


Planning and Development Reports

Committee Consideration – 9 April 2013
Council Resolution – 23 April 2013

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PD11.13	No. 57 (Lot 12) Gallop Rd, Dalkeith – Retrospective Additions
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Committee	09 April 2013
Council	23 April 2013
Applicant	Saras Krishnan
Owners	S & A Krishnan
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	GA3/57-04 : DA12/169 : M13/6088
Previous Item	Nil.

Executive Summary

The Site has a long history (c. 1998) of planning applications, unauthorised structures, and a variety of complaints from the public. This application relates to a series of unauthorised structures, some that are recommended for approval, and others that are not. This application is referred to Council for determination due to the ongoing nature of unauthorised structures.

Recommendation to Committee

Council:

1. Refuses an application for Retrospective Additions to a Single House at No. 57 (Lot 12) Gallop Road, Dalkeith, in accordance with the application and amended plans received on 31 August 2012, in relation to the following components:
 - i. Over-height dividing fences on the western and eastern boundaries;
 - ii. Alterations to the patio on the western portion of the Site; and
 - iii. Conversion of the approved carport into a garage.

Reasons specific to this refusal:

- a. The over-height dividing fences on the western and eastern boundaries have an unacceptable impact upon the neighbouring amenity; and do not have written agreements from the adjoining landowners, in accordance with Council Policy (Fill & Fencing) cl. 3.
- b. The alterations to the patio on the western portion of the Site does not comply with R-Codes Acceptable Development standard 6.3.1

A1 (Buildings Setback from the Boundary); and has unacceptable impacts in relation to bulk, sun and ventilation to the adjoining property, in accordance with Performance Criteria 6.3.1 P1.

- c. The conversion of the approved carport into a garage has an unacceptable impact upon the streetscape and neighbouring properties, in accordance with TPS3 cl. 5.3.3 and Local Planning Policy (Reduction of Front Setbacks) cl. 3.**
- d. The development refused in this application has an unacceptable impact upon the amenity of the streetscape and neighbouring properties, in accordance with TPS2 clause 5.5.1 (Preservation of Amenity).**
- e. The development refused in this application does not represent orderly and proper planning, in accordance with TPS2 clause 6.5.1 (Determination by Council).**

Advice Notes specific to this refusal:

- a. The following components do not form part of this application:
 - i. Retaining walls along the western boundary;**
 - ii. Alterations of the carport / garage to include a ‘green roof’; and**
 - iii. Satellite dishes.****
 - b. The western neighbour’s dividing fence is collapsing, which could be due to a lack of retaining walls supporting the raised levels of under the patio (except where immediately abutting the pool). The City has no record, including planning or building approvals, of any retaining. The landowner will need to address this separately.**
- 2. Instructs the Administration to pursue compliance matters on the Site, including the items refused in this planning application.**
- 3. Approves an application for Retrospective Additions to a Single House at No. 57 (Lot 12) Gallop Road, Dalkeith, in accordance with the application and amended plans received on 31 August 2012, in relation to the following components:**
- i. The over-height dividing fence on the northern boundary;**
 - ii. The patio on the north-eastern portion of the Site;**
 - iii. The patio on the northern portion of the Site;**
 - iv. The retaining walls, pond and landfill on the northern portion of the Site; and**
 - v. The vehicular front gate.**

Conditions specific to this approval:

- a. The front vehicular gate shall not intrude into the airspace of the Nature Strip, and shall only swing into the Site.
- b. All stormwater from the development which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
- c. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council.
- d. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
- e. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line.
- f. Any additional development, which is not in accordance with the original application or conditions of approval as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

- a. The following components do not form part of this application:
 - i. Retaining walls along the western boundary;
 - ii. Alterations of the carport / garage to include a 'green roof'; and
 - iii. Satellite dishes.
- b. The western neighbour's dividing fence is collapsing, which could be due to a lack of retaining walls supporting the raised levels of under the patio (except where immediately abutting the pool). The City has no record, including planning or building approvals, of any retaining. The landowner will need to address this separately.
- c. The water feature is to be made safe to prevent accidental drowning, the maximum depth of the water feature shall not exceed 300mm or a grate with openings no greater than 100 x

100mm shall be fitted to a maximum depth of 300mm below the surface of the water.

- d. It is the responsibility of the landowner to gain approval from Water Corp regarding building over the sewer main along the eastern boundary.**

Strategic Plan

KFA: Natural and Built Environment

Background

Property address (Site)		No. 57 (Lot 12) Gallop Road, Dalkeith
Lot area		1,012m ²
Zoning / Reserve	MRS	Urban
	TPS2	Residential at R12.5

The site has an extensive history of planning applications, illegal development, complaints from neighbours, and a prosecution (**Attachment 1**). In summary, it involves the following:

- 12 planning applications;
- 4 property files with over 200 documents; and
- Numerous complaints regarding planning, building, engineering and environmental health issues.

The site has frontage to Gallop Road to the south, and located adjacent to Single Houses to the east, north and west, as seen in the below location plan (**Figure 1**).



Figure 1: Location Plan

Existing development on the site is a 'Single House', as depicted in the site photographs (**Attachment 3**) as well as the relationship of the site with the surrounding built environment.

Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (**TPS2** or **Scheme**)
- Residential Design Codes of WA 2010 (**R-Codes**)
- City of Nedlands Fencing Local Law 2007
- Local Planning Policy – Reduction of Front Setbacks (**Front Setbacks Policy**)
- Council Policy – Fill & Fencing (**Fill & Fencing Policy**)
- Local Planning Policy – Carports and Minor Structures Forward of the Primary Street Setback (**Carport Policy**)
- Council Policy – Neighbour Consultation

Discussion

Planning Assessment

The proposal involves retrospective additions (garage, gate, 2 patios, retaining walls, landfill, pond, and 3 over-height dividing fences) to a Single House on the site, as depicted in the submitted plans (**Attachment 2**).

Variations include the following:

1. Front setback of the garage door;
2. Over-height fences (west, north and east);
3. Retaining and landfill (north); and
4. Side setback variation of a patio (west).

1. Garage Door Front Setback (South)

The required front setback is 9.0m in accordance with the Scheme; however carports can be reduced to 3.5m in accordance with the City's Carport Policy. The City previously granted approval for the carport to be at 3.7m; however an unauthorised garage door was fitted.

The City's Front Setbacks Policy allows for garage setbacks to be reduced if more than 50% the properties on the block also have reduced setbacks (excluding carports). The following has been considered:

- As seen in the above location plan (**Figure 1**), only 1 of 4 properties within the block have reduced front setbacks, however it is an open carport (**Attachment 3**), which is permitted under the policy;
- The properties opposite uniformly have large front setbacks; and
- Neighbour consultation resulted in objections being received (**Attachment 4**).

In addition, the applicant did not provide a justification to consider.

As a consequence of the above, it is considered that the retrospective garage door is a mandatory issue that and is not supported.

2. Over-Height Fences

Dividing fences on the Site have been constructed from limestone, and bamboo with electrical zip-ties (**Attachment 3**) as follows:

Compass	Material	Height	In lieu of	Complies?	Neighbour's Agreement
N	limestone	2.0m	1.8m	No	Yes
W	bamboo	2.4m			No
E		2.9m			No

The City's Fill & Fencing Policy allows fences greater than 1.8m in height (above retaining) with the following considerations:

- Written agreement from adjoining landowners must be provided;
- Neighbour consultation resulted in objections to the eastern and western fences; and
- Neighbour consultation resulted in support for the northern fence.

In addition, the applicant did not provide a justification to consider.

In addition, it is considered that the materials used (bamboo and zip-ties) does not comply with planning requirements, in accordance with the Scheme amenity clause (see below).

As a consequence of the above, it is considered that the northern fence complies with planning requirements and is supported for approval; however the eastern and western fences do not comply with planning requirements and are not supported.

3. Setback Variation for Patio (West)

The setback of the patio to the western boundary is 850mm (from the outside face) in lieu of 1500mm. It is unconfirmed, however the adjoining neighbour claims the setback is actually 570mm. The R-Codes Performance Criteria allows for reduced setbacks, with the following considerations:

- Sun and ventilation to the site is adequate;
- Sun and ventilation to the adjoining property is inadequate due to a bedroom window (a Major Opening) being only 1.0m from the boundary, and the structure is on raised ground which magnifies the issue;
- The impact of bulk from the neighbouring property is unacceptable, as the structure is highly visible as it is adjacent to a bedroom window (a Major Opening) and a patio (an Outdoor Living Area), and the structure is on raised ground which magnifies the issue; and
- Neighbour consultation resulted in objections being received (**Attachment 4**).

In addition, the applicant did not provide a justification to consider.

As a consequence of the above, it is considered that the setback variation of the western patio does not comply with planning requirements and is not supported.

4. Retaining Walls (West)

The neighbour has lodged complaints regarding the timber fence being used as a retaining wall, resulting in an acutely leaning fence, a jammed pedestrian gate, soil incursion, and overspill of stormwater (**Attachment 4**). In response, the City has no record (including planning or building approvals) for a retaining wall along the western boundary, except the sunken pool structure (a concrete shell).

As retaining in this area was not included in this planning application, and the applicant (the landowner) has not responded to requests for further information, this matter could not be included into this application.

Accordingly, a condition and advice note has been recommended, and the City's Compliance Coordinator would follow-up.

5. Retaining Walls, Pond and Landfill (North)

The retaining wall and landfill in the centre-rear of the lot is 550mm in height in lieu of 500mm. The R-Codes Performance Criteria allows for higher walls, with the following considerations:

- Adequate sun and ventilation to the site and adjoining property;
- The impact of bulk from the neighbouring property is acceptable; and
- Neighbour consultation resulted in an objection being received that was not upheld and conditioned (**Attachment 4**).

In addition, the applicant did not provide a justification to consider.

As a consequence of the above, it is considered that the northern retaining, pond and fill complies with planning requirements and is supported.

6. Setback of Patio (North)

A patio with masonry columns was approved in the north-western portion of the lot at 3.2m from the boundary, however the amended plans illustrate a 2.0m setback. Furthermore, site photographs suggest the patio is actually set back 1.0m. Notwithstanding this, the structure is at the Acceptable Development requirement of 1.0m. An objection was raised from a neighbour, however there is no variation to consider.

7. Setback of Patio (East)

A patio with masonry columns was approved in the north-eastern portion of the lot, however it was built 750mm closer to the east. Notwithstanding this, the structure has been built within the R-Codes Acceptable Development standard at 1.2m (north) - 2.1m (east) in lieu of 1.0m.

8. Front Gate (South)

The existing vehicular front gate has been constructed of wrought iron, and is visually permeable, compliant to R-Codes standards. In addition, the gate previously opened onto the street, however it has been amended to open internally.

As a consequence of the above, it is considered that the gate complies with planning requirements and is supported subject to a condition regarding internal swinging.

9. Preservation of Amenity

TPS2 clause 5.5.1 (Preservation of Amenity) states:

'Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic

congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.'

In response to the above, it is considered that:

- The over-height bamboo fences with zip-ties (east and west), contrasting with low-to-standard height timber fences, have an unacceptable external appearance;
- Traffic congestion and noise is not an issue for this type of development; and
- The proposed development adversely affects the amenity of the surrounding area; and
- Neighbour consultation resulted in objections being received (**Attachment 4**).

Accordingly, it is considered that the eastern and western over-height fences do not comply with planning requirements, and are not supported.

10. Consideration of Applications

TPS2 clause 6.4.1 (Consideration of Applications) states:

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

In response, the development is ancillary to a Single House, which is a 'P' permitted use, and therefore is supported.

11. Orderly & Proper Planning

TPS2 clause 6.5.1 (Determination by Council) states:

'The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.'

In response, some components of the development do not comply with planning requirements, with some discretionary variations which are not supported (see **Discussion** section). Accordingly, it is considered that those components do not represent orderly and proper planning in accordance with clause 6.5.1, and are not supported.

Consultation

A summary of the neighbour consultation is found in **Attachment 4**, with 1 support and object, 1 no comment and 5 objections. Please also refer to the Consultation Process section for details as to how consultation was conducted.

Conclusion

In conclusion, it is considered that the Site has an extensive history of planning applications, illegal development, complaints from neighbours, and a prosecution.

The following is not acceptable for approval:

- The alterations to the western patio;
- The conversion of the carport to a garage; and
- The over-height fences to the sides;

The following is acceptable for approval:

- The front gate;
- The eastern patio;
- The over-height fence to the rear; and
- Retaining walls, pond and landfill on the northern portion.

Accordingly, parts of the application are recommended for approval with conditions and parts are not supported, as above.

Consultation Process

What consultation process was undertaken?

Required by legislation (Scheme / R-Codes): Yes No

Required by City of Nedlands policy (Neighbour Consultation): Yes No

How and when was the community consulted?

Community consultation period		27 November – 11 December 2012	
Nil support / no objection	1 support & object	1 no comment	5 object

Property Services

The City's Building section advises of the following:

- The retaining walls (north and west) and dividing fence (north) requires a building permit application, which shall be privately certified as to its structural soundness (or otherwise).

Budget / Financial Implications

The application is for works to be constructed on a private lot, and therefore has no budget / financial implications for the City.


Risk Management

Nil.

Attachments

1. Background
2. Plans (site & sections)
3. Photographs of the site and surrounds
4. Neighbour consultation summary

PD12.13	No. 2c (Lot 47) Loch St, Nedlands – Proposed Amendments (Car-Parking) to an Office, Showroom & Warehouse
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Committee	09 April 2013
Council	23 April 2013
Applicant	Lakeshore Group
Owner	C I Group (WA) Pty Ltd
Officer	Matt Stuart – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	LO2/2C : DA13/50 : M13/6096
Previous Item	Nil.

Executive Summary

This application involves a previously approved non-residential development, being amended to reduce the car-parking from 14 to 13 bays. It also involves an amended crossover and the removal of a street tree.

The application is referred to Council for determination, as the proposal includes a car-parking variation, which is recommended for approval.

Recommendation to Committee

Council approves an application for a Amendment (Car-Parking) to an Office, Showroom & Warehouse at No. 2c (Lot 47) Loch Street, Nedlands, in accordance with the application and plans dated 08 February 2013, with the following conditions:

- 1. This planning approval only pertains to the following:**
 - a. The reduction of the number of car-parking bays onsite from 14 to 13 bays;**
 - b. An amended crossover design; and**
 - c. The removal of the street tree to make way for the amended crossover.**
- 2. The car-parking bays shall be marked onsite as indicated on the approved site plan, in order to comply with the requirements of clause 5.4.1.4 of Town Planning Scheme No. 2. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times.**

3. Where the development necessitates the removal of a street tree, the developer shall bear 100% of the cost for the City to remove the tree (inclusive of stump grinding) and plant a replacement tree of an appropriate size and species at a suitable location on the same verge.
4. All crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
5. The existing crossover shall be removed and the Nature Strip reinstated with grass or landscaping in accordance with Council's Nature Strip Development Policy 4.7.
6. Concrete footpaths shall be retained across crossovers.
7. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.
8. All stormwater from the development which includes permeable and non-permeable areas shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
9. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

Advice Notes specific to this proposal:

- a. Any construction in the Nature Strip (including footpaths) will require a Nature Strip Licence application to be lodged with, and approved by, the City's Engineering department prior to construction.

Strategic Plan

KFA: Natural and Built Environment

Background

Property address (Site)		No. 2c (Lot 47) Loch Street, Nedlands
Lot area		612m ²
Zoning / Reserve	MRS	Urban
	TPS2	Light Industry

In May 2012, the City received an application for a 2-storey Office-General, Warehouse & Showroom on the subject Site. As the proposal complied with Scheme requirements, the application was approved under delegated authority.

The Site has a frontage to Carrington Street to the south and Loch Street to the west; and located adjacent to non-residential land uses to the north and east, as seen in the location plan (**Figure 1**).



Figure 1: Location Plan

The Site previously featured a Single House, however is currently a vacant lot. In addition, site photographs show the relationship of the Site with the surrounding built environment (**Attachment 2**).

Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (**TPS2** or **Scheme**)
- Council Policy 6.4 – Neighbour Consultation

Discussion

Planning Assessment

The proposal involves amendments to car-parking to an office, showroom and warehouse on the Site, as depicted in the submitted plans (**Attachment 1**).

1. Car-Parking Variation

The number of car-parking bays per land use required under the Scheme is as per the table below.

Land Use	Rate	Area Proposed	Bays Required	Bays Proposed	Complies?
Office	4.75 bays/100m ²	112.1m ²	5.32	13	No
Showroom	2.2 bays/100m ²	184.5m ²	4.06		
Warehouse	2.2 bays/100m ²	186.0m ²	4.09		
Total		483m ²	13.5 (14)		

In assessing the 1 bay (7%) shortfall, clause 5.4.1.4 of the Scheme provides for variations, with the following considerations.

Requirement	Officer's Response
The affect on the amenity of adjoining properties, including the suitability of proposed screening or landscaping.	Adjoining properties are non-residential, with only 1 dwelling opposite the car-parking, however the dwelling has its frontage to another street.
Access and manoeuvring of each space.	Bays and aisles comply with required Scheme dimensions, with no objections from the City's Engineering section.
The number of roofed / covered bays and the manner of covering.	None proposed, except where partially under the main roof.
The number below natural ground level.	None proposed.
Pick-up and setting-down bays.	None proposed.
Applicant's Points	Officer's Response
The variation has been brought about due to BCA requirements for ACROD car-parking bays.	Noted.
The Site is only 600m from high-frequency bus routes on Stirling Highway.	Agreed.
The Site is only 400m from a train station and metropolitan cycle path.	
Ample end-of-trip facilities (racks, lockers and showers).	

In addition, the amended crossover design will require the removal of a street tree, which is supported by the Parks section (see Consultation Process section).

As a consequence of the above, it is considered that the proposed car-parking complies with Scheme requirements, and is therefore supported.

2. Preservation of Amenity

TPS2 clause 5.5.1 (Preservation of Amenity) states:

‘Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.’

It is considered that the proposed development does not adversely affect the amenity of the surrounding area (as discussed elsewhere). Accordingly, the proposed development is supported, subject to recommended conditions.

3. Orderly & Proper Planning

TPS2 clause 6.5.1 (Determination by Council) states:

‘The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.’

In response, the proposed development is a discretionary variation which is supported by the City (as discussed elsewhere). Accordingly, it is considered that the proposed development represents orderly and proper planning, subject to recommended conditions.

Consultation

There was no response from the public. Details of how consultation was conducted can be found in the Consultation Process section.

Conclusion

This application involves only a reduction in car-parking by 1 bay (7%), the removal of a street tree, and a modified crossover design.

The reduction in car-parking is balanced by the proximity of public transport and bike paths, and the provision of end-of-trip facilities. The removal of the street tree is supported by the Parks section; and the crossover design is supported by the Engineering section.

Accordingly, the application is recommended for approval with conditions.

Consultation Process

What consultation process was undertaken?

Required by legislation (Scheme / R-Codes): Yes No

Required by City of Nedlands policy (Neighbour Consultation): Yes No

How and when was the community consulted?

Community Consultation period:	28 February – 14 February 2013	
1 support	nil no objections	nil objections

1. Engineering Services

The City's Engineering section advises of the following:

- In favour of the removal of the street tree and realignment of crossover for safety reasons; and
- Standard conditions recommended.

2. Parks Services

The City's Parks Services section advises that the street tree is undergoing rapid decline and is authorised to be removed.

As a consequence of the above, approval conditions are recommended for outstanding issues (see Recommendation to Committee section), where applicable.

Budget / Financial Implications

The application is for works to be constructed on a private lot, and therefore has no budget / financial implications for the City.


Risk Management

Not applicable.

Attachments

1. Plans (site and floor plan)
2. Photographs of the Site and surrounds
3. Applicant's submission

PD13.13 Planning for North Hollywood – Adoption of Placemaking and Movement Strategies
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Committee	9 April 2013
Council	23 April 2013
Applicant	City of Nedlands
Owner	N/A
Officer	Michael Swanepoel
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	TPN/155
Previous Item	PD46.12

Executive Summary

The purpose of this report is to recommend that Council to adopt the final draft North Hollywood Placemaking Strategy and the final draft North Hollywood Movement Strategy.

For the purposes of these strategies, North Hollywood is bounded by Aberdare Road, Gardiner Drive, Verdun Street and Smyth Road. In 2012, two strategies – placemaking and movement – were adopted by Council for public consultation. This report documents the public consultation of these documents.

Both strategies were advertised for thirty five days. Ten responses were received on the draft Placemaking Strategy and eleven responses were received on the draft Movement Strategy. The draft Placemaking Strategy received a more negative response whilst the draft Movement Strategy was generally supported.

The responses received for both documents did not require significant modifications be made to either strategy. The reaction to the draft Placemaking Strategy reinforced the relevance of having a guiding document in place to ensure that the public realm is improved and well maintained. It is recommended that both strategies are adopted.

Recommendation to Committee

Council:

1. **Adopts the North Hollywood Placemaking Strategy as modified following the public consultation process as attached to this report (Attachment 1).**
2. **Adopts the North Hollywood Movement Strategy as modified following the public consultation process as attached to this report (Attachment 2).**

Strategic Plan

KFA: Natural and Built Environment

KFA: Transport

Background

Property address		The North Hollywood area is bounded by Aberdare Road, Gardiner Drive, Verdun Street and the Hollywood High School Redevelopment site.
Lot area		Ranging from 350 m ² to 2229 m ² (median approximately 1110 m ²)
Zoning / Reserve	Metropolitan Region Scheme	Urban
	Town Planning Scheme No. 2	Residential (R10 to R25)

North Hollywood is bounded by Aberdare Road, Gardiner Drive, Verdun Street and Smyth Road. The neighbourhood is predominately residential. The part of North Hollywood east of Kitchener Street, with the exception of a few smaller lots on Aberdare Road, contains larger lots (averaging above 1100m²). The redeveloped North Hollywood High School site, in the west of the neighbourhood, includes smaller lots.

North Hollywood is bordered to the south and south-east by Hollywood Private Hospital and Queen Elizabeth II Medical Centre (QEII) respectively. Highview Park is located immediately to the south-west of the neighbourhood. North Hollywood includes two parks (Dot Bennett and Campsie Street Park) and is close to other parks located within Nedlands and neighbouring Subiaco.

The only non-residential part of North Hollywood is a small group of shops located at the corner of Croydon Street and Aberdare Road.

Legislation / Policy

- *Planning and Development Act 2005*
- Town Planning Scheme No. 2
- *Local Government Act 1995*

Discussion

Introduction

In 2010, North Hollywood was formally included in the Hampden and Broadway precincts study. Following its inclusion in this study and after a survey in 2011 three draft strategies – land use, placemaking and movement – were prepared for North Hollywood. The focus of these strategies is to provide a framework for guiding the long-term future of the neighbourhood.

In 2012, two strategies – placemaking and movement – were adopted by Council for public consultation. This report documents the public consultation of these strategies.

What is being proposed?

The proposal is for Council to adopt the final draft North Hollywood Placemaking and Movement Strategies.

Placemaking Strategy

This strategy is a long-term document that will guide decision-making about improvements to the public realm in North Hollywood. The strategy:

1. Identifies a place vision for North Hollywood;
2. Outlines the objectives and outcomes for achieving the place vision; and
3. Establishes the focus for placemaking in the neighbourhood.

The strategy acknowledges that placemaking in North Hollywood will involve Council, Council officers and most importantly the local community.

Assuming the status quo development option, adopting the Placemaking Strategy commits Council to the following:

1. On the basis that there is significant interest from local residents, facilitating the creation of a North Hollywood Placemaking Crew.
2. Encouraging the community to play a significant role in placemaking for their own neighbourhood.
3. Progressing with the following key focus areas:

- a. Campsie Street Park
- b. Verdun Street Nature Strip
- c. Aberdare Road Nature Strip
- d. Supporting community led initiatives (see No. 2 above).

Progressing with these key focus areas will involve specific engagement with the community. The final outcome will be based on the place vision, objectives and outcomes of the strategy.

Movement Strategy

The overall intent of this strategy is to set the context for a holistic approach to the movement network. For the purposes of this document the movement network includes walking, cycling, public transport, motor vehicles and parking management. The strategy includes a set of recommendations that addresses this movement network.

Adopting the Movement Strategy has the following implications for Council:

1. Absorbing the following into normal operations:
 - a. Liaise with QEII to coordinate pedestrian access (especially during construction periods) and implement changes where appropriate.
 - b. Liaise with QEII to ensure cycle access to the site is maintained, especially during construction phases.
 - c. Continue to work with the Public Transport Authority to ensure current levels of service in the local area are maintained (or improved where possible).
 - d. Improve traffic data collection.
 - e. Monitor approved accesses to the QEII site.
 - f. Speed trailer program
2. As resources and time become available, scheduling the following:
 - a. Complete footpath audit, either as a stand-alone project or as part of a wider project.
 - b. Compile a list of footpath 'spot improvements' for budget consideration.
 - c. Further investigate the avenues available to improve cycling movements through the Aberdare Road/Railway Road intersection (may require City of Subiaco cooperation to implement changes).
 - d. Complete an audit of the on road cycle lanes on Aberdare Road and list any 'spot improvements' or maintenance that should be completed (may require City of Subiaco cooperation to action maintenance).

3. As part of future budgetary preparations, considering the following initiatives:
- a. Install ‘Local Traffic Only’ signs and appropriately signed construction site access points.
 - b. Re-evaluate (Verdun Street) QEII access points.
 - c. Educate and inform residents of the City’s rules relating to Nature Strip parking and offer a ‘no parking on Nature Strip’ sign free of charge for those properties.
 - d. Line mark on street bays on Kitchener Street, Burwood Street, Croydon Street and Campsie Street.

Consultation Outcomes

Placemaking Strategy

Ten responses were received on the draft Placemaking Strategy. It should be noted that this represents a small sample size.

How did respondents feel about the strategy?

Part 2 of the comment form asked respondents to tick a response that most summed up their feelings toward the strategy. The table below shows which responses received the most ticks from respondents.

Response	Number
I support the draft Placemaking Strategy	1
I’m satisfied with the draft Placemaking Strategy but it needs improving	5
The draft Placemaking Strategy does not work. I do not support it.	5
No response	2

Notes:

1. Some respondents ticked more than one box, whilst others did not tick a box.
2. This does not take into account an additional letter was received that provided an overarching view of the neighbourhood, its history and dissatisfaction with the both strategies.

This result suggests that those people who read the document and decided to respond had mixed feelings about the draft Placemaking Strategy.

What themes emerged from public consultation?

Whilst the sample size was small, several themes did emerge from public consultation. A summary of these themes and an accompanying officer comment is shown below.

ID	Public consultation themes	Technical officer comment
1	In general, respondents commented on specific ideas and topics included in the strategy rather than providing their thoughts on the place vision, objectives and outcomes included in the strategy.	Proceed with the place vision, objectives and outcomes of the strategy.
2	A number of respondents commented on items that are not a scope of the strategy. For example people referred to projects that were not within North Hollywood or were outside of the City of Nedlands.	No changes to the strategy are required.
3	The desire for the provision of underground power was strongly conveyed in a number of respondent's comments. For those people who decided to respond, the fact that North Hollywood does not have underground power is a real source of exasperation and frustration.	The desire for underground power is acknowledged. Notwithstanding this the provision of underground power remains outside the scope of the strategy.
4	The idea of planting fruit trees did not seem to be all that well thought of by some respondents.	Delete suggested idea. Refer to Attachment 4 Schedule of Modifications.
5	The idea of encouraging social life in the cul-de-sacs that are in North Hollywood also raised some eye brows with some respondents.	Delete key focus area. Refer to Attachment 4 Schedule of Modifications.
6	As a response to the Verdun Street Nature Strip key focus area a number of comments drew attention to the unsightliness of workers hanging around and smoking in this area.	Respondent's comments are acknowledged. They provide the context for retaining the Verdun Street Nature Strip as a key focus area in the strategy. It is recommended that the desired outcome and key success factors remain unchanged.
7	As a response to the Aberdare Road Nature Strip and the Dot Bennett Park key focus areas a number of comments drew attention to the poor maintenance of the vegetation in these areas.	Respondent's comments are acknowledged. They provide the context for retaining both of these key focus areas in the strategy. It is recommended that the desired outcome and key success factors for each of these key focus areas remain unchanged.

8	A frustration that it is taking a while to actually getting around to doing something.	Respondent's comments are acknowledged. They provide the context for Council supporting ideas from the community (where they fit with the place vision etc.) and for a small win focus regarding progressing the key focus areas. It is recommended that this philosophy is retained.
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Summary

It appears that there is a link between those frustrations conveyed about underground power and how the public realm has been managed in the past (e.g. Aberdare Road Nature Strip, Verdun Street Nature Strip, Dot Bennett Park) and the general negative feeling about the strategy. The draft Placemaking Strategy foresaw some of these frustrations (with the exclusion of underground power) and accordingly included them as key focus areas. The sense of frustration about how the public realm has been managed reinforces the relevance of a strategy that is focused on improving the public realm in the neighbourhood.

Movement Strategy

Eleven responses were received on the draft Movement Strategy. It should be noted that this also represents a small sample size.

How did respondents feel about the strategy?

Part 2 of the comment form asked respondents to tick a response that most summed up their feelings toward the strategy. The table below shows which responses received the most ticks from respondents.

Response	Number
I support the draft Movement Strategy	3
I'm satisfied with the draft Movement Strategy but it needs improving	5
The draft Movement Strategy does not work. I do not support it.	1
No response	2

Notes:

1. Some respondents ticked more than one box, whilst others did not tick a box.

2. This does not take into account an additional letter was received that provided an overarching view of the neighbourhood, its history and dissatisfaction with the both strategies.

This result suggests that those people who read the document and decided to respond were mostly satisfied and/or supported the draft Movement Strategy.

What themes emerged from public consultation?

Whilst the sample size was small, several themes did emerge from public consultation. A summary of these themes and an accompanying officer comment is shown below.

ID	Public consultation themes	Technical officer comment
1	The recommendations do not go far enough.	Respondent's comments are acknowledged. A key theme of this strategy is to ensure that the response to traffic and parking concerns is measured. This means adopting a small wins approach whilst collecting data to justify more expensive and invasive engineering solutions.
2	Keep North Hollywood's streets for local traffic only.	Vehicle counts confirmed that the number of vehicles using North Hollywood's streets fall within the acceptable limits for their road classification as stipulated by Main Roads WA.
3	Be vigilant in dealing with QEII.	Respondent's comments are acknowledged. They provide the context for recommending that the City continues to liaise with QEII.
4	Get on with actually doing something.	Respondent's comments are acknowledged. They provide the context for a small win approach towards implementation.
5	Attitudes towards Nature Strip parking vary and are localised.	Notwithstanding varying respondent attitudes

		towards Nature Strip parking, it is clear that there is scope to improve parking management.
6	A number of respondents commented on items that are beyond the control and scope of the strategy.	No changes to the strategy are required.

Summary

The positive feeling towards the strategy combined with the nature of the public consultation themes suggest that there is in general acceptance of this initiative.

For more detail on each submission received on both draft strategies a Schedule of Submissions document is attached as Attachment 3 to this report.

Strategic Planning Review

The following summarises a review of both documents:

1. Both documents fit with Council's vision and strategic priorities in the Community Strategic Plan.
2. Both documents are affordable and Council can be confident that the recommendations of these strategies are capable of being implemented. This is because both strategies are set up to initially carry out small wins and measuring their success before moving on to considering more expensive solutions.
3. If circumstances change, both documents have been set up so that they can be reviewed and modified.
4. Whilst the draft Placemaking Strategy had a less favourable response, the nature and context of the comments reinforces the relevance of having a guiding document in place for improving the public realm.
5. The draft Movement Strategy provides a measured, pragmatic approach for managing traffic and parking in the neighbourhood as well as considering other modes of transport such as walking, cycling and public transport.

An internal review was completed of both documents.

1. It was found that there was an opportunity for the draft Placemaking Strategy to resolve the final width of the Aberdare Road, road widening reservation. It is proposed that the strategy be modified accordingly.
2. No significant changes were proposed for the draft Movement Strategy.

Schedule of Modifications

The following provides a summary of modifications made to both documents:

1. Basic modifications made to both documents to fix errors in spelling, grammar and punctuation.
2. The draft Placemaking Strategy was modified by:
 - a. Modifying the recommendations table to match the Status Quo development scenario.
 - b. Modifying the implementation table to match the Status Quo development scenario.
 - c. Under summary, removing all development scenarios except Status Quo.
 - d. Adding 'Highview Park key focus area' to the summary diagram.
 - e. Deleting the Cul-de-sacs key focus area;
 - f. Deleting the fruit tree idea mentioned in numerous key focus areas;
 - g. Renaming the Aberdare Road Nature Strip focus area to Aberdare Road Nature Strip – Rationalisation and Planting;
 - h. Adding the following desired outcome to the Aberdare Road Nature Strip – Rationalisation and Planting key focus area:
 - i. The Aberdare Road road widening reservation width is resolved
 - i. Adding the following key success factor to the Aberdare Road Nature Strip – Rationalisation and Planting key focus area:
 - i. Council decision on the Aberdare Road road widening reservation width.
 - j. Upgrading the implementation status of:
 - i. Dot Bennett Park; and
 - ii. Placemaking for dogs
3. The draft Movement Strategy was modified by:
 - a. Showing the cul-de-sacs on the 'Movement Map'.
 - b. Referencing Hollywood Private Hospital whenever QEII is referenced.
 - c. Noting that the installation of local traffic only signs occurred in November 2012.

For more detail on the noteworthy modifications for both draft strategies a Schedule of Modifications document is attached as Attachment 4 to this report.

Conclusion

The draft North Hollywood Placemaking and Movement Strategy's establish a vision for the neighbourhood in terms of improving the public realm and managing traffic and parking. They align with Council's overall strategic direction. Both documents set the context for assisting Council in making decisions that will help protect the quality living environment of North Hollywood.

It is recommended that Council adopt both the final draft North Hollywood Placemaking Strategy and the final draft North Hollywood Movement Strategy as modified.

Consultation Process

What consultation process was undertaken?

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

How and when was the community consulted?

Both documents were advertised for thirty five days. Consultation began with the publication of a notice in the Nedlands News in the POST newspaper on Saturday 2 February 2013 and concluded on Friday 8 March 2013.

Consultation involved the following:

1. Mailing letters to residents, landowners and stakeholders;
2. Dropping of letters with traders operating on the corner of Croydon Street and Aberdare Road;
3. Publishing content on the City's website;
4. Publishing content in two editions of 'Nedlands News' in the POST newspaper;
5. Publishing a public notice in the POST newspaper; and
6. Making copies of both documents available to the public at the City of Nedlands Administration Office and the City of Nedlands Library.

Budget / Financial Implications

Within current approved budget: Yes No

The preparation and consultation of these draft strategies has occurred within the approved budget.

Requires further budget consideration: Yes No

Future budget considerations are only in relation to actions recommended in order to implement each strategy. Planning for their respective budgetary allocations can begin with the adoption of these strategies.

Risk Management

The risk of not adopting these strategies is that the long-term future of North Hollywood in terms of improving the public realm and managing traffic and parking will be left unresolved.

Attachments

1. Final Draft North Hollywood Placemaking Strategy
2. Final Draft North Hollywood Movement Strategy
3. Schedule of Submissions
4. Schedule of Modifications

PD14.13	Western Suburbs Cricket Club Inc. Management Licence for Area of the John Leckie Pavilion
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Committee	9 April 2013
Council	23 April 2013
Applicant	Western Suburbs Cricket Club Inc.
Owner	City of Nedlands
Officer	Rebecca Boley
Director	Peter Mickleson – Director Planning & Development Services
Director Signature	
File Reference	LEASE / 78
Previous Item	PD51.12 27

Executive Summary

The Western Suburbs Cricket Club Inc. has applied for a management licence of a portion of the John Leckie Pavilion and wish to apply for and have a Club Liquor Licence.

The Chief Executive Officer has delegated authority to enter into standard management licences with appropriate community organisations. However, the above management licence is being presented to Council for determination due to the inclusion of an extra provision in the licence agreement making provision for a liquor licence at the premises.

Council, has in the past, supported clubs obtaining liquor licences for their premises', the majority of which are located in residential areas in relatively close proximity to dwellings.

Recommendation to Committee

Council:

Approves and endorses the City entering into a non-standard management licence (the Management Licence) with the Western Suburbs Cricket Club Inc. for premises at the John Leckie Pavilion, College Park on the terms outlined in the attached Management Licence as per Attachment 1.

Strategic Plan

KFA: Natural and Built Environment
KFA: Community Development
KFA: Governance and Civic Leadership

Background

The John Leckie pavilion is a recently completely refurbished two storey building at College Park in Dalkeith. The refurbishment was completed in late 2012. The pavilion is situated within a residential area on Princess Street as per locality plan in Attachment 2.

The John Leckie clubrooms on the lower level of the pavilion (the Premises) have in the past been leased to Claremont Junior Football Club Inc. On 27 November 2012, Council resolved to approve the surrender of the Claremont Junior Football Club's lease in favour of a non-standard management licence of the clubroom area on the lower floor of the pavilion for a period of 10 years – this longer term being a non-standard provision, in recognition of the Football Club's long association with the pavilion and grounds. The management licence for the Football Club has also allowed the opportunity for shared use of the clubroom area, as intended by the City, to maximise utilisation of the recently upgraded facilities by the community.

The Western Suburbs Cricket Club Inc. (the Club) was founded in 2006 from two Western Australia Suburban Turf Cricket Association Clubs: Claremont Nedlands Cricket Club and Shenton Park Cricket Club. The Club has eleven sides and over 300 members. Players are drawn primarily from the Claremont, Nedlands, Subiaco, Floreat, Swanbourne, Fremantle, Mosman Park, Wembley, Cottesloe and Shenton Park areas. The Club's home was until recently located at Rosalie Park in Subiaco. In the 2012/13 season the Club made a move to College Park, now calling this new ground home. The Club now seeks to further formalise their home ground association with College Park by applying for a management licence for the Premises.

The Club is also installing a new training facility in conjunction with the Claremont Nedlands Junior Cricket Club, assisted by the City and the Department of Sport and Recreation through the Community Sporting and Recreation Facilities Fund, CSRFF, with work to commence on Monday 18th March 2013.

To date the Cricket Club and the Junior Football Club have met on several occasions to discuss the future shared use of the site and have appeared to be committed to working together to make the relationship a harmonious one.

Legislation / Policy

Land Administration Act – S18 – This disposition must be approved by the Minister for Lands.

Discussion

The Premises within the John Leckie pavilion has been discussed by Council in its meeting of 27 November 2012 where a report was presented highlighting the importance of the recently refurbished pavilion to be utilised to its fullest potential by interested stakeholders in the community. More specifically the Premises were considered to be best served by management licence agreements to ensure shared use.

Council approved a non – standard management licence agreement for the former lessee of the Premises- the Claremont Junior Football Club Inc. and now the Western Suburbs Cricket Club Inc. applies to be another shared user of the premises. The Cricket Club have noted that a liquor licence is integral to the social aspect of the game fostering the social interaction of the cricketing community.

The proposed management licence agreement follows the standard management licence for the most part with extra provision to allow the Club to apply for and have a liquor licence at the premises.

The extra provision relating to, “Alcohol”, at Clause 18 of the Management Licence is the same as the City’s standard lease provision relating to, “Alcohol”. The City’s standard lease agreement is offered to lessees of a City building and allows the lessee, with the City’s approval, to apply for and have it granted a liquor licence. The City’s standard management licence does not contain a like provision, perhaps due to the fact that prior to the consideration of the management licences for the John Leckie pavilion, the only other licensees on the standard management licence have been playgroups who do not require liquor licensing.

The Club like many other sporting clubs in the City wish to have a club liquor licence to support the social aspect of their sporting activities. Because the premises are in relatively close proximity to neighbouring residences the Management Licence has included a further non-standard clause regarding the Club’s duty to minimise nuisance to the neighbouring area. This provision is at Clause 19 which requires the Club / Licensee to “Minimise nuisance to neighbours”. Under this provision the City is able to impose reasonable conditions to avoid creating a nuisance and ensure surrounding residences are not disrupted or disturbed, particularly during or following a social event.

In support of allowing the Club the ability to obtain a liquor licence at the premises it should be noted there are several other sporting clubs and community groups in the City in similar proximity to neighbouring residential areas that pursuant to their leases, have obtained liquor licences.

They are:

- Suburban Lions Hockey Club premises at Highview Park and Melvista Oval
- Hollywood Subiaco Bowling Club – Smyth Road, Nedlands
- Swanbourne Nedlands Surf Life Saving Club, Marine Parade Swanbourne

- Associates Rugby Football Club at Allen Park
- Dalkeith Bowling Club – Cruickshank Reserve, Jutland Parade, Dalkeith
- Dalkeith Tennis Club - Cruickshank Reserve, Jutland Parade, Dalkeith
- Collegians Football Club at D.C. Cruickshank Reserve pavilion, Dalkeith
- Nedlands Tennis Club – Bruce Street, Nedlands
- Nedlands Bridge Club – Bruce Street, Nedlands
- Nedlands Rugby Club at Charles Court pavilion – Nedlands foreshore
- WA Bridge Club at Odern Crescent Swanbourne,

Any risk associated with this proposal will be managed through the content of the Management Licence. Potential for risk arises in allowing the Club the ability to have a liquor licence at the Premises. Antisocial behaviour is sometimes associated with the consumption of alcohol. To counter this, the Management Licence includes provision in Clause 18.2 “Liquor Licence” and 19 “Minimise nuisance to neighbours” to manage the potential risk. This is further explained below in the section regarding Risk Management.

Consultation

The City’s Property Services and Community Development departments have consulted with Western Suburbs Cricket Club as well as Claremont Junior Football Club to provide the agreed terms of the Management Licence.

Conclusion

The Western Suburbs Cricket Club Inc. should be allowed the terms proposed in the non-standard management licence attached in their use of the premises at the John Leckie pavilion. The Club are a senior cricket team and as such enjoy the social aspect of the game which can involve the consumption of alcohol. The Club like many other senior sporting teams in the City would like the ability to offer their members a drink after a game and so request the ability to apply for and have, if granted by the Department of Racing Gaming and Liquor, a liquor licence. The attached Management Licence provides for this and at the same time includes provision to manage any potential risks involved with the non-standard approach to this Management Licence.

Consultation Process

What consultation process was undertaken?

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

The City’s Property Services and Community Development departments have met with the Western Suburbs Cricket Club as well as Claremont Junior Football Club on several occasions to discuss the shared use of the site. The City has met with both clubs onsite as well as separately to discuss individual terms of management licence agreements. The Western Suburbs Cricket Club has agreed to the terms of the attached management licence agreement.

Budget / Financial Implications

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

This proposal includes a licence fee of \$732.60 which is the fee the Club shall pay for their use of the premises. This fee allows the City to partially offset the cost of providing the premises which is the objective of the City's standard management licence agreement. If the Club uses the premises beyond the agreed hours the Club is required to pay for any extra hours at the City's casual hire charge stipulated in accordance with the City's Schedule of Fees and Charges.

The Management Licence also provides for the review of the licence fee after one year of the commencement date. This provision is included to reflect the new refurbishments of the premises and the possibility for maintenance costs for the new site to vary from figures recorded in the past.

Risk Management

The main risk associated with this proposal is in a disturbance to neighbouring residences from potential antisocial behaviour associated with the consumption of alcohol. The risk is primarily managed through the Department of Racing Gaming and Liquor (the Department) in their regulatory framework for licensees, providing a process for complaint investigation and sanction if deemed necessary. As well the Department imposes several conditions on licensees to ensure they are responsible in their provision of alcohol. The Management Licence at Clause 18.2 "Liquor Licence" requires that the Club comply with the Department's Harm Minimisation Policy and more specifically requires the development and implementation of a House Management Policy as well as a Code of Conduct if a liquor licence is obtained.

To further manage this potential risk Clause 19 of the Management Licence requires the Club to "minimise nuisance to neighbours". This provision enables the City to impose reasonable conditions when necessary to avoid disturbance and disruption to neighbours.

Attachments

1. Draft City of Nedlands Western Suburbs Cricket Club (Inc.) – Management Licence for Use of Changerooms & Clubrooms of John Leckie Pavilion, College Park
2. Locality Plan

PD15.13	Proposed Detailed Area Plan for the Old Swanbourne Hospital for the Insane - Lot 416 Heritage Lane Mt Claremont
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Committee	9 April 2013
Council	23 April 2013
Applicant	Peter Webb & Associates
Owner	Aegis Aged Care Pty Ltd Group (Aegis)
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson
Director Signature	
File Reference	HE1/1
Previous Item	D58.10 – 10 August 2010 D37.11- May 2011

Executive Summary

The purpose of this report is to present to Council a proposed Detailed Area Plan (DAP) for the Old Swanbourne Hospital Site for approval in principle for referral and advertising purposes only. The DAP is Attachment 1.

Aegis Aged Care Pty Ltd Group (Aegis) recently purchased the Old Swanbourne Hospital site located at Lot 416 Heritage Lane, Mount Claremont and produced the DAP to develop the historic buildings into a high quality residential Aged Care facility, re-named “Montgomery House”. The facility will accommodate 80 residents in single bedrooms with individual ensuite facilities.

The DAP proposes to utilise Montgomery Hall for community purposes for events such as weddings, social events, theatre productions, dance performances, exhibitions, conferences and meetings. Montgomery Hall is proposed to have a capacity limit of 150 people and will be available between 9.00am and 11.00pm Monday to Thursday, and between 9.00am and 1.00am Friday to Saturday.

100 car parking bays are proposed on-site to cater for the parking needs of Montgomery House and Montgomery Hall. The bays are located along the edge of the site and the only vehicle access is via Heritage Lane.

The general public will retain access to and through the site through an integrated comprehensive pedestrian/cycle movement system that links into the pedestrian and cycling system outside of the site. The only area where public access is restricted is the internal areas of the buildings and the internal courtyard.

The grounds of the site are proposed to be extensively landscaped including lawn areas, shrubbery, and the installation of semi-mature trees in strategic locations. All aspects of landscaping will be proposed to assist in ‘softening’ the built form on the site (see Landscape concept - Attachment 2).

Recommendation to Committee

Council

- 1. approves in principle, the Detailed Area Plan for the Old Swanbourne Hospital for the Insane - Lot 416 Heritage Lane Mt Claremont in principle for advertising purposes;**
- 2. instructs Administration to refer the DAP to the WAPC to seek consent to advertise; and**
- 3. instructs Administration to advertise the proposed DAP, upon receiving consent to advertise from the WAPC.**

Strategic Plan

KFA: Natural and Built Environment

Background

Property address	Lot 416 Heritage Lane Mt Claremont
Lot area	1.6789ha
Town Planning Scheme No. 2	Development Zone

History & Key Relevant Previous Council Decisions

From 1904 until 1986 the site was used as the Swanbourne Hospital for the Insane. In 1987 some of the surrounding land was subdivided for residential purposes, creating the northern and southern subdivision wings. However the core buildings were retained and have remained vacant since then. Natural and human assisted degradation has resulted in buildings being badly damaged and in serious need of repair and reuse.

In 1991, the State Government resolved to dispose of the site and associated buildings in accordance with the Government Heritage Property Disposal process. The site was sold to a development syndicate in 2006, who subdivided the property into 14 residential lots, a park and the lot the subject of this proposal. The current owner purchased this lot in 2011.

The site was rezoned from 'Special Use' to 'Development' through scheme amendment No 158 which is supported by a development plan for the site.

A local planning policy based on the development 2005 development plan was adopted by Council in 2008.

An Outline Development Plan (ODP) was adopted in March 2012.

Legislation / Policy

Clause 5.15 of TPS2 specifically provides for the Old Swanbourne Hospital site. It stipulates permitted uses for the site, the need for an ODP and Local Planning Policy and the preconditions for subdivision and development approval.

The ODP adopted by the WAPC discusses the requirement for future Detailed Area Plans (DAPs) for the site as follows:

“The ODP contains general development provisions that are intended to inform a set of Detailed Area Plans (DAPs) which are to be created for three (3) character areas; the Northern Subdivision Wing, the Southern Subdivision Wing and the Heritage Buildings”.

The DAPs for the northern and southern subdivision wing were incorporated into the ODP, but no DAP exists for the Heritage Building Character Area. Proposed redevelopment of this lot has therefore triggered the need for a DAP.

The ODP also refers to the need for a landscape plan relating to the Heritage Buildings to be prepared in consultation with the City and Heritage Council of WA and to the satisfaction of the WAPC as part of the DAP stage.

There are no DAP provisions included in TPS2, and as a result, there is no statutory process by which a DAP is adopted. However, the ODP states that:

“The DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the Heritage Council of WA”.

As the ODP requires that a DAP for the Heritage Building lot has to be prepared and approved to its satisfaction on the advice of the City and the HCWA, the approval process of Clause 3.8 of Town Planning Scheme No 2 applies.

The first step in this process is that Council approves the DAP in principle so that consent to advertising of the DAP can be sought from the WAPC.

Key Elements of Proposed DAP

The DAP proposed the following:

- The conservation and reuse of all the heritage buildings and retention of mature vegetation.
- Montgomery Hall is proposed to be used for “private community use” and the remainder of the heritage buildings are earmarked for residential aged care design to accommodate 80 persons.
- The “private community use” for Montgomery Hall is for events like weddings, social events, theatre productions, dance performances, exhibitions, conferences and meetings.
- The hall is proposed to be available for these uses for the following times: Monday to Thursday between the hours of 9.00am and 11.00pm, and Friday to Saturday between 9.00am and 1.00am.
- Construction of a new building in the courtyard to the west of the old store building, to the same height of the existing building and a small addition to the old kitchen building.
- Vehicle access from Heritage Lane only.
- Construction of a new access way creating a ring road to allow traffic including vehicles to access the entire site.
- Areas of unrestricted public access and restricted public access.
- Landscaping areas and forms as detailed in the Landscape Concept Plan.
- Integrated footpath/cycle systems linked to existing external systems.
- Car parking areas showing a total of 100 car parking bays on site.
- Driveway locations to the proposed facilities.
- Delivery and bin storage areas.
- Public lookout along the eastern boundary of site.

Discussion

The proposal flagged under this draft DAP generally aligns with adopted ODP and the City’s Local Planning Policy.

The scale of the additional developments which include the new access way along the southern boundary of the site, the building additions and the provision for onsite parking are appropriate within its context. Vehicle access from Heritage Lane only, the provision for public access throughout the site, and the comprehensive landscaping plan are welcome.

The proposed use of the heritage buildings (other than Montgomery Hall) for aged persons accommodation to form Montgomery House is considered to be consistent with the use class “residential building”, which is a permitted use for this site under clause 5.15.

The proposed use of Montgomery Hall for weddings, social events, theatre productions, dance performances, exhibitions, conferences and meetings provides community access to the hall, and allows for its long term

sustainability. Legal advice indicates that Council has discretion in regards to the use of Montgomery Hall. This discretion is to remain within the scope of “sustainable and low-key” uses and the 2005 development plan’s stipulation of “private community use”.

Based on current car parking requirements it is considered that the proposed parking provisions of 100 car parking bays across the site for staff and visitor use will adequately meet the needs of the proposed uses on the following basis:

- The maximum number of residents at the aged care facility is 80 persons, with the maximum number of staff in attendance on the site being 28. The minimum parking requirement for the aged care facility under TPS2 therefore would be 20 bays.
- Given that the halls capacity is limited to 150 persons, with likely parking requirement for Hall under TPS2 would be approximately 75 bays.
- As the busiest times for Montgomery House likely to be in the mornings and Montgomery Hall in the evening the peak demand for parking for each use is likely to be reciprocal.

It is noted that it is not proposed to make Montgomery Hall available for functions not related to the aged care component of the site on Sundays, which together with design measures and conditions of approval will assist to mitigate other amenity issues that may arise with the uses for Montgomery Hall.

The proposal for the site as detailed in this DAP is not expected to have an adverse impact on the amenity of the surrounding area and its residents, and once implemented will be a significant improvement for the locality.

Consultation

Public consultation will commence once the WAPC has agreed to the proposal in principle. The DAP will be advertised for a period of 21 days.

The DAP has also been referred to the Heritage Council of WA for comment.

Risk Management

By failing to lend support to this proposal Council could be perceived as not fulfilling its role to deliver efficient and effective governance of its local area.

Conclusion

Overall the proposal for the site as detailed in the DAP is considered to be a balanced response to the constraints and opportunities provided by the site and the amenity of the surrounding locality. It is considered to be an acceptable proposal and recommended to be adopted in principle so that the public consultation process can be undertaken.

Attachments

1. Detailed Area Plan
2. Landscape Concept Plan