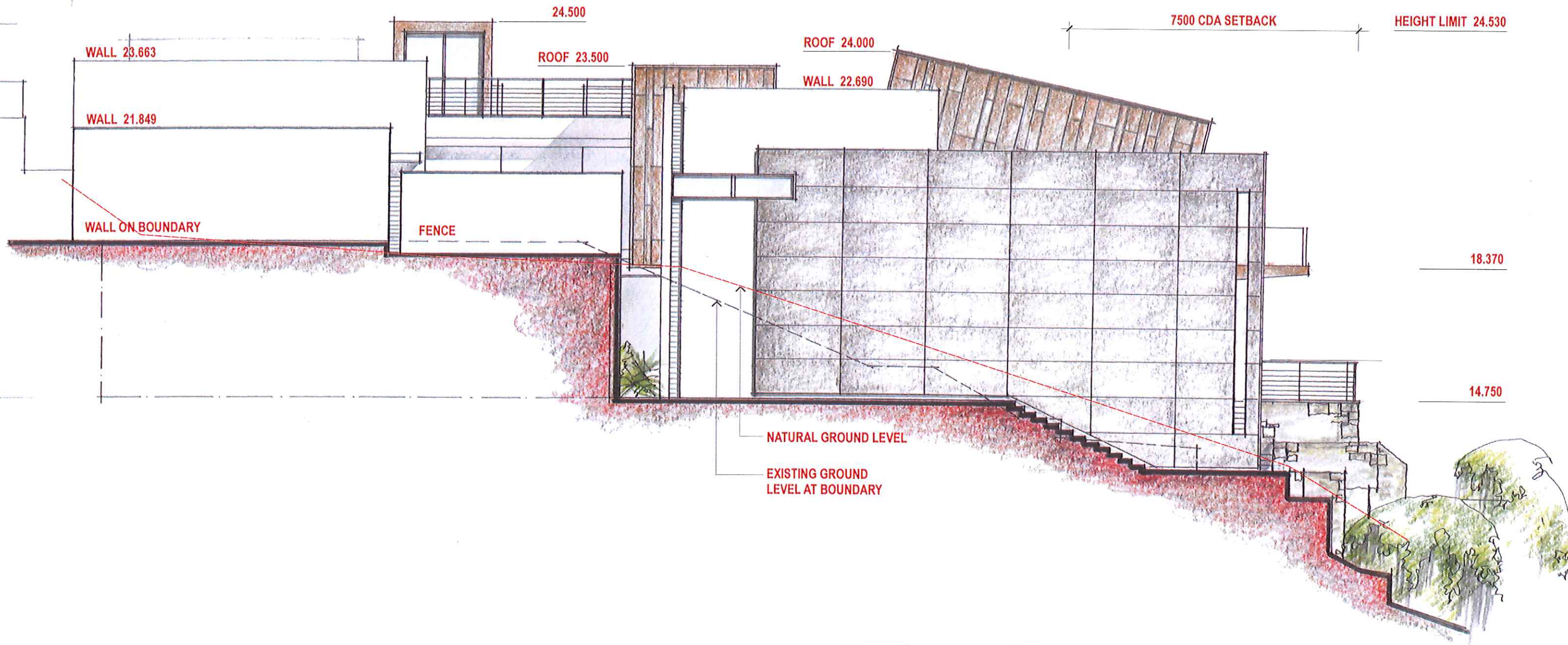
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.07

job: 1408 | date: 05.05.16 | rev: E

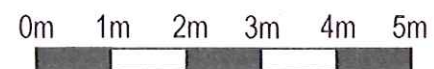
architectureboughtonarchitectureboughtonarchitectureboughtonarchitecture
Unit 4 / 120 Broadway | CRAWLEY WA 6003 | t: (08) 6380 1555 | f: (08) 9389 9396 | e: a.boughton@boughtonarchitecture.com.au

PD27.16 - Attachment 11
West Elevation



WEST ELEVATION

SCALE 1:100

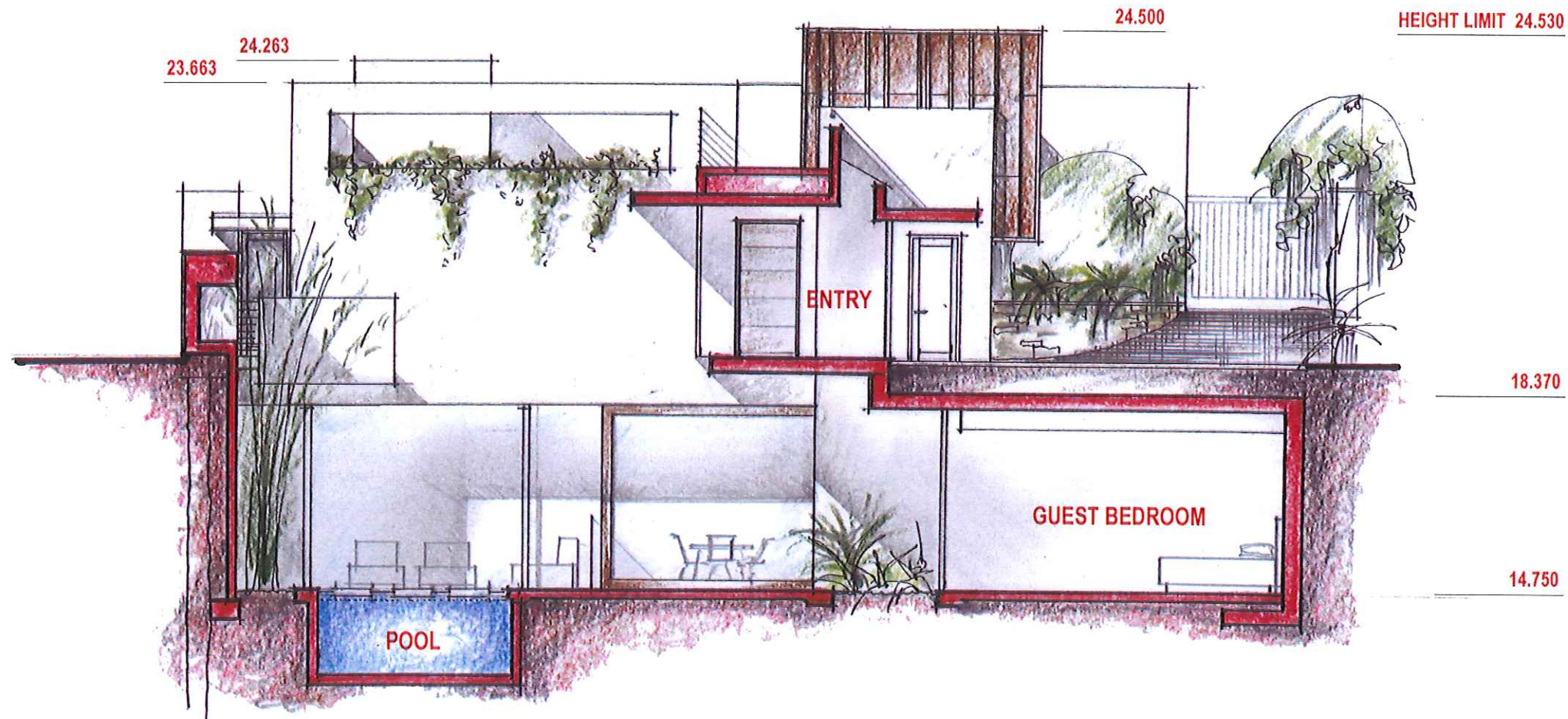


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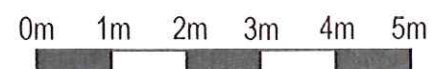
Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.08



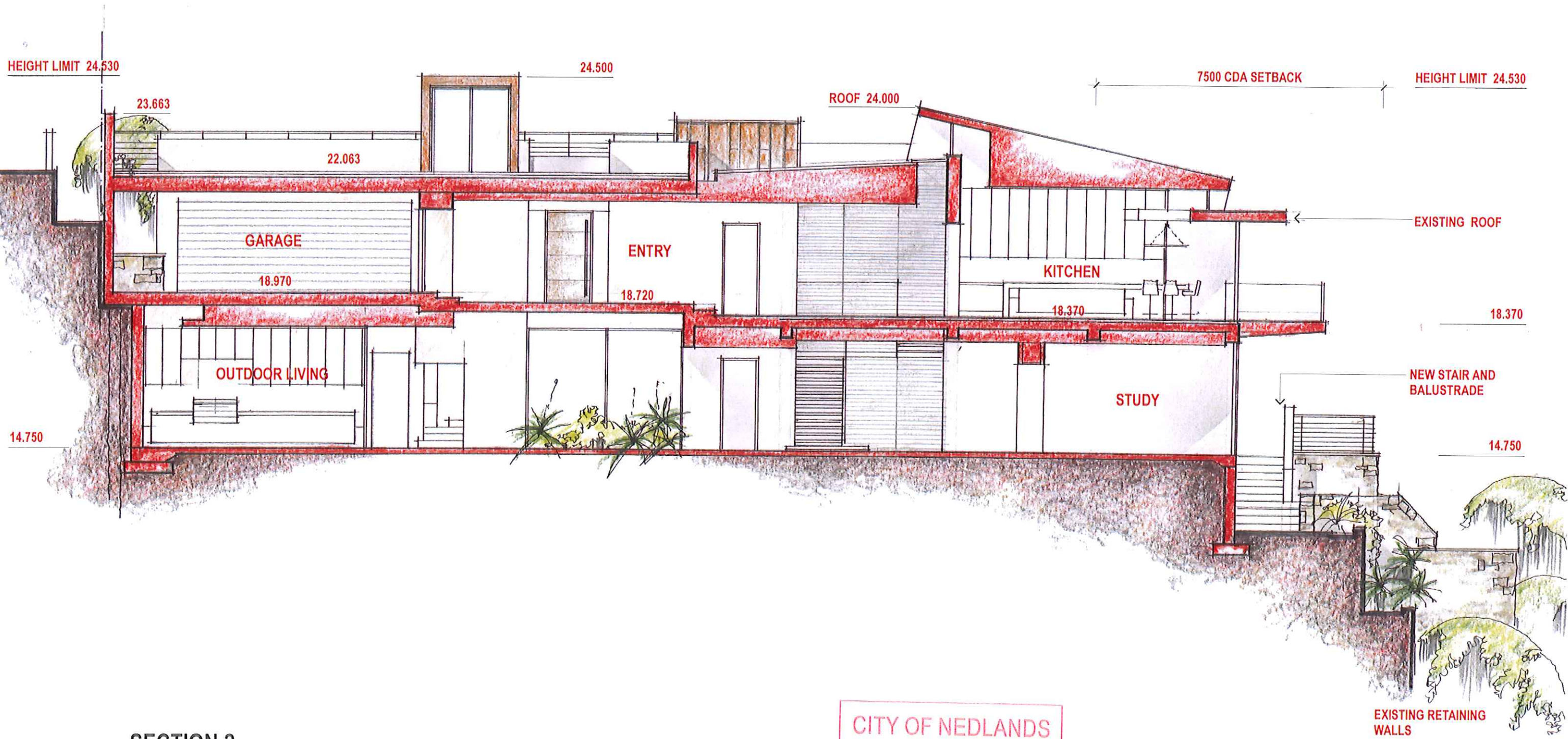
SECTION 1

SCALE 1:100



Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.09



SECTION 2

SCALE 1:100



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Folwell Residence - 32A Jutland Parade, Dalkeith
ALTERATIONS & ADDITIONS - SKETCH DESIGN

SK.10



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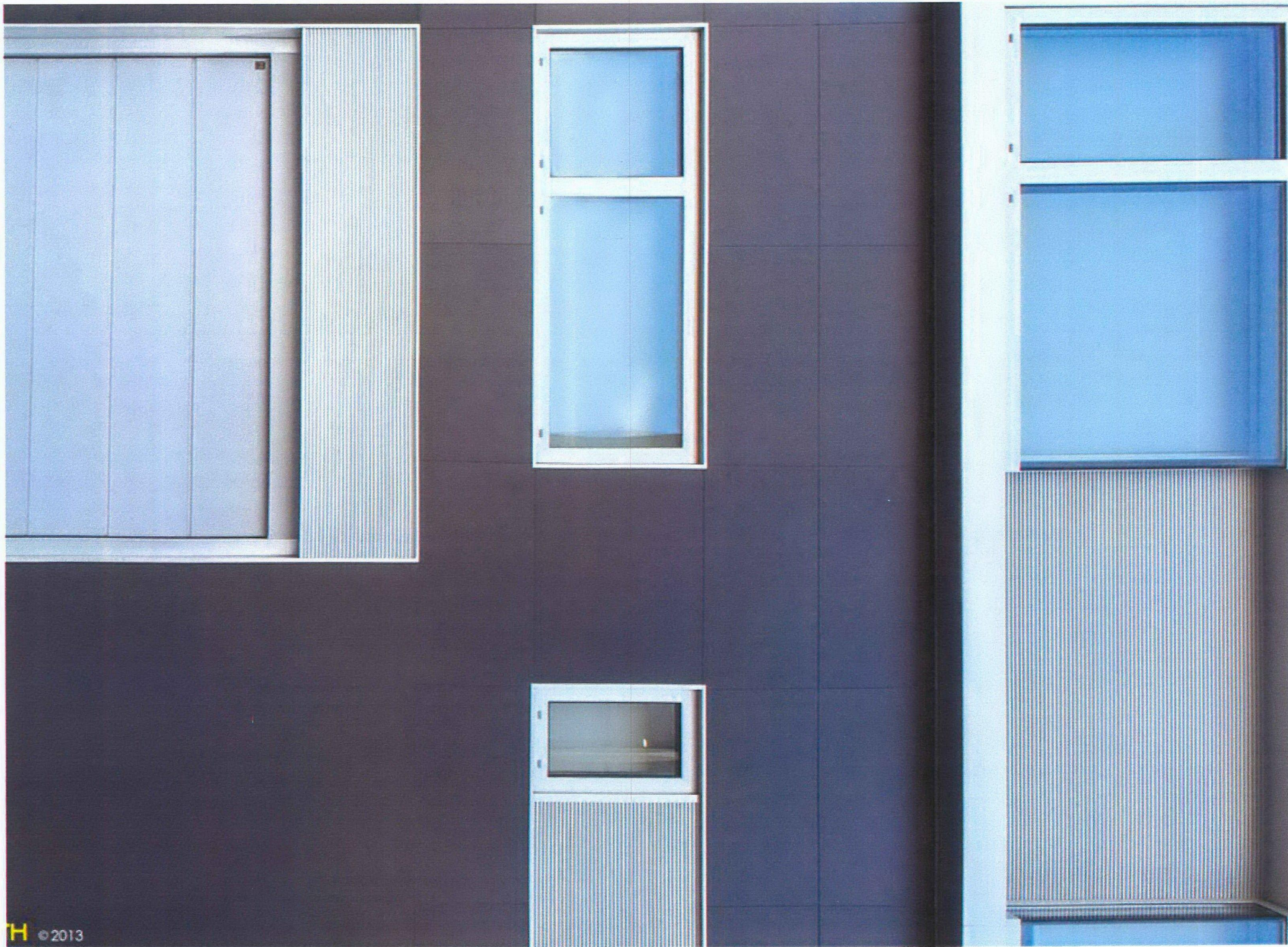


CITY OF NEDLANDS
19 FEB 2015
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PD27.16 - Attachment 15
Examples of Materials of Construction







CITY OF NEDLANDS

19 FEB 2016

RECEIVED

Project Description

The site is a battle axe site located on the edge of the Swan River escarpment. A 3 level concrete framed home is located within close proximity of the rear boundary: ref to existing building plans and the site survey drawing. Part of the existing home is located within the DCA

The site is zoned R12.5

The existing house on this site is to be renovated and extend as described by the attached drawings and as documented below. The existing house is largely retained with the demolition of the level 2 storage and service area required to facilitate the extension of the home to the north. The new portion of the building will contain a garage and store area on level 3 and the pool, outdoor living area and guest bedroom to level 2. The level 2 new works are largely located below natural ground level.

Works within the DCA

Modifications to the existing building are limited to items that repair replace and improve the fabric of the existing building

Level 1

1. Remove the existing west facing window to the proposed Lounge
2. Remove the floor slab between levels 1 and 2 in order to create a high ceiling in the lounge area, thus limiting the building to two levels of habitable space
3. Replace all south facing glazing with new double glazed windows
4. Removal of the existing retaining wall between level 1 and 2 and replacing stair with a compliant stair
5. Existing Boat Store is to be fitted with a new door
6. Provide privacy blade wall to west elevation

Level 2

1. Remove east facing window to the proposed Bedroom 3
2. Replace all south facing glazing with new double glazed windows
3. Remove timber deck to roof over boat store (currently damaged by white ant infestation) replace with concrete slab, waterproofed and finished with ceramic tiles
4. Replace handrail to roof terrace over boat store

Level 3

1. Reduce the size of the east facing window to the proposed Kitchen, replace remaining window with new double glazed window
2. Increase the set back to the Bedroom 1 window by reducing the built form to that of the existing Living Room (increase existing set back by 460mm)
3. Replace all south facing glazing with new double glazed windows
4. Remove existing balcony for the extent of Bedroom 1
5. Remove portion of balcony projecting more than 2 400mm south of existing window line
6. Replace existing steel and timber balcony structure with concrete balcony with stone tile finish
7. New glass compliant balustrade to be installed in lieu of current noncompliant timber balustrade
8. Replace existing eaves lining and fascia
9. To facilitate the removal of all existing wall mounted air conditioning units it is proposed to raise the existing roof, behind the existing building providing a ceiling void in which all building services may be concealed.

Existing Building Fabric

Roof

The existing building has a low pitched metal roof at a pitch of 1 deg. Roof space is minimal, limiting access for services and thermal insulation. A secondary higher roof plane provides higher ceiling space and north light into the living spaces, but is also pitched at 1 deg. We propose to retain the existing roof plane on the perimeter of the building and install a new pitched roof that enables building services and insulation to be incorporated into the building fabric without adversely affecting the existing amenity of the area

Walls

The existing walls are constructed from a concrete and steel frame with an infill of single skin concrete blockwork. The current construction fails to prevent water entry to the building and has a poor thermal performance. It is proposed that the existing wall is to be fully waterproofed, insulated and clad with a system of ceramic panels. The overall thickness of the new cladding is 70mm and such the existing side set back 0 890mm is to be reduced to 820mm.

Building Compliance

This proposal has been designed within the constraints of the existing building structure and the design intent on the R Codes. Key areas of compliance and variations requiring consideration by the Council are shown on drawings and summarised below.

Building Height

The home complies with the Council's Requirements of maximum height of the building (wall and roof) and maximum height of building above street level.

Building Setbacks

Front (North)

The building is set back from the street boundary by the length of the drive. The Garage located on the north boundary is proposed to be built on the boundary, ie set back nil. Existing retaining wall, shed and cubby house located on the boundary is to be demolished and the new wall to the garage forms a retaining wall, garage enclosure and screen wall to roof terrace. The boundary wall does not exceed 3.0m above the existing natural ground level on the boundary and is less than a boundary fence height when measured from the neighbour's garden level.

We undertake to seek the neighbour's approval for the construction of this wall.

Rear Set Back (South)

The existing building has a rear set back of 3600 with the balcony projecting to within 600mm of the rear boundary. Modifications to the existing building maintains the existing set back of 3600 to the line of the building and provides a rear setback to the balcony of 1200mm.

Side (West)

The existing building has a side set back of 890mm: the application of the ceramic cladding system will reduce this set back to 820mm

The extension of the existing home to the North is set back 1000mm as required by the R Codes.

The garage and the entry also have compliant setbacks. The roof terrace over the garage has a compliant setback of 6.5m but does not conform to privacy provisions (ref below)

Side (East)

The existing building has a side set back of 890mm: the application of the ceramic cladding system will reduce this set back to 820mm

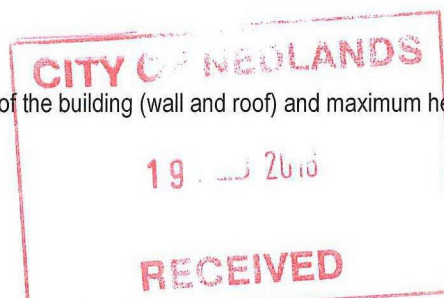
The extension of the existing home to the North is set back 1000mm as required by the R Codes

The western wall to the Store Room is proposed to be constructed on the boundary with an nil setback. The height of the parapet wall does not exceed 3.0m above the existing natural ground level on the boundary

We undertake to seek the neighbour's approval for the construction of this wall.

Privacy Requirements

The privacy considerations of the existing home are to be improved by the reduction or removal of openings to habitable rooms in the existing structure, reduction and removal of balcony areas and the installation of a blade wall privacy screen on the west elevation to protect privacy against the future development of the adjoining lot (west side) The new portion of the building complies with the provision of the R Codes with the exception of the garage roof terrace east side. Overlooking from this terrace of the adjoining properties does not adversely affect the amenity the neighbour as it is only service and roof areas of the neighbour property that are subjected to overlooking.



Overshadowing

The North / South orientation of the lot ensures the majority of the building shadow is contained on site and the critical shadow cast by the proposed building as defined by the R-Codes has only minimal effect on the property at 34 Jutland Pde

Open Space

The site zoning is R12.50 and as such we are required to provide a minimum area of open space of 55% of the lot area. The open space calculation is completed on drawing SK.11 of this submission and summarised below:

Item	Required	Area
Site area		809 sqm
Open Space Requirement	55%	
Open Space Provided	Garden (shaded light green)	231.0 sqm
Open Space Provided	Roof Terrace (shaded dark green)	96.0 sqm
Open Space Provided	Driveway	145.0 sqm
Total Open Space		472.0 sqm
Open Space	Percentage	58.3%

The proposed residence complies with the codes requirement for open space

Building Materials

Roof	Colorbond Steel Roof
Walls	Sand finished render and Painted
Walls level 1 Retaining wall	Stone cladding
Walls Existing	Ceramic insulated cladding
Walls Spandrel and dormer windows	Copper cladding
Glazing	Aluminium frames with double
Eaves and Fascia	Plastered and painted



The home as described in this proposal is intended to sensibly reuse the existing building, modifying as necessary to ensure the longevity of use, best energy efficient outcome and an improved aesthetic. The existing home is to be enlarged so as to provide sheltered outdoor and swimming pool areas and additional living space as required by our client. New works are largely located below existing/natural ground levels and as such has minimal impact upon adjoining owners.

The materials and colour palette proposed is sympathetic to the natural colours of the vegetation and topography of the river escarpment and ensure this build a discrete position on the river bank.

We hope that this submission will meet with the Council's favourable consideration and we can facilitate the construction of the renovation and recreation of the existing home Mr & Mrs Folwell


Please do not hesitate to contact me if you have any further queries with regards to this submission.

Yours Sincerely,

Andrew Boughton

for
Boughton Architecture

PD28.16	(Lot 100) No. 5 Bellevue Avenue, Dalkeith – Retrospective Air Conditioning Unit
----------------	--

Committee	14 June 2016
Council	28 June 2016
Applicant	A Mughal
Landowner	A and N Mughal
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/101
Previous Item	Item PD03.16 – February 2016
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevation 3. Photograph taken on 3 Bellevue Avenue of the air conditioning unit 4. Photograph of 3 Bellevue Avenue taken from the air conditioning unit's location 5. Photograph of the air conditioning unit as seen from the street

1.0 Executive Summary

In February 2016, Council resolved to approve a retrospective development application to retain an air conditioning unit (unit) attached to the eastern façade of a garage on the property. It is a condition of this approval that the unit be screened or lowered below the fence line within 28 days from the date of this decision. Refer to Attachments 1 to 3 for the site plan, elevation and a photograph showing the unit.

Subsequently 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 condition for the unit to be screened.

The previous application was advertised to the impacted neighbours and an objection was received in relation to its visual appearance and noise emitted by the unit.

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

The applicant has advised in their justification that the screening should not be required for the following reasons:

- a) Screening of the unit being non-compliant with the unit manufacturer's guidelines which require fans to be kept clear.
- b) Encasing the unit having a negative impact on the visual amenity of the surroundings.
- c) Screening the unit resulting in side access along the property's eastern boundary being obstructed.
- d) Lowering of the unit below the height of the dividing fence creating a potential trip hazard.

Having regard to the above, the following should be noted:

- a) Various suppliers exist which can install screening devices for units.
- b) It is considered that having the unit unscreened will have more of a negative impact on the neighbours' amenity compared to if it was screened. Whilst the unit is sufficiently screened when viewed directly in front of the property it is fully visible from the street setback area on the neighbouring property.
- c) Based on the plans provided the unit is setback 1.35m from the eastern boundary. It is not uncommon for garages to be setback only 1m from a side boundary and still allow for access to the rear of a property. Considering this, the installation of screening would still allow for side access. In addition to this, access to the rear of the property is also possible through the garage, the dwelling and along the western boundary.

It is therefore recommended that Council refuses the request from the applicant, and the unit still be required to be screened in order to comply with the relevant design principles of the R-Codes.

2.0 Recommendation to Committee

Council refuses the request received on 30 March 2015 to retain the air conditioning unit at Lot 100 (5) Bellevue Avenue, Dalkeith, without the requirement to screen or lower below the fence line, for the following reason:

- 1. The air conditioning unit not satisfying the design principles stipulated under Clause 5.4.4 (External Fixtures) of the Residential Design Codes by virtue of its visual impact on the neighbours' amenity.**

Advice Notes specific to this refusal:

- 1. The applicant is advised that the conditions and advice contained in Council's decision made on 23 February 2016 still apply.**
- 2. The applicant is advised that if the air conditioning unit is not screened within 28 days from the date of this decision, or by an alternative date agreed to in writing by the City, using a method(s) acceptable to the City, they will be issued with a Planning Infringement Notice. This carries an initial penalty of \$500.00 and can be issued on multiple occasions by the City prior to taking legal action.**

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 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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk management

Nil.

7.0 Background

Lot area	865m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential – R10
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property contains a two storey single dwelling with a street setback area containing fencing and landscaping. The garage to which the unit is attached is setback 10m from the street boundary and setback 1.5m from the eastern boundary. The dwelling on 3 Bellevue Avenue is setback 19m from the street boundary. Refer to the locality plan below.



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 condition for the unit to be screened.

The applicant seeks approval to retain the unit attached to the eastern façade of a garage on the property, without the requirement to either screen or lower below the fence line.

When viewed from directly in front of the property the unit is partially screened by landscaping and fencing within the street setback area.

The unit directly faces the street setback area of 3 Bellevue Avenue.

Refer to Attachments 3 to 5 for photographs of the unit.

The unit is setback 1.35m from the eastern boundary and is setback 12.15m from the street boundary.

The existing dividing fencing is proposed to be retained, which is approximately 1.6m in height above natural ground level on the applicant's property. No additional screening is proposed as part of the application.

The applicant has advised in their justification that the screening should not be required for the following reasons:

- e) Screening of the unit being non-compliant with the unit manufacturer's guidelines which require fans to be kept clear.
- f) Encasing the unit having a negative impact on the visual amenity of the surroundings.
- g) Screening the unit resulting in side access along the property's eastern boundary being obstructed.
- h) Lowering of the unit below the height of the dividing fence creating a potential trip hazard.

Note: A full copy of the applicant's justification received by the City has been given to the Councillors prior to the Council meeting.

9.0 Consultation

The request for Council to amend its approval decision by removing the condition for the unit to be screened was not advertised due to no alterations being proposed to the unit compared to the application previously approved by Council.

An objection was received when the previous application was advertised. Concerns received were in relation to the visual impact the unit has on the neighbour's amenity and the noise emitted by the unit.

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), the Residential Design Codes (R-Codes) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) 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 Regulations 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.</p> <p>b) Any submissions received on the application;</p>	<p>Concerns received during the advertising period were in relation to the visual impact the unit has on the neighbour’s amenity.</p> <p>When viewed from directly in front of the property the unit’s visual impact from a streetscape perspective is considered minimal due to the existence of landscaping and fencing within the street setback area, and due to being setback 12.15m from the street boundary.</p> <p>The unit is however having an impact on the adjoining neighbours at 3 Bellevue Avenue due to being located above the dividing fence and therefore being visible from the front of the neighbours’ dwelling and their street setback area.</p> <p>No additional screening is proposed as part of the application, this is despite various suppliers existing which can install screening devices for units.</p> <p>Based on the plans provided the unit is setback 1.35m from the east boundary. It is not uncommon for garages to be setback only 1m from a side boundary and still allow for access to the rear of a property. Considering this, the installation of screening would still allow for side access at the subject property. In addition to this, access to the rear of the property is also possible through the garage, the dwelling and along the western boundary.</p>	<p>No</p>

10.2 State Planning Policy 3.1 – Residential Design Codes

Deemed-to-comply Requirement	Proposed	Complies
<p><i>“C4.3 Other external fixtures provided they are:</i> <i>i. not visible from the primary street;</i> <i>ii. are designed to integrate with the building;</i> <i>or</i> <i>iii. are located so as not to be visually obtrusive.</i></p> <p><i>C4.4 Antennas, satellite dishes and the like not visible from any primary and secondary street.”</i></p>	<p>The unit is visible from the street setback area of the adjoining property and is partially visible from the primary street.</p>	<p>No</p>

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

Design principles	Assessment/Comment	Satisfies
<p><i>“Solar collectors, aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.”</i></p>	<p>When viewed from directly in front of the property the unit’s visual impact from a streetscape perspective is considered minimal due to the existence of landscaping and fencing within the street setback area, and due to being setback 12.15m from the street boundary.</p> <p>The unit is however having an impact on the adjoining neighbours at 3 Bellevue Avenue due to being located above the dividing fence and therefore being visible from the front of the neighbours’ dwelling and their street setback area.</p> <p>No additional screening is proposed as part of the application.</p>	<p>No</p>

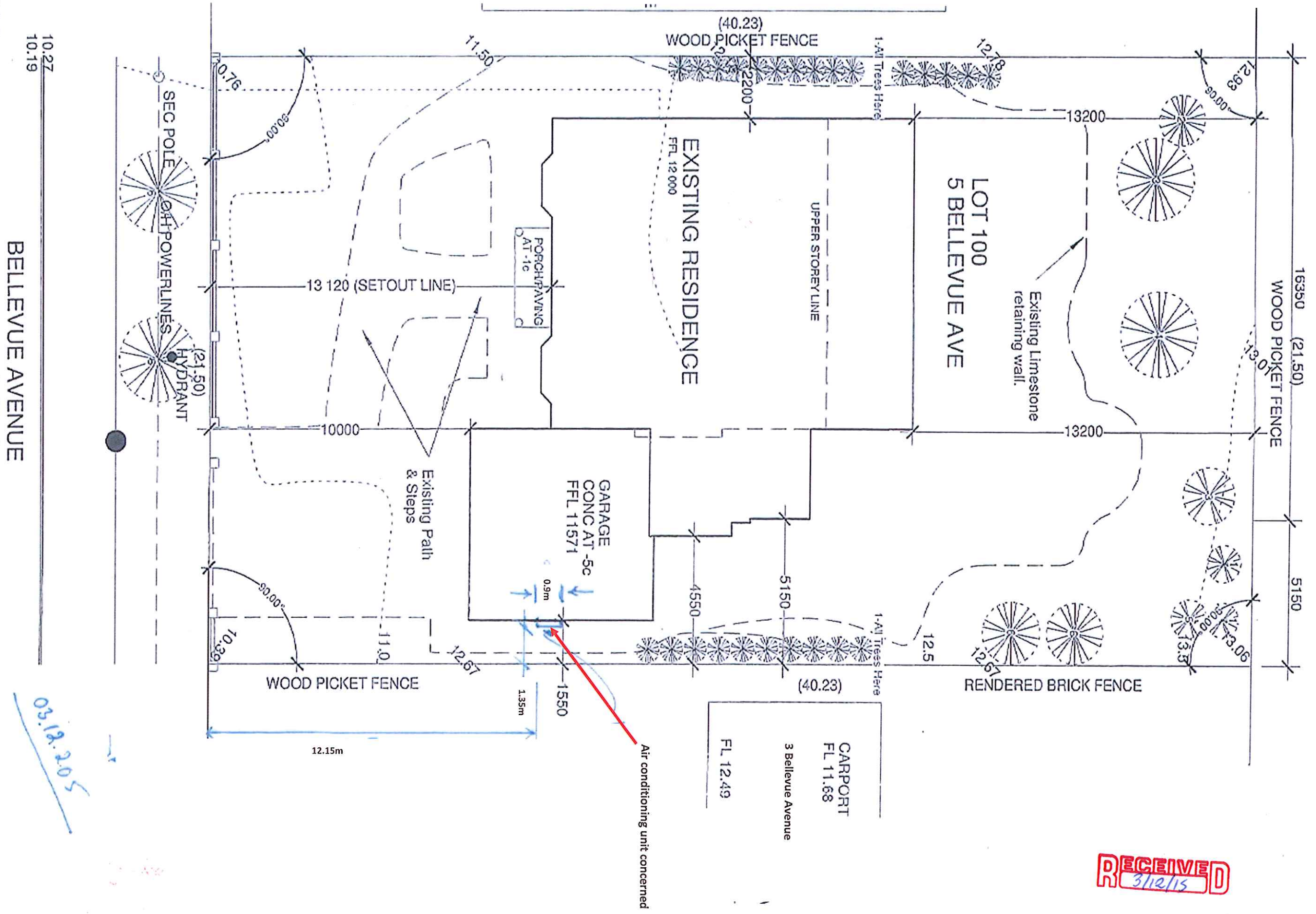
11.0 Other Matters of Concern

During the advertising period concerns were also received with regard to noise being emitted from the unit. Based on the noise emission details available on the unit concerned they are deemed to be compliant with the *Environmental Protection (Noise) Regulations 1997*.

12.0 Conclusion

The proposal is to retain an air conditioning unit attached to the eastern façade of a garage on the property without being screened or lowered below the fence line.

The proposal involves a variation to the deemed-to-comply provision of the R-Codes being that it is fully visible from the neighbours’ street setback area. The variation would only be considered to be compliant with the relevant design principles of the R-Codes if additional screening was to be installed. Accordingly, it is recommended that the request for Council to amend its previous decision relating to the unit be refused.



RECEIVED
3/12/15

Gable Extension to Roof. @ 19.5 degrees
(Check on Site prior to proceeding with any fabrication)
Overhang Portal 1000mm.

Steel Frame Portal, polished stainless
steel cover moulds.
Masonry Piers to 1200 APL
to Engineers Detail - Sheet 3

Raked Ceiling Soffit, Cedar Lined.

17

Level

14828

Replace Existing Windows
to double glazed system

Colour render existing brickwork to selection.

0.9m

1.14m

1.94m

1.99m

1200

Ground Floor

East

1

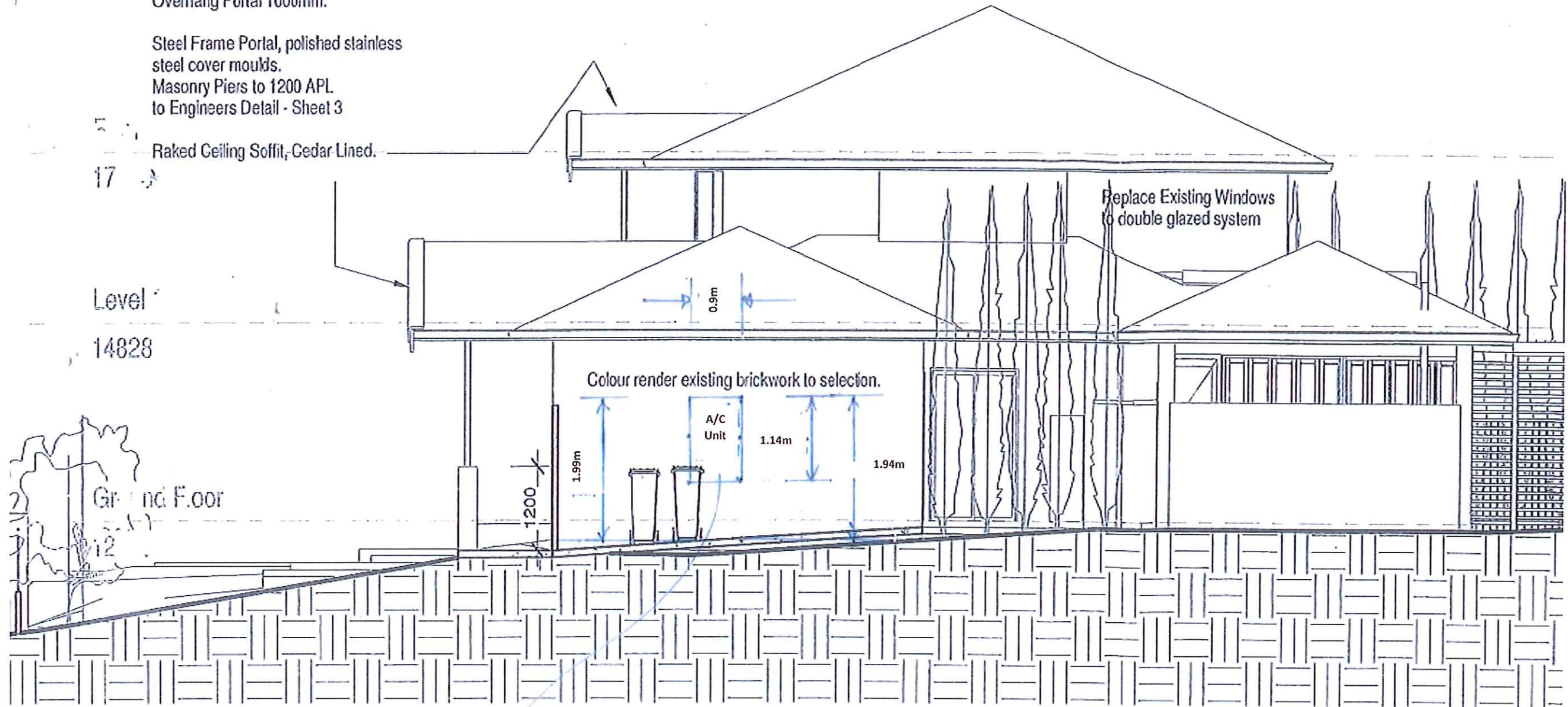
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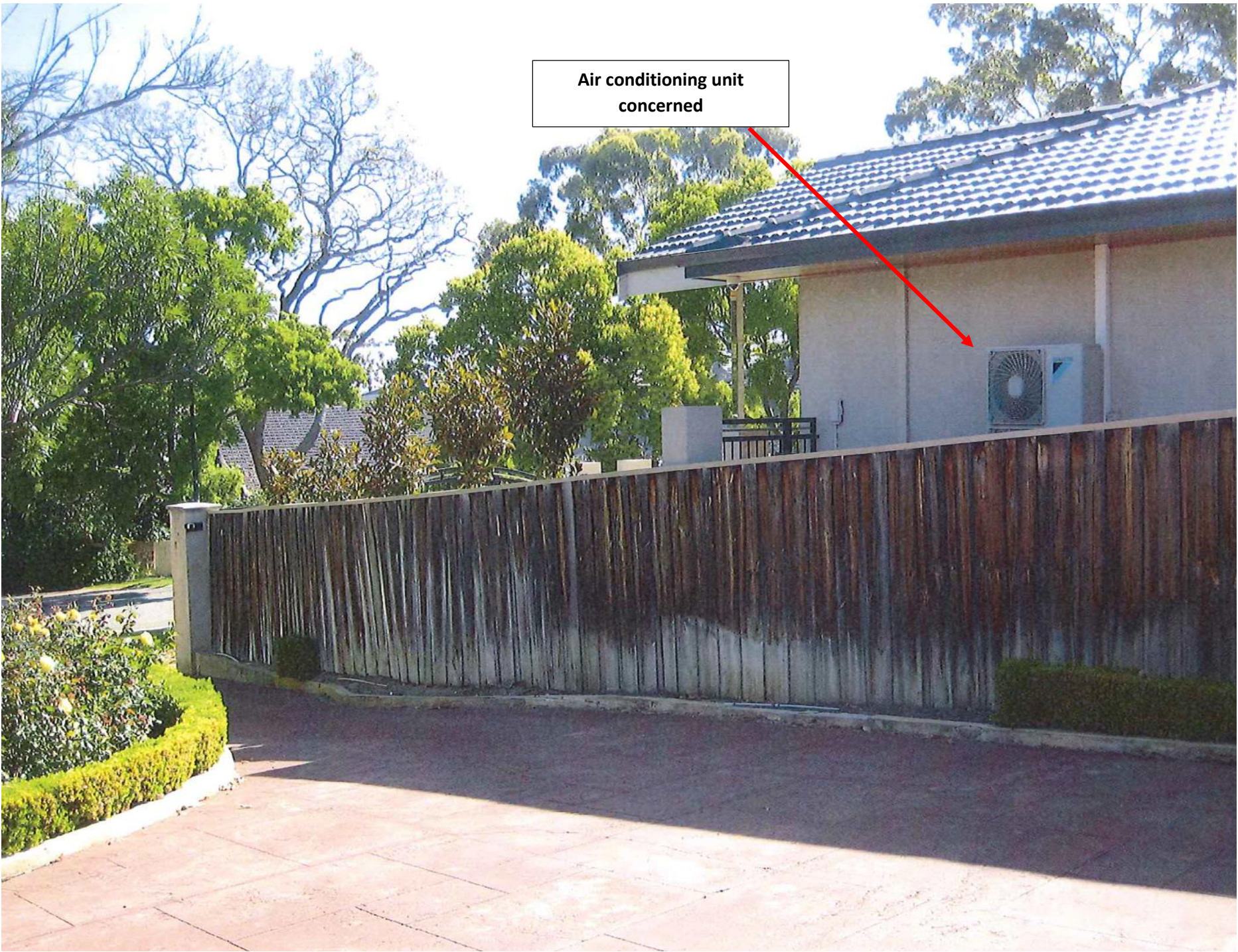
DAIKIN AIR CONDITIONING UNIT 03.12.2015

Model: RG125LV1A

ISOLATED FENCING
COMPLIANCE WITH

RECEIVED
3/12/15





Air conditioning unit concerned

PD28.16 - Attachment 3
Photograph taken on 3 Bellevue Avenue of the air conditioning unit




PD28.16 - Attachment 4
Photograph of 3 Bellevue Avenue taken from the air conditioning unit's location



PD28.16 - Attachment 5
Photograph of the air conditioning unit as seen from the street

PD29.16 (Lot 46) No. 2A (Unit 3) Loch Street, Nedlands – Proposed Change of Use (From Light Industry to Shop)
--

Committee	14 June 2016
Council	28 June 2016
Applicant	Robertson House Hair and Beauty
Owner	G J Johnson Group and Co Pty Ltd
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA2016/52 – LO2/2A
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan (A3) 2. Floor Plan (A4) 3. Proposed Signage (A4) 4. Photograph of 2A Loch Street (A4)

1.0 Executive Summary

This application is for a proposed change in use from light industry to a shop (hairdressers and beauty salon), which will result in a shortfall of 9 car bays on site under Town Planning Scheme No. 2 (TPS 2).

The proposal was advertised to nearby landowners for comment and during the advertising period one objection and one non-objection were received.

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.

The application is recommended for approval despite not complying with the car parking requirements, as it is considered the nature and scale of the proposed use, and the differing peak hours of operation compared with other uses on the property, means that an adequate amount of car parking bays will be available for the use.

2.0 Recommendation to Committee

Council approves the application for the proposed change of use (from Light Industry to a Shop) at (Lot 46) No. 2A Loch Street, Nedlands, in accordance with the application received on 26 February 2016, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. The operation complying with definition for the use 'Shop' stipulated under Town Planning Scheme No. 2 (refer to Advice Note 1).
3. The shop only being permitted to operate at the following times:

Monday – Closed
Tuesday – 10.00am to 6.00pm
Wednesday – 10.00am to 6.00pm
Thursday – 11.00am to 8.00pm
Friday – 10.00am to 6.00pm
Saturday – 9.00am to 5.00pm
Sunday - Closed

Advice Notes specific to this proposal:

1. The applicant/landowner is advised that the use 'Shop' is defined as being the following under Town Planning Scheme No. 2:

“Means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:

shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and secondhand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers; and liquor stores;

but shall not include a service office, a general office, a professional office or a market.”

2. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot which does not form part of this application.
3. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.

4. **Prior to commencing an Application for the Establishment of Hairdressing is to be submitted to and approved by the City. The application form and information sheets can be obtained from the City's website: <http://www.nedlands.wa.gov.au/skin-penetration-hairdressing-and-beauty-therapy>**
5. **Prior to commencing the premises shall receive an inspection from an Environmental Health Officer at the City and be approved by the City's Environmental Health Section, prior to the business operating to determine compliance with *Hairdressing Establishment Regulations 1972*;**
6. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby 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.**
7. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
8. **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 Town Planning Scheme No. 2 (TPS 2), contributing to well-planned and managed development in the City of Nedlands.

4.0 Legislation / Policy

- *Planning and Development Act 2005* (the Planning Act).
- Metropolitan Region Scheme (MRS).
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Local Planning Policy – Advertising Signs
- 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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk Management

Not applicable.

7.0 Background

Property address		(Lot 46) No. 2A Loch Street, Nedlands
Lot area		627m ²
Reserve/ Zoning	MRS	Urban
	TPS2	Light Industrial
Use Class Permissibility under TPS 2 Zoning		AA

The subject site currently contains various light industrial uses such as 'Joel Irrigation Supplies' and 'Hydro Soil'. In the centre of the property are car parking bays, access to which is obtained from Government Road. On the opposite side of Loch Street are residential properties which fall within the Town of Claremont. Refer to the locality plan below.



8.0 Application Details

The application seeks approval to change the use of the premises from Light Industry to a shop, details of which are as follows:

- a) The proposed shop will operate as a hairdressers and beauty salon.
- b) The only alteration to the external appearance of the building is a non-illuminated projecting sign attached to the fascia of an existing verandah structure. The sign is proposed to be 4.8m in length and 1.2m in height.
- c) A maximum of 1 member of staff and 2 clients, by prior appointment only, will be on site at any one time.
- d) The proposed hours of operation are:
 - Monday – Closed
 - Tuesday – 10.00am to 6.00pm
 - Wednesday – 10.00am to 6.00pm
 - Thursday – 11.00am to 8.00pm
 - Friday – 10.00am to 6.00pm
 - Saturday – 9.00am to 5.00pm
 - Sunday - Closed

Refer to Attachments 1 and 2 for the site plan and the floor plan of the premises.

9.0 Consultation

The proposal was advertised for 21 days to nearby landowners for comment in April 2016 due to:

- a) Variations proposed to the amount of onsite car bays required under TPS 2;
- b) A non-illuminated sign attached to an existing verandah structure having a vertical dimension of 1.2m in height in lieu of 0.6m; and
- c) A shop being an 'AA' use in the Light Industrial zone.

During the advertising period 1 objection and 1 non-objection were received. The following is a summary of the concerns received:

- a) Car parking being an issue if the shop is approved.
- b) Cars parking in bays belonging to other businesses.

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 potential impact the proposal will have on the area's amenity is discussed in the following sections.

10.0 Statutory Provisions

The relevant provisions of TPS 2 which are not being met by the proposal are addressed in the following sections.

10.1 Town Planning Scheme No. 2

10.1.1 Existing Car Parking Demand

Car Parking Provision	Car Parking Requirement	Car Bays Available Onsite	Existing Car Bay Shortfall
<i>Light Industry</i> 2.2 bays per 100sqm of gross leasable floor area	<i>Light Industry</i> 14 bays minimum	9 car bays	5 car bay shortfall

In addition to the above table, vehicles are not permitted to stop on the portion of Loch Street or the on the verge adjacent to the property. No other on street car parking restrictions exist.

Space is available within the immediate vicinity of the property for up to 25 vehicles to park along Government Road.

10.1.2 Future Car Parking Demand

Car Parking Provision	Car Parking Requirement	Car Bays Available Onsite	Proposed Car Bay Shortfall
<i>Light Industry</i> 2.2 bays per 100sqm of gross leasable floor area <i>Shop</i> 8.3 bays per 100sqm of leasable floor area.	<i>Light Industry</i> 11 bays minimum <i>Shop</i> 7 bays minimum Total = 18 car bays required	9 car bays	9 car bay shortfall. An additional 4 car bay shortfall.

10.2 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) of 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 height, bulk, scale, orientation and appearance of the development.</p> <p>b) The adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p> <p>c) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p> <p>d) Any submissions received on the application;</p>	<p>If approved, the use will result in an additional shortfall of 4 car bays, a total shortfall of 9 car bays.</p> <p>The nature and scale of the proposed use means that local residents are more likely to visit the premises and therefore not require use of private vehicles. Those who do use a private vehicle to get to the shop will only occupy a car bay for a short amount of time.</p> <p>A maximum of 1 member of staff and 2 clients, by prior appointment only, will be on site at any one time.</p> <p>Considering the above, the proposed use is considered to not have a significant impact on the amenity of the local area.</p> <p>The only external alteration proposed to be made to the building is a projecting sign which is to be attached to an existing verandah structure. The sign shall be 4.8m in length in lieu of 2m, and 1.2m in height in lieu of 0.5m. This is considered acceptable as it will be non-illuminated, partially screened by an existing street tree, will be the only sign associated with the business, and shall be setback approximately 5m from the street boundary. No concerns were raised regarding the sign during the advertising period.</p>	<p>Yes</p>

10.3 Advertising Signs Local Planning Policy

The following provision of the Advertising Signs Local Planning Policy (Signs LPP) apply to such proposals:

Signs LPP Requirement	Proposed
<p>Projecting Signs</p> <ul style="list-style-type: none"> a) A maximum of one projecting sign per tenancy. b) Have a minimum clearance of 2.75m above natural ground level. c) Not exceed a vertical dimension of 0.6m. d) Not project beyond the outer frame or surround of the fascia. 	<ul style="list-style-type: none"> a) One projecting sign. b) Will have a minimum clearance of 2.75m above natural ground level. c) Will have a vertical dimension of 1.2m. d) Will not project above the verandah to which it will be attached.

The proposal complies with the Signs LPP with the exception of the sign having a vertical dimension of 1.2m in lieu of 0.6m. The Signs LPP stipulates that if it is established to the satisfaction of the City that a particular standard or provision is unreasonable or undesirable in the particular circumstances of the case, the City may vary the standard or provision.

The location, size and the fact the sign will be non-illuminated means that it will not have a detrimental impact on the local amenity. No concerns were raised regarding the sign during the advertising period. The proposed variation is therefore considered to be acceptable.

11.0 Conclusion

The proposal is compliant with the City’s TPS 2 and Policy requirements with the exception of car parking and the proposed sign’s vertical dimension.

If the application was approved by Council there will be a shortfall increase of 4 bays compared with what currently exists. This is considered acceptable for the following reasons:

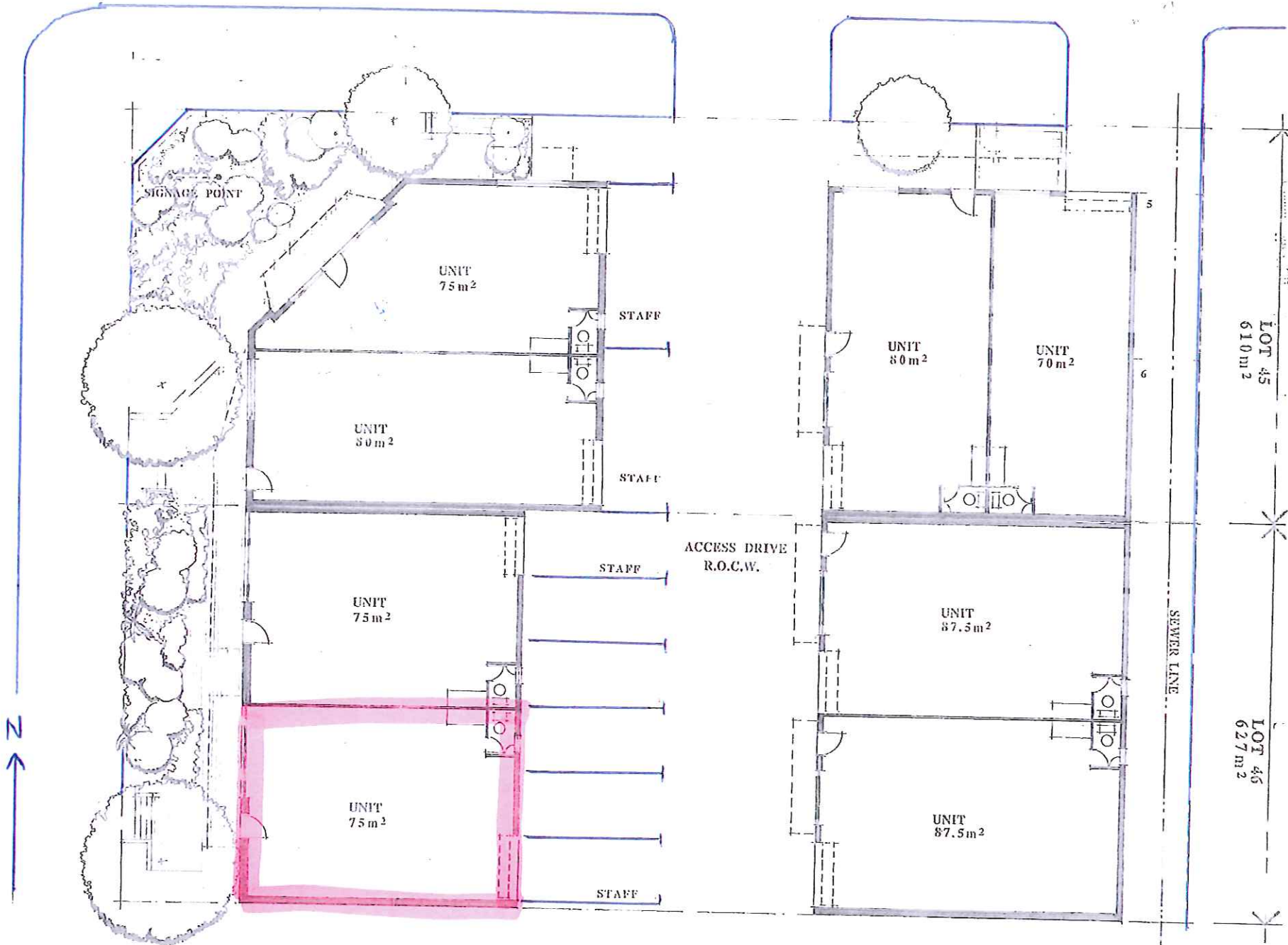
- a) The size of the shop only being approximately 75sqm, that there will only be 1 staff member and 2 clients on site at any one time, and that customers will be prior appointment only, means that traffic volumes and/or noise emissions are not anticipated to be an issue.
- b) The only external alteration proposed to be made to the building is a projecting sign. The location, size and the fact the sign will be non-illuminated means that it will not have a detrimental impact on the local amenity
- c) Those who do use a private vehicle to get to the shop are expected to only occupy a car bay for a short amount of time.

Considering the above, it is recommended that the application be approved by Council.

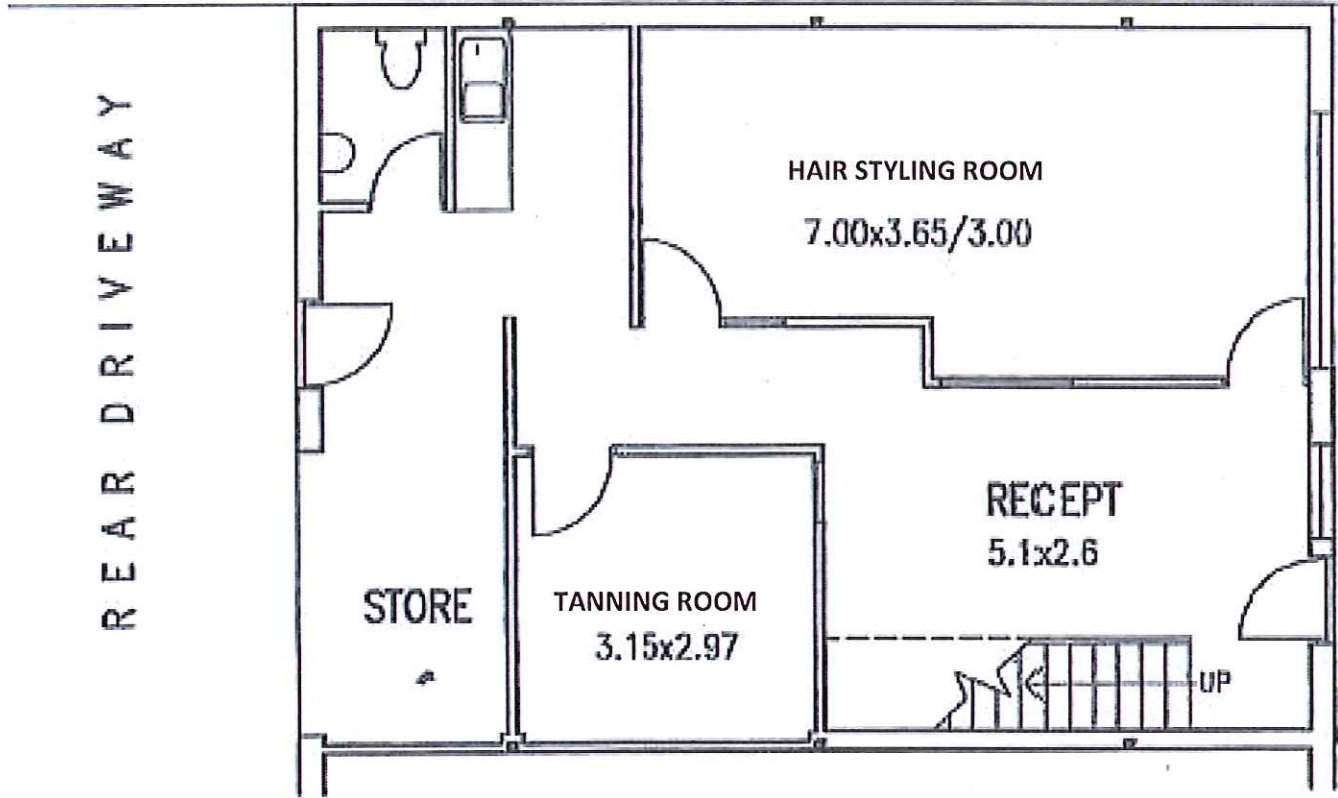
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GOVERNMENT ROAD

LOCH STREET



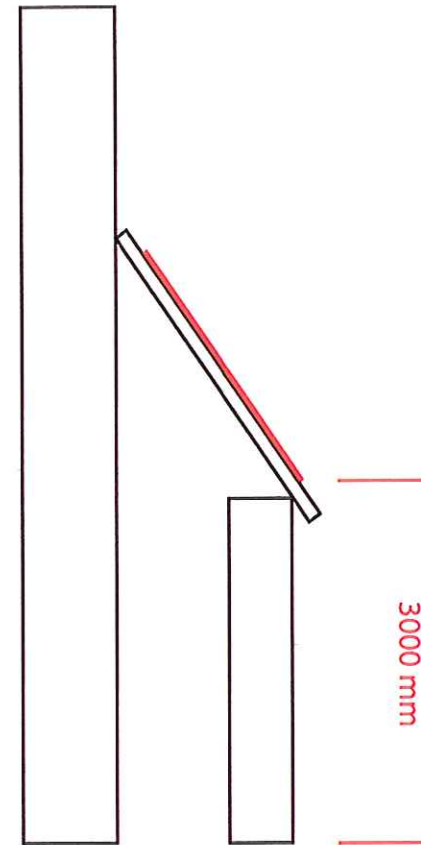
PLAN



GROUND FLOOR PLAN

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Approx H 1200 X 4800 W mm



Sign to be mounted
Flat on existing slope of
fascia and installed at
3000 from bottom of
sign to ground.

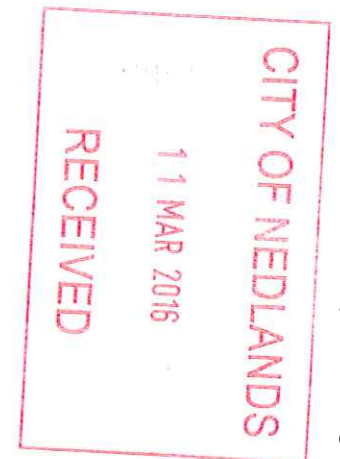
Description : Flat 3mm ACM sign with high performance UV resistant vinyl

Size : 1200 X 2440 mm

Method : Mounted flat on existing slope fascia. Mounted with mechanical fixings.

Sign to sit 3000mm from ground level.


Quantity : 1





PD29.16 - Attachment 4
Photograph of 2A Loch Street

PD30.16	(Lot 50) No. 13 Hobbs Avenue, Dalkeith – Proposed Increase to Height of Fencing to Laneways
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Committee	14 June 2016
Council	28 June 2016
Applicant	Mr G and Mrs N Knights
Owner	Mr G and Mrs N Knights
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	DA16/61 and DA15/196
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevations 3. Applicant Justification 4. Applicant's Site Photographs 5. Applicant's 3D View of Proposed Fencing

1.0 Executive Summary

The proposal is for fencing to be erected along the southern side and western rear boundaries adjacent to Ringneck and Tern Lanes. The applicant previously obtained approval for fencing along these boundaries which was 1.8m in height (with 2.1m high piers) in October 2015. The application is an amendment to this approval to increase the height of the fencing along these boundaries to have a 3.6m high solid wall behind a 1.8m veneer of a pier and in-fill fence at 1.8m in height. The proposal therefore does not comply with the City's Fill and Fencing Council Policy which permits solid fencing up to 1.8m in height to 'secondary streets'.

Three (3) objections were received during the consultation period. 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.

A solid 3.6m high fence will have a negative impact on the amenity of the locality with the height and bulk of the fencing giving a 'fortress' type appearance to the property. There are no other examples of fencing to the laneways of this height and length within the locality. A 1.8m high solid fence will afford an appropriate level of privacy to the property and additional privacy can be obtained with landscaping (as used currently) and privacy screening for the upper floor of the dwelling. The application is therefore recommended for refusal due to non-compliance with the City's Town Planning Scheme No. 2 (TPS2) and the City's Fill and Fencing Council Policy.

2.0 Recommendation to Committee

Council refuses the development application to construct 3.6m high fencing along the southern side and western rear boundaries at (Lot 50) No. 13 Hobbs Avenue, Dalkeith, for the following reasons:

- 1. The height of the fencing is considered to adversely affect the amenity of the surrounding area and therefore does not comply with Clause 5.5.1 of the City's Town Planning Scheme No. 3; and**
- 2. The height of the fencing exceeds the permitted height of 1.8m specified within the City's Fill and Fencing Policy and will therefore have a negative impact upon the laneway streetscapes and the amenity of neighbouring properties.**
- 3. The height of the fencing setting an undesirable precedent for the locality.**

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 Schemes) Regulations 2015 (Regulations).*
- City of Nedlands Town Planning Scheme No. 2 (TPS2).
- Council Policy – Fill and Fencing.
- 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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk management

Nil.

7.0 Background

Lot area	2091.7m 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

In October 2015, the City approved extensions and renovations to the property under delegated authority. The proposal included fencing to the laneways designed to comply with the City’s Fill and Fencing Policy. The property has a 2.5m slope from the south east corner down to the north-western rear corner and the property contains a single dwelling (currently undergoing renovations and extensions) and associated incidental buildings.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks approval to erect a 3.6m high solid wall behind a veneer of pier and in-fill fencing at 1.8m in height along the Ringneck and Tern Lane boundaries.

By way of justification in support of the development application the applicant has provided justification (attachment 3).

Administration has addressed this justification in the discussions sections of this report.

9.0 Consultation

The development application was advertised to affected landowners for comment due to the fencing exceeding the permitted 1.8m in height above natural ground level. The following is a summary of the concerns raised:

- a) The existing fence is already substantially higher than 1.8m between 2.3m and 2.55m with a tall hedge behind reaching a total height of 3.95m;
- b) The increase in height will blight the outlook from the rear of my property;
- c) The proposed increase in height of fencing at 13 Hobbs Avenue cannot be construed as being necessary for privacy since it is already 2.3m at the minimum height and the land falls away from the fencing with my property being lower than the subject property;
- d) I contend that it is impossible for anyone passing down Ringneck Lane to look over the fence of 13 Hobbs Avenue;
- e) I fear a plain wall 3.6m high would present a tempting blank canvas for graffiti;
- f) The increases height is totally inappropriate in a residential area;
- g) The height is not in keeping with the existing look and scale of surrounding homes;
- h) A fence 3.6m in height is double the height of a standard wall;
- i) The height is fortress like and very imposing;
- j) The structure creates an unattractive appearance, and will be very visible from our outdoor area;
- k) We could not find a wall which matches the proposed height of 3.6m in the area – all being significantly lower in the surrounding area; and
- l) The proposed fence would have an every-day lasting impression on us, looking onto a fortress with a 3.6m high wall spanning the majority of the length of the laneway.

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 potential impact the fence will have on the local amenity is discussed in the following sections.

10.0 Statutory Provisions

The provisions of TPS2 and the provisions of the City's Fill and Fencing Council Policy which are not being met by the proposal are addressed in the following sections.

10.1 Town Planning Scheme No. 2

10.1.1 Amenity

TPS 2 Provision	Assessment/Comment	Complies?
Under clause 5.5.1: <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>	The height of the fencing is greater than the plate height of a standard single storey dwelling and therefore the location on the southern and rear boundaries to publicly accessible laneways is considered to have a negative impact of the amenity of the locality in terms of bulk and scale. The height of these walls is considered to be a fortressing of the property which is inconsistent with the residential appearance of the property and the locality.	No

10.2 Planning and Development (Local Planning Schemes) Regulations 2015

Regulations Clause	Assessment Comment	Satisfies
Clause 67 under Schedule 2 (Deemed Provisions) of the Regulations stipulates that in considering a development application due regard is to be given to the following matters, amongst others: m) <i>The compatibility of the development with its setting including the relationship of the development to the 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> n) <i>The amenity of the locality including the character of the locality; and</i> y) <i>Any submission received on the application.</i>	The height of the fencing is disproportionate to the residential development within the locality. In response to the applicant's justification for the additional height, to provide additional privacy to the dwelling and neighbouring properties – there is always a factor of overlooking when constructing a two storey house with major openings on the upper floor, even if the visual privacy setbacks provided are in excess of what is required under the deemed-to-comply provisions of the R-Codes. The use of a 3.6m high fence is an inappropriate measure to protect privacy. The design principles of the R-Codes encourage the use of landscaping and privacy screening should visual privacy setback distances not be achieved. It should be noted that there are no visual privacy setback variations approved as part of the 2015 additions and alterations and therefore under the deemed to comply provisions of the R-Codes, screening is not required.	No

	<p>The applicant is seeking to replace existing fencing to the laneways and mentions the height of the landscaping behind the wall as justification to replace the existing fence to a height of 3.6m. It should be noted that the City does not have record of previous planning approval for fencing over 1.8m in height to the laneway boundaries of the property and landscaping is not considered development and therefore should not be included as part of the existing fencing height.</p> <p>The applicant has advised the proposal will permit the fencing to the laneway to be of a consistent colour and material of construction with the existing fencing using a variety of fencing styles. The use of consistent fencing is not a planning requirement but can improve the appearance of the fencing from the laneway (depending on the material used), however this is not adequate justification to support a fence 3.6m in height in lieu of the permitted 1.8m.</p> <p>With regards to submissions received during the consultation, administration concurs that the proposed height of the fencing is unacceptable and will result in a negative impact upon the laneway streetscape and neighbouring properties and therefore recommends refusal.</p>	
--	--	--

10.5 Council Policy – Fill and Fencing

The proposal is not compliant with the following provisions of Fill and Fencing Council Policy as follows:

Policy Provision	Proposed	Assessment/Comment	Complies?
Secondary street fencing shall not exceed 1.8m in height.	The fencing to Ringneck and Tern lane is proposed to have a maximum height of 3.6m in lieu of the permitted 1.8m.	The laneways are gazetted roads and therefore are considered fencing to a secondary street. A 1.8m high fence is considered to be sufficient to meet privacy and security needs of the property. Additional height above 1.8m is not supported due to the negative impact from the bulk and scale of the additional height of the fencing to the laneways.	No

11.0 Other Matters of Concern

During the advertising period concerns were also received with regard to the potential impact the proposed development may have on the value of surrounding properties. This is not a planning matter and as such is not considered in this assessment.

12.0 Conclusion

The application is an amendment to the previous approval in October 2015 to increase the height of the fencing along these boundaries to have a 3.6m high solid wall behind a 1.8m veneer of a pier and in-fill fence at 1.8m in height. The applicant's main justification for the additional height is to provide privacy to the dwelling and outdoor living areas of the property. There are no walls of this height and dimension within the locality adjacent to the laneways and additional privacy to the dwelling and outdoor living areas can be obtained through the use of landscaping and privacy screening to raised outdoor living areas and major openings.

It is not appropriate for two storey dwellings to construct 3.6m high fencing to provide privacy. By their very nature, two storey dwellings in a suburban environment will always have some element of viewing of neighbouring properties. If all two storey dwellings chose to construct 3.6m high fencing on their boundaries, the character of the area would significantly change.

The wall will appear to have excessive bulk and height as viewed from the laneway and neighbouring property. Therefore, the proposal is considered not to comply with the amenity provisions of the City's TPS2, the Regulations and the City's Fill and Fencing Council Policy. Accordingly, the application is recommended to Council for refusal.

12.1 Recommended Conditions if Application is Approved

If Council resolves to approve the application, it is recommended that the fencing be approved at a height of no more than 2.4m, rather than the proposed 3.6m. This 2.4m height is consistent with a couple of examples of fencing/garages adjacent to laneways within the locality, and this height is also consistent with the standard plate height of an outbuilding, garage or single storey dwelling – ensuring that the bulk and scale is consistent with other residential developments within the locality.

If approved, the following wording and conditions are recommended:

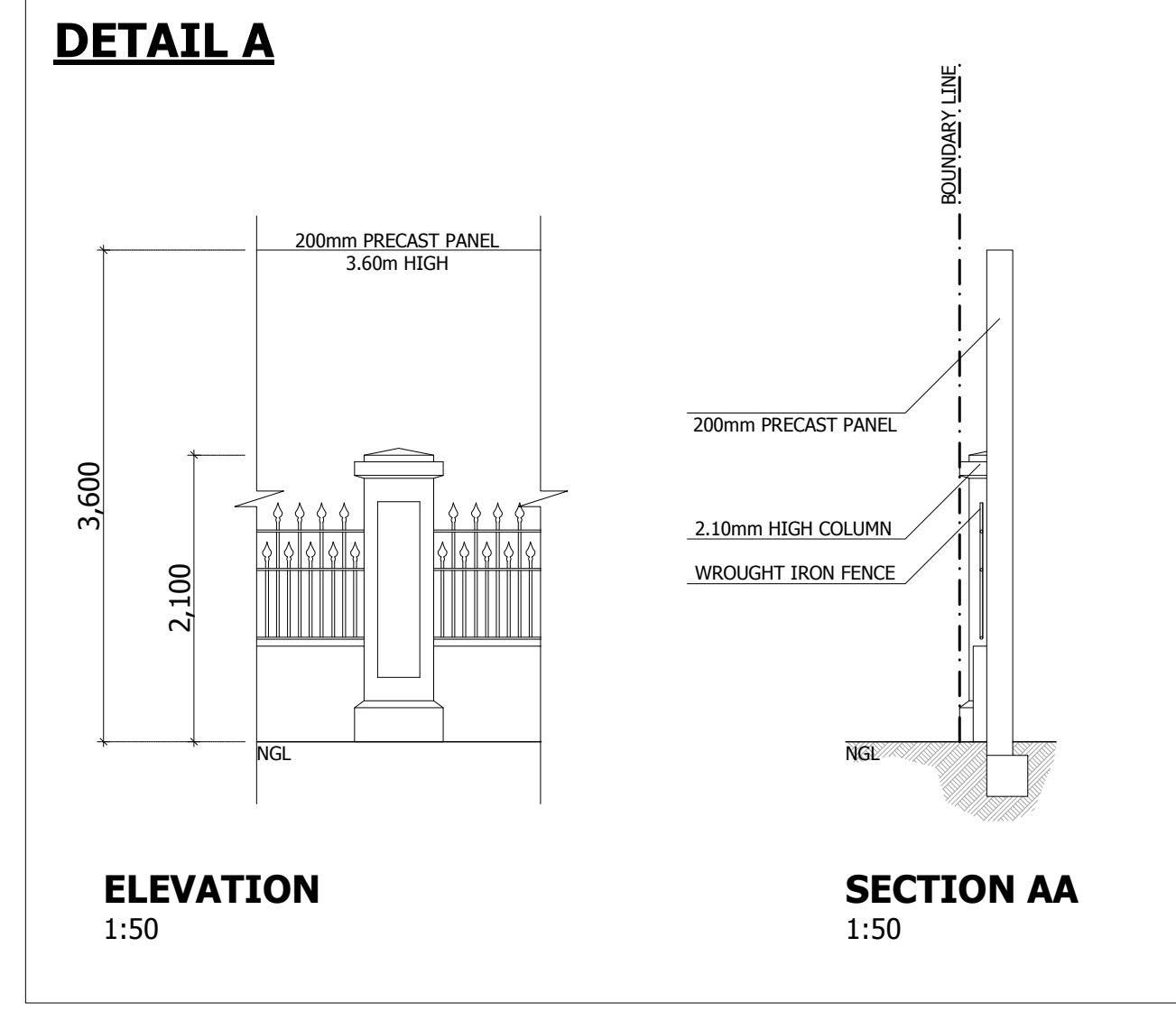
Council approves the development application for over height fencing to the southern side and western rear boundaries at No. 13 (lot 50) Hobbs Avenue, Dalkeith, in accordance with the application received 24 February 2016 and amended plans dated 09 May 2016 subject to the following conditions and advice notes:

Conditions:

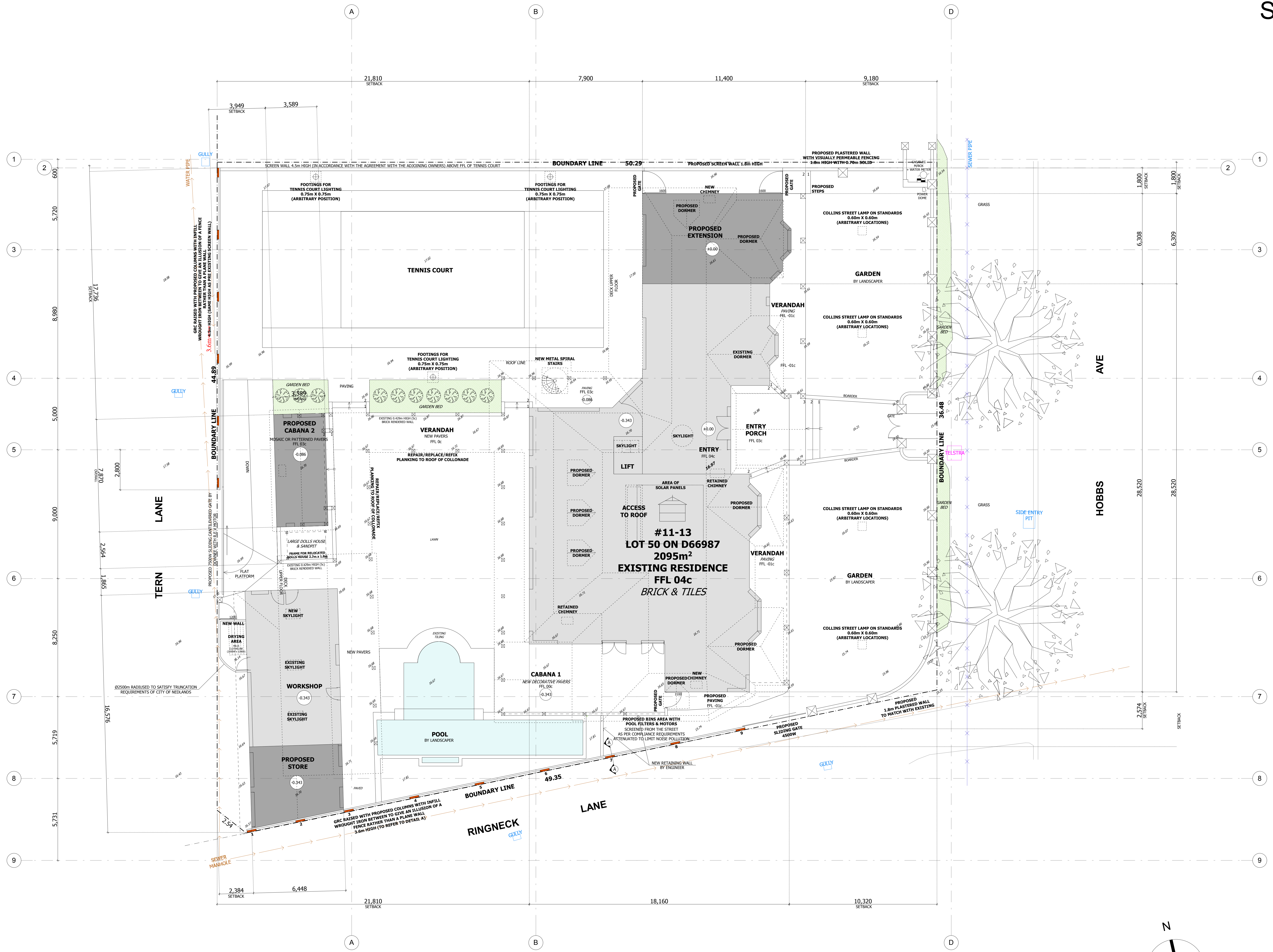
1. The approval only relates to the proposed fencing along the Ringneck and Tern Lane boundaries.
2. The fencing is reduced to a maximum 2.4m in height above natural ground level.
3. The fencing and all associated footings and site works are contained wholly within the lot boundaries and maintained by the landowner to the City's Satisfaction.
4. The fencing is finished to a professional standard within 14 days of practical completion and maintained by the landowner, to the City's satisfaction.

Advice Notes:

1. 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.



City of Nedlands
Received
09/05/2016



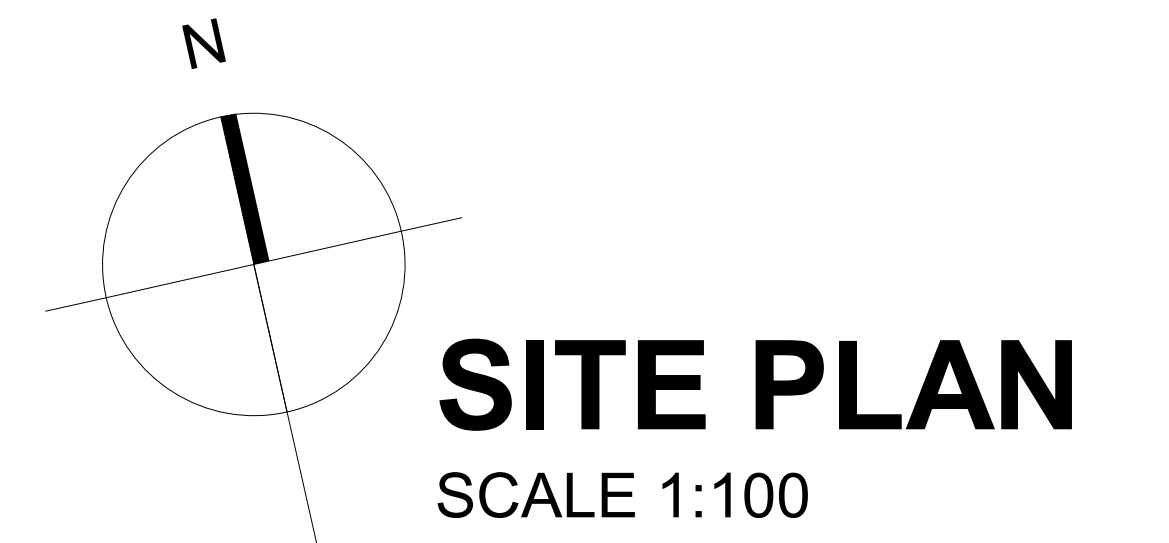
NOTES

- CONFIRM ALL DIMENSIONS ON SITE TO EXISTING RESIDENCE PRIOR TO COMMENCEMENT OF ANY WORK.
- THIS PLAN IS TO BE READ IN CONJUNCTION WITH LANDSCAPING DETAIL PLANS FOR SPECIFIC PLANTING LOCATIONS.
- THE EXACT LOCATION OF UNDERGROUND & ABOVE GROUND SERVICES SHALL BE PROVEN ON SITE.
- STORMWATER DISPOSAL TO BCA AND LG REQUIREMENTS.

TOTAL SITE INFORMATION	
EXISTING TOTAL AREA	: 447.61m ²
SITE AREA	: 2095m ²
SITE COVERAGE	: 21.36%
EXISTING WITH PROPOSED TOTAL AREA	: 517.47m ²
SITE AREA	: 2095m ²
SITE COVERAGE	: 24.70%

LEGEND

[Shaded Area]	PROPOSED
[Unshaded Area]	EXISTING



COPYRIGHT
The drawing is copyright. No part of this drawing may be reproduced without the permission of Green Start Consulting. Contractor shall verify job dimensions before any work commences. Figure dimensions shall take precedence over scaled work. Work shall also conform to the specification and other drawings.

Project: Renovation & Extension on a "Tudor Style" residence
 #11-13 Hobbs Avenue
 Dalkeith
 CARROLL CONSULTING LIMITED

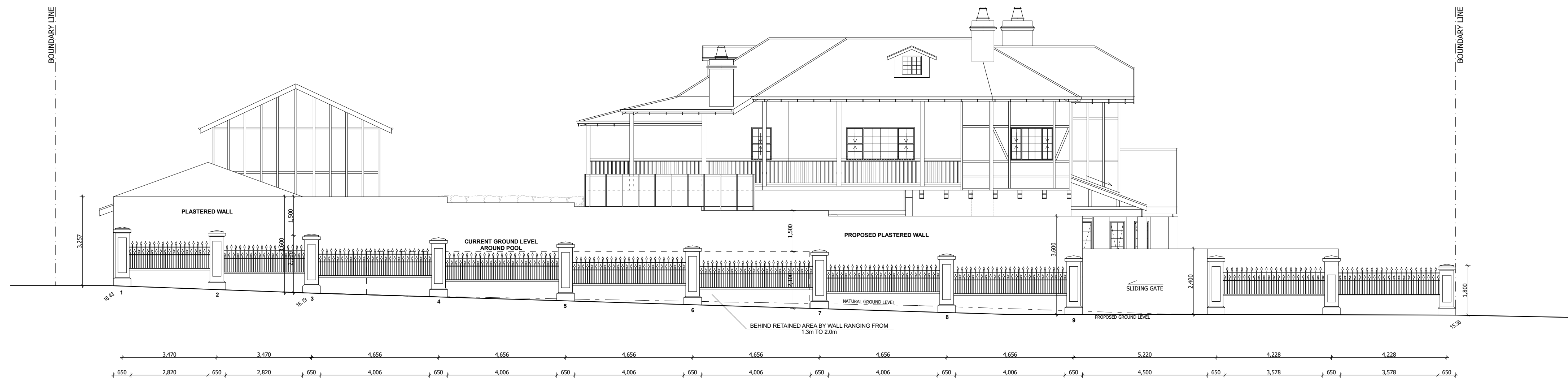
Author	Checker	Date	Scale
A. ...	B. ...	09 May 2016	1:100
C. ...	D. ...		
E. ...	F. ...		
G. ...	H. ...		

Site plan
 Drawing No: LL
 Page No: 108
 A001



FENCING ELEVATION - TERN LANE BOUNDARY

City of Nedlands
Received
09/05/2016



FENCING ELEVATION - RINGNECK LANE BOUNDARY

NOTE:
GRC RAISED WITH PROPOSED COLUMNS WITH INFILL WROUGHT IRON BETWEEN TO GIVE AN ILLUSION OF A FENCE RATHER THAN A PLANE WALL
TO REFER TO DETAIL. SHT A001

Attention: Kate Bainbridge, Senior Statutory Planning Officer.

Date: 4th May 2016

Dear Ms Bainbridge,



RE: 11-13 Hobbs Avenue, Dalkeith fence proposal.

It is understood that Nedlands City has received some letters of concern to our proposed fence along Ringneck Lane & Tern Lane,

The intended height of the fence is to maintain privacy both ways and minimise the overlooking properties both ways. The wall was designed so neighbours and the land owners of 11-13 Hobbs Avenue are not looking into each other's back yard. On the southern side (Ringneck Lane) it is intended to remove the current shrubs around the pool area as this is causing structural damage to the pool and we are trying to maintain the privacy to across the way to neighbours on the other side of Ringneck Lane (See attached photo if the wall was not constructed the way proposed).

We are trying to put back what was fundamentally there before but requires a lot less maintenance as the leaf litter is a major problem in the laneway and within the property of 11-13 Hobbs Avenue pool area.

Some photos were taken before work started, of the site to demonstrate historically what was in place. The main component of the fence is painted concrete precast panels with glass reinforced concrete pillars which are intended to be stuck on alone with wrought iron to give an illusion the front fence continues all around the site. The concrete precast panel has been chosen because of its durability, strength and its minimal maintenance. We would like to have a similar look that is used at the front of the property along Hobbs Avenue.

We are also trying to reduce the potential noise and lighting pollution transfer from in and around the cabana, court yard and pool area to neighbours as we intend to use this a lot

during the warm summer nights being that we have 6 kids and sometimes up to 10 kids over the weekends playing.

We already have an agreement with 9 Hobbs Avenue to put back the wall 4.5 metres above the tennis court to retain either parties' privacy.

Some of the benefits to the current design:

1. An effort in containment of kids noises from upper courtyard and pool area to surrounding neighbours.
2. Containment of pool, courtyard and cabana lighting onto neighbours properties.
3. Reduction in leaf litter to laneways to reduce debris.
4. Maintaining privacy both ways to neighbours and landowner.

We see this design being beneficial to all parties and this is why the height has been chosen and not just for the landowners of 11-13 Hobbs Avenue.

I hope this response meets yours satisfaction and if you have and further queries please do not hesitate to contact myself.

Yours Sincerely,



Geoffrey Knights

Mobile: 0405 978 084





Transferred to
SharePoint

CARROLL CONSULTING LIMITED
11 Hobbs Avenue, Dalkeith
Perth WA 6009

18th February 2016

Kate Bainbridge
Senior Planning Officer
City of Nedlands
71 Stirling Highway
Nedlands
WA 6009

Dear Kate

Re 11-13 Hobbs Avenue, Dalkeith

Many thanks for your previous assistance in getting the original Planning Application through Council.

I attach a document and prospective plans that the new owners would like the Council Planning Officers to consider, relating to the boundary walls of the site. If this requires a further consent application, or can be treated as a variation to the existing Planning Approval, please let me know.

If you have any issues, please do not hesitate to contact me by phone – 0458 978 084, or by email – kdc Carroll56@gmail.com

Yours sincerely

Kevin Carroll

Director

CARROLL CONSULTING LIMITED
Project Managers, Property Consultants

CITY OF NEDLANDS	
DIVISION	
Document #	
File #	
	19 FEB 2016
Redirect	
Action	
Enclosed	ACK NRN OTHER
RECEIVED	

Town Planning Development application for an amendment to the approved Planning Consent to the property at 11-13 Hobbs Avenue, Dalkeith, Perth, in the City of Nedlands

The City of Nedlands granted Planning Approval to the present scheme on 29th October 2015 under the reference DA15/196, pursuant to the City's Town Planning Scheme No.2.

This granted the current owners approval to build in accordance with the set of plans prepared by GreenStart Consulting Limited. On reflection of the proposed details the owners wish to make application to the City of Nedlands for an increase in the height of the boundary walls on Tern Lane and Ringneck Lane. Under the present DR codes this increase is non-compliant being in excess of the allowable 1.8m at the boundary.

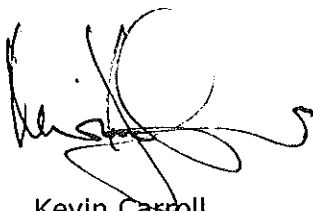
The owners wish the Council to note:

1. The original brick fence line is 1.8m high but has previously had a hurricane fence installed on top of the bricks, increasing the height to a maximum of 3.2 m above external ground level.
2. The attached photographs clearly show that the overall height of the privacy afforded the site prior to purchase in April 2015, was far greater than 1.8m above the lane level which is deemed allowable under the present scheme
3. Remove the indifferent boundary walls (there are four differing types) and replacing the laneway walls with fair faced precast tilt up concrete panels, styled to match the ornate nature of boundary walls on Hobbs Avenue. This would include the plastering of existing brick facades to the annex building at the corner of Ringneck and Tern Lane's, to tie in with the honed finish of the proposed new fence panels.

The applicant also wishes to replace the asphalt roadway to Tern Lane from a point adjacent to the northern boundary to the corner of Ringneck Lane, and in Ringneck Lane from the Jarrah tree (on the boundary of No.15 Hobbs Avenue) to the corner of Tern Lane. This would be carried out to Australian roading standards, to any City of Nedlands standards at the applicants cost. This is of course subject to City of Nedlands approval.

The owners and/or representatives are available to meet with Council representatives to discuss the proposals in more detail, should this be necessary.

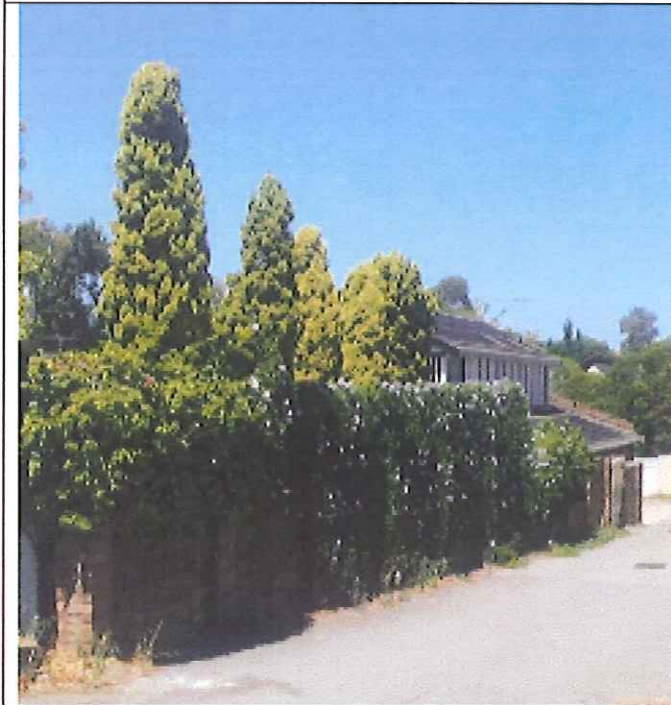
For and on behalf of the owners
Geoffrey & Natasha Knights



Kevin Carroll

18th February 2016

Existing walls



North-western part part of Tern Lane boundary:


Average of 3.0m high with brick piers on average every 2.4m;
at the southern end is the existing garage at the apex with Ringneck Lane



South-eastern side of site on Ringneck Lane:

The nearside (l/h) brick wall is the lower half of the existing garage structure; 2.4m high sandstone walls in the middle and brick walls in behind bushes and trees at the far end. The bushes and trees extend to as much as 5.0m FFL in the lane but on average are 4.5m

Examples of other walls in the immediate area

	<p>Photograph of wall to adjoining property to the west of Tern Lane.</p> <p>The brick wall at the corner of Tern and Ringneck Lanes is 4.2m high</p>
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14 Bronne Ave

Pic 1

TERN LANE

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9 MAY 2016

TERM
LANE

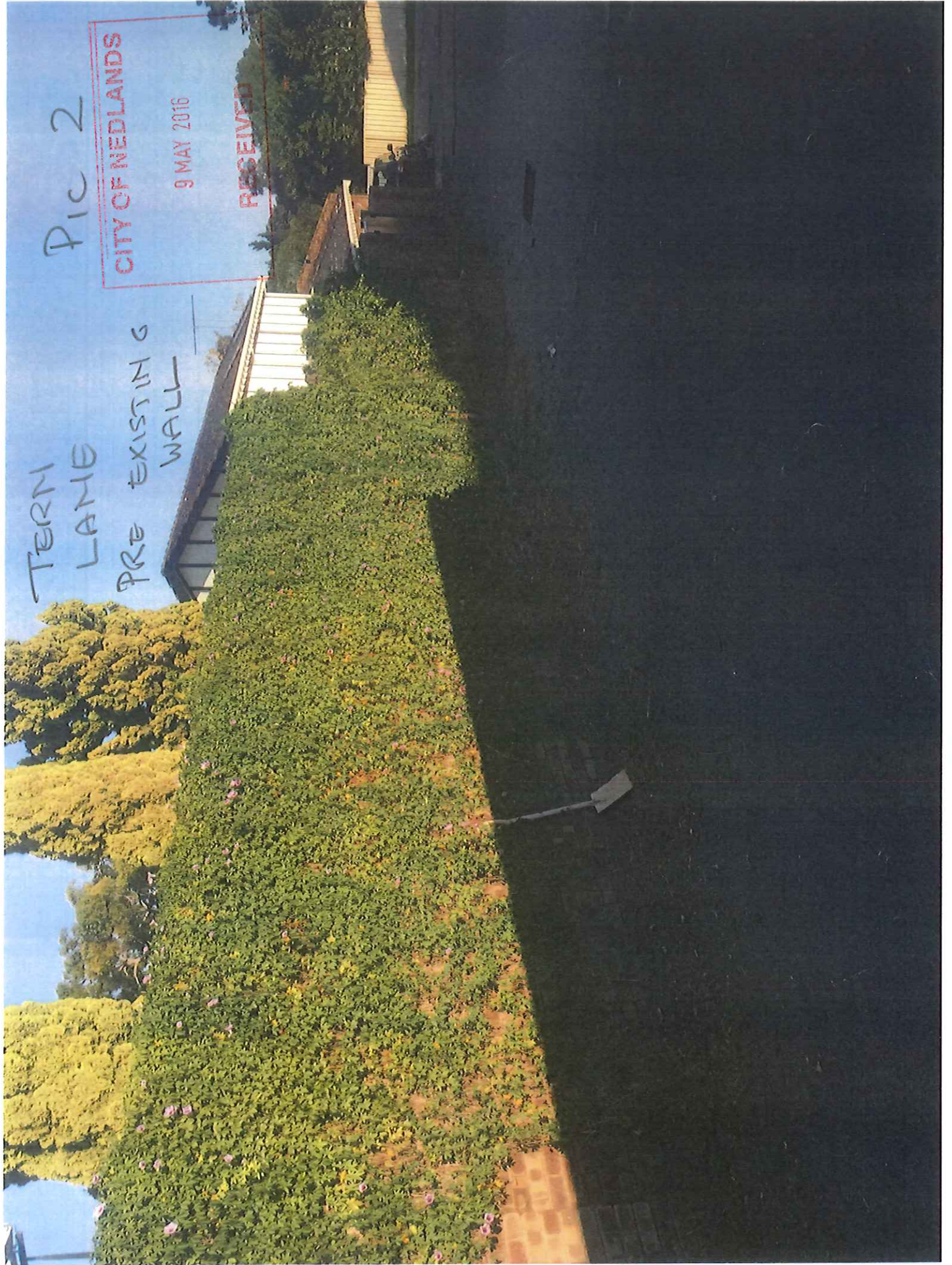
PRE EXISTING
WALL

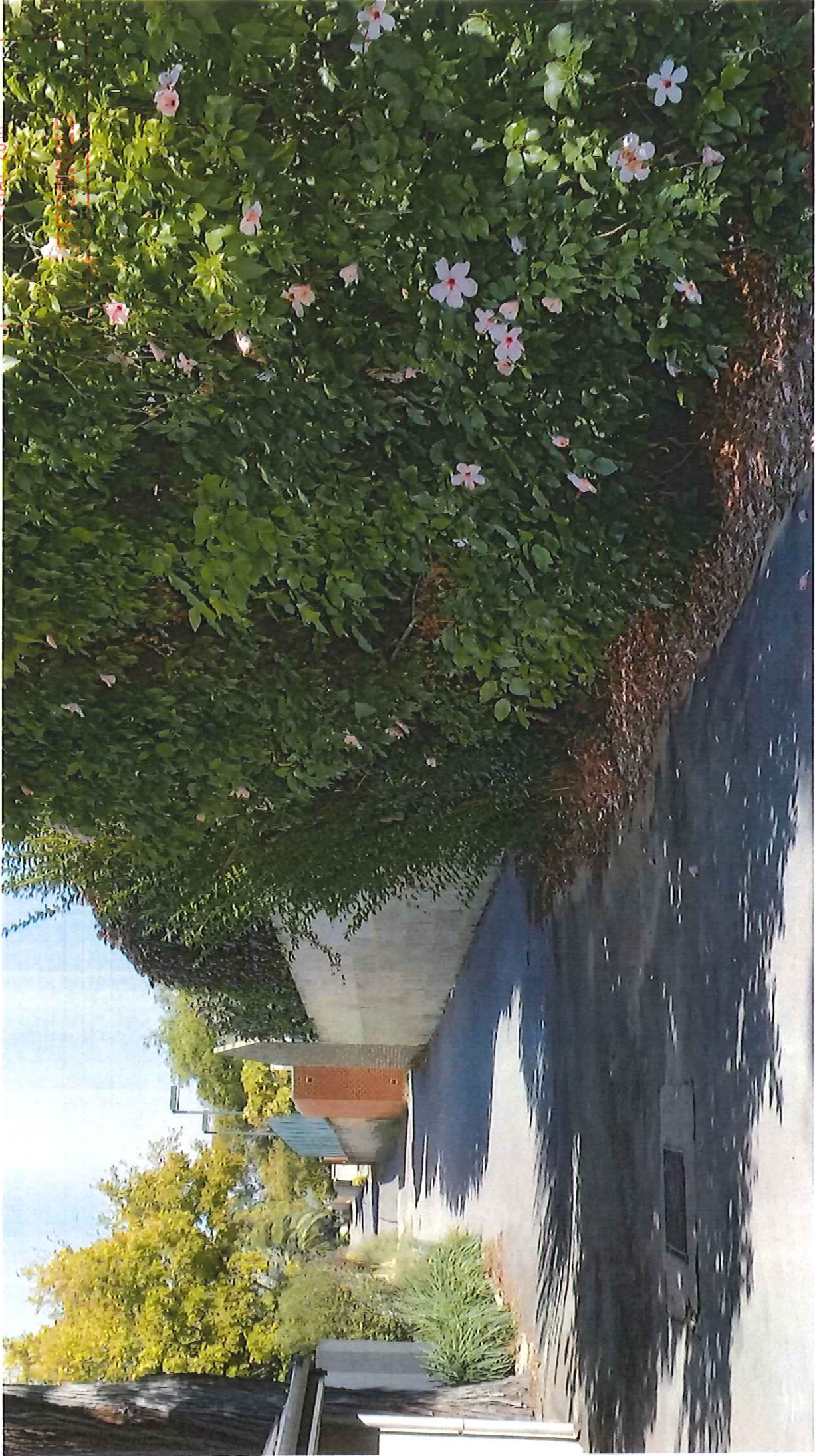
PIC 2

CITY OF NEDLANDS

9 MAY 2016

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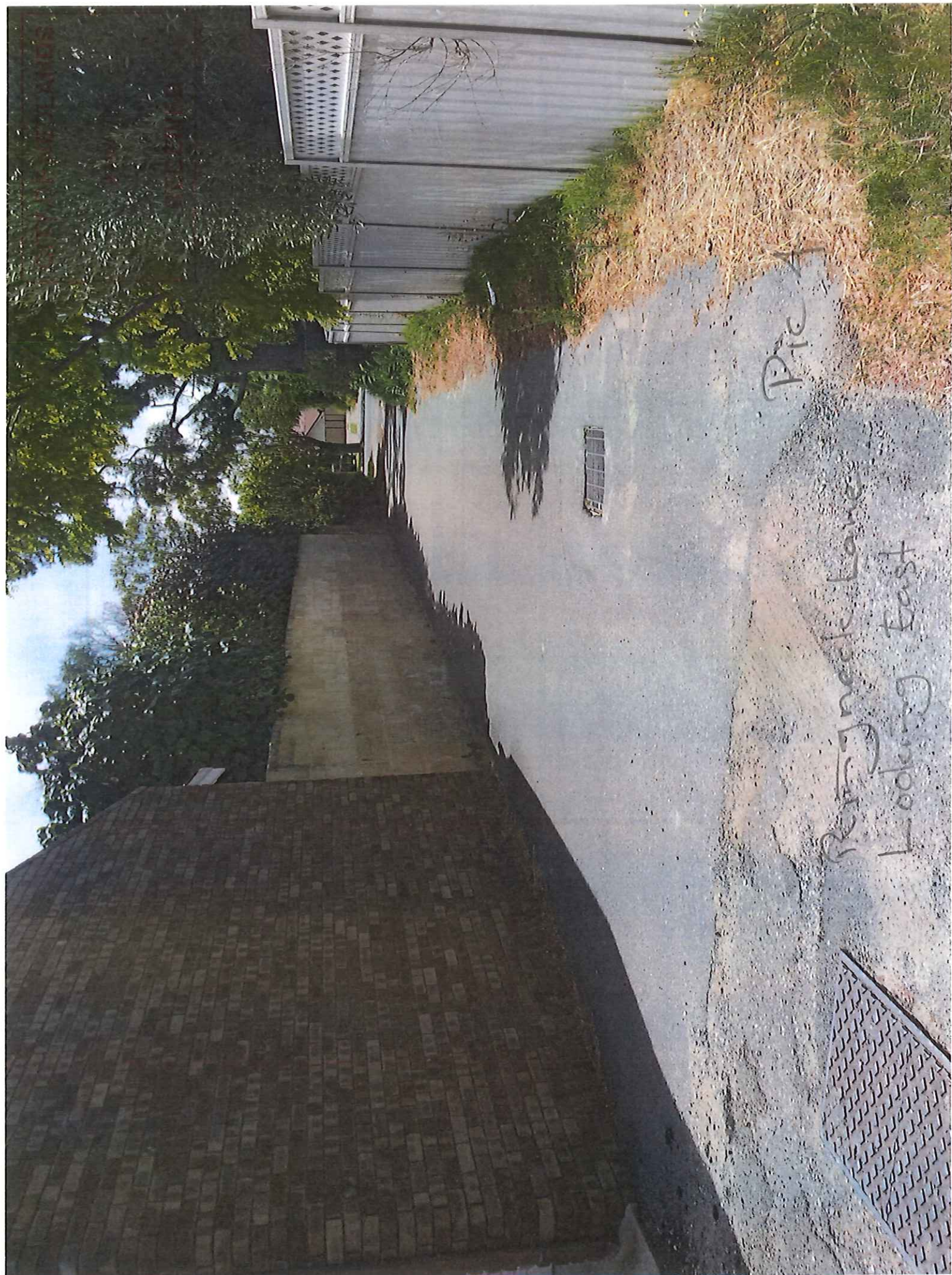
CITY OF NEDLANDS

9 MAY 2016

Ringneck lane

Looking West

Pic 3



Pic A

Restrooms
Looking East

9 MAY 2016



13 Hobbs Ave Front Pic 5

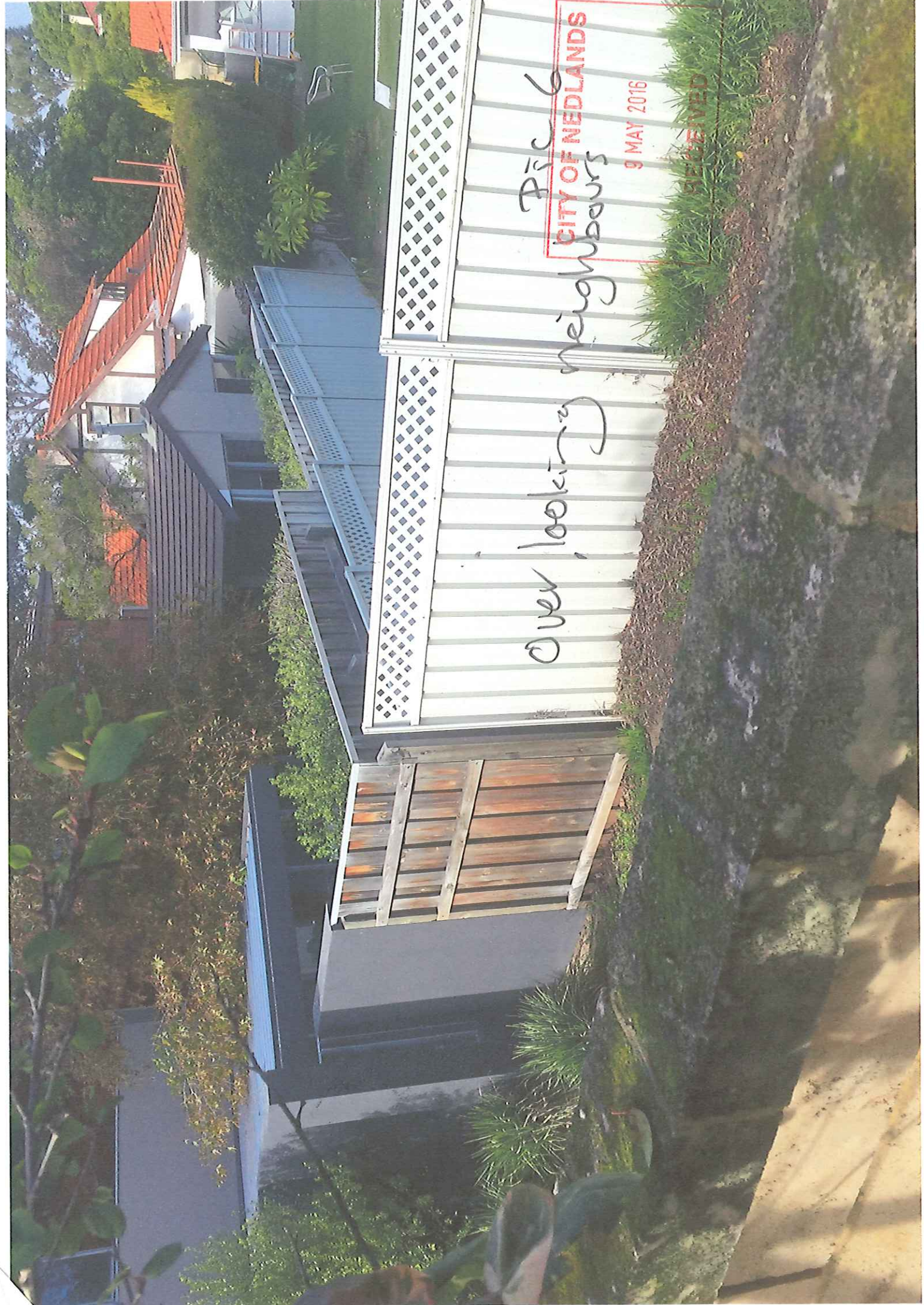
Over looking neighbours

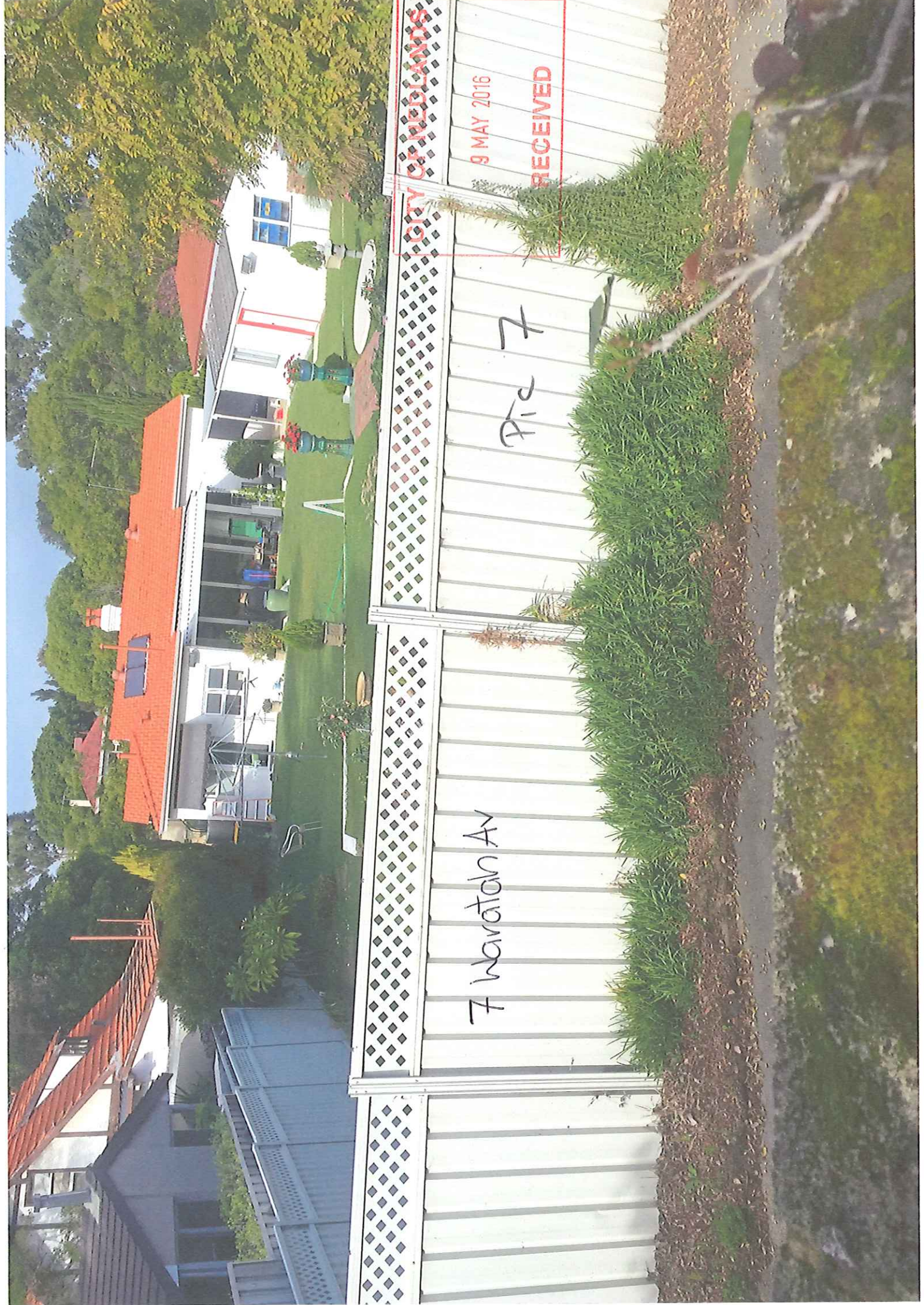
Pic 6

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7 Waratah Av

Pic 7

CITY OF REDLANDS

9 MAY 2016

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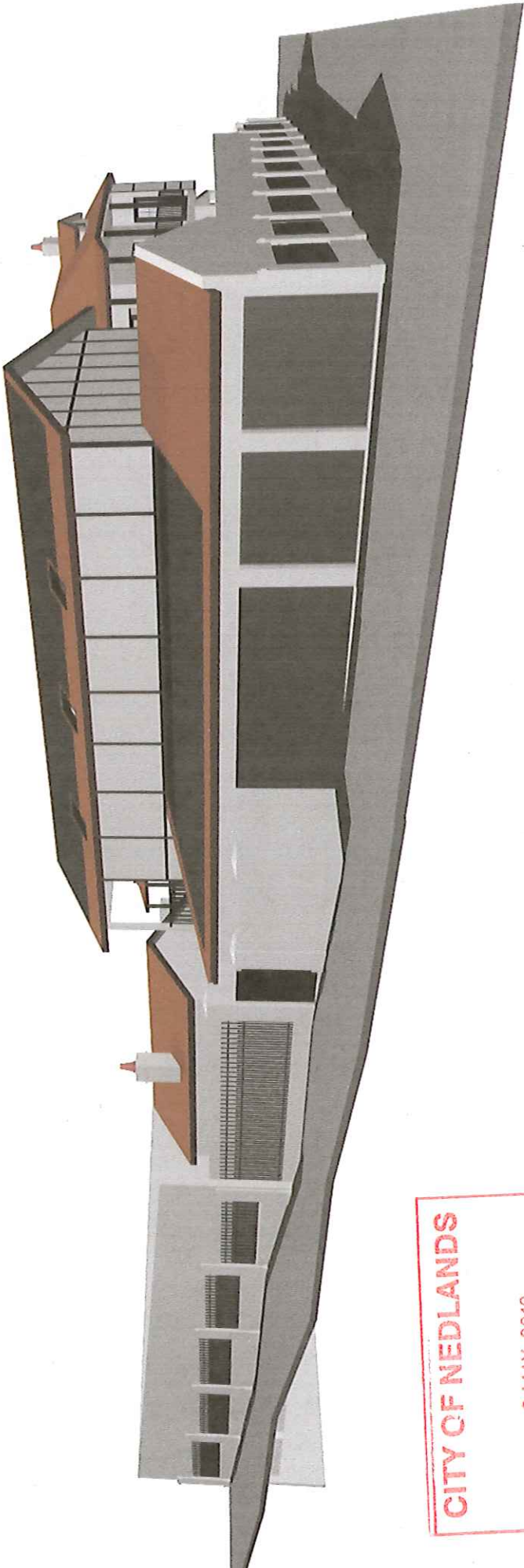
Pic 8

RECEIVED

9 MAY 2016

15 Hobbs


3D-0905



CITY OF NEDLANDS
9 MAY 2016
RECEIVED

Tern Lane view

PD31.16	Draft Landscaping Plans Local Planning Policy (LPP)
----------------	--

Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	PLAN-LPP-00003
Previous Item	Item PD06.16 – February 2016
Attachments	1. Draft Landscaping Plans Local Planning Policy

1.0 Executive Summary

The purpose of this report is for Council to consider whether to adopt the draft Landscaping Plans Local Planning Policy (draft LPP).

In February 2016, Council resolved (En Bloc Resolution 10/-) to approve the draft LPP for the purpose of public consultation. During the advertising period no submissions were received.

As a consequence of the *Planning and Development (Local Planning Schemes) Regulations 2015* being introduced amendments have been made to the draft LPP, which are highlighted in Attachment 1.

The objectives of the draft LPP are the following:

- a) To provide guidance on Council's expectations in terms of the type and minimum standard of landscape plans.
- b) To encourage development that incorporates creative landscaping with the use of interesting plant selection and design ideas.
- c) To encourage the retention of trees and vegetation of environmental, aesthetic and cultural significance through integration as part of a landscape design.

It is recommended that Council adopts the draft LPP with the inclusion of the highlighted amendments.

2.0 Recommendation to Committee

Council adopts the draft Landscaping Plans Local Planning Policy with amendments.

3.0 Strategic Community Plan

KFA: Governance and Civic Leadership

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

4.0 Legislation

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

5.0 Budget / Financial Implications

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

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

6.0 Risk management

If Council resolves not to adopt the draft LPP it will result in uncertainty for the community over what is considered acceptable by Council in relation to landscaping and may result in inconsistent decision making on applications for development which require areas to be landscaped.

7.0 Background

The City currently has no specific requirements with regard to the standard of landscaping plans, landscaping type(s) or quality.

Town Planning Scheme No. 2 only stipulates the requirement for non-residential properties to be landscaped within their street setback area, and within the lot boundary setback area if it adjoins a residential property. Whereas State planning-related documents such as the Residential Design Codes and the Designing Out Crime Planning Guidelines include general provisions related to using landscaping to enhance the security, privacy and safety for residents and the general public.

In order to provide specific assessment criteria and to assist with guiding decision making, the City is recommending that the draft LPP be adopted.

8.0 Statutory Provisions

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

9.0 Consultation

The draft LPP was advertised in accordance with the process outlined in Schedule 2 clause 4 of the Regulations which involved a notice of the draft LPP being published in a newspaper circulating in the district, and in addition to this a notice was published on the City's website.

During the advertising period no submissions were received.

10.0 Proposed Amendment to Draft Policy

Having further reviewed the draft LPP, the following table outlines the amendment proposed to be made (highlighted in Attachment 1):

Proposed Amendments	Reason for Amendment
Reference to the draft Policy being prepared in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , not TPS 2.	<p>The process for amending a local planning policy under the recently introduced Regulations compared to TPS 2 does not differ. There is therefore no need to re-advertise the amended policy as a result of this alteration.</p> <p>This minor alteration has been made to ensure that the correct legislation was adhered to when preparing the policy.</p>

11.0 Conclusion

The draft LPP will ensure the City has an appropriate local planning framework in place by which to assess applications for development which require areas to be landscaped. It will also ensure that the standard of landscaping plans received by the City is acceptable.

As such, it is recommended that the draft LPP be adopted by Council.

Landscaping Plans - Local Planning Policy

KFA Natural and Built Environment

Status Council

**Responsible
Division** Planning & Development

Objectives

- a) To encourage the provision and maintenance of landscaping with all non-residential and residential (grouped dwellings and/or multiple dwellings only) development.
 - b) To provide guidance on Council's expectations in terms of the type and minimum standard of landscape plans.
 - c) To encourage development that incorporates creative landscaping with the use of interesting plant selection and design ideas.
 - d) To encourage the retention of trees and vegetation of environmental, aesthetic and cultural significance through integration as part of a landscape design.
-

1.0 Context

- 1.1 This Policy has been prepared in accordance with **Schedule 2 Part 2 Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015. Clause 8.1 and 8.3 of the City's Town Planning Scheme No. 2 (TPS 2).**
- 1.2 Landscaping plans are required to be provided as part of a development application for non-residential or residential development (grouped dwellings and/or multiple dwellings only).
- 1.3 This policy is to be read in conjunction with **Town Planning Scheme No. 2 (TPS 2)**, the Residential Design Codes, Designing Out Crime Planning Guidelines, and Council's Greenways Policy.

2.0 Statement

- 2.1 The City values the protection of natural habitats and the amenity of areas. It seeks to promote the protection and enhancement of natural resources within the district by prescribing minimum standards for landscaping plans.

2.2 The purpose of a landscaping plan is to:

- a) Enhance the environmental amenity of a site by retaining remnant vegetation, preventing erosion, soil degradation and nutrient stripping;
- b) Integrate elements of the streetscape;
- c) Enhance privacy;
- d) Create a buffer between incompatible development;
- e) Create shade and a wind shelter;
- f) Define pedestrian networks;
- g) Enhance the overall appearance of development and create a more pleasant working environment; and
- h) Soften the effect of large areas of paving.

3.0 Definitions

For the purpose of this policy, the following meanings apply:

Landscaping – the carrying out of work which improves the appearance and function of a piece of land by reshaping and preparing the grounds, planting suitable plants, mulching of garden beds, installation of an adequate irrigation system and provision of ongoing maintenance.

Soft Landscaping Treatment – a combination of grass, trees and/or vegetation.

Shade Trees – A tree which provides adequate shade to the area within its immediate vicinity, to the City's satisfaction.

Tree – A woody perennial plant, typically growing to 3 metres or more, with a single trunk and lateral branches. The height of which when first planted is to be to the City's satisfaction.

4.0 Landscaping Design Criteria

4.1 Non-Residential Development

In accordance with clause 5.4.2 of the City's Town Planning Scheme No. 2:

- (a) the portion of the lot between the street boundary and the setback line; and
- (b) the portion of the lot between any adjoining residential lot and the setback line from the respective lot boundary/

shall be designed and developed to the satisfaction of the City as landscaping or natural planting, but the City may approve the paving and draining of portion of the area of the lot between the street boundary and the setback line in order to provide vehicular access.

The following criteria will apply when preparing the landscaping plan:

- a) At least 50% of street setback area(s) using soft landscaping treatments, unless otherwise approved by the City.

- b) One shade tree being provided for every 4 continuous car parking bays.
- c) In cases where car parking bays are not located within the street setback area, at least one tree for every 10m across a lot's street frontage is to be provided, unless otherwise approved by the City.
- d) Plants being setback an adequate distance from driveways, crossovers, footpaths and truncations so as not to obstruct driver and/or pedestrian sightlines when they reach full maturity.
- e) The retention of mature trees where practicable, unless otherwise approved by the City. If sufficient justification for removal of significant trees, the City will expect equivalent trees to be planted elsewhere on the site.
- e) The avoidance of landscaping which will fully obstruct surveillance from the property to the street, and vice versa.
- f) Landscape design which will not provide concealment or entrapment areas.
- g) The use of a variety of landscaping to create interesting built environments.

4.2 Residential Development

Landscaping plans prepared for proposed grouped dwellings and/or multiple dwellings are to comply with the applicable Deemed to Comply provisions of the Residential Design Codes.

5.0 Landscaping Plan Details

- 5.1 A landscaping plan is required to be drawn to either a 1:100 or 1:200 scale and include the following details **as a minimum**:
 - a) The location of existing vegetation and whether to be retained or removed or replaced;
 - b) The specie types (botanical names), location, pot sizes and quantity of the plants proposed;
 - c) The location of proposed and/or existing buildings/structures, car parking areas, outdoor living areas, crossovers, driveways, surface treatments (paving etc.), reticulation layout, retaining walls and fencing;
 - d) The scale to which the plan was drawn and contours (existing and proposed levels); and
 - e) Road name(s) and the north point.

5.2 Species information is to be presented on landscaping plans clearly. The following is an example of how to present this:

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE
	ABP	Anigozanthus 'Bush pearl'	Kangaroo paw 'Bush pearl'		
	Dr	Dianella revolta	Dianella		
	GBW	Grevillea 'Billy Wings	Billy Wings red Grevillea		
	3 GBR	Grevillea 'Bronze Rambler'	Bronze Rambler groundcover		
	2 Ah	Alyogyne huegleii	Native Hibiscus		
	Ss	Sapium sebiferum	Chinese tallow tree		
		Existing trees			

If necessary, the City can provide upon request details of suitable species for the local area.

6.0 Standard Condition and Advice Note

6.1 If a development application is approved which includes a landscaping plan, the following condition and advice note may be included on the approval, where applicable:

Condition

"1. Landscaping being planted within 60 days of [this approval] [the development's practicable completion] DELETE WHERE NECESSARY, and maintained thereafter by the landowner(s) to the City's satisfaction."

Related documentation

Nil

Related Local Law / Legislation


City of Nedlands Town Planning Scheme No. 2
 State Planning Policy 3.1 – Residential Design Codes
 Designing Out Crime Planning Guidelines

Related delegation

Nil

Review History

PD32.16	(Lot 114) No. 8 Jacaranda Avenue, Mount Claremont –Two Grouped Dwellings (Two Storey)
----------------	--

Committee	14 June 2016
Council	28 June 2016
Applicant	Tascone Design Team
Owner	CKB Developments Pty Ltd
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	JA1/8 DA15/441
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Survey Plan 2. Allotment Plan 3. Site Plan 4. Ground Floor Plan 5. Upper Floor Plan 6. Elevations 1, 2 and 5 7. Elevations 3,4 and 6 8. 3D Perspectives 9. Site Photographs 10. Applicant Justification 11. Applicant's Overshadowing cross sections 12. Applicant's Overshadowing plan 25%

1.0 Executive Summary

A development application has been received to construct two grouped dwellings at the subject property. The grouped dwellings do not comply with the deemed-to-comply provisions of the Residential Design Codes (R-Codes) for 'street setbacks' and 'solar access for adjoining sites' (overshadowing). The application was therefore advertised to the effected neighbouring landowners for comment with two objections received.

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 variations are considered to comply with the design principle provisions of the R-Codes and therefore it is recommended that the application be approved by Council.

2.0 Recommendation to Committee

Council approves the development application to construct two grouped dwellings (two storey) at (Lot 114) No. 8 Jacaranda Avenue, Mount Claremont, in accordance with the application received on 03 December 2015 and amended plans received 13 May 2016 subject to the following conditions and advice notes:

Conditions

- 1. The development shall at all times comply with the approved plans.**
- 2. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 3. The existing redundant crossover to shall be removed and the verge reinstated to the City's satisfaction**
- 4. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services, prior to construction. The following is to be demonstrated as part of the NSDA:**
 - a) All crossovers being constructed and drained to the City's specifications;**
 - b) All street trees in the verge being retained and/or not being removed without prior written approval from the Manager Parks Services; and**
 - c) All development in the verge complying with the Council's Nature Strip / Verge Development Policy.**
- 5. All existing and proposed fencing, visual privacy screens and obscure glass panels to Major Openings and/or Active Habitable Spaces, shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2015* (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.**
- 6. All privacy screening devices being installed within 14 days of the development's practicable completion and maintained thereafter by the landowner to the City's satisfaction.**
- 7. 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. Fencing within the front setback area (including along the side boundaries) which is compliant with the deemed to comply provisions of the R-Codes and dividing fencing not more than 1.8m above the existing natural ground level does not require planning approval.
3. A grated channel strip-drain should be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to run to a soak-well situated within the property.
4. All stormwater from the development, 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. 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.
5. 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.
6. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

7. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

- i. **Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.**
 - ii. **Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.**
- 8. 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 TPS2, 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 Schemes) Regulations 2015 (Regulations)*
- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes of Western Australian 2015 (R-Codes)
- Local Planning Policy 6.18 – Reduction of Front Setbacks
- Council Policy – Fill and Fencing
- 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, however should Council refuse the application, there may be financial implications through an appeal of Council's decision.

6.0 Risk management

Nil.

7.0 Background

Lot area	835m ²
Metropolitan Region Scheme Zoning	Urban
Town Planning Scheme No. 2 Zoning	Residential R25
Detailed Area Plan/Outline Development Plan	No
Controlled Development Area	No

The subject property currently contains a single dwelling which is to be demolished. The adjacent properties to the north and south of the subject property have been previously subdivided in a 'battle-axe' configuration with the access legs being on the opposing side of the properties to the subject property. The subject property is to be subdivided into two freehold lots with the Western Australian Planning Commission recently granting conditional approval, consistent with the allotment plan (attachment 2).

The subject property is within the Mount Claremont redevelopment Area and therefore in accordance with Local Planning Policy 6.18 – Reduction of Front Setbacks, the primary street setback is as per the R-Codes. The topography slopes up from the front boundary approximately 2.5m to the rear of the property (see attachment 9) and the property is located across the road from Mount Claremont Primary School.

An aerial image showing the location of the property follows.



8.0 Application Details

The application seeks approval to construct two grouped dwellings (two storey) in a side by side configuration with two storey parapet wall along with dividing boundary between the recently approved lots (see attachments 3-8).

The applicant has provided justification in support of the development application which has been provided as an attachment to this report (attachment 10-12).

9.0 Consultation

The development application was advertised to impacted residents and landowners for comment due to the land use being discretionary within the Residential zone as well as variations being proposed to the deemed-to-comply requirements of the R-Codes for the 'street setback' of the upper floors and 'solar access to adjoining lots'.

During the advertising period, two objections were received. The following is a summary of the concerns raised:

- a) The overshadowing area from the proposed development is over the centrally located north-facing outdoor living area of the impacted southern neighbouring property;
- b) The overshadowing area impacts the north facing major openings of the southern neighbouring dwelling;
- c) The variation to the 'solar access for adjoining sites' deemed to comply provision permitting 25% overshadowing is considered to not be compliant with the design principles of the R-Codes.

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 applicants have subsequently amended the plans to reduce the amount of overshadowing proposed, however the proposal still will overshadow the front neighbouring property 34% in lieu of 25%. The applicant has subsequently contacted the impacted neighbouring landowner and resident and as a result of the amendments to the plans, one submitter has rescinded their objection to the proposal.

The above comments are also addressed within the following section of this report.

10.0 Statutory Provisions

The relevant provisions of TPS 2 and the R-Codes which are not being met by the proposal are addressed in the following sections.

10.1 Town Planning Scheme No. 2

10.1.1 Amenity

TPS 2 Provision	Assessment/Comment	Complies?
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.	Once the lots are subdivided, the dwellings will be single dwellings which are a permitted land use within the Residential zone. The built form is consistent with other developments within the locality – even on Jacaranda Avenue, closer to Alfred Road, ensuring the appearance of the development will not be out of context for the locality.	Yes

10.2 Planning and Development (Local Planning Schemes) Regulations 2015

Regulations Clause	Assessment Comment	Satisfies
Clause 67 under Schedule 2 (Deemed Provisions) of the Regulations stipulates that in considering a development application due regard is to be given to the following matters, amongst others: 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 locality including but not limited to, the likely effect of height, bulk scale, orientation and appearance of the development.	The appearance of the development is not outside of the development context of the locality with other side-by-side developments on Jacaranda Avenue closer to Alfred Road and also on Rochdale Road. The bulk of the dwelling has been reduced adjacent to the outdoor living area of the neighbouring property to the south to reduce the impact of building bulk and also ensure the neighbouring dwelling will receive sunlight in the winter months.	Yes

10.3 State Planning Policy 3.1 – Residential Design Codes**10.3.1 Street Setback**

Deemed-to-Comply Requirement	Proposed	Complies?
Primary street – Minimum 3m, Average 6m	Upper floors have average of 5.98m in lieu of 6m.	No

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

Design Principles	Assessment/Comment	Satisfies?
<p>Buildings setback from the street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • Contribute to, and are consistent with, an established streetscape; • Provide adequate privacy and open space for dwellings; • Accommodate site planning requirements such as parking, landscape and utilities; and • Allow safety clearances for easements for essential service corridors. <p>Building mass and form that:</p> <ul style="list-style-type: none"> • Uses design features to affect the size and scale of the building; • Uses appropriate minor projections that do not detract from the character of the streetscape; • Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, serving infrastructure access and metres and the like; and • Positively contributes to the prevailing development context and streetscape. 	<p>The street setback variation is considered to be minor in nature as a 0.02m variation will not appear different from a compliant average of 6m. Therefore the variation is considered to have negligible impact on the streetscape.</p> <p>Neighbouring landowners and residents were consulted on the variation with no comment or objection provided.</p> <p>This average is considered to be consistent with other developments within the locality of similar scale (i.e. the side-by-side developments closer to Alfred Road).</p>	<p>Yes</p>

10.3.2 Solar Access for Adjoining Sites

The proposal is not compliant with the following Deemed-to-Comply provisions of the R Codes:

Deemed-to-Comply Requirement	Proposed	Complies?
<p>25% overshadowing to neighbouring lot.</p>	<p>34% overshadowing to No. 10 and 25% overshadowing to No. 12.</p>	<p>No</p>

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

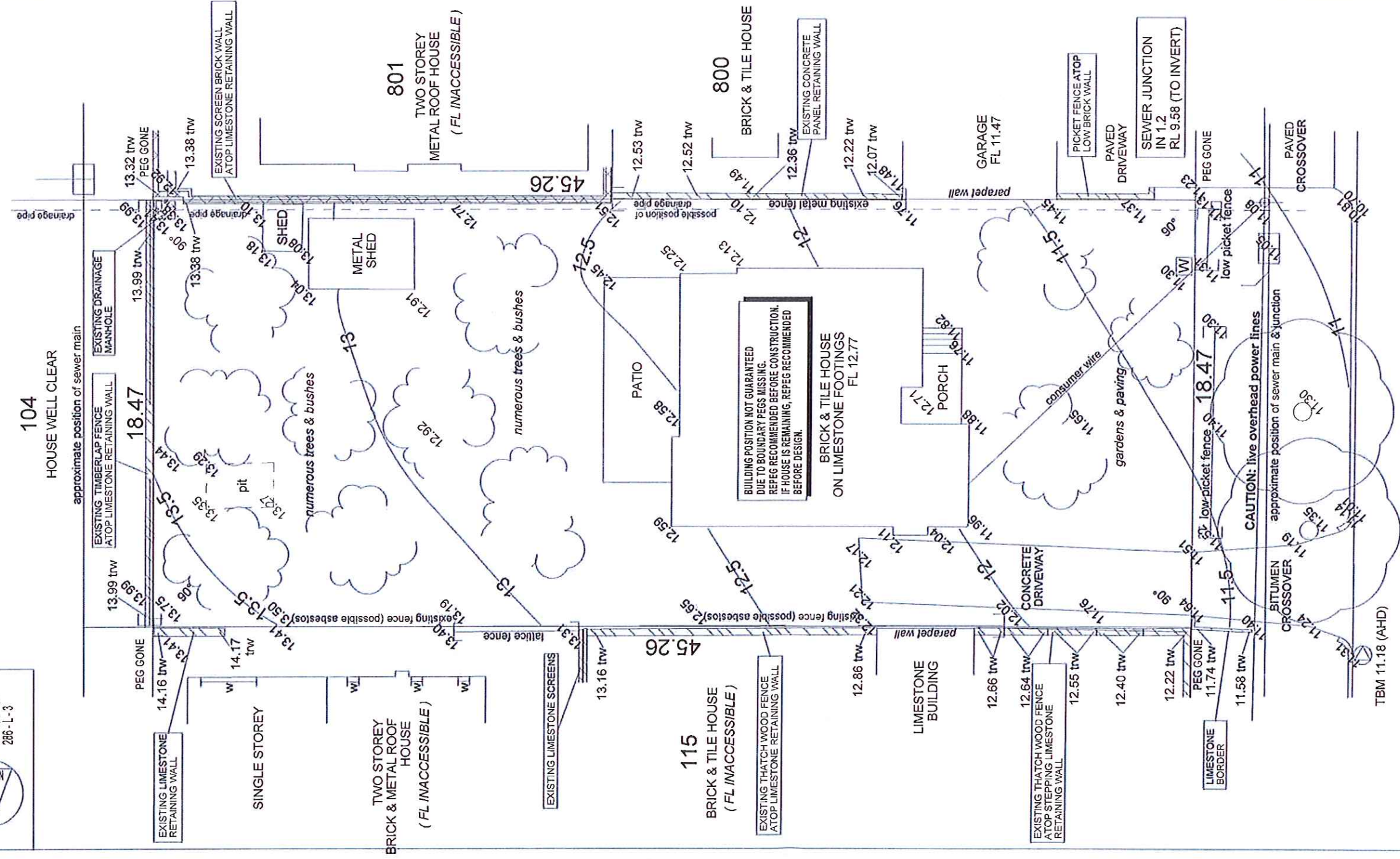
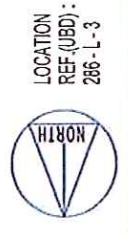
Design Principles	Assessment/Comment	Satisfies?
<p>Effective solar access for the proposed development and protection of the solar access.</p>	<p>The proposed development will have access to northern sun, particularly for the rear outdoor living areas and through the design of an internal courtyard for the southern grouped dwelling.</p>	<p>Yes</p>
<p>Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> • Outdoor living areas; • North facing major openings to habitable rooms, within 15 degrees of north in each direction; or • Roof mounted solar collectors. 	<p>The lot design being side-by-side is prejudiced by the neighbouring lot to the south being a battle-axe subdivision, green titled lot and being topographically lower than the subject property by 0.62m.</p> <p>The overshadowing assessment is required to be to each lot to the south rather than the parent lot due to the land tenure of the southern lots being green title. Should the land tenure have been survey strata with common property, the proposed amount of overshadowing would be compliant with the deemed-to-comply requirement of 25% as the overshadowing would be assessed based on the parent lot.</p> <p>The property most impacted – no. 10 Jacaranda Avenue – has been previously excavated on the higher (northern) side of the lot, is single storey and has a north facing outdoor living area centrally located to the lot.</p> <p>These factors have created a situation where even a single storey development on the subject property No. 8, would be close to the permitted 25% overshadowing permitted on the subject property.</p> <p>Increasing the setback of the upper floor of the southern grouped dwelling would have a detrimental streetscape impact through differing appearance of the grouped dwellings and also reduced passive surveillance to the street. The applicants have also advised that a battle-axe lot configuration is undesirable for them.</p> <p>The design of the dwellings was modified after neighbour consultation was conducted to increase the upper floor setback adjacent to the centrally located outdoor living area and north facing major openings of no. 10 and reduce the FFL of the dwelling. This has reduced the amount of overshadowing to the impacted area and permits during the winter solstice (June 21) that the major openings and outdoor living area right next to the dwelling will still have access to sunlight. The rest of the year these areas will still have more than adequate access to sunlight.</p>	<p>Yes</p>

11.0 Conclusion

The proposal is to construct two grouped dwellings at the subject property. The proposal involves variations to the deemed-to-comply provisions of the R-Codes being the street setback for the upper floors, and solar access for adjoining sites (overshadowing). The variations are considered to satisfy the relevant design principles of the R-Codes and therefore the application is recommended to Council for approval.

NOTE: IF HOUSE REMAINING, SURVEY OF BOUNDARIES FOR HOUSE POSITION REQUIRED.

LOT No: 114
AREA : 835m²



CITY OF NEDLANDS RECEIVED
13 MAY 2016

JACARANDA AVENUE

POSITION OF FENCES & WALLS IN RELATION TO BOUNDARIES NOT GUARANTEED UNLESS REPEG CARRIED OUT AT TIME OF SURVEY.

POSITION OF FEATURES IN RESPECT TO BOUNDARIES NOT GUARANTEED. PEGS MISSING AT TIME OF SURVEY.

BUILDER :
CKB HOMES

SITE ADDRESS:
LOT 114 JACARANDA AVENUE
MOUNT CLAREMONT

LOCAL AUTHORITY : CITY OF NEDLANDS

BUILDER DWN BY : DATE :
SHEET No : 1 of 7
JOB No : 65691

VARIATIONS - all sheets

OWNER/S :	DETAILS	DWN DATE	CHK
WITNESS :			
BUILDER :			
WITNESS :			
DATE :			

SURVEYOR SITE INSPECTION REPORT

ELECTRICITY: UNDERGROUND GAS: NOT SIGHTED

TELECOM: YES WATER: YES (RHS)

SEWERAGE: YES, ABOUT 1.5m DEEP (TO INVERT)

ROAD: BITUMEN

KERB: SEMI MOUNTABLE(good condition)

FOOTPATH: NIL CONCRETE (good poor condition)

VEGETATION: ESTABLISHED TREES, THICK BUSH & WEEDS

SOIL: SAND & POSSIBLE LIMESTONE AT DEPTH

VIEWS: SCHOOL ACROSS ROAD

REPEG: REQUIRED REPEG TYPE : OLD SURVEY AREA

ONLY OBVIOUS VISIBLE SERVICES HAVE BEEN LOCATED. PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DEMOLITION THE RELEVANT SERVICE AUTHORITIES MUST BE CONTACTED TO CONFIRM THE LOCATION OF ALL UNDERGROUND SERVICES.

TITLE DETAILS

LOT NOS: 114 **C/T VOL:** 2137

PLAN: 6203(1) **FOL:** 696

LEGEND

T.B.M.	TREE	HYDRANT
POWER DOME	PALM TREE	STOP VALVE
NBN	TREE STUMP	TAP
TELECOM PIT	POWER POLE	PRE-LAID WATER PIPE
FENCE END	STREET LAMP	WATER METER
PILLAR	GRADED DRAIN	SEWERAGE MANHOLE
TOP OF RETAINING WALL	SIDE ENTRY PIT	SEWERAGE MANHOLE
	DRAINAGE MANHOLE	SEWERAGE INSPECTION LID

NOTES:
ALL SEWER DETAILS PLOTTED FROM INFORMATION SUPPLIED BY WATER CORPORATION SPATIAL INFORMATION MANAGEMENT. REFER TO THE DISCLAIMER NOTE ON WATER CORP E-P-PLAN.
BLOCK LOCATED MORE THAN 1 KILOMETRE FROM THE OCEAN.
PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE PIPE LAYING.
LOCATION OF BOUNDARY PEGS & IMPROVEMENTS NOT GUARANTEED UNLESS BOUNDARIES ARE REPEGGED AT TIME OF SURVEY.
POSITION OF FENCES & WALLS IN RELATION TO BOUNDARIES NOT GUARANTEED UNLESS REPEG CARRIED OUT AT TIME OF SURVEY.
CHECK TITLE FOR EASEMENTS, CAVEATS & COVENANTS.

R. G. LESTER & ASSOCIATES
LICENSED LAND & ENGINEERING SURVEYORS
NORTH BEACH PLAZA
SHOP 7 / 1 NORTH BEACH ROAD
NORTH BEACH WA 6020
PH: 9448 5009 FX: 9203 6722
admin@lestersurveys.com.au

REF NO: 65691 FILE NO: 7124 DATE: REV 27.10.15 DRAWN: AC / SCB

SITE PLAN 1:200 at A3



LOT No: 114
AREA : 835m²



LOCATION
REF.(UBD) :
286 - L - 3

BUILDER :

CLIENT/s: CKB HOMES

SITE ADDRESS:

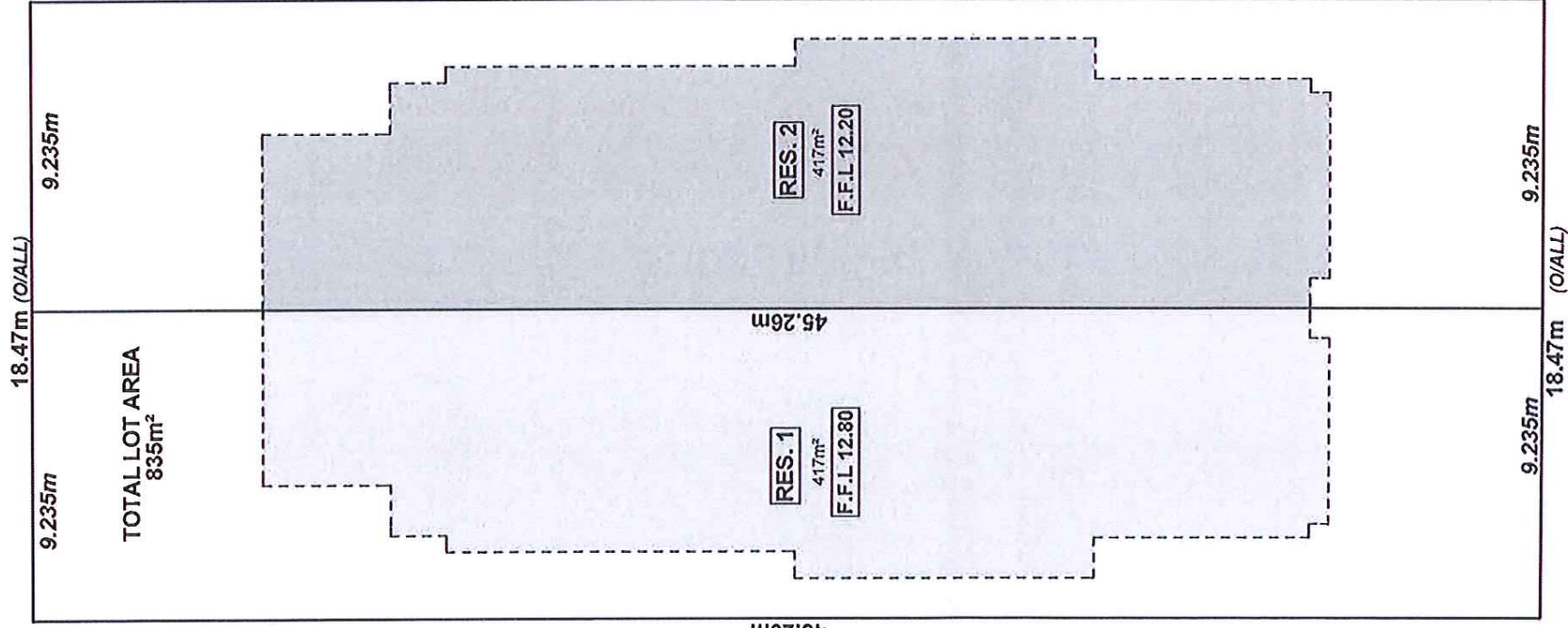
LOT 114 JACARANDA AVENUE
MOUNT CLAREMONT

LOCAL AUTHORITY: CITY OF NEDLANDS

BUILDER DIVIN BY: DATE:

JOB No: 65691

SHEET No: 2 of 7



SITE AREAS		835m ²
TOTAL LOT AREA		835m ²
RESIDENCE 1	417m ²	47.3%
BUILDING AREA (SITE COVER)	197.46m ²	52.7%
OPEN SPACE	219.54m ²	47.3%
RESIDENCE 2	417m ²	52.7%
BUILDING AREA (SITE COVER)	197.46m ²	47.3%
OPEN SPACE	219.54m ²	52.7%



JACARANDA AVENUE

ALLOTMENT PLAN

SCALE 1:200

CITY OF NEDLANDS
RECEIVED
13 MAY 2016

12/04/2016
AMENDED PLANNING

START DATE: NOV 2015	DRAWN: PV
ISSUE DATE: 12/04/2016	JOB No: 154-15
SCALE: AS SHOWN	SHEET: 2 of 7

PROPOSED CKB HOMES DEVELOPMENT
LOT 114, JACARANDA AVENUE,
MT. CLAREMONT

bda
p: 08 9227 6719 f: 08 9328 4326
w: www.tascone.com.au
a: 422 Newcastle Street (first floor) West Perth, W.A. 6005

tdt TASCONe
design team

BUILDER :
CKB HOMES

SITE ADDRESS:
LOT 114 JACARANDA AVENUE
MOUNT CLAREMONT

LOCAL AUTHORITY:
CITY OF NEDLANDS

BUILDER DWN BY: DATE: **JOB No: 65691**

SHEET No: 3 of 7

OWNER/S: I/WE, THE OWNER/S, AGREE TO THE CONTENTS OF THIS DOCUMENT AND ALL INITIALLED SHEETS

DETAILS: DWN DATE: CHK

VARIATIONS - all sheets

SURVEYOR SITE INSPECTION REPORT

ELECTRICITY: UNDERGROUND GAS: NOT SIGHTED

TELECOM: YES WATER: YES (RHS)

SEWERAGE: YES, ABOUT 1.5m DEEP (TO INVERT)

ROAD: BITUMEN

KERB: SEMI MOUNTABLE (good condition)

FOOTPATH: NIL CONCRETE (good poor condition)

VEGETATION: ESTABLISHED TREES, THICK BUSH & WEEDS

SOIL: SAND & POSSIBLE LIMESTONE AT DEPTH

VIEWS: SCHOOLACROSS ROAD

REPEGS: REQUIRED REPEG TYPE: OLD SURVEY AREA

ONLY OBVIOUS VISIBLE SERVICES HAVE BEEN LOCATED. PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DEMOLITION THE RELEVANT SERVICE AUTHORITIES MUST BE CONTACTED TO CONFIRM THE LOCATION OF ALL UNDERGROUND SERVICES.

TITLE DETAILS

LOT NOS: 114 CT VOL: 2137

PLAN: 6203(1) FOL: 696

LEGEND

T.B.M.	TREE	HYDRANT
POWER DOME	PALM TREE	STOP VALVE
NBN	TREE STUMP	TAP
TELECOM PIT	POWER POLE	PRE-LAID WATER PIPE
COMMUNICATION PIT	STREET LAMP	WATER METER
FENCE END	GRATED DRAIN	SEWERAGE MANHOLE
PILLAR	SIDE ENTRY	SEWERAGE MANHOLE
TOP OF RETAINING WALL	DRAINAGE MANHOLE	SEWERAGE INSPECTION LID

NOTES:

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CHECK TITLE FOR EASEMENTS, CAVEATS & COVENANTS.

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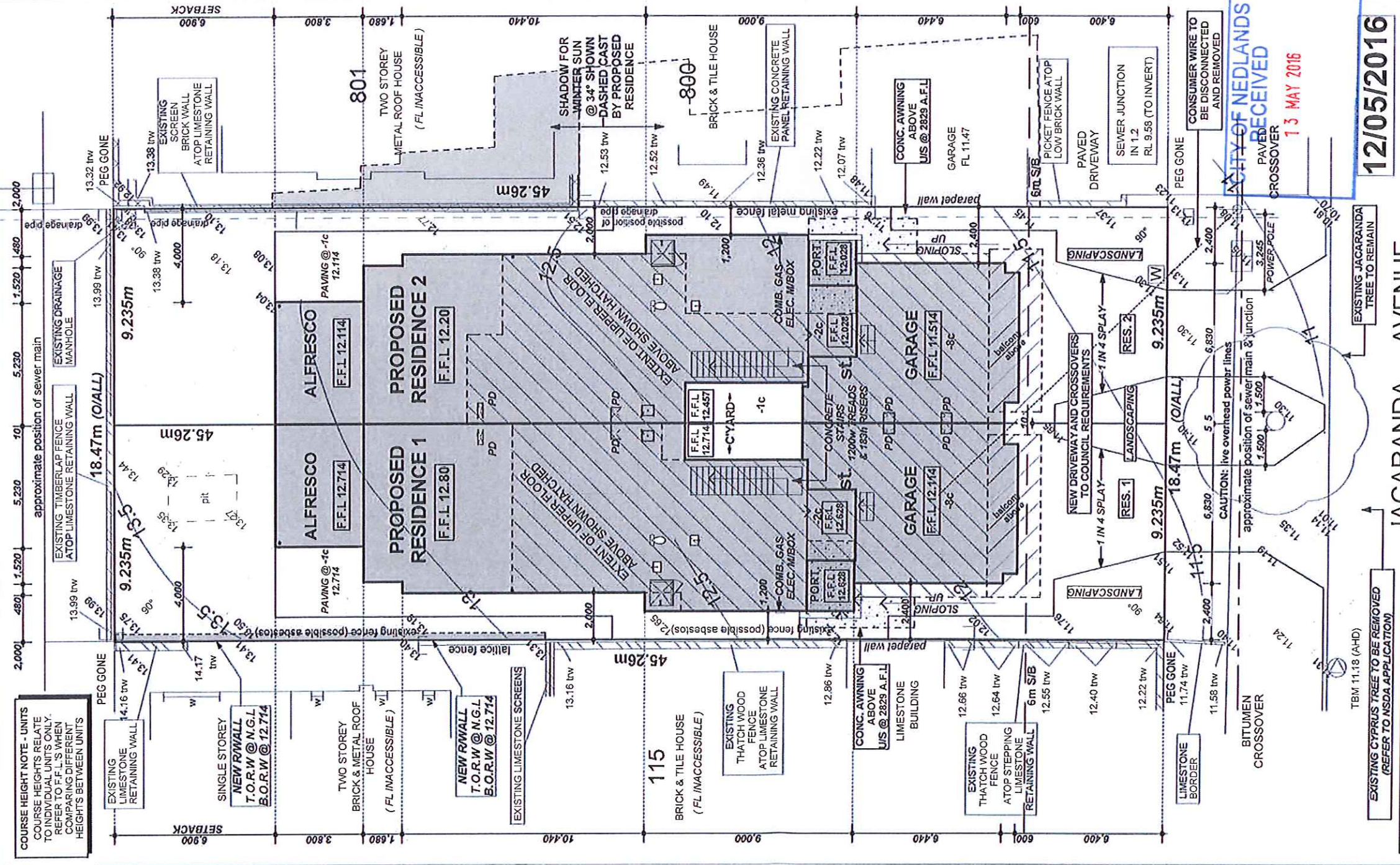
REF NO: 65691 FILE NO: 7124 DATE: REV 27.10.15 DRAWN: AC / SCB

SITE PLAN 1:200 at A3

0 5 10 15

SHADOW AREAS

LOT 800 #10 JACARANDA AVE. MT. CLAREMONT (approx.)	361m ²
LOT 800 #12 JACARANDA AVE. MT. CLAREMONT (approx.)	474m ²
TOTAL (approx.)	835m ²
#10 JACARANDA AVE - SHADOW CAST (APPROX)	16m ²
#12 JACARANDA AVE - SHADOW CAST (APPROX)	37m ²
TOTAL SHADED AREA (OF NEIGHBOURING BLOCK)	53m ²



JACARANDA AVENUE

PROPOSED SITE PLAN

SCALE 1:200

12/05/2016

CITY OF NEDLANDS
PAVED RECEIVED
13 MAY 2016

DIAL BEFORE YOU DIG
www.100.com.au

AUSTRALIAN HEIGHT DATUM (AHD)
DERIVED FROM SEWER MANHOLE
L0622 LID LEVEL.

TOTAL LOT AREA	835m ²
RESIDENCE 1	417m ²
BUILDING AREA (SITE COVER)	194.16m ²
OPEN SPACE	222.84m ²
RESIDENCE 2	417m ²
BUILDING AREA (SITE COVER)	194.16m ²
OPEN SPACE	222.84m ²

RES 1 ALFRESCO	19.87
RES 1 BALCONY	15.85
RES 1 GARAGE & STORE	53.35
RES 1 GROUND LIVING	140.81
RES 1 PORCH	4.43
RES 1 UPPER LIVING	131.58
RES 1 ALFRESCO	19.87
RES 2 GARAGE & STORE	15.38
RES 2 GROUND LIVING	139.92
RES 2 PORCH	4.43
RES 2 UPPER LIVING	124.53
TOTAL	723.37m ²

POSITION OF FENCES & WALLS IN RELATION TO BOUNDARIES NOT GUARANTEED UNLESS REPEG CARRIED OUT AT TIME OF SURVEY.

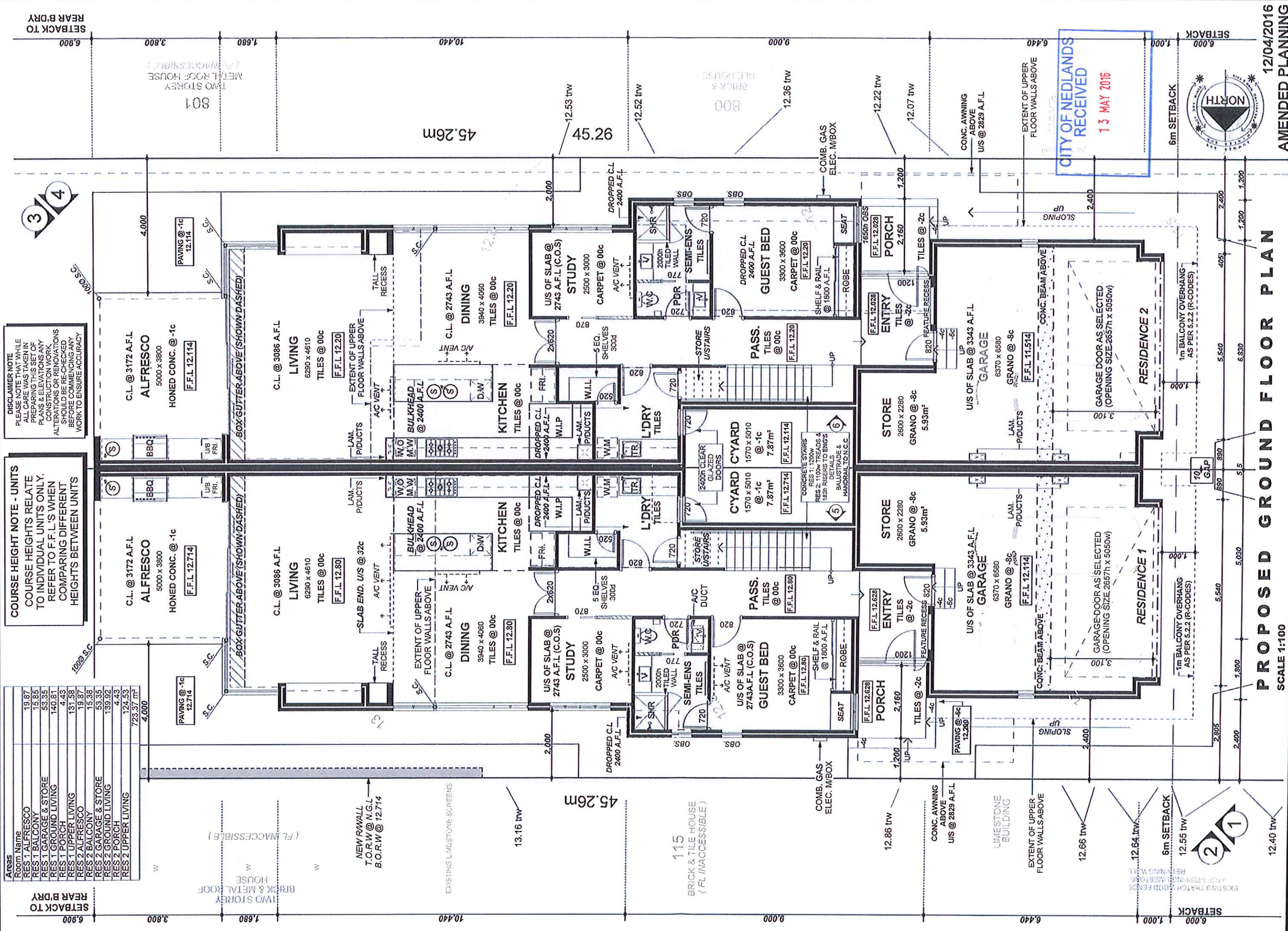
POSITION OF FEATURES IN RESPECT TO BOUNDARIES NOT GUARANTEED. PEGS MISSING AT TIME OF SURVEY.

LOT No: 114
AREA : 835m²

NOTE: IF HOUSE REMAINING, SURVEY OF BOUNDARIES FOR HOUSE POSITION REQUIRED.

LOCATION REF.(UBD): 286 - L-3

COURSE HEIGHT NOTE - UNITS COURSE HEIGHTS RELATE TO INDIVIDUAL UNITS ONLY. REFER TO F.I.S. WHEN COMPARING DIFFERENT HEIGHTS BETWEEN UNITS



Room Name	Area
RES 1 ALFRESCO	19.87
RES 1 BALCONY	15.85
RES 1 GARAGE & STORE	53.35
RES 1 PORCH	140.81
RES 1 GROUND LIVING	4.43
RES 1 UPPER LIVING	131.58
RES 2 ALFRESCO	19.87
RES 2 BALCONY	15.38
RES 2 GARAGE & STORE	53.35
RES 2 GROUND LIVING	139.92
RES 2 PORCH	4.43
RES 2 UPPER LIVING	124.53
	723.37 m ²
	4.000

DISCLAIMER NOTE
PLEASE NOTE THAT WHILE ALL CARE WAS TAKEN IN PREPARING THIS SET OF PLANS & ELEVATIONS ANY CONSTRUCTION WORK, ALTERATIONS OR RENOVATIONS SHOULD BE RECHECKED BEFORE COMMENCING ANY WORK TO ENSURE ACCURACY

COURSE HEIGHT NOTE - UNITS
COURSE HEIGHTS RELATE TO INDIVIDUAL UNITS ONLY. REFER TO F.L.'S WHEN COMPARING DIFFERENT HEIGHTS BETWEEN UNITS

12/04/2016
AMENDED PLANNING

START DATE: NOV 2015
ISSUE DATE: 12/04/2016
SCALE: AS SHOWN
DRAWN: PV
JOB No: 154-15
SHEET: 4 of 7

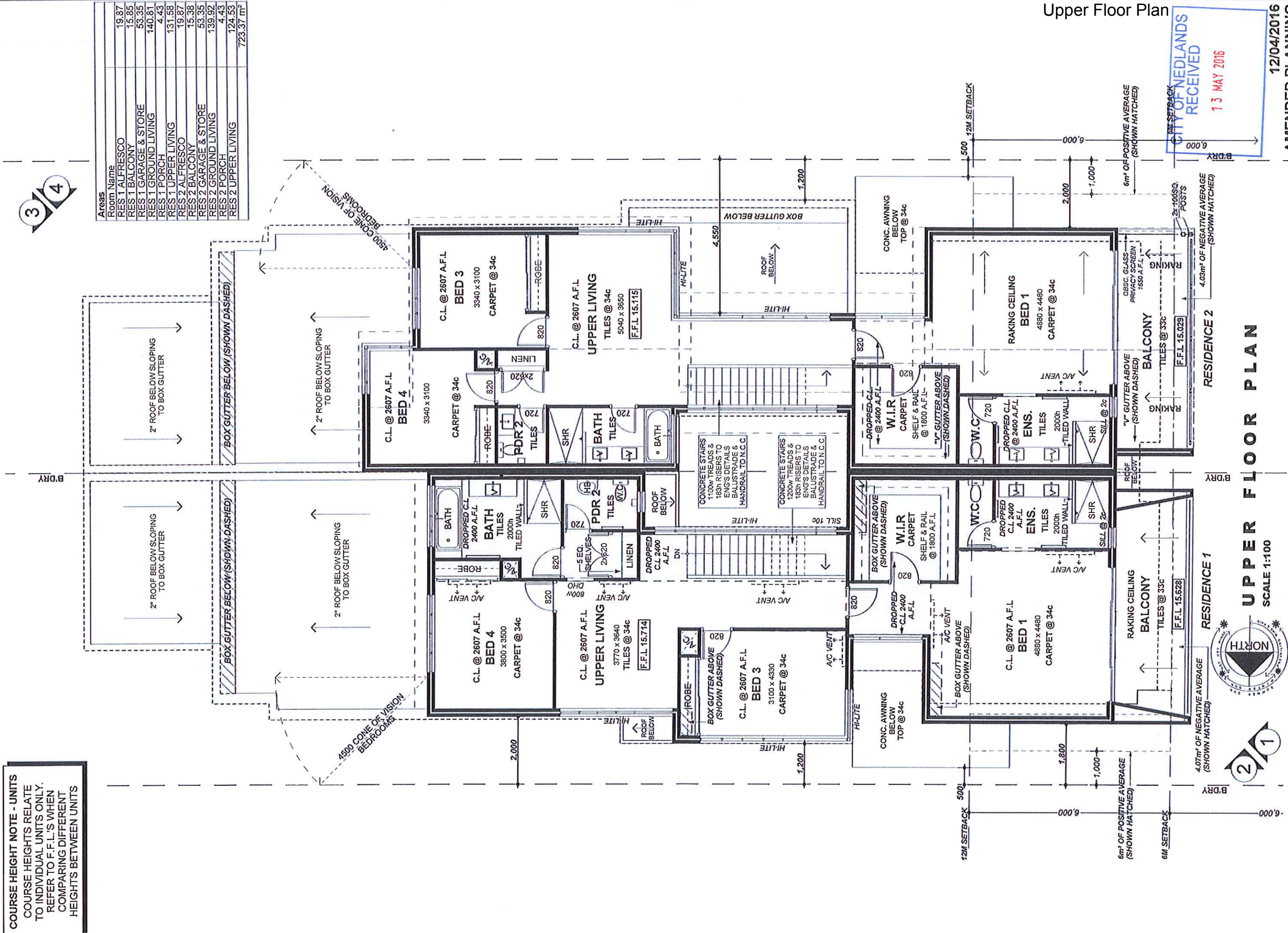
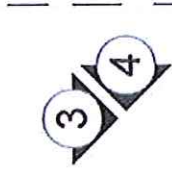
PROPOSED CKB HOMES DEVELOPMENT
LOT 114, JACARANDA AVENUE,
MT. CLAREMONT

PROPOSED GROUND FLOOR PLAN
SCALE 1:100

tbt TASCOE
design team
p: 08 9227 6719 f: 08 9328 4326
w: www.tascoe.com.au
o: 422 Newcastle Street (first floor) West Perth, W.A. 6005

COURSE HEIGHT NOTE - UNITS
 COURSE HEIGHTS RELATE TO INDIVIDUAL UNITS ONLY. REFER TO F.F.L.'S WHEN COMPARING DIFFERENT HEIGHTS BETWEEN UNITS

Room Name	Area
RES 1 ALFRESCO	19.87
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RES 2 GROUND LIVING	139.92
RES 2 PORCH	4.43
RES 2 UPPER LIVING	124.53
TOTAL	723.37 m²



CITY OF NEDLANDS RECEIVED
 13 MAY 2016
 12/04/2016 AMENDED PLANNING

UPPER FLOOR PLAN
 SCALE 1:100

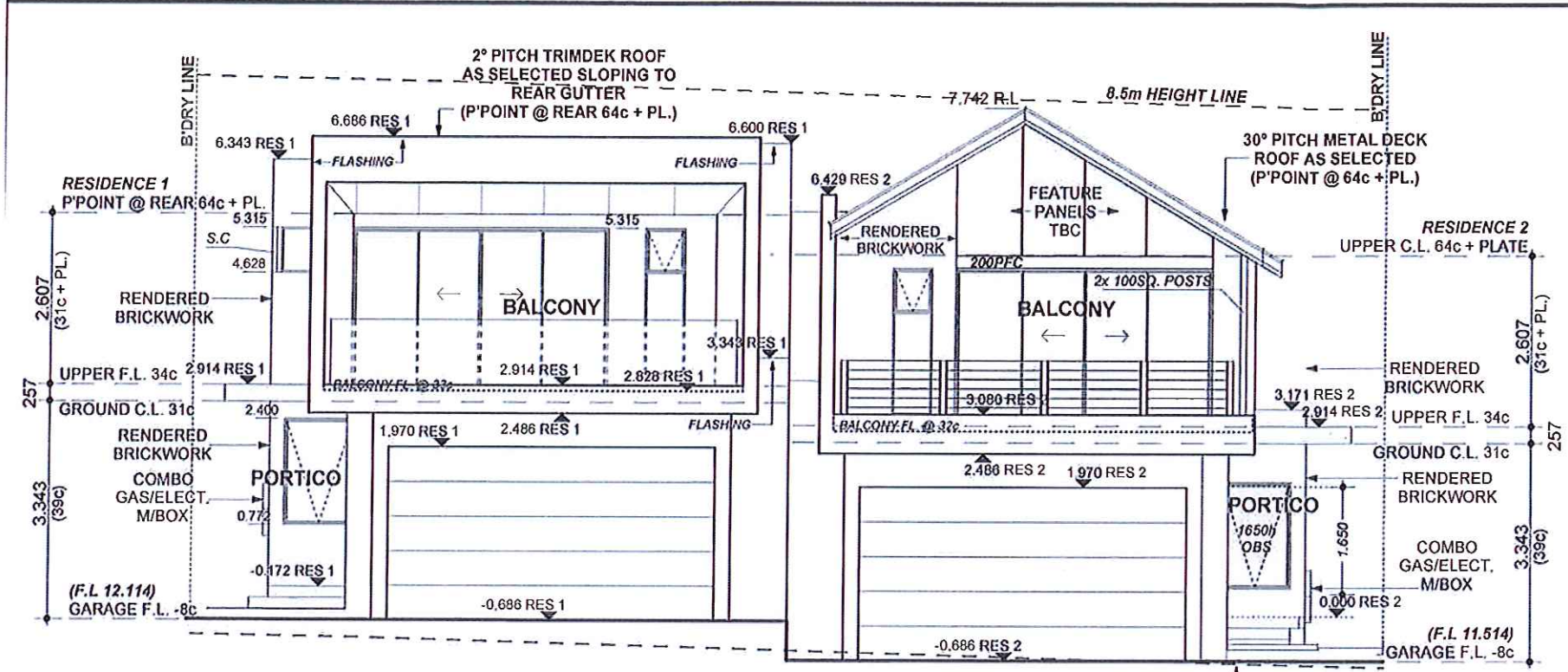


START DATE: NOV 2015	DRAWN: PV
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SCALE: AS SHOWN	SHEET: 5 of 7

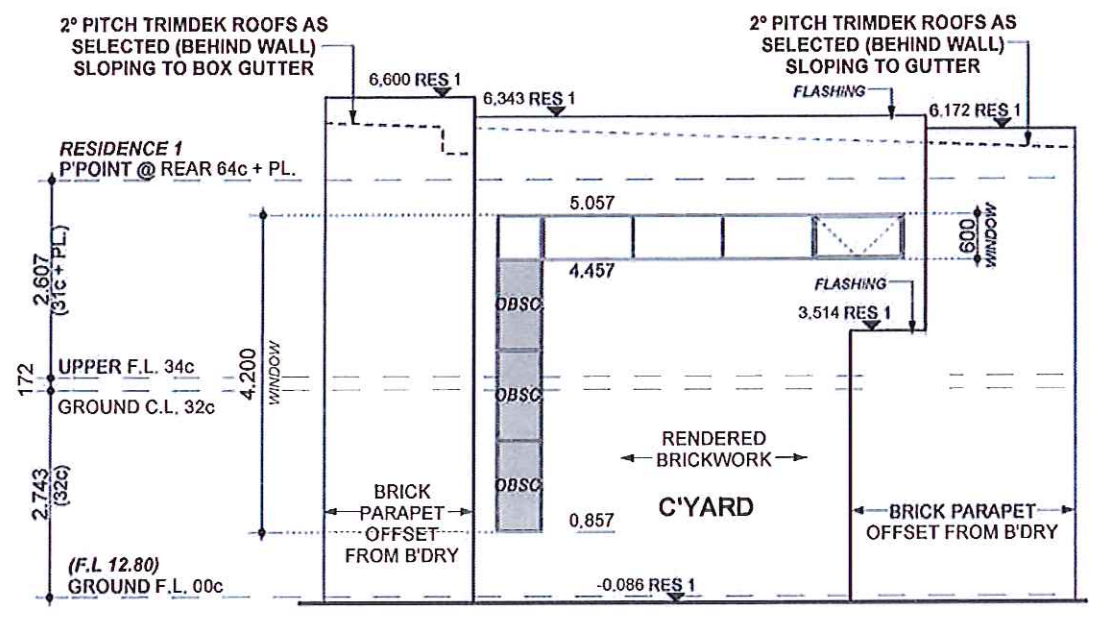
PROPOSED CKB HOMES DEVELOPMENT
 LOT 114, JACARANDA AVENUE,
 MT. CLAREMONT

bda
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 w: www.tascone.com.au
 a: 422 Newcastle Street (first floor) West Perth, W.A. 6005

tct TASCONE
 design team



PROPOSED ELEVATION 1 - WEST
SCALE 1:100

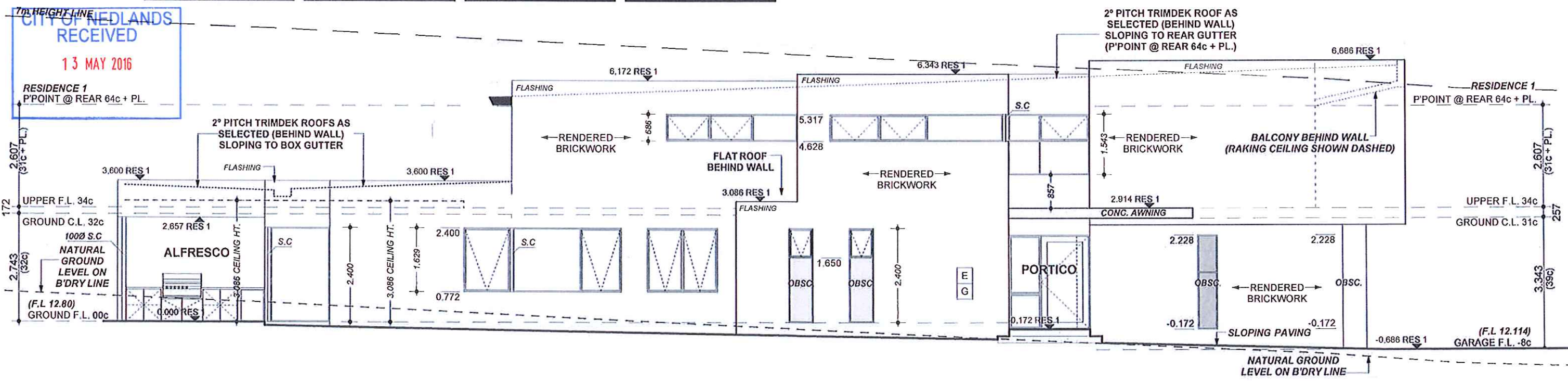


RESIDENCE 1 PROPOSED ELEVATION 5 - SOUTH
SCALE 1:100

FINISHES SCHEDULE

<p>EXTERNAL WALLS RES. 1 - RENDERED BRICK FINISH MAIN COLOUR - LEXICON RES. 2 - RENDERED BRICK FINISH MAIN COLOUR - LEXICON</p>	<p>ROOF COVER RES. 1 - TRIMDEK COLORBOND COLOUR - SURFMIST RES. 2 - CUSTOM ORB COLORBOND COLOUR - SURFMIST</p>	<p>EXTERNAL PAVING RES. 1 - GREYSTONE QUARTZ (AGG. PAVERS) RES. 2 - GREYSTONE QUARTZ (AGG. PAVERS)</p>	<p>BALUSTRADE RES. 1 - GLASS RES. 2 - PICOAT CHARCOAL LUSTER OR SIMILAR</p>
<p>WINDOW FRAMES RES. 1 - ALUMINIUM COLOUR - SILVER LUSTRE (RESIDENTIAL) RES. 2 - ALUMINIUM COLOUR - CHARCOAL LUSTRE (RESIDENTIAL)</p>	<p>GUTTER & FASCIA RES. 1 - COLORBOND COLOUR - SURFMIST RES. 2 - COLORBOND COLOUR - SURFMIST</p>	<p>DOWN PIPES RES. 1 - COLOUR - TO MATCH WALL COLOUR RES. 2 - COLOUR - TO MATCH WALL COLOUR</p>	<p>POSTS RES. 1 - SILVER LUSTRE RES. 2 - CHARCOAL LUSTER</p>

DISCLAIMER NOTE
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PROPOSED ELEVATION 2 - NORTH
SCALE 1:100

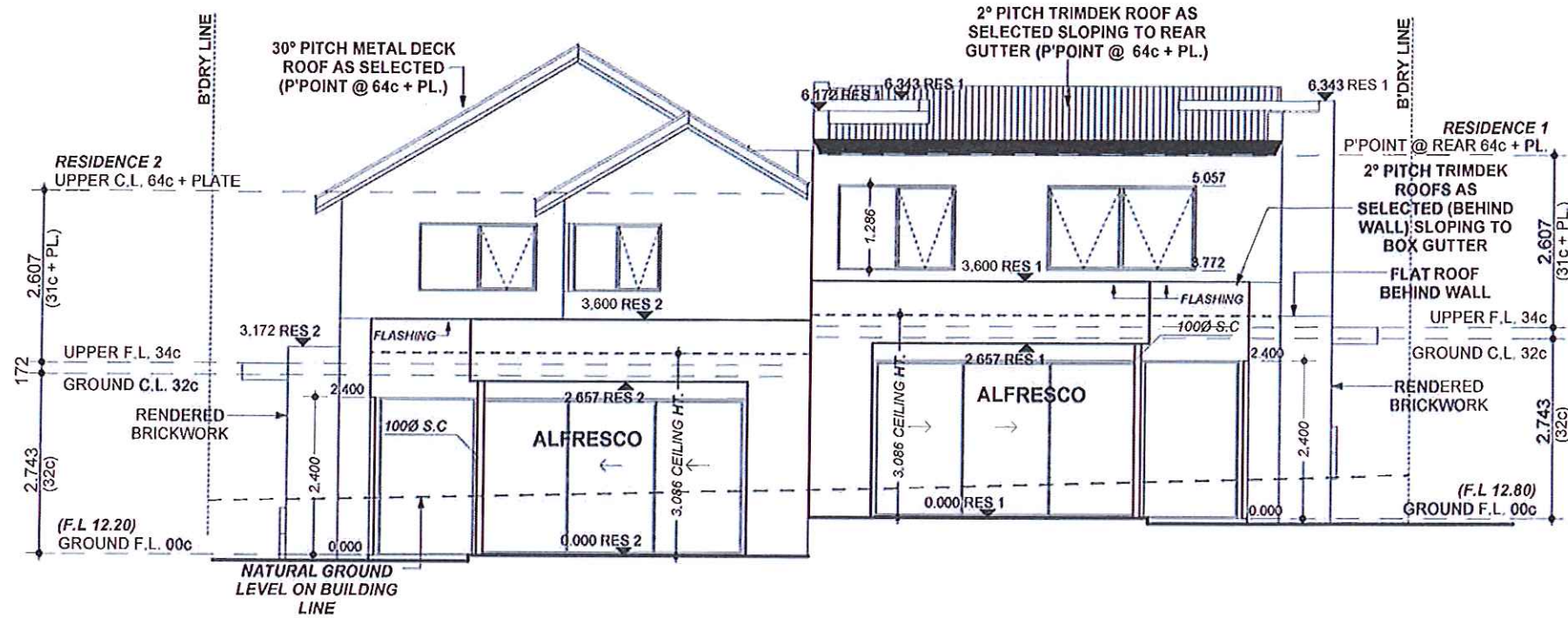
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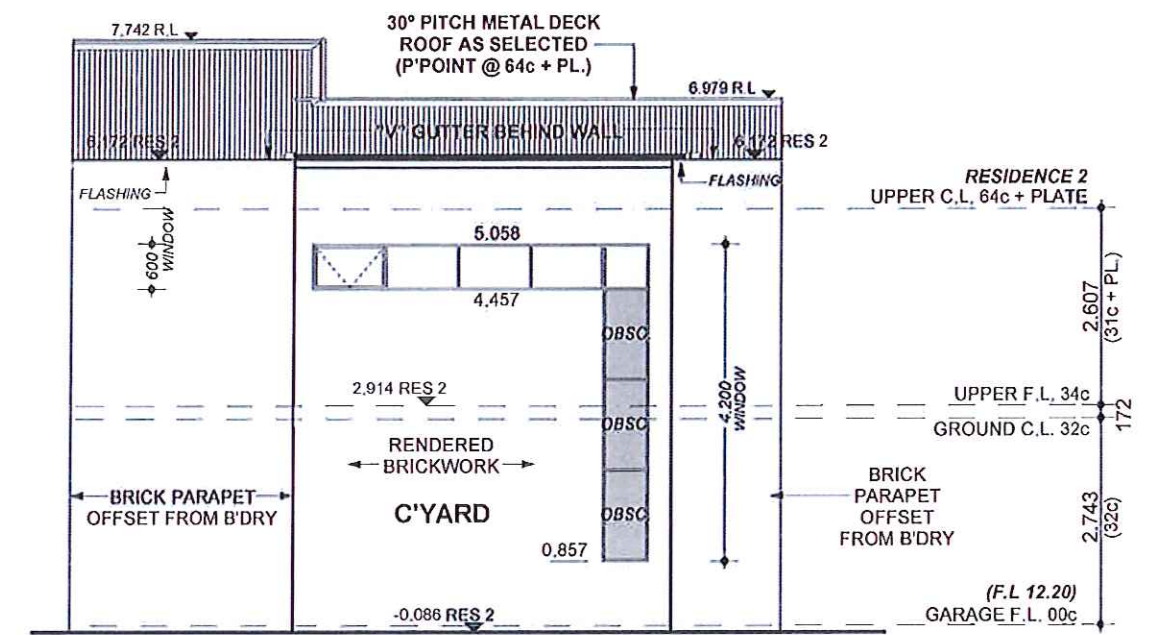
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PROPOSED CKB HOMES DEVELOPMENT
LOT 114, JACARANDA AVENUE, MT. CLAREMONT

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PROPOSED ELEVATION 3 - EAST
SCALE 1:100



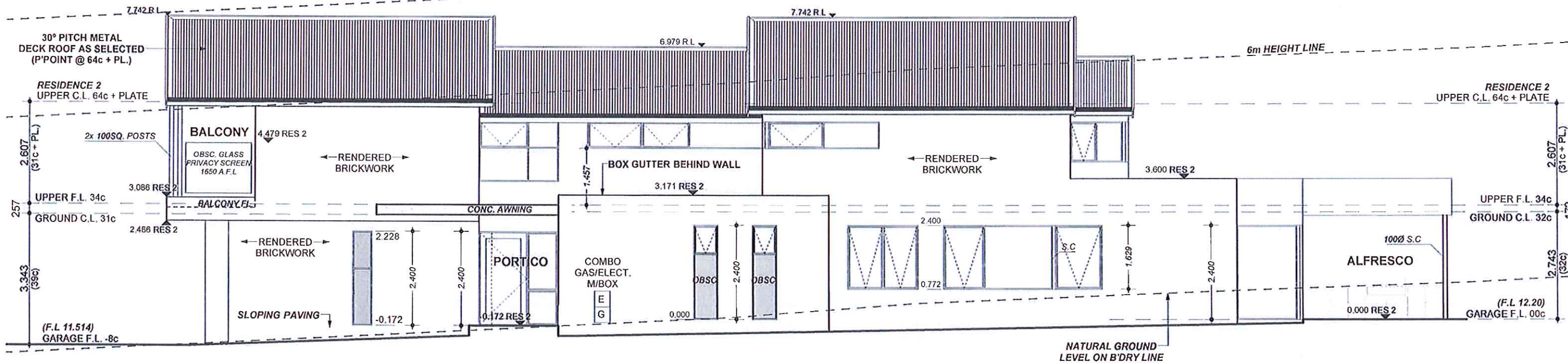
**RESIDENCE 2
PROPOSED ELEVATION 6 - NORTH**
SCALE 1:100

FINISHES SCHEDULE

EXTERNAL WALLS RES. 1 - RENDERED BRICK FINISH MAIN COLOUR - LEXICON RES. 2 - RENDERED BRICK FINISH MAIN COLOUR - LEXICON	ROOF COVER RES. 1 - TRIMDEK COLORBOND COLOUR - SURFMIST RES. 2 - CUSTOM ORB COLORBOND COLOUR - SURFMIST	EXTERNAL PAVING RES. 1 - GREYSTONE QUARTZ (AGG. PAVERS) RES. 2 - GREYSTONE QUARTZ (AGG. PAVERS)	BALUSTRADE RES. 1 - GLASS RES. 2 - P/COAT CHARCOAL LUSTER OR SIMILAR
WINDOW FRAMES RES. 1 - ALUMINIUM COLOUR - SILVER LUSTRE (RESIDENTIAL) RES. 2 - ALUMINIUM COLOUR - CHARCOAL LUSTRE (RESIDENTIAL)	GUTTER & FASCIA RES. 1 - COLORBOND COLOUR - SURFMIST RES. 2 - COLORBOND COLOUR - SURFMIST	DOWN PIPES RES. 1 - COLOUR - TO MATCH WALL COLOUR RES. 2 - COLOUR - TO MATCH WALL COLOUR	POSTS RES. 1 - SILVER LUSTRE RES. 2 - CHARCOAL LUSTER

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PROPOSED ELEVATION 4 - SOUTH
SCALE 1:100

12/04/2016

AMENDED PLANNING



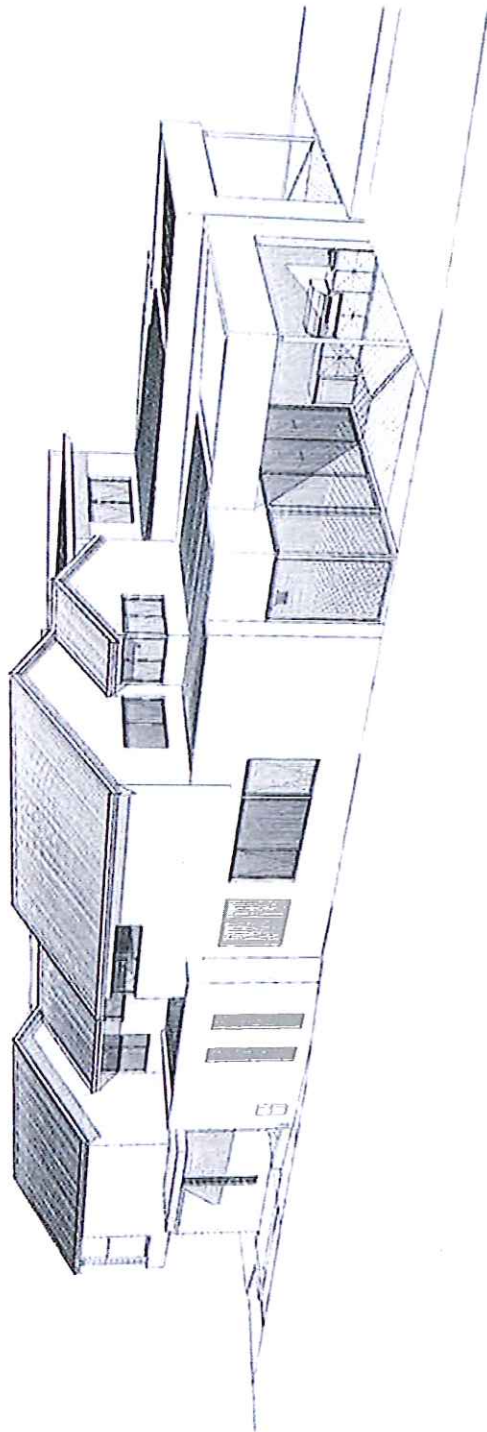
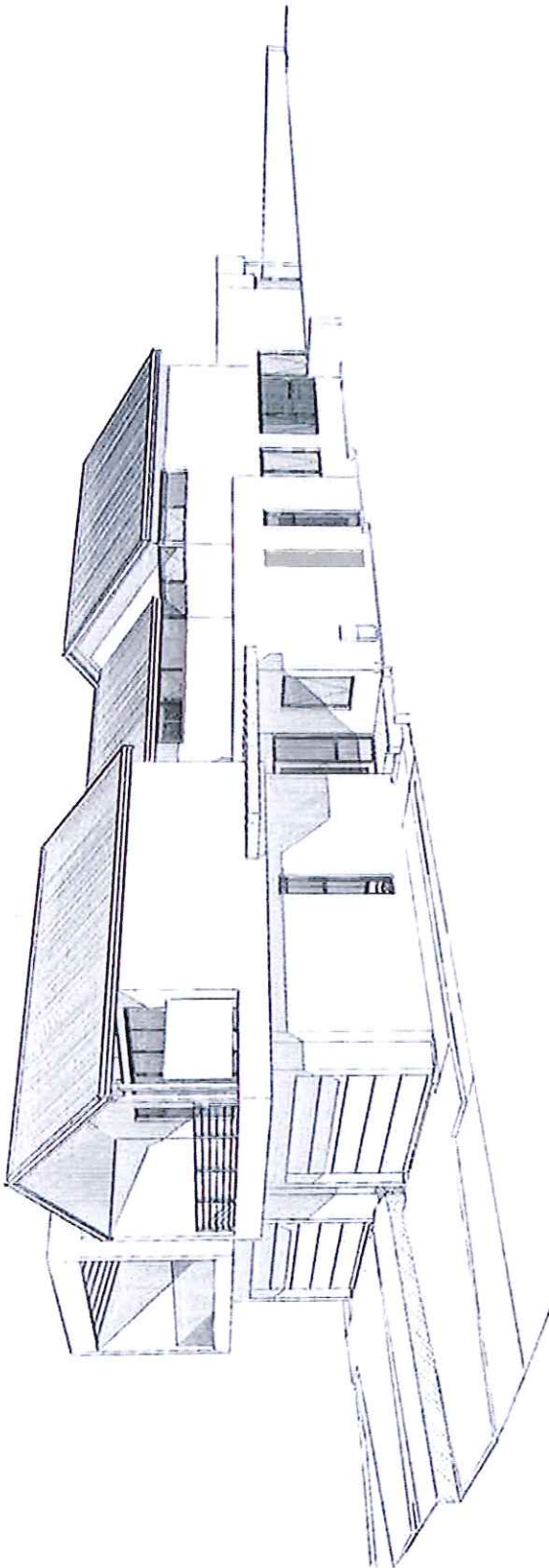
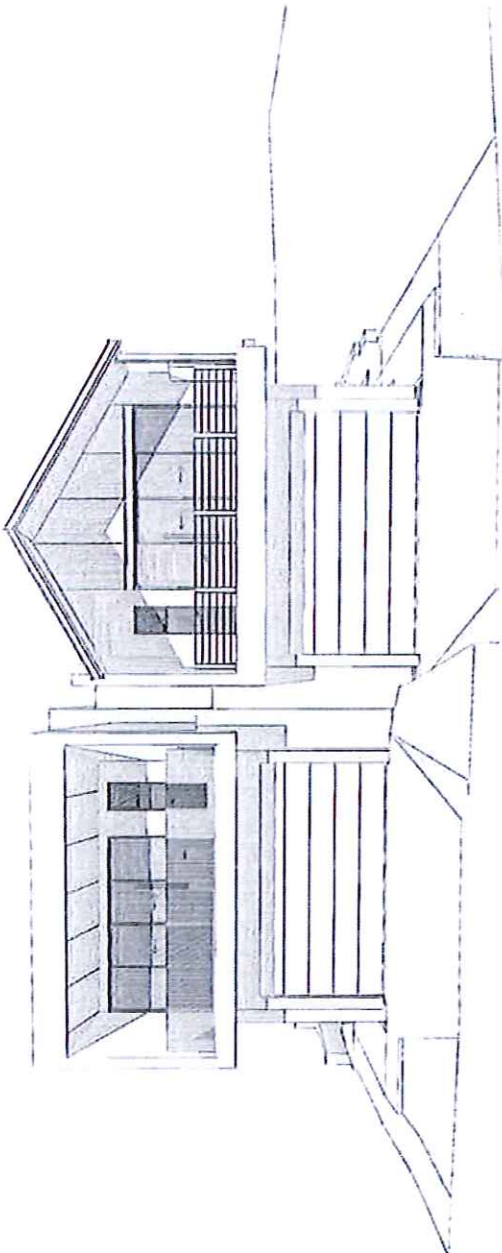
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PROPOSED CKB HOMES DEVELOPMENT
LOT 114, JACARANDA AVENUE, MT.
CLAREMONT

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SCALE: AS SHOWN	SHEET: 7 of 6

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**Boundary between No. 8 and no. 10
Jacaranda Avenue**



**Boundary between No. 8 and no. 10
Jacaranda Avenue**



**Boundary between No. 8 and no. 10
Jacaranda Avenue**



**No. 8 Jacaranda Avenue – facing south
east**



No. 8 Jacaranda Avenue – facing east



**No. 10 Jacaranda Avenue – facing south
east**

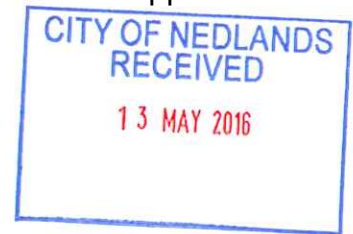


Facing South along Jacaranda Avenue
from No. 10



**Street tree proposed to be removed outside
No. 10 Jacaranda**





PERTH
SYDNEY

Our Ref: 716-473

13 May 2016

Chief Executive Officer
City of Nedlands
71 Stirling Highway
NEDLANDS WA 6009



Attention: Kate Bainbridge – Senior Statutory Planning Officer
Via email: Kbainbridge@nedlands.wa.gov.au

Dear Kate,

8 JACARANDA AVENUE, MOUNT CLAREMONT – AMENDED DEVELOPMENT PLANS

I refer to the above development application for two two-storey houses at 8 Jacaranda Avenue, Claremont (the subject site) as lodged by CKB Homes and Tascone Design Team, and the meeting with yourself and Jennifer Hayes at the City of Nedlands (the City) Administration Centre, also attended by Chris and Kim Bennett from CKB Homes on Friday, 15 April 2016.

In response to the concerns expressed about solar access (overshadowing) impacts on the covered outdoor living area and north facing habitable room windows of the neighbouring house to the south, significant modifications have been made to the proposed southern house on the subject site. As well as reducing overshadowing by 8% overall, these changes will mitigate impacts on the house to the south that would have been associated with the original proposal and allow:

- Solar penetration into north facing habitable room windows abutting the existing covered outdoor living area (in the event that the existing cover were to be removed)
- Reasonable solar access into the covered outdoor living area comparable with a single storey house alternative on the subject site.

It is hoped that the amendments made will address Housing Authority and neighbour concerns, allowing current objections to be formally withdrawn and the application to be approved at officer level under delegated authority. If not, then based on the changes made we would appreciate the proposal being referred to Council for determination at the June 2016 round of meetings with a positive recommendation for conditional approval.

The constrained site context, amended development plans and justifications against the relevant design principles of the Residential Design Codes (R-Codes) for the amended proposal are set out below.

Site Context

As you are aware, Jacaranda Avenue and the abutting residential land have a sloping topography, sloping down in a north south direction. Due to the sloping topography, housing on the subject site will naturally be at a higher Natural Ground Level (NGL) than that on the southern neighbouring property. Cut and fill associated with the previous Housing Authority development at 10 Jacaranda Avenue has also exacerbated a pre-existing levels issue by further lowering the historic NGL adjacent to the northern property boundary to create a level development site. The situation has also not been helped through the positioning of the driveway for the rear house on the southern side of the site and through the location of the northern outdoor

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The Planning Group WA Pty Ltd
ABN 36 097 273 222

living area of the front house. The areas central position on the northern side property boundary is also already significantly affected by overshadowing from the existing dividing fence.

The site context and design of the house to the south has effectively created the 'perfect storm' for potential overshadowing impacts, making it impractical (if not impossible) for CKB Homes to design a proposed house on the southern side of the subject site that meets the 25% solar access deemed-to-comply provisions of the R-Codes. Nevertheless in order to be a good neighbour CKB Homes have gone to a significant effort to achieve a design solution that minimises impacts on the southern neighbour.

Specifically, the subject site has a sloping topography from a north east high point of 13.75 metres to a south west low point of 11.13 metres resulting in a level difference of 2.62 metres. The site survey prepared by R.G Lester and Associates has also identified that the difference in NGL between the subject site and the southern neighbouring property is approximately 620 millimetres near the covered outdoor living area. This results in the subject site having a significantly higher building level than the southern neighbouring property.

Amended Development Plans

Tascone Design Team has prepared amended development plans for the southern house on the subject site with the specific design intent of mitigating impacts on solar access to the southern properties covered outdoor living area and associated north facing habitable room openings.

The amended plans include the following modifications:

- A reduction in overall overshadowing of 8%.
- A 4.550 metre setback from the southern property boundary for a cut away two-storey component of the proposed house where it is directly adjacent to the neighbours covered outdoor living area and north facing habitable room openings. This effectively provided a single storey interface at the most sensitive location on the southern side property boundary.
- Lowering of the ground level of the proposed house from 12.543m to 12.20m, a total of 343mm.

The changes are best illustrated in the 3D sketch provided as part of the amended development plans at Attachment A.

The effect of the proposed changes is that whilst shadow at the worst time of the year on the 21 June will extend across the ground of the covered outdoor living area (already mostly in shadow from the existing dividing fence), solar access into the major openings of the north facing habitable rooms abutting the outdoor living area will be maintained at all times (albeit that they will be shadowed by the cover on the outdoor living area in any case).

When compared to the extent of overshadowing that would have occurred over the covered outdoor living area and the habitable room windows as a result of the original development plans (refer to Attachment B), it is evident that the amended proposal represents a significantly better outcome.

Refer to Attachment A – Amended Development Plans

Refer to Attachment B – Overshadowing Cross-Section Comparison – Amended Development Plans

Solar Access

Overshadowing Analysis

The diagram provided at Attachment C clearly articulates the design challenges of dealing with overshadowing to the adjoining southern property. Key points that can be derived from this diagram are as follows:

8 JACARANDA AVENUE, MOUNT CLAREMONT – AMENDED DEVELOPMENT PLANS

- Based on existing ground levels, on the 21 June, the existing standard dividing fencing will overshadow 23.8% of the southern property, including almost all of the covered outdoor living area up to the base of the house wall.
- A single storey house on the southern side of the subject site with a standard side setback and a 34 degree roof pitch would overshadow 25% of the adjoining southern property (not including the shadow from the dividing fence), including all of the covered outdoor living area and partially up the wall of the house generally equivalent to that shown on the amended development plans.

The table below demonstrates the extent of overshadowing that would be cast onto the southern property by various development forms.

Development Form	Percentage Cast over Lot 800
Dividing fencing	23.8% including majority of southern neighbour's outdoor living area.
Single storey house example as per Attachment C	25% (not including additional shadow from dividing fence) including southern neighbour's entire outdoor living area.
Original Development Plans	42% (not including additional shadow from dividing fence) including southern neighbour's entire outdoor living area.
Amended Development Plans	34% (not including additional shadow from dividing fence) including southern neighbour's entire outdoor living area.

Refer to Attachment C – Single Storey House and Dividing Fence Overshadowing Diagram

Residential Design Codes - Design Principle 5.4.2 P2.2 – Solar Access for Adjoining Sites

Design Principle 5.4.2 P2.2 of the R-Codes states that development must be '*designed to protect solar access for neighbouring properties taking into account the potential to overshadow:*

- *Outdoor living areas;*
- *North facing major openings to habitable rooms, within 15 degrees of the north in each direction; or*
- *Roof mounted solar collectors.'*

The amended development plans ensure that the proposed southern house on the subject site has been designed to protect solar access for the neighbouring properties to the south as much as is practically possible. Based on the modifications, the amended development plans now meet the requirements of the applicable design principles as follows:

- Due to the reduced floor levels and cutaway second storey component of the proposed house it will now have negligible additional impact on the existing covered north facing outdoor living area beyond that caused by existing dividing fencing. In effect, and only in mid winter, the shadow will extend slightly up the wall to the rear of the covered outdoor living area. At other times of the year solar access to the outdoor living area will be maintained to differing degrees depending on sun angle.
- Overshadowing of the north facing outdoor living area is comparable to that which would result from the development of a single storey house on the subject site.
- The north facing outdoor living area is already covered and the cover if not seasonally removed would effectively shadow both this area and existing north facing habitable room windows throughout the year.
- Solar access to major openings to north facing habitable rooms has been maintained throughout the year.
- There are no roof-mounted solar collectors on the southern house that will be affected by the proposed development.

Chief Executive Officer
City of Nedlands

8 JACARANDA AVENUE, MOUNT CLAREMONT – AMENDED DEVELOPMENT PLANS

As is clear from the attachments and explanation above, the amended development plans represent an excellent response to the concerns expressed about solar access (overshadowing) impacts on the covered outdoor living area and north facing habitable room windows of the neighbouring property to the south. The changes made will allow solar penetration into north facing habitable room windows abutting the existing covered outdoor living area (in the event that the existing cover were to be removed) as well as reasonable solar access into the outdoor living area.

We look forward to receiving approval for the amended development plans and please do not hesitate to contact the undersigned on (08) 9289 8300 if you have any queries.

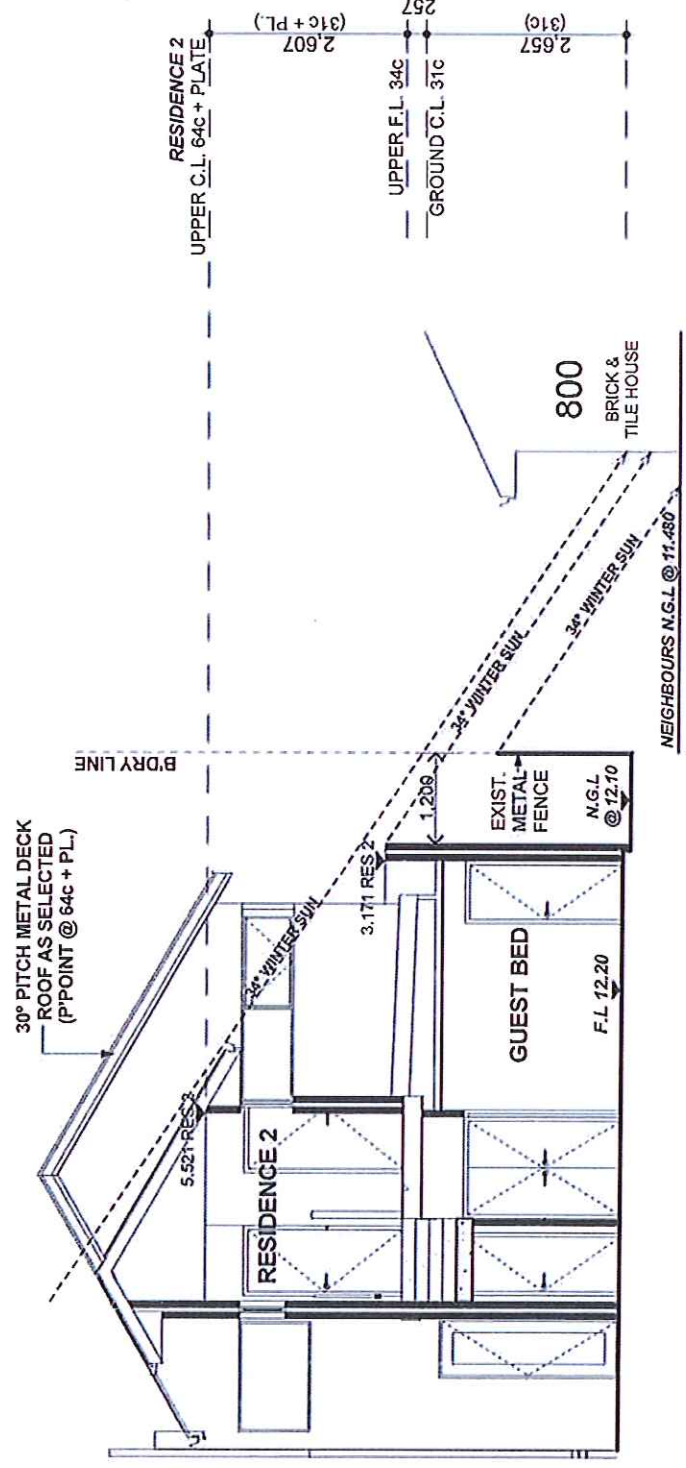
Yours sincerely
TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE

A handwritten signature in blue ink, appearing to read 'Murray Casselton', with a long horizontal flourish extending to the right.

Murray Casselton
Principal Planner

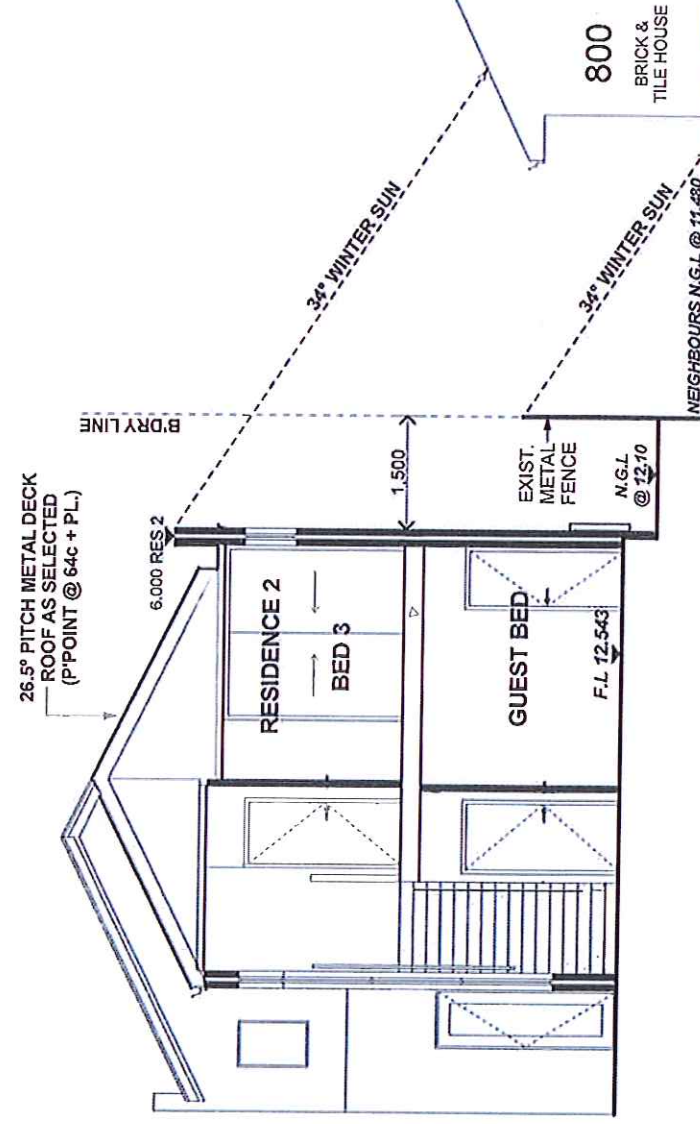
Encs

Cc. Andra Biondi
Planner / Urban Planning, Design & Approvals
Housing Authority
Level 8, 8 Bennett Street
East Perth WA 6004



SUN DIAGRAM NEW CUTAWAY VERSION

SCALE 1:100



ORIGINAL APPLICATION

SCALE 1:100

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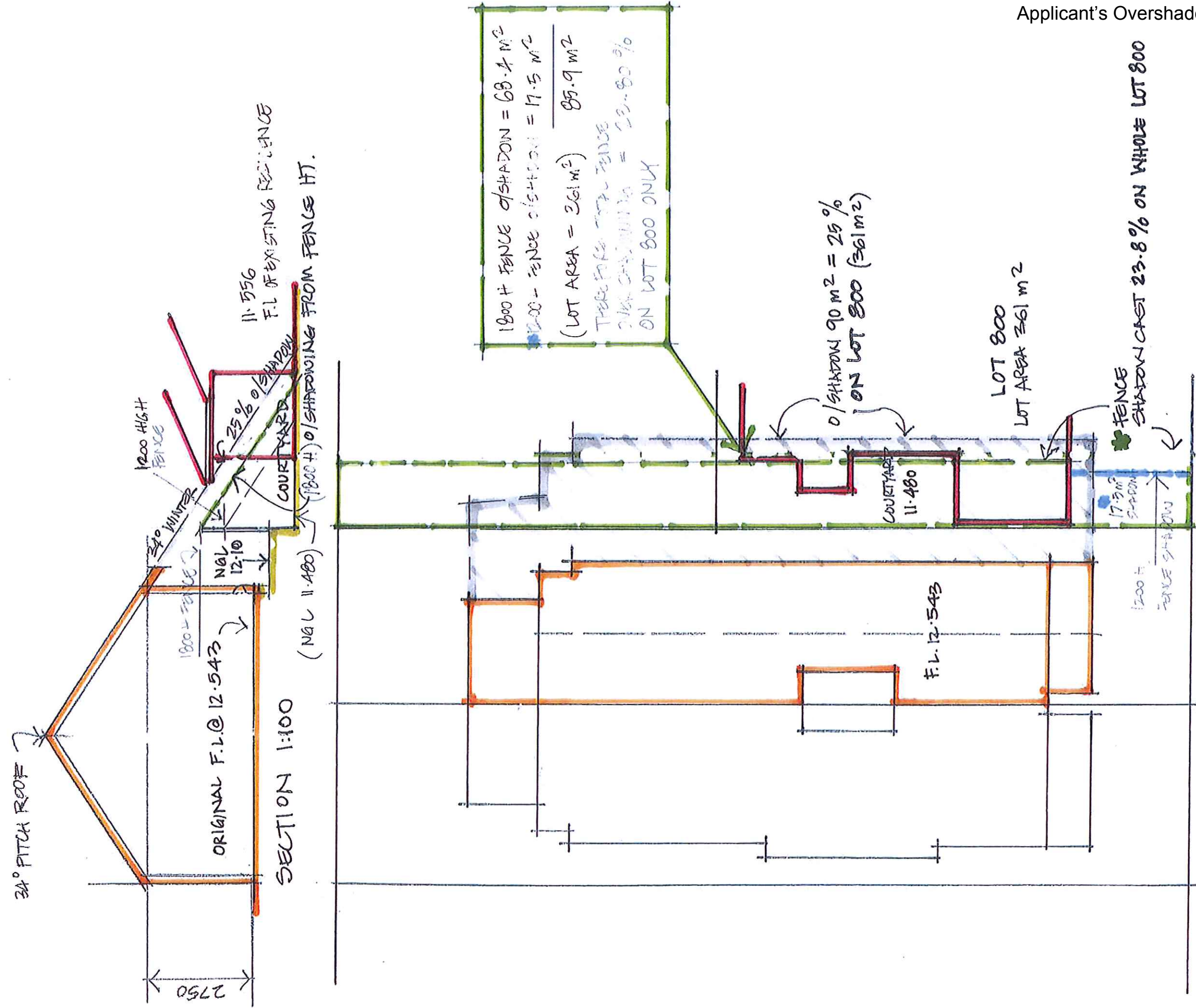
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PROPOSED CKB HOMES DEVELOPMENT
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 design team



25% OVERSHADOWING SCENARIO 1:200

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PROPOSED DEVELOPMENT AT:
 8 JACARANDA AVE, MT. CLAREMONT

START DATE	DRAWN: MT
ISSUE DATE 16/11/16	JOB NO: 174-15
SCALE: 1:200/100	SHEET: 0/5

AMENDED 12/5/16