



City of Nedlands

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Council Local Planning Policy Manual

As at 7 June 2016

Preamble

1. General

- a) When Council adopts a policy it is exercising its legislative function. It does so when required by the Local Government Act or to provide guidance to staff and the public about the way its discretionary powers will be exercised.
- b) Even though a Council has adopted a policy it may be amended or waived at any time if Council determines to do so.
- c) When policies are implemented or applied by members of staff, the Administration is exercising its executive function.
- d) Each policy identified the purpose for which the policy was adopted and a statement of Policy.

2. Changing Policies

Only Council may amend or revoke a policy.

Policies may be amended or revoked at any time but each Council policy must be reviewed at least once every three years.

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6.2 Cash In Lieu Of Car Parking (LPP)

Introduction	Town Planning Scheme No. 2 has provisions for an applicant to provide on-site parking. Council may use its discretion and allow an applicant to make a cash payment in lieu of on-site parking. Note- a separate policy provides for parking in Government Road.
Purpose	To ensure that proper provision is made for the parking of cars when a development application is considered. To guide the way in which Council should use its discretion to receive cash in lieu payments for parking.
Policy	<ol style="list-style-type: none"> 1. <u>The general policy considerations which shall apply are :-</u> <ol style="list-style-type: none"> 1. A cash payment in lieu of car parking is a means by which Council can exercise flexibility. It provides the ability to accept a cash payment where a developer cannot, or does not wish to, meeting the car parking requirement set down in Town Planning Scheme No. 2. 2. The taking of a cash in lieu payment is purely discretionary and Council may decide to require full provision of car parking in accordance with Scheme standards if in its opinion the amenity of the areas may in any way be adversely affected. 2. <u>It is normal only to take cash in lieu payment where Council has:-</u> <ol style="list-style-type: none"> 1. Developed or has plans to develop a Council car parking reserve in close proximity to the development paying the cash in lieu. 2. Exceptionally good reasons exist for wanting the development to proceed, such as the development :- <ol style="list-style-type: none"> i. Will provide a much needed facility or service to the locality. ii. May act as a catalyst for other new development to occur in the locality thereby encouraging redevelopment and upgrading the area. 3. Cash in lieu payments collected by Council are to be paid into the City Development Welfare and Services Reserve Fund.

	<p>3. The following shall be used to determine the amount of any proposed cash in lieu payment.</p> <p>a. A construction component cost assessed at the time of development being charged.</p> <p>b. A land value component charged, based on the following:-</p> <p style="padding-left: 40px;">29 m2 x land value per m2 x number of parking bays required.</p> <p>c. The per square metre value of land is to be determined from a valuation conducted by a sworn valuer appointed by the Council and all costs incurred in obtaining the valuation will be borne by the developer proposing a cash in lieu contribution of car parking.</p>
Adopted/Amended	18 August 1987 (Item 1 of Standing Orders Committee)
Review History	<p>12 March 2002 (Report E31.02)</p> <p>10 December 2002 (Report E166.02)</p> <p>25 November 2003 (Report E109.03)</p> <p>26 October 2004 (Report E130.04)</p> <p>22 November 2005 (Report CP35.05)</p>

6.5 Swanbourne Design Guidelines A (Precincts 1 To 5 And 9)

Purpose	To provide design guidelines for development within the proposed Precincts 1 to 5 and 9 on the Lot previously known as Swanbourne High School, No. 392 (Lot 28634) Alfred Road, Swanbourne.
Policy	This is a local planning policy – the full version of this document, dated 27 March 2007 Revision N3, can be obtained from either Council's website or via Records Management Document TRIM Ref. D07/17574.
Related Procedure	Nil
Related Local Law/Legislation	Town Planning Scheme No. 2
Procedure Amendment Authority Level	Council
Related Delegation	
Adopted/Amended Review History	11 September 2007 (Report D52.07)

6.6 Swanbourne Design Guidelines B (Precincts 6, 7 & 8)

Purpose	To provide design guidelines for development within proposed Precincts 6, 7 & 8 on the Lot previously known as Swanbourne High School, No. 392 (Lot 28634) Alfred Road, Swanbourne.
Policy	This is a local planning policy – the full version of this document, dated 20 September 2007 Revision H, can be obtained from either Council's website or via Records Management Document TRIM Ref. D07/17573.
Related Procedure	Nil.
Procedure Amendment Authority Level	Council
Related Local Law/Legislation	Town Planning Scheme No. 2
Related Delegation	
Adopted/Amended Review History	11 September 2007 (Report D52.07)

6.8 Subdivision Policy (LPP)

Introduction	When applications for sub-division or rezoning are considered there is an opportunity to consider a number of issues which impact upon amenity and sustainability such as but not restricted to, the provision of public open space, adequate road widths, solar orientation, fencing, landscaping and underground power. Council has determined the standards it will require before it recommends to the Western Australian Planning Commission that a sub-division be approved or an amendment to the Town Planning Scheme initiated.
Purpose	To ensure increased sustainability and preservation of the amenity of the City with future land subdivision.
Policy	<p>Council is not prepared to initiate rezoning or to recommend subdivision approval unless the following requirements are satisfied:</p> <p><u>Public Open Space (POS)</u> Where subdivision is five or more lots, local POS shall be provided at the rate of 10% of the gross subdivisible area where the residential density is R10, increasing at the rate of 1% for each 2.5 in residential density eg. 11% for a density of R12.5 and 14% for a density of R20. Provision of POS shall be in accordance with the Western Australian Planning Commission's Policy DC 2.3 Public Open Space in Residential Areas and may include cash-in-lieu.</p> <p>Where subdivision is less than five lots, a local POS provision at the rate of 10% of the gross subdivisible area or cash-in-lieu equivalent, in accordance with the Western Australian Planning Commission's Policy DC 2.3 Public Open Space in Residential Areas, may be requested.</p> <p>In considering the most appropriate location for local POS, the Council shall give consideration to the retention of any bushland or mature trees on the site, the need for sporting grounds, access by the local community and the aesthetics of the landform.</p> <p><u>Drainage</u> All stormwater shall be retained on-site, in accordance with Council's Policy 6.2 Drainage of Private Properties and the Water & Rivers Commission's "Manual for Managing Urban Stormwater Quality in Western Australia", August 1998, as amended. Provided drainage works are located, designed and landscaped for public use and amenity is not impaired, full credit will be given for drainage works satisfying the POS requirement, in excess of 8%.</p> <p><u>Road Reserve Widths</u></p>

To retain the spacious character of the City, the average primary road reserve width shall be 18m, with a minimum width of 16m.

Rights of Way Reserve Widths

Any rights of way provided in new subdivisions shall have a minimum reserve width of 6 metres in accordance with Council's Policy 4.8 Rights of Way.

Where a right of way is to be used for rubbish pick-up:-

- (i) the design of the right of way shall not require the pick-up vehicle to travel in reverse gear; and
- (ii) the minimum reserve width shall be 8 metres for pick-up on both sides.

Corner Truncations

Truncations shall be provided in accordance with the W.A. Planning Commission's Policy DC 1.7 'General Road Planning' and Planning Bulletin No. 33 'Rights-Of-Way Or Laneways In Established Areas – Guidelines', notwithstanding minimum corner truncations of 6m x 6m shall be provided at all road intersections and junctions. Minimum corner truncations of 2m x 2m are required for rights of way with a width of 10m or less.

Lot Frontage

Lot frontage shall be in accordance with the R Codes to a minimum effective width of 8 metres and shall exclude battle-axe configuration. All lots shall front a road at least 16 metres in width.

Underground Power

Underground power shall be provided in all new subdivisions, in accordance with Council's Policy 10.13 Undergrounding of Power.

Solar Orientation

All new residential subdivisions shall be designed with optimum northern orientation of lots (east-west or preferably, north-south) and minimum likelihood of buildings overshadowing their neighbours.

Fencing

	<p>Subdivisional boundary fences shall be designed and constructed to ensure surveillance of adjoining public spaces, in accordance with Council's Fencing Local Laws.</p> <p><u>Verge Landscaping</u></p> <p>Verge landscaping shall be undertaken by the developer, with due consideration of water use, maintenance and Council's Policy 6.13 Alternative Verge Development, to the satisfaction of the Council.</p> <p><u>Construction Standards</u></p> <p>Design and construction of all subdivision works shall be consistent with the W.A. Planning Commission's Policy DC 2.6 'Residential Road Planning' and in accordance with the Institute of Municipal Engineering Australia, W.A. Division Inc publications "Guidelines for Development and Subdivision of Land", June 1998 (AUS-SPEC #1), as amended, and "Local Government Guidelines for Subdivisional Development", October 1998, as amended.</p>
Related Procedure	Nil
Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	25 January 2000 (Report E28.00)
Review History	<p>12 February 2002 (Report E14.02)</p> <p>10 December 2002 (Report E166.02)</p> <p>25 November 2003 (Report E109.03)</p> <p>26 October 2004 (Report E130.04)</p> <p>22 November 2005 (Report CP35.05)</p> <p>10 October 2006 (Report D77.06)</p>

6.9 Two Grouped Dwellings In Dual Coded Areas

Purpose	To ensure that when Council approves the development of two grouped dwellings in areas where there is a dual residential code that development proceeds expeditiously.
Policy	<p>a. Any planning approval for the development of two grouped dwellings in areas with a dual residential code will be valid for a period of twelve months only.</p> <p>b. The following conditions will be imposed on any planning approval for two grouped dwellings in a dual coded area:</p> <p>a. “A building licence must be applied for within 6 months and the building be constructed to at least plate height prior to the expiry of the 12 month planning approval period.”</p> <p>b. “Vacant lot strata is not permitted.”</p>
Related Procedure	Nil
Procedure Amendment Authority Level	Not Applicable
Related Local Law/Legislation	Town Planning and Development Act
Related Delegation	
Adopted/Amended	17 September 1992 (Item 2 Standing Orders Committee) 21 st February 1993 (Item 16 F&CS Committee –Council 4 th March 1993)
Review History	12 February 2002 (Report E14.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04)

6.10 Allen Park Residential Estate Design Standard For Lots 11 To 17 Clement Street And Lots 18 To 25 North Streets, Swanbourne (LPP)

Introduction	In recognition that the area in which the Allen Park Residential Estate is Located is re-coded from R60 to R35, the vendor and purchaser of the land have agreed with Council upon standards that will allow sub-division and development to proceed in a way consistent with orderly and proper planning.
Purpose	To provide for the orderly and proper planning of the Allen Park Residential Estate in a way that enhances amenity and promotes sustainability.
Policy	<p>Allen Park Residential Estate Design Standard.</p> <p>Land in the Allen Park Residential Estate (“the Estate”) has been re-coded from R60 to R35. The vendor and purchaser agree that development of land is not to exceed the R Code density of R35, and the following further development standards shall apply:</p> <p>Front Setback 6.0 metres minimum.</p> <p>Carport/Garage 4.5 metres minimum from the Primary Street frontage. 1.5 metres minimum from any Secondary Street frontage.</p> <p>Side Setback As per the –Codes.</p> <p>Parapet wall(s) is permitted on any side boundary as per cl. 1.5.8 (f) of the R-Codes without the need for consultation with neighbours.</p> <p>Rear Setback 4.0 metres minimum.</p> <p>Building Height Cl.5.11 of the City’s Town Planning Scheme No. 2 shall apply as to the building height, provided that the purchaser agrees that no dwelling shall be erected with more than 2 storeys or with height more than 10 metres from the highest portion of the building to the benched ground level as set out in the attached Schedule (see Attachment R1).</p> <p>Open Space As per the R-Codes for R35 that is a minimum of 50% of the site area.</p> <p>Where a maximum or minimum standard is stipulated above, the maximum shall not be exceeded and the minimum shall not be reduced.</p>

Related Procedure	Nil
Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	9 May 2000 (Report E103.00) 13 June 2000 (Report E135.00)
Review History	10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05) 10 October 2006 (Report D77.06)

6.11 Road Widening (Stirling Highway) (LPP)	
Introduction	Stirling Highway is classified as a 'Controlled Access Highway' under the provisions of the Metropolitan Region Scheme. Main Roads of WA have a 5 metre widening requirement along both sides of Stirling Highway. The road widening area, once resumed, will allow Main Roads of WA to construct a highway standard dual carriageway with appropriate turning pockets, median islands and landscaping.
Purpose	To describe setback and site requirements relating to commercial land affected by road widening along Stirling Highway.
Policy	<p><u>Policy Requirements</u></p> <ol style="list-style-type: none"> a. This Policy shall apply to commercial land abutting Stirling Highway which is proposed to be widened. b. Council requires that any development on land affected by the road widening shall comply with the requirements of the City of Nedlands Town Planning Scheme No. 2. as if the land had been resumed for the road widening purpose c. All proposed buildings shall be setback a distance of 12 metres from the existing front boundary (being Stirling Highway reserve) or 7.0 metres from the future road widening boundary (whichever is the greater). d. The Council may require a larger setback to be provided for the purpose of maintaining a uniform setback. e. The area of road widening shall be excluded from the affected lot for the purpose of calculating: <ol style="list-style-type: none"> a. Car parking; b. Landscaping; c. Plot Ratio; or d. any other standard described by the City of Nedlands Town Planning Scheme (with the exception of determining front setback). f. The area of road widening shall be landscaped to the satisfaction of Council and not used for any other purpose than landscaping unless otherwise approved by Council.
Related Procedure	Nil

Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	27 May 1997 (Item ES11.97)
Review History	12 February 2002 (Report E14.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05) 10 October 2006 (Report D77.06)

6.12 Cash In Lieu Of Car Parking - Government Road	
Purpose	To provide for the payment of cash in lieu for parking in Government Road (northern verge)
Policy	<ol style="list-style-type: none"> 1. Council may accept cash in lieu of on-site car parking for the construction of parking bays on the verge directly opposite the subject lot. 2. The amount of any cash in lieu payment shall be calculated at the time of the Council approval using the procedure associated with this policy.
Related Procedure	6.12 Cash in lieu of car parking - Government Road
Procedure Amendment Authority Level	Executive
Related Local Law/Legislation	Town Planning Scheme No. 2
Related Delegation	
Adopted/Amended	17 April 1989 (Standing Orders Committee) 24 November 1994 (13PC15.11.94)
Review History	12 March 2002 (Report E31.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05)

6.16 Listed Heritage Places - Demolition Policy	
Purpose	To provide for the proper documentation and recording of heritage places before the issue of a demolition license.
Policy	<p>a. The following information is to be provided to the Council prior to the issue of a demolition license for any place on the List of Heritage Places (as amended) with Council meeting the cost of the information:-</p> <p>a. photographs of the place, both exterior and interior where relevant, showing all elevations and with particular attention to window and door openings, mouldings and other decorative features;</p> <p>b. measured drawings of the place at a scale of 1:100 unless approved otherwise.</p> <p>b. For places with a rating of 1 or 2 in the of List of Heritage Places, as amended, a heritage assessment with a statement of significance is to be prepared by a qualified professional before a demolition permit may be issued.</p>
Related Procedure	6.16 Listed heritage places - demolition policy
Procedure Amendment Authority Level	Executive
Related Local Law/Legislation	Town Planning Scheme No. 2
Related Delegation	
Adopted/Amended	25 November 1997 (Report E282.97) 28 July 1998 (Report E148.98)
Review History	25 November 1997 (Report E282.97) 28 July 1998 (Report E148.98) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05)

6.17 Intensification of Residential Density	
Purpose	To support the Local Housing Strategy.
Policy	Council will only initiate amendments to Town Planning Scheme No. 2 for the purpose of increasing housing density that would comply with the Local Housing Strategy.
Related Procedure	6.17 Intensification of residential density
Procedure Amendment Authority Level	Executive
Related Local Law/Legislation	Town Planning Scheme No. 2
Related Delegation	
Adopted/Amended	16 December 1997 (Report E299.97) 26 October 2004 (Report E130.04)
Review History	10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05)

6.18 Reduction of Front Setbacks (LPP)

Introduction	Clause 5.3.3 of the Town Planning Scheme No. 2 requires a 9m street setback to preserve the spacious landscaped character of the City. Under the scheme the Council may vary this requirement in the case of new large scale subdivisions and where more than half the lots on the same side of the street block have a lesser setback.
Purpose	To establish the circumstances when Council may exercise its discretion under Clause 5.3.3. of Town Planning Scheme No. 2 to reduce setbacks.
Policy	<ol style="list-style-type: none"> 1. Large scale subdivisions where the front setback requirement has been reduced are as follows: <ol style="list-style-type: none"> 1. St Johns Wood (Area 1) 7.5m absolute 2. St Johns Wood (Area 2) 6.0m pursuant to R Design Codes 3. (excludes Jubaea Gardens) 4. Poplar Grove 4.0m, 2.0m to carport 5. Westminster Gardens 6.0m, pursuant to R Design Codes 6. Mt Claremont 6.0m, pursuant to R Design Codes 7. Seawood Village 6.0m absolute 8. Lot 2 Stubbs Terrace (Cape Bouvard) As per R Design Codes 2. In Residential R10 areas, the minimum front setback shall be 7.5m absolute irrespective of whether more than half the lots on the same side of the street block have a lesser setback. 3. In all other cases, where an application is received for a reduced setback:- <ol style="list-style-type: none"> 1. The application shall be accompanied by a plan illustrating the street profile of existing setbacks of the street block within which the development proposal is located; 2. Where more than half the lots on the same side of the street block have a setback less than 9m in accordance with this policy, the Council shall permit a reduced minimum front setback in accordance with the provisions of the Residential Design Codes - Acceptable Development Criteria.

	Note: For the purpose of varying the minimum front setback in accordance with this Policy, existing buildings on the same side of the street block shall be measured between the front wall of the dwelling and the street alignment, excluding verandahs, detached garages and carports.
Adopted/Amended	28 July 1998 (Report E129.98)
Review History	12 March 2002 (Report E31.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05) 10 October 2006 (Report D77.06)

6.20 St Peters Square Design Guidelines (LPP)

Introduction St Peters Square is a development within which are a range of residential densities. The policy rationalises the application of setback variations allowed with each residential code in order to improve the amenity within the small lot sub-division.

Purpose The design guidelines are in response to clause 5.14 of Town Planning Scheme No. 2 (Amendment No. 121) and are intended to improve the amenity in the small lot subdivision.

Policy 1. All development shall be in accordance with the requirements of the Scheme, supporting policies and the respective R-Codes, as modified by these guidelines. Setback requirements are outlined in the Table below:

Density	Front Setback	Rear Setback	Side Setback
<ul style="list-style-type: none"> R25 Lots greater than 350m² 	<ul style="list-style-type: none"> 3.0m minimum 6.0m average 	<ul style="list-style-type: none"> 3.0m minimum 6.0m average 	As per R-Codes, or nil setback (parapet wall) as per Plan 1 attached to Policy 10.30, where no advertising to affected neighbours is required.
R25 <ul style="list-style-type: none"> Lots less than 350m² 	<ul style="list-style-type: none"> 3.0m minimum 6.0m average 	<ul style="list-style-type: none"> 3.0m minimum 6.0m average 	As per R-Codes, or nil setback (parapet wall) as per Plan 1 attached to Policy 10.30, where no advertising to affected neighbours is required.
<ul style="list-style-type: none"> R40 Lots less than 350m² 	<ul style="list-style-type: none"> 3.0m minimum 6.0m average 	<ul style="list-style-type: none"> minimum 4.0m average 	As per R-Codes, or nil setback (parapet wall) as per Plan 1 attached to Policy 10.30, where no advertising to affected neighbours is required.
<ul style="list-style-type: none"> Garages 	<ul style="list-style-type: none"> 4.5m minimum from primary street 	<ul style="list-style-type: none"> 1.0m if access is to a 6.0m access laneway 	As per R-Codes, or nil setback (parapet wall) as per Plan 1 attached to Policy 10.30, where no advertising to affected neighbours is required.

2. Where there is an inconsistency between the requirements of the R Codes and the Scheme or any supporting policy, those of the R Codes shall prevail.
3. Building height shall be limited to 2 storey, generally in accordance with the conceptual plans submitted in support of the rezoning application.
4. The density bonus provisions for Aged and Dependant Dwellings under the R Codes shall not apply to the R40 and R60 sites.
5. In relation to lots approved under WAPC Ref. 107179 and 109128:
 - a. access,
 - b. building colours and materials for walls and roofs,
 - c. bin areas,
 - d. air conditioners, and
 - e. fencing shall, and
 - f. buildings to boundaries may

be constructed in accordance with the report titled St Peters Square Residential Site Design Guidelines, December 1998 and accompanying plan titled Peters Square Residential Site Design Guidelines, Revision C, December 1998.

6. Where verges are reticulated prior to purchase of adjoining lots, the design is to ensure maintenance by the adjoining owner. Where the verge is not reticulated prior to purchase of adjoining lots, owners shall provide reticulation to the verge as part of any landscaping and reticulation of adjoining private property.
7. Lighting of rear service lanes to be in accordance with the Australian Standards, to the satisfaction of the Executive Manager Technical Services.
8. Parapet walls are permitted on lots identified in the attached Plan No. 1 without the need for advertising to affected landowners and all crossovers shall be constructed at the designated location; all lots shall be developed in accordance with the maximum building footprint outlined in the attached Plan No. 2.
9. Council may approve development with reduced front setbacks in accordance with Plan No. 3, being Drawing 2D prepared by The Planning Group, dated September 1999, received 5 October 1999.

Related Procedure	Nil
Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	14 September 1999 E166.99 14 December 1999 E271.99
Review History	12 February 2002 (Report E14.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05) 10 October 2006 (Report D77.06)

6.23 Carports And Minor Structures Forward Of The Primary Street Setback (LPP)

Introduction	The Residential Design Codes provide that Councils may develop Local Planning Policies which address streetscape issues such the structures that may be constructed within the front setback. Town Planning Scheme No. 2 generally provides for a 9 metre setback although Council has the discretion to vary the provision and has done so via various policies.
Purpose	To ensure that the present open character and street amenity of the City of Nedlands is not compromised by the construction of carports and other small structures within the primary street setback area.
Policy	<p>DEFINITIONS</p> <p>Carport means a roof structure designed to accommodate a motor vehicle and shall be open on all sides unless constructed adjoining a boundary fence or wall of a building.</p> <p>R-Codes the requirements for the control of residential development set out in the Residential Design Codes - Acceptable Development Criteria.</p> <p>Primary Street Setback means the required setback from the front boundary (which is adjacent to the street) to the wall or columns of the building. If the property is bounded by more than one street the applicant can nominate which street frontage will be the primary one.</p> <p>Pergola an open walled structure that may be constructed of steel, timber or the like and can be either attached to or detached from, the residence. The roof of a pergola must be open and not clad with an impervious material or product.</p> <p>POLICY STATEMENT</p> <p>Carports</p> <p>(a) Materials and Construction Methods</p> <p>Any structures located in the primary street setback area shall use similar materials and construction methods as the main building.</p> <p>(b) Setbacks</p> <p>Applications for carports forward to the required setback must be in accordance with Clause 5.6.2 of the Town Planning Scheme No. 2 and the following requirements:-</p> <p>(i) <i>New Development</i></p>

Notwithstanding any other provision in this policy where a carport is to be constructed as part of a site redevelopment (i.e. new residence) then that carport should be located behind the required front boundary setback line.

(ii) *Existing Development*

Carports will only be approved forward of the primary street setback under this policy, provided a minimum of five years (5) years has elapsed since the issue of a building licence by the City for the existing dwelling on the lot or for significant alterations/additions to the dwelling which has resulted in the need for a carport in this location.

Carports may be constructed forward of the required primary street setback, but the side facing the street must be left open. Council will however consider wrought iron or tube steel gates/fencing along the side facing the street for security purposes.

The following setbacks shall be deemed as standard and measured to the columns of the carport. All setbacks are measured at right angles to the wall and not the boundary.

Primary Street Setback	3.5 metres
Side Boundary	1.0 metres
Secondary Street Setback	In accordance with the Residential Design Codes - Acceptable Development Criteria.

(c) Variations

(i) Where an application is received that does not comply with the abovementioned requirements, then an Officer will evaluate the application to determine whether the variation will have impact on either the relevant adjoining property or the streetscape.

Note : some factors which may influence the evaluation are:-

- existing buildings;
- existing trees or vegetation;
- topography of site;
- lot size and/or shape.

(ii) Should it be determined that the variation will have a significant adverse impact on either the adjoining properties or the streetscape, the applicant will be contacted and requested to locate the carport in compliance with the standard requirements.

(iii) Should the applicant refuse to or be unable to, comply with the standard requirements then Council will contact, in writing, any relevant adjoining property owner and any other property owners which (in the opinion of the Officer) may be affected, so that they have the opportunity to view the proposal and make comments should they wish.

Note: *this consultation should be undertaken in accordance with Council's Policy 10.8 "Neighbour Consultation" and in conjunction with Council corresponding to adjoining property owners on the development in general (eg. two storey development).*

(iv) Should the Officer, after the consultation period, conclude that the variation will significantly affect the amenity of other properties and/or the streetscape (regardless of whether objections have been received) then the following should occur.

1. a Development Refusal be issued, or
2. a conditional Development Approval is issued which addresses the areas of concern which are raised.

(v) This policy does not preclude an Officer or the Council from referring any Development Application to Council.

Pergolas

Pergolas may be constructed forward of the street setback line. Restrictions on a pergola's size and location are identical to those of a "carport" and will be assessed, processed and determined in the same manner should a variation be sought.

Verandahs

For the purpose of this policy the posts/columns of a verandah are deemed to be a wall of a building. Verandahs will not be permitted forward of the primary street setback line.

Minor Structures

Minor structures such as lichgates, porticos and gate houses may be constructed forward of the front setback line subject to:-

- a. gate houses, lichgates or similar structures not exceeding 4m²;
- b. porticos or similar structures not exceeding 6 m²;
- c. no structure to exceed 3.5 metres in height;

	<p>d. the structures do not detract from the visual amenity of the streetscape;</p> <ol style="list-style-type: none"> 1. the structure compliments the residence and uses similar materials and construction methods; 2. the structure does not conflict with Council's Local Laws relating to Fencing, in particular fences and structures at vehicular crossover points. <p>Note: <i>Minor Structures may be attached to or detached from the residence.</i></p> <p>(a) Assessment of Minor Structures</p> <p>(i) Where an application is received for a Minor Structure an Officer will evaluate the application to determine whether the Minor Structure complies with the above considerations.</p> <p>(ii) Should it be determined that the Minor Structure will have a significant adverse impact on either the adjoining properties or the streetscape, the applicant will be contacted and requested to either relocate the Minor Structure or remove it.</p> <p>(iii) Should the applicant refuse to or be unable to comply with this direction then Council will contact, in writing, any adjoining property owner and any other property owners which (in the opinion of the Officer) may be affected, so that they have the opportunity to view the proposal and make comments should they wish.</p> <p>Note: <i>this consultation should be undertaken in accordance with Council's Policy 10.8 "Neighbour Consultation" and in conjunction with Council correspondence to adjoining property owners on the development in general (e.g.: two storey development).</i></p> <p>(iv) Should the Officer, after the consultation period, conclude that the Minor Structure will significantly affect the amenity of other properties and/or the streetscape (regardless of whether objections have been received) then the following should occur:</p> <ol style="list-style-type: none"> 1. a Development Refusal be issued, or 2. a conditional Development Approval is issued which addresses the areas of concern which are raised. <p>(v) This policy does not preclude an Officer or the Council from referring any Development Application to Council.</p>
Related Procedure	Nil

Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	27 April 1999 (Report E63.99)
Review History	12 March 2002 (Report E31.02) 10 December 2002 (Report E166.02) 25 November 2003 (Report E109.03) 26 October 2004 (Report E130.04) 22 November 2005 (Report CP35.05) (Renumbered from previous 7.1) 10 October 2006 (Report D77.06)

6.25 Hollywood Design Guidelines (LPP)	
Introduction	These Design Guidelines provide background information and set the design 'performance standard' for Hollywood. Information is included on site planning, environmental performance requirements, the design of a high quality built form and landscape that responds to the context and integration of services.
Purpose	To facilitate a development that exists in harmony with the environment at Hollywood and surrounding areas. These guidelines apply to all the residential Lots in Precincts 1, 2, 3 and 4 at Hollywood. Specifically it promotes a strong sense of architectural character that is contemporary, harmonious and responds to the qualities of the context and existing and future residential amenity and conditions.
Policy	See attached pages.
Related Procedure	Nil
Procedure Amendment Authority Level	Not Applicable
Adopted/Amended	10 October 2006 (Report D77.06)
Review History	

6.27 Old Swanbourne Hospital Precinct (LPP)

<p>Introduction</p>	<p>1.1 This local planning policy relates to Lot 12040, Heritage Lane, Mt Claremont, as required by clause 5.15.2 of Town Planning Scheme No 2. (“the Scheme”).</p> <p>1.2 The content of the policy is the product of a study of the Old Swanbourne Hospital site (“the site”) undertaken by Taylor Burrell Barnett Town Planning and Design in 2003 on behalf of the Department of Housing and Works to evaluate development options prior to the site being sold by the Department, and set the parameters for development of the site once in private ownership.</p> <p>1.3 The study included extensive community consultation, and resulted in the preparation of a Development Plan to indicate the future land use and development requirements for the site, and was used to support the rezoning of the site to accommodate the recommended land uses. Draft design guidelines and policy provisions were prepared as part of the Development Plan and are referred to in Town Planning Scheme 2.</p> <p>1.4 The final outcome from the study was the Taylor Burrell Barnett Plan 03/016/012A dated October 2005 (“the Development Plan”) which contains a list of development requirements flowing from the community consultation.</p> <p>1.5 This policy provides detail to the development requirements outlined in the Development Plan.</p>
<p>Objectives</p>	<p>2.1 The objectives of this policy are:</p> <ul style="list-style-type: none"> (a) To ensure that development in the Old Swanbourne Hospital Precinct takes place in accordance with community expectations and principles developed in the Development Plan. (b) To ensure that community concerns are addressed, including the following issues: <ul style="list-style-type: none"> i) ensuring public access throughout the site in perpetuity; ii) ensuring that the amenity of neighbours to the site is not adversely affected, particularly with regard to traffic and parking demand generated by any redevelopment; and iii) ensuring the redevelopment of the site is carried out in accordance with the Development Plan, which represents Council and community expectations regarding the maximum development potential of the site. (c) To remove any potential uncertainty about how the requirements for the development of the site

	<p>established in the Development Plan are to be achieved, by setting out precisely what is required.</p>
Policy Documents	<p>Development Plan</p> <p>3.1 The Development Plan is an attachment to this policy, and should be used to inform the intent and understanding of this policy. However where the policy is inconsistent with the Development Plan, the policy prevails to the extent of that inconsistency.</p> <p>Design Guidelines</p> <p>3.2 Draft Design Guidelines were produced along with the Development Plan, and formed part of the Scheme Amendment No. 158 documents associated with the creation of the provisions in clause 5.15 of the Scheme relating to the site. The Design Guidelines are an attachment to this policy and should be used to inform the intent and understanding of this policy. However where the policy is inconsistent with the Design Guidelines the policy prevails to the extent of that inconsistency.</p>
General Provisions	<p>Heritage Buildings</p> <p>4.1 All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.</p> <p>4.2 To ensure that the visual prominence of the Heritage Buildings is protected and retained, view corridors to and from the heritage buildings must not be interfered with, so that the profile of the buildings when viewed at close range or from a distance remains unchanged.</p> <p>4.3 All development is to be derived from the architectural character of the existing heritage buildings without mimicking the heritage style.</p> <p>Public Access</p> <p>4.4 A high level of public access within the site shall be maintained in perpetuity. Public Right of Way Access (cyclists, pedestrians only) and Public Right of Way Access (vehicles) shall be provided in the exact locations shown on the TBB Development.</p> <p>4.5 The Developer shall construct dual use paths and Public Right of Way Access (Vehicles) in the exact locations shown on the Development Plan as “Public ROW Access (cyclists, pedestrians only)” and Public Right of Way Access (Vehicles).</p> <p>4.6 Paths should be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact of the paths. The developer will be required to landscape the accessways and include street furniture in appropriate locations.</p>

4.7 All dual use paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network established beyond site boundaries.

4.8 A dual use path may be constructed within Hamilton Park (to the south of the site) by the City of Nedlands, providing a link from Hamilton Gardens to the public open space accessway adjacent to the Norfolk Lane Complex to facilitate public access.

Vehicular Access

4.9 In response to resident's concerns about traffic and parking, all vehicle access to the site shall be via Heritage Lane, with only the following exceptions:

- (a) service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be permitted adjacent to Montgomery Hall. The use of these bays is to be regulated;
- (b) future residents of any development of the North Wing residential lots may use Abbey Gardens for access and egress; and
- (c) future residents of any development of the South Wing residential lots shall obtain access and egress in accordance with Clause 11.7.

4.10 Subject only to the exceptions in 4.9 above, there shall be no vehicle access to or from the site via St John's Wood Boulevard, Abbey Gardens, Charles Lane or Hamilton Gardens.

4.11 There shall be no link between Heritage Lane through the site to the North or South Wings which would enable vehicular access to or from Heritage Lane to or from any other existing public road.

Parking

4.12 No parking for residents of dwellings within the policy area, their visitors, or for people using any facilities provided at Montgomery Hall, will be permitted on the street or road verge of any existing public road or on public open space.

- Sufficient parking for all future residents of the site, their visitors, and people using facilities on the site shall be provided on the site. Land designated for POS under the Development Plan shall not be used for parking purposes.
- All future residential lots in the North and South Wing subdivisions shall have a minimum of two undercover parking bays and one off street motor vehicle bay as per the Taylor Burrell Barnett Design Guidelines

Agreements

- 4.15 Prior to the Council consenting to any subdivision or development in the Precinct, a Conservation Plan/Heritage Agreement will be required to be prepared by the disposing agency for the consideration of the Heritage Council.
- 4.16 Any subdivision or development approval of any portion of the site shall be subject to a condition which will require the developer to retain ownership of Montgomery Hall at least until the future use of the South Wing is determined, because the use of Montgomery Hall and the South Wing is interrelated. This will enable the City to require that a legal agreement be put in place, which specifies that the use of Montgomery Hall is limited in the event that the South Wing is used for residential purposes.
- 4.17 Any subdivision or development approval of any portion of the site shall be subject to a condition which will require the developer to enter into a legal agreement with the City which commits the developer to complete the redevelopment of the heritage buildings and surrounding areas.

Landscaping

- 4.18 The Developer of the site shall prepare a Landscape Master Plan which deals with the entire policy area. The Landscape Master Plan must be prepared in consultation with the City and approved by the City before any subdivision or development application for the site is considered by the Council.
- 4.19 The Landscape Master Plan must indicate what treatments (e.g. plantings, "hard" landscaping) are proposed for all public open space areas, curtilage areas and any private open space areas within the site, and for road verges bounding the site.
- 4.20 The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.
- 4.21 Detailed landscape plans consistent with the approved Landscape Master Plan shall be lodged by the Developer for approval by the City with any subsequent development applications for the component parts of the site, with the exception of the West Wing, which must be landscaped as part of any subdivision of the site or the development of the site if that precedes the subdivision..

Subdivision

- 4.22 Vacant lot subdivision shall only occur within the areas identified as the North Wing and South Wing in the Development Plan.

4.23 No subdivision for private ownership purposes shall be permitted of any portion of the curtilage areas, so as to ensure that public access to and within this area remains unobstructed.

Public Open Space

4.24 As a minimum, all land shown as Public Open Space in the Development Plan shall be given up free of cost for public open space as a condition of subdivision approval, with the intention that the land will become a reserve for which the City will have care, control and management.

4.25 All public open space must be landscaped in accordance with plans approved by the City, and maintained for a minimum of 2 years after the completion of landscape works. A legal agreement securing that obligation, including provision for a bond or bank guarantee, will be required as a condition of subdivision or development approval.

Curtilage

4.26 Public access to and public ownership of the areas around the buildings is required to be maintained in perpetuity.

4.27 The full extent of the curtilage area as shown in grey on the development plan may be given up by the Developer free of cost as a reserve for which the City has care, control and management. Conditions requiring this will be imposed as part of any subdivision/ development approval process.

4.28 No above ground structures of any type (including moveable furniture or equipment) will be permitted in the curtilage areas, unless it is proposed for a community purpose and is approved in a detailed landscape plan.

4.29 The levels within all curtilage areas shall not be altered by more than 500mm calculated from the Natural Ground Level shown on the Development Plan.

Other

4.30 A maximum of 28 residential dwellings may be developed in the area comprised by the Existing Hospital Buildings, the associated courtyard, and the Administration Building.

4.31 No public/affordable housing on the site will be supported by the Council.

4.32 The requirements of this policy may be applied by conditions of subdivision or development approval, or

	<p>both, even where a particular method is expressly stipulated.</p> <p>4.33 The title of each subsequent lot in the site shall be endorsed to the effect that each owner is aware of the ongoing obligation for the continual upkeep of Montgomery Hall.</p>
<p>Existing Hospital Buildings</p>	<p>Application</p> <p>5.1 The provisions in this section apply to the buildings and land in the central part of the site coloured light grey on the Development Plan, including the Existing Hospital Buildings, associated courtyard and curtilage areas.</p> <p>Use and Development</p> <p>5.2 The existing buildings may be converted to residential or retirement housing or assisted care.</p> <p>5.3 A café, arts and/or community uses may be considered within the existing buildings, if considered appropriate by the Council, if sufficient parking can be provided on site and having regard to the potential impact on the amenity of residents within and adjoining the site.</p> <p>5.4 Development of the Stores Building needs to be sensitive to the heritage values of the building, with a view to retaining the volume of the space. This will require inventive design solutions and negotiation with the Heritage Council.</p> <p>5.5 Development of the ‘covered way’ area will need to be handled sensitively from a heritage perspective.</p> <p>Landscaping</p> <p>5.6 A detailed Landscaping Plan for the area including the curtilage areas is to be prepared in consultation with the City and lodged for approval at the Development Application/subdivision stage whichever comes first.</p> <ul style="list-style-type: none"> ○ The approved detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City prior to occupation of the buildings or transfer of the land to the City for care as a recreational reserve, whichever comes first.
	<p>Parking</p> <p>5.8 Parking around the buildings and in the courtyard area shall be undercroft wherever possible. At grade parking shall not be covered.</p> <p>5.9 Access to parking in the courtyard shall be via existing accessways.</p> <p>Curtilage</p> <p>5.10 The full extent of the areas to the north of the buildings identified on the Development Plan as “curtilage 23m. min.” and to the south of the building as “curtilage</p>

	<p>20metre.min.” shall be retained as the minimum width provided for in the plan for the purpose of:</p> <ul style="list-style-type: none"> (a) providing public access throughout the site; (b) retaining the conservation values of the buildings; (c) providing a visual separation between the heritage buildings and other development (d) providing limited parking. <p>New Building</p> <p>5.11 When the Development Plan was prepared, the construction of new building elements within the area was not proposed or contemplated.</p>
<p>Montgomery Hall</p>	<p>Application</p> <p>6.1 The provisions in this section apply to the building labelled Montgomery Hall on the Development Plan and the portions of land around the building coloured grey on the Development Plan.</p> <p>Future Use</p> <ul style="list-style-type: none"> ○ Any future use or development of Montgomery Hall must be considered in the context of other uses proposed for the site with particular regard to parking and traffic volumes, hours of use, noise levels and the heritage values of the building. ○ The use of Montgomery Hall is directly linked to the use of the South Wing, as the area of the south wing is intended to cater for any parking needs generated by a future use of Montgomery Hall. Development of the South Wing will compromise the use of Montgomery Hall. <p>6.4 In the event that the South Wing or any portion thereof is approved for residential use, the developer must enter into a legal agreement which will bind all future owners of Montgomery Hall, and which prevents that building from being used for anything other than a “low key” use that does not generate any traffic demand above that which can be accommodated on site.</p> <p>6.5 Montgomery Hall may be developed for private community uses including Real Tennis, café, meeting rooms, museum and rhythmic gymnastics uses, subject to sufficient parking being available on site.</p> <p>6.6 The land to the immediate south and north of Montgomery Hall may be used as a courtyard for uses associated with Montgomery Hall, provided full public access to these areas and to the exterior of the building remains unobstructed.</p> <p>6.7 Montgomery Hall shall not be used for residential purposes.</p>

	<p>6.8 The interior volume of the hall is of considerable significance and should not be subdivided into smaller spaces.</p> <p>Landscaping</p> <ul style="list-style-type: none"> • A detailed Landscaping Plan dealing with the areas surrounding the building must be prepared in consultation with the City and lodged for approval at the Development Application/subdivision stage whichever comes first. • The approved detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City prior to occupation of the buildings or transfer of the land to the City for care as a recreational reserve, whichever comes first. <p>Parking</p> <p>6.11 All parking for and vehicular access to Montgomery Hall must be provided within the site. The Development Plan indicates that the South Wing may be used as a parking area to service Montgomery Hall and other non-residential uses of the site. If the South Wing remains in whole or part as a car park, then vehicular access to that car park shall be via Heritage Lane only.</p> <p>6.12 The undercroft may be utilised for service vehicle parking or other compatible uses (such as meeting rooms, cafe, etc.).</p> <p>Public Access</p> <p>6.13 Public access to the exterior of the Montgomery Hall building must be maintained.</p> <p>6.14 Access to any undercroft parking may only be taken from Heritage Lane, through the site. No access from Abbey Gardens will be permitted.</p>
Administration Building	<p>Application</p> <p>7.1 The provisions in this section apply to the Administrative Building and Covered Way as coloured dark grey on the Development Plan.</p> <p>Uses</p> <p>7.2 Uses within the building may include residential and/or retirement housing, home based business, commercial, mixed use, consulting rooms and professional offices.</p> <p>Curtilage</p> <p>7.3 The curtilage is to be retained around the building as shown in light grey on the Development Plan.</p> <p>Covered Way</p>

	<p>7.4 Private access should be maintained through the 'covered way'. The area may also be used for carparking and/or courtyard areas. Use of this area shall be sensitive to the heritage values of the covered way.</p>
<p>East Wing</p>	<p>Application</p> <p>8.1 The provisions in this section apply to the areas to the east, north and south of the Administration Building which is coloured in green and labelled East Wing on the Development Plan, as well as the Circular Drive coloured in blue on the Development Plan.</p> <p>Uses</p> <p>8.2 The land except the Circular Drive is to be public open space only and shall retain the view corridor to the Administration Building from the east. The Circular Drive shall be retained as a future road reserve.</p> <p>Landscaping</p> <p>8.3 A detailed Landscaping Plan must be prepared in consultation with the City and lodged for approval at the Development Application/subdivision stage whichever comes first.</p> <ul style="list-style-type: none"> ○ The approved detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City prior to occupation of the buildings or transfer of the land to the City for care as a recreational reserve, whichever comes first. <p>Public Access</p> <p>8.5 The circular driveway shall be not less than 725m² and is to be created as a public road.</p> <p>8.6 Pedestrian/cycle access shall be given priority.</p> <p>8.7 Primary vehicle access to the site shall be from Heritage Lane via the existing northern access point. An additional vehicle access point may be provided from Heritage Lane south of Circular Drive. The access points shall be developed as Public Right of Way and in a finish approved by the City.</p> <p>8.8 Access from Heritage Lane to the South Wing shall be designed with sensitive use of paving treatments and landscaping to reinforce the pedestrian priority of the area.</p> <p>Other</p> <p>8.9 The developer is required to maintain the Public Open Space within the East Wing for a minimum period of two (2) years after completion of landscape works. A legal agreement securing that obligation will be</p>

	<p>required as a condition of subdivision or development approval.</p> <p>8.10 Circular Drive and the tree to the immediate north, along with the trees along the northern boundary and along Heritage Lane have been identified as having heritage significance and are required to be retained. The detailed landscaping plan is required to identify these trees on site and any other existing trees that will be retained, and indicate measures to protect these trees during and after construction.</p> <p>8.11 Circular Drive, as a public road, shall be sensitively designed and constructed to compliment the heritage building.</p> <p>8.12 The view corridor to and from the east to the Administration building shall be retained.</p> <p>8.13 In addition to the General Provisions for parking (clause 4.12, 4.13, 4.14) there is no reduction of the Public Open Space (POS) by either expanding verge parking into the POS or intrusion of car bays into the POS.</p>
West Wing	<p>Application</p> <p>9.1 The provisions in this section applies to the area surrounding Montgomery Hall coloured in green and labelled Public Open Space (West Wing) on the Development Plan.</p> <p>Uses</p> <ul style="list-style-type: none"> ○ The West Wing is to be public open space providing for pedestrian/cycle access, and landscaping, lighting and public art and may incorporate things such as a playground. The open space shall retain the view corridor to Montgomery Hall from the west. <p>Parking</p> <ul style="list-style-type: none"> ○ No parking shall be permitted in this area. <p>Landscaping</p> <p>9.4 A detailed Landscaping Plan for the West Wing must be prepared in consultation with the City and lodged for approval at the Development Application/subdivision stage whichever comes first.</p> <p>9.5 The approved detailed landscaping plan is to be implemented by the Developer to the satisfaction of the City prior to the creation of any new subdivisional lot within the policy area</p> <p>Other</p> <p>9.6 The Developer is required to maintain the public open space for a minimum period of two (2) years after completion of landscape works. A legal agreement securing that obligation will be required as a condition of subdivision approval.</p>

	<p>9.7 In the event development of the site is proposed prior to subdivision approval being sought, the requirements above may be imposed as conditions of development approval.</p>
North Wing	<p>Application</p> <p>10.1 The provisions in this section apply only to the area to the north of the Hospital buildings coloured in yellow on the development plan and labelled North Wing on the Development Plan.</p> <p>Use</p> <p>10.2 The land delineated as the North Wing on the Development Plan shall be developed for residential or retirement housing uses only.</p> <p>10.3 Council shall only support a maximum of 5 lots (for a maximum of 5 dwellings only) in the North Wing, in the subdivision layout shown in the Design Guidelines.</p> <p>10.4 The standards and requirements of the R20 density code will be used to assess proposed residential development except in regard to lot numbers/lot sizes which is to be in accordance with clause 10.3 above.</p> <p>10.5 No part of the adjacent curtilage area may be incorporated into the North Wing for subdivision or residential development purposes.</p> <p>Public Access</p> <ul style="list-style-type: none"> ○ Access to lots shall only be via Abbey Gardens. <p>Parking</p> <ul style="list-style-type: none"> ○ No street parking within the road reserve of Abbey Gardens will be allowed. <p>Height and Levels</p> <p>10.8 The height of all new buildings must comply with Scheme requirements.</p> <p>10.9 The finished level of the lots shall be at an RL of 35.5 AHD to minimise adverse impacts on neighbours to the east.</p>
South Wing	<p>Application</p> <p>11.1 The provisions in this section apply to the area to the south of the Hospital buildings coloured in yellow on the development plan and labelled South Wing on the Development Plan.</p> <p>Use</p> <p>11.2 The full extent of the South Wing shall be retained either for parking (up to 60 bays), unless Montgomery Hall is put permanently to a low key use, or for</p>

residential or retirement housing. Access to the parking area shall be solely via Heritage Lane.

- 11.3 Council shall only support a maximum of 7 residential lots (for a maximum of 7 dwellings only) in the subdivision layout shown in the Design Guidelines.
- 11.4 The standards and requirements of the R30 density code will be used to assess proposed residential development except in regard to lot numbers/lot sizes which is to be in accordance with clause 11.3 above.
- 11.5 The adjacent curtilage area may not be incorporated into the South Wing for subdivision or residential development purposes .

Public Access

- 11.6 Public access (non-vehicular) to the heritage buildings and open space shall be maintained from Charles Lane to the balance of the site via the public open space corridor indicated on the Development Plan. The corridor shall be a minimum width of 10 metres. The corridor provides separation between residents in the Norfolk Lane complex and the potential residential lots, to minimise impacts of level differences, overlooking and overshadowing.
- 11.7 Access to any future residential lots shall be as per Design Guidelines: i.e from Heritage Lane via a vehicular public right of way (4 lots); from Charles Lane (1lot) and from Hamilton Gardens (2 lots), however no access for vehicles from Charles Lane or Hamilton Gardens to the existing Hospital Building area including curtilage areas shall be permitted.

Legal Agreement

- 11.8 In the event that the South Wing is approved for residential use, the land owner must enter into a legal agreement which will bind all future owners of Montgomery Hall, and which prevents that building from being used for anything other than a “low key” use that does not generate any traffic demand above that which can be accommodated on site.

Height

- 11.9 The height of all new buildings must comply with Scheme requirements.

Fencing

- 11.10 An open style of fencing shall be provided on the southern and western boundaries, abutting the public open space to provide casual surveillance of the open space.

Levels

	<p>11.11 The finished level of any residential lots shall be at an RL of 36.0 AHD to minimise adverse impacts on neighbours in the Norfolk Lane complex to the west.</p> <p>Landscaping Should the South Wing be used for non-residential purposes then:</p> <ul style="list-style-type: none"> ○ A detailed Landscaping Plan for the South Wing must be prepared in consultation with the City and lodged for approval at the Development Application/subdivision stage whichever comes first. ○ The approved detailed Landscaping Plan is to be implemented by the Developer to the satisfaction of the City prior to the creation of any new subdivisional lot within the policy area <p>Parking</p> <ul style="list-style-type: none"> ○ In addition to General Provisions for Parking (4.12, 4.13, 4.14) there is to be no reduction of Public Open Space by either expanding verge parking into the park or intrusions of car parking into the park ○ If the South Wing remains in whole or part as a car park, the vehicular access to that car park shall be via Heritage Lane.
Related Procedure	Procedure 6.27
Procedure Amendment Authority Level	
Related Local Law/Legislation	
Adopted/Amended	13 May 2008 (Report D19.08)
Review History	<p>13.3 – 12 February 2008 17.1 – 9 October 2007 17.1 - 21 February 2007 D99.06 – 28 November 2006 E43.04 – 27 April 2004</p>

New Adopted Local Planning Policies

Local Planning Policy: Sea Containers

KFA	KFA 3: Built Environment
Status	Council
Responsible division	Planning & Development
Objective	To regulate the use of sea containers within the City of Nedlands to ensure that they do not detract from the amenity of the area

Context

In recent years there has been an increased request for the use of sea containers within the City of Nedlands. While they can serve a useful role in some instances, there have been concerns regarding aesthetics, as sea containers have an industrial appearance and are generally not considered appropriate structures within residential areas.

A sea container is deemed development under the *Planning and Development Act 2005* and therefore requires a Planning Approval under Clause 6.1 of City of Nedlands Town Planning Scheme No. 2 (TPS No.2).

As TPS No.2 makes no direct reference to sea containers, this policy has been created to provide guidance for Council and land owners in the use and location of sea containers.

Statement

Temporary Use of Sea Containers

Temporary sea containers that comply with the following do not require planning or building permit:

- a) The container is not located within the nature strip (in accordance with the City's 'Thoroughfares Local Law');
- b) it does not exceed 6m in length;
- c) it is utilised for storage only;
- d) it is removed within 14 days of being placed on the lot;
- e) it is in good condition and is not unsightly or in a state of disrepair; and
- f) suitable safety mechanisms are in place to allow emergency exit from the container, to the satisfaction of the Council.

All other temporary sea containers require planning approval and a building permit.

On application to Council, temporary sea containers may be approved if:

- g) it does not exceed 6m in length;
- h) it is utilised for temporary storage of building materials & equipment;
- i) it is located on a lot where a dwelling is under construction;
- j) it is for a maximum period of 12 months, unless granted an extension of time by the Council;
- k) it is only placed on the site after issue of the building permit for the building on the lot;
- l) it is removed within 14 days of the building being completed; and
- m) suitable safety mechanisms are in place to allow emergency exit from the container, to the satisfaction of the Council

Permanent use of Sea Containers in Residential & Non-Residential Zones

Residential Zones

1. Permanent use of sea containers *is not* permitted within the Residential Zone;

Non-Residential Zones

2. Permanent use of sea containers may be permitted within Non-Residential Zones where:
 - a) containers are screened so they cannot be viewed from the road frontage, public spaces and residential properties;
 - b) is located behind the front setback area;
 - c) is used for the purposes of storage only;
 - d) is limited to a maximum of one (1) sea container per property; and
 - e) Setbacks are in accordance with TPS No.2;
 - f) suitable safety mechanisms must be in place to allow emergency exit from the container, to the satisfaction of the Council ;and
 - g) A development application and building permit is applied for and approved by Council.

Related documentation

Nil

Related Local Law/legislation

- City of Nedlands Town Planning Scheme No. 2 (TPS No.2)
- Residential Design Codes 2010 (RCodes)

Related delegation

- 6A Town Planning Scheme No .2 (TPS2) - Approval and Refusal of Planning Applications
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Issued

26 March 2013

Ancillary Accommodation Local Planning Policy

KFA	KFA 3 – Built Environment
Status	Council
Responsible division	Planning and Development
Objective	To clarify the interpretation of clause 5.3.4(d) of the City of Nedlands Town Planning Scheme No 2

Context

Clause 5.3.4 of the City of Nedlands Town Planning Scheme No 2 prescribes additional provisions for Ancillary Accommodation to residential dwellings in the City of Nedlands.

Clause 5.3.4 (d) imposes restrictions on the type of person that is permitted to occupy an ancillary accommodation.

Policy Area

This policy applies throughout the City.

Background

Clause 5.3.4 (d) provides that *“the Ancillary Accommodation will be occupied by a person related to the person occupying the remainder of the dwelling”*.

The term “related” is open to interpretation.

Clarification of how Council will interpret Clause 5.3.4 (d) is appropriate.

Policy Focus

The focus of this policy is to clarify the interpretation of the term “related” in Clause 5.3.4 (d) of the City of Nedlands Town Planning Scheme No 2 to permit ancillary accommodation to be used by persons that have:

- o a family relationship with the occupants of the main dwelling; and
- o an association or connection derived from meeting a need (other than financial) of the occupant/s of the main dwelling.

The purpose of this interpretation does not extend to permit that ancillary accommodation can be used by persons whose only association or connection to the occupants of the main dwelling is of a purely commercial nature.

Statement

In the context of clause 5.3.4 (d) the term “related” refers to a family relationship or a connection or association that is more than purely commercial.

As a result, an ancillary accommodation can be occupied by a family member of the occupant/s of the main dwelling or by a person that meets a need of one or more occupants of the main dwelling e.g. carer, au pair, domestic employee, gardener and such like.

This interpretation does not permit the letting of ancillary accommodation on the basis of a purely commercial relationship such as a landlord/tenant relationship.

Related documentation

Town Planning Scheme No. 2

Related Local Law/legislation

Planning and Development Act 2005

Related delegation

Issued

3 October 2014

Amendments

Nil

Advertisement Signs on Zoned and Reserved Land (Except Road Reserves) Local Planning Policy

KFA Natural and Built Environment
Governance and Civic leadership

Responsible Sub Unit Planning & Development

Date Adopted:

Purpose

To establish requirements which apply to different types of advertisement signs and to provide guidance when considering such applications.

Objectives

- Ensure the display of advertisements on sites does not adversely impact on the amenity of the surrounding land;
 - Protect the significance of heritage places or buildings;
 - Ensure that advertisement signs do not detract from the level of safety for drivers, cyclists and pedestrians by obstructing sight lines and distracting road users; and
 - Ensure that commercial advertising signs are generally located in non-residential areas.
-

1.0 Context

This policy provides guidance on the design and placement of various forms of advertisement signage within the City. The policy is designed to balance the need for advertising with the need to reduce the adverse visual amenity impact of signs in order to protect the quality of the streetscape.

2.0 Statement

- 2.1 This Policy has been prepared in accordance with Clause 8.1 and 8.3 of *City of Nedlands Town Planning Scheme No. 2* which allows Council to prepare local planning policies relating to planning and development within the Scheme area.
- 2.2 This policy applies to all zoned and reserved land within the City of Nedlands' town planning scheme with the exception of roads (including road verges and nature strips).

- 2.3 This policy is to be read in conjunction with the City's Thoroughfare Local Law as signage within a road reserve (including on road verges and nature strips) may require separate approval from the City.

3.0 Definitions

For the purpose of this policy the following definitions apply:

Advertisement means means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

Advertiser means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an advertisement.

Building means any structure whether fixed or movable, temporary or permanent, placed or erected on land.

Construction Site Sign – A sign used to screen building/construction sites while works are being carried out on the site.

Development as defined under the *Planning and Development Act 2005*:

Election Sign - Signage which is advertising, promoting or commenting on any particular candidate, party, group or policy, but does not include a sign created by Local Governments, State or Federal Government Agencies.

Event – For the purpose of this policy this includes a 'home open', 'home display', 'garage sale' or other activity at the City's discretion.

Existing Advertisement - any advertisement lawfully displayed prior to the commencement of the Scheme and this Policy.

Illuminated Sign – A sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose.

Internal Sign - Signage not readily visible from any public street or adjoining property, including signs situated inside a building.

Monolith Sign – A sign in-filled from natural ground level to the top of the sign and appears as a solid structure when the supporting columns cannot be seen.

Name Plate Sign - A flat, usually rectangular sign which the name of a person, company etc. is printed or engraved.

Natural Ground Level – As per the City's town planning scheme.

Portable Sign - A sign which is not permanently attached to a building, structure, fence or the ground, and include 'A-frame', 'sandwich board' and 'garage sale' signs.

Projecting Signs – A sign which is attached to a projection or projects more than 300mm from a wall of the building below the eaves or ceiling height.

Property Transaction Sign - A sign designed to promote the sale or lease of a property and includes the words 'for sale' or 'for lease'.

Pylon/Hoarding Sign - A sign supported by one or more piers and which is not attached to a building, and includes a detached sign framework to which sign infills may be added.

Reserved – For the purpose of this policy this includes land reserved under the Metropolitan Region Scheme as being either Public Purpose or Parks and Recreation.

Roof Sign – A sign which protrudes above the building's roof line. Excludes a tethered sign(s).

Sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols.

Statutory Sign – A sign required to be exhibited by, or pursuant to, any law or policy. Includes all categories of signs.

Tethered Sign – A sign which is suspended from or tethered to any building/structure or pole (with or without supporting framework) and made of paper, plastic, fabric or similar materials. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.

Wall Sign – A sign which is affixed to the external part of a wall of the building but does not project more than 300mm from the wall and no part of which is above the lowest point of the eaves or ceiling of the building.

Window Sign - A sign painted or affixed to either the interior or exterior surface of the glazed area of a window.

4.0 Application

- 4.1 Development approval is required to be obtained from the City prior to installing/erecting signage on land zoned or reserved under the City's town planning scheme, unless otherwise permitted under this policy.
- 4.2 In addition to development approval, a building permit may also be required to be obtained from the City.
- 4.3 The following requirements apply to signage proposed in the City, in addition to the provisions stipulated under Sections 5 and 6 of this Policy:
- a) Advertisement signage is to be located on the site to which it relates;
 - b) Advertisement signage is only to be located within the boundaries of the land;
 - c) Advertisement signage is not to detract from the building's design;
 - d) Advertisement signage is not to pose a threat to public safety or health and shall not have any sharp or pointed projections below a height of 2.75 metres from ground level;
 - e) Advertisement signage shall not be in any position where it obstructs the view from a street and/or the site lines of vehicles and/or pedestrians; and
 - g) Advertisement signage shall not contain any discriminatory or offensive material.
- 4.4 When determining an application the City shall also have regard to matters listed in its town planning scheme.
- 4.5 Conditions of approval for signage include, but are not limited to, the following:
- a) Signage being maintained by the landowner/applicant to the City's satisfaction.
 - b) Anti-graffiti coating being applied to the approved wall/pylon/monolith signage within 14 days of it being erected/installed.

5.0 Permitted Signage

The following types of signs do not require development approval by the City, providing the specific requirements are met.

5.1 Construction Site Sign

Construction signs which:

- a) Do not exceed a maximum height of 2 metres above natural ground level; and
- b) Will be removed within 14 days from the date of the development's practicable completion.

5.2 Election Sign

Election signs which:

- a) Are not erected until the election to which it relates have been officially announced;
- b) Will be removed within 24 hours of the close of the polls on voting day; and
- c) Are not illuminated and/or flashing.

5.3 Name Plate Sign

Name plates which:

- a) Do not exceed a maximum of one sign per building; and
- b) Do not exceed 0.2sqm in area.

5.4 Portable Sign

Portable signs which:

- a) Do not exceed a maximum of 1 sign per tenancy/residence;
- b) Do not exceed 1m in height and 1m in width; and (if applicable)
- c) If for an event, are not displayed for more than 3 days prior to the event and will then be removed within 1 day of it ending.

5.5 Property Transaction Sign

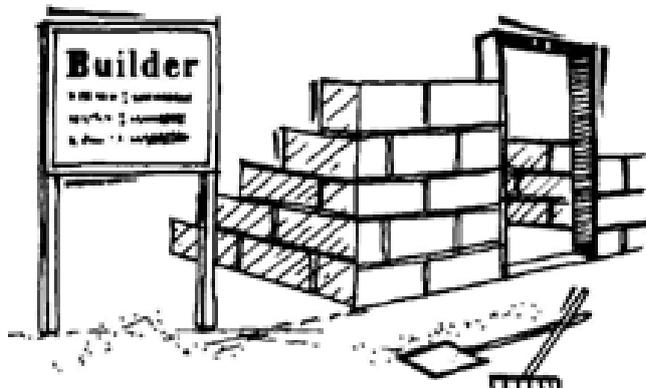
Property signs which:

- a) Do not exceed 5m² in area; and
- b) Do not exceed a maximum of 1 sign per street frontage.



5.6 Statutory Sign

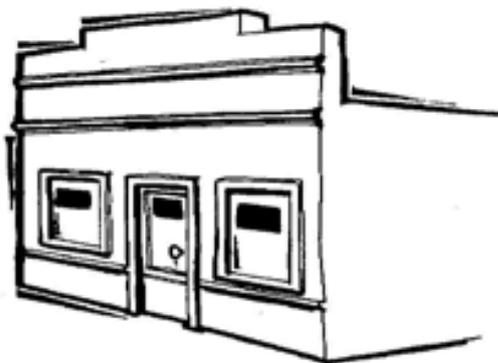
Statutory signs shall be limited to the requirements of any applicable Act or Statute.



5.7 Window Sign

Window signs which:

- a) Do not cover more than 25% of the glazed area of the window; and
- b) Do not exceed 10sqm in area per tenancy.



5.8 Internal Sign

Internal signs which:

- a) Are not clearly visible from a public place outside the building; and
- b) Are not considered offensive or objectionable by the City.

6.0 Signage Requiring Development Approval

The following types of signs require development approval by the City, and are not permitted on residential properties unless specified and are subject to the following restrictions:

6.1 Monolith Sign

A monolith sign which:

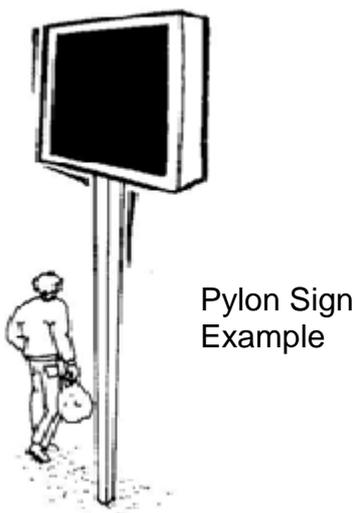
- Does not exceed a maximum of 1 sign per property, which may be double sided;
- Does not exceed a maximum height of 6m above natural ground level and a maximum width of 2m;
- Is not setback less than 2m from adjacent sites; and
- Is to be aligned at a right angle to street.



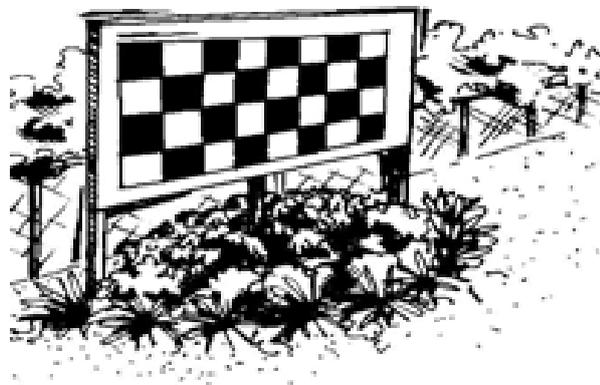
6.2 Pylon/Hoarding Sign

A pylon and/or hoarding sign which:

- Does not exceed a maximum of 1 sign per site, which may be double sided;
- Does not exceed a maximum height of 6m above natural ground level;
- Is not setback less than 2m from adjacent sites;
- Is to be aligned at a right angle to street; and
- Is to have a minimum clearance of 2.75m above natural ground level.



Hoarding Sign



6.3 Tethered Signs

A tethered sign which:

- a) Is limited to a maximum of one sign per lot;
- b) Is to be located wholly within the boundaries of the lot;
- c) if ground mounted, is to have a maximum vertical dimension of 4m and a maximum area of 5sqm;
- d) Is not to be displayed for a period exceeding 21 days, no more than four (4) times per year regardless whether for an event or form of promotion; and
- e) if attached to a pole (a flag), does not exceed a maximum area of 1.5sqm.

Notwithstanding the above, tethered signs which consists of inflatable type objects shall:

- a) be limited to a maximum of one sign per lot;
- b) not exceed 2m in diameter or 3m in height; and
- c) not be displayed for a period exceeding 21 days, no more than four (4) times per year;



6.4 Projecting Signs

6.4.1 All projecting signs shall be required to:

- a) be limited to a maximum of one Projecting Sign per tenancy on a lot other than any Projecting Signs which are attached to the fascia of a verandah or the like; and
- b) have a minimum clearance of 2.75m above natural ground level.

6.4.2 Projecting Signs which are attached to the fascia of a verandah or the like shall be required to:

- a) not exceed a vertical dimension of 600mm; and
- b) not project beyond the outer frame or surround of the fascia.

6.4.3 Projecting Signs attached to the underside of a verandah or the like shall be required to:

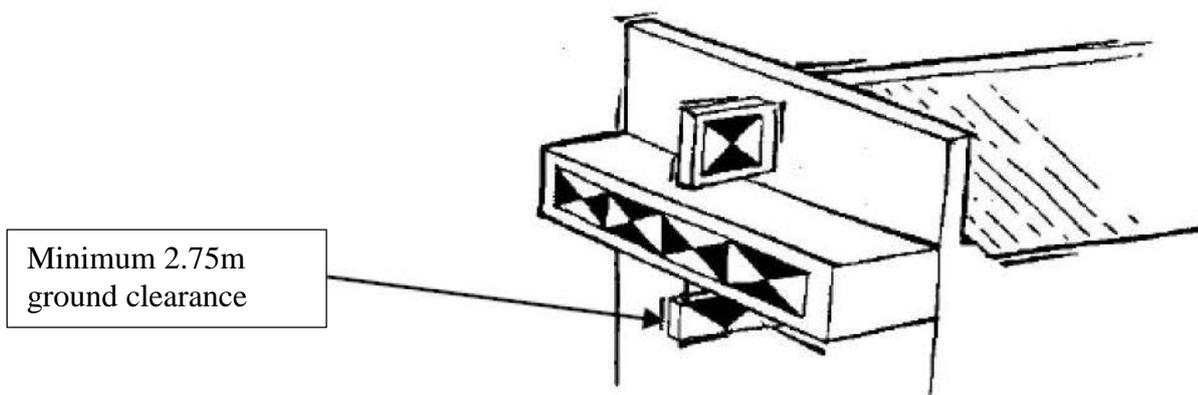
- a) not exceed 2.4m in length or exceed a vertical dimension of 0.5m;
- b) not be within 3m of another such sign attached to the underside of the same verandah;
- c) be at right angles to the front street boundary except on a corner lot where the signs may be placed so as to be visible from both streets; and
- d) not project beyond the outer frame or surround of the verandah.

6.4.4 Projecting Signs attached above a verandah or the like shall be required to:

- a) not exceed 2m in length or exceed a vertical dimension of 0.5m;
- b) not be within 3m of another such sign attached above the same verandah; and
- c) not project beyond the outer frame or surround of the verandah.

6.4.5 Projecting Signs attached directly to a building shall be required to:

- a) not project more than 1m from the wall and not exceed 4sqm in area;
- b) not be placed within 2m of either end of the wall to which they are attached; and
- c) not project above the top of the wall to which they are attached.



6.5 Wall Sign

A wall sign shall be required to:

- a) be limited to a maximum of two signs per tenancy on a lot other than a building within a residential zone;
- b) not exceed 10sqm in area for non residential areas in aggregate per tenancy;
- c) have a minimum clearance of 2.75 metres from natural ground level, if placed directly over door openings;

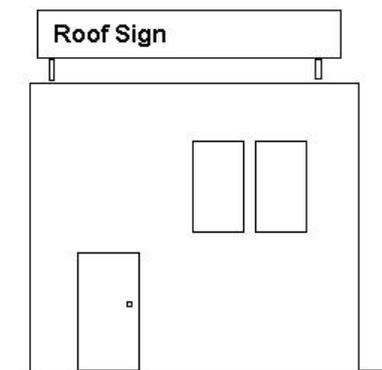
If located within a residential zone and associated with a home occupation or authorised home business, a wall sign will be required to:

- a) not exceed 0.2sqm in area per lot; and
- b) not exceed one sign per lot.

6.6 Roof Signs

Shall be assessed on a case by case basis having regard to the size and height above natural ground level, and the potential impact it may have on the streetscape and the amenity of nearby residential properties.

With the exception of roof mounted tethered signs, which are not to exceed a maximum area of 5sqm and a maximum height of 2m above roof level.



7.0 Variations to Requirements

- 7.1 If it is established to the satisfaction of the City that a particular standard or provision contained within this Policy is unreasonable or undesirable in the particular circumstances of the case, the City may at its discretion, vary the standard or provision.
- 7.2 The City may only vary a standard or provisions where it is satisfied that approval of the application is in accordance Section 5.5.1 and 6.4 of Town Planning Scheme No. 2 and satisfies the objectives on this policy.

Related documentation

Thoroughfare Local Law

Related Local Law/legislation

Planning and Development Act 2005

Related delegation

Issued

7 July 2015

Amendments

Nil

Fill and Fencing Policy

KFA Natural and Built Environment

Responsible Sub Unit Planning & Development

Date Adopted: 24 May 2016

Purpose

To outline the City's requirements with regard to fill and the minimum standard of fencing to ensure that the amenity of neighbouring properties and the streetscape is maintained.

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.
- 1.2 This policy applies to all zoned land (except Reserves) within the City.
- 1.3 This policy is to be read in conjunction with Town Planning Scheme No. 2 (TPS 2), the Residential Design Codes (R-Codes), Liveable Neighbourhoods Policy and the State Government's Designing Out Crime Policy.
- 1.4 For the purpose of this policy the following terms are defined as specified:

Boundary Fence - As defined under the *Dividing Fences Act 1961*.

Commercial lot – A lot where a commercial use –

- (a) Is or may be permitted under the City's TPS 2; and
- (b) Is or will be the predominant use of the lot.

Cut and Fill – a process of localised gradation where material removed from one place is and deposited a short distance away.

Dividing Fence - As defined under the *Dividing Fences Act 1961*.

Fence - Any structure, used or functioning as a barrier, irrespective of where it is located, includes any gates and for the purpose of this policy excludes fill and retaining walls.

Industrial lot – A lot where an industrial use –

- a) Is or may be permitted under the City's TPS 2; and
- b) Is or will be the predominant use of the lot.

Lot – As defined under the *Planning and Development Act 2005*

Natural Ground Level – As defined under the City’s TPS 2.

Primary Street – As defined under State Planning Policy 3.1 – Residential Design Codes (R-Codes).

Public Place - A road, laneway and public open space, or other area as determined by the City.

Residential lot – A lot where a residential use –

- a) Is or may be permitted under the City’s TPS 2; and
- b) Is or will be the predominant use of the lot.

Retaining Wall - Any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another.

Secondary Street – As defined under the R-Codes.

Site - As defined under the R-Codes.

Visually Permeable - In reference to a wall, gate, door or fence that the vertical surface has:

- a) continuous vertical or horizontal gaps of at least 50 mm width occupying at least one third of its face in aggregate of the entire surface; or where narrower than 50 mm, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- b) within truncations, continuous vertical or horizontal gaps of at least 100 mm width occupying at least one third of its face in aggregate of the entire surface; or
- c) a surface offering equal or lesser obstruction to view.

2.0 Statement

The City values the protection of the quality of the streetscape and the amenity of owners and occupants by minimising the visual impact of fill and/or fencing whilst allowing for adequate surveillance of public places.

3.0 Requirement for Development Approval

3.1 Development approval is required to be obtained from the City if:

- a) A dividing fence is proposed to be greater than 1.8 metres above natural ground level; and/or
- b) Fill is proposed which is subject to clause 5.4 of this policy; and/or
- c) A fence is proposed which is subject to clause 5.2, 8.5 and/or 8.7 of this policy; and/or
- d) A fence and/or fill is proposed which does not comply with the applicable deemed-to-comply provisions under the R-Codes.

4.0 Fencing Height Requirements

- 4.1 Dividing fences shall have a maximum height of 1.8m above any approved or deemed-to-comply fill or retaining under the R-Codes.
- 4.2 Brick piers to a maximum height of 2.1 metres from natural ground level for fencing in primary and secondary street setback area(s).
- 4.3 In primary street setback areas, solid fencing to a maximum height of 1.2 metres above natural ground level, and visually permeable fencing to a maximum height of 1.8m above natural ground level.
- 4.4 Dividing fences are not to be higher than 0.75 metre above natural ground level, within 1.5 metres of where it adjoins vehicle access points where a driveway meets a public street and where two streets intersect.
- 4.5 Within the 1.5m area stipulated under clause 4.4 of this policy, the following obstructions are deemed acceptable by the City:
 - a) One pier with a maximum height of 2.1 metres above natural ground level with a length and width of no greater than 0.5m; and
 - b) All other solid structures to be reduced to a height of no greater than 0.75 metres above natural ground level; and
 - c) All visually permeable structures to a maximum height of 1.8 metres above natural ground level.

5.0 Cut, Fill and Retaining Requirements

- 5.1 In cases where fill and/or retaining is proposed to exceed 0.5m above natural ground level, development approval is required to be obtained from the City.
- 5.2 In order to achieve a balanced streetscape and prevent a site from adversely affecting the amenity of neighbouring properties, where fill and/or retaining is proposed to exceed 0.5m above natural ground level, the following is required to be complied with:
 - a) the applicable provisions of TPS 2; and
 - b) the design principles stipulated under clauses 5.1.3 (Lot Boundary Setback), 5.3.7 (Site Works) and 5.3.8 (Retaining Walls) of the R-Codes; and
 - c) the deemed-to-comply provisions stipulated under clause 5.4.1 (Visual Privacy) of the R-Codes; and
 - d) does not exceed the mean level of the lot boundary at the primary street frontage; and
 - e) the finish floor level of any building does not exceed 0.1m above the mean level of the lot boundary at the primary street frontage.
- 5.3 Retaining walls are required to be finished to the City's satisfaction.
- 5.4 Fill that is not directly related to, or associated with, a bona fide use of a property or that is of a scale exceeding what could reasonably be considered as for domestic purposes, will be deemed to be the use "Storage Yard" under the City's Town Planning Scheme No. 2.

6.0 Neighbour Consultation

Neighbour comment shall be sought for:

- a) any fencing that does not comply with any clause(s) stipulated under clause 4 and/or 5 of this policy; and/or
- b) any proposed fencing and/or fill which does not comply with the applicable deemed-to-comply provisions under the R-Codes.

7.0 Material Requirements

7.1 A person shall not erect a dividing or boundary fence that is not of a material acceptable to the City.

7.2 Each of the following is acceptable material for a fence on a Residential lot:

- a) A timber fence (consisting of pickets or overlapping panels); or
- b) A fence constructed of corrugated reinforced cement sheeting; or
- c) A fence constructed of masonry, stone or concrete;
- d) A metal panel fence; or
- e) A wrought iron fence.

7.3 Each of the following is acceptable material for a fence on commercial and industrial lots:

- a) A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh; or
- b) A fence of reinforced pressed cement sheeting; or
- c) A fence constructed of Colorbond that it is used behind a building line; or
- d) Fences of timber, masonry, stone composite materials or concrete.

7.4 Fence materials chosen shall be at least 25% visually permeable where the fence abuts a public place other than a primary street.

7.5 An owner or occupier of a lot shall not erect or affix to any fence on such a lot, any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the City has been obtained.

7.6 If posts which carry materials referred to in clause 7.5 are angled towards the outside of the lot bounded by the fence, the face of the fence must be setback from the lot boundary a sufficient distance to ensure that the angled posts and materials do not encroach on adjoining land.

7.7 An owner or occupier of a Commercial or Industrial lot shall not use an electrified fence unless:

- a) the prior written approval of the City has been obtained; and
- b) does not abut a residential lot; and
- c) the fence complies with AS/NZS 3016:2002; and
- d) provision is made as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

7.8 An owner or occupier of a residential lot shall not have an electrified fence.

7.9 An owner or occupier of a lot shall not have a fence constructed wholly or partly of razor.

8.0 Maintenance of Fences

An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated and/or unsightly.

9.0 Amenity

When determining development applications for dividing and/or boundary fences and/or fill, consideration will be given to the matters listed under clause 6.4.2 of TPS 2, the applicable deemed-to-comply provisions of the R-Codes and whether erection of the fence would have an adverse effect on the safety or convenience of any person.

10.0 Application Requirements

The following is required to be provided when lodging a Planning application with the City which involves fencing and/or fill requiring planning consent:

- a) A completed Planning Application Form 1;
- b) A completed Over Height Fencing Agreement Form for any over height dividing fencing;
- c) The prerequisite Planning application fee;
- d) Three copies of a site plan drawn to a scale of 1:100 or 1:200 showing the existing natural ground levels and proposed finish floor levels; the location of the proposed fencing, fill and/or retaining walls; existing/proposed buildings, crossovers, driveways and street trees; top and bottom of fencing and/or retaining wall heights; easements and/or areas required for future road widening on site; road names; and the north point;
- e) Three copies of a cross elevation drawn to a scale of 1:100 or 1:200 showing the top and bottom of fencing and/or retaining wall heights; and materials to be used; and
- f) Written justification on why any proposed variations to the provisions of this Policy should be approved by the City, having regard to the impact it will have on the amenity of neighbouring properties and/or the streetscape.

11.0 Standard Conditions and Advice Notes

If a development application is approved which includes a dividing and/or boundary fence, and/or fill greater than 0.5m above natural ground level, the following conditions may be included on the approval, where applicable:

- "1. Proposed visual privacy screening being [planted] [installed] within 28 days of [this approval] [the development's practicable completion] DELETE WHERE NECESSARY, and maintained thereafter by the landowner(s) to the City's satisfaction.*

2. *Proposed fencing being maintained by the landowner to the City's satisfaction.*
 3. *An anti-graffiti protective coating to be applied to the (boundary wall) (fence) DELETE WHERE NECESSARY within 28 days of its completion, to the City's satisfaction.*
-

Related documentation

Nil

Related Local Law / Legislation

City of Nedlands Town Planning Scheme No. 2
Dividing Fences Act 1961
State Planning Policy 3.1 - Residential Design Codes

Related delegation

Nil

Review History

23 November 2010 (Report CM28.10)
24 June 2014 (Report CPS23.14)
24 May 2016 (Report PD23.16)