



## Statutory Planning Committee

Notice is hereby given that the next meeting of the Statutory Planning Committee will be held on:

**Tuesday 26 July 2011  
10.00 am**

**Level 2, Room 2.39  
One40 William Street  
Perth**

**Tony Evans  
Secretary**

# Statutory Planning Committee

## Membership:

Member	Representation – <i>Planning and Development Act 2005</i>	Term of office ends
Mr Gary Prattley	Chairperson, WAPC Section 10(1)(a) or Schedule 2 clause 4 (2)(a)	20/4/2013
Mayor Carol Adams	Local Government nominee Schedule 2 clause 4 (2)(f)	1/2/2012
Mr Ian Holloway	Urban and regional planning representative Schedule 2 clause 4 (2)(e)	1/2/2012
Ms Sue Burrows	Nominee of the Director General, Department of Planning nominee Schedule 2 clause 4 (2)(b)	Ex-officio
Cr Corinne MacRae	WAPC Nominee Schedule 2 clause 4 (2)(g)	1/2/2012
Ms Elizabeth Taylor	Community representative Schedule 2 clause 4 (2)(d)	1/2/2012
Vacant	Regional Minister nominee Schedule 2 clause 4 (2)(c) or Schedule 2 clause 4 (3)	

## Quorum: Four

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

- (2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

## Role:

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the statutory planning functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

## Delegated Authority

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions if the WAPC as set out in -
  - (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
  - (ii) Town Planning Regulations 1967;
  - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
  - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
  - (v) Strata Titles General Regulations 1996;
  - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
  - (vii) Section 40 of the *Liquor Control Act 1988*;
  - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.

- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.

**This meeting is not open to members of the public.**

## RELEVANT INFORMATION FOR MEMBERS

### Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

### Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

# **ORDER OF BUSINESS**

- 1. Declaration of opening**
- 2. Apologies**
- 3. Members on leave of absence and applications for leave of absence**
  - Mr Gary Prattley
  - Ms Sue Burrows
  - Mayor Adams
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
  - 6.1 SHIRE OF NORTHAM - REVIEW OF LOCAL PLANNING STRATEGY AND TOWN PLANNING SCHEME NO.6 - FOR FINAL CONSENT TO ADVERTISE (Item 10.5)**

Presenter: Mr William Baston from Shire of Northam
  - 6.2 ENDORSEMENT OF MUCHEA EMPLOYMENT NODE STRUCTURE PLAN (Item 10.1)**

Presenters: Councillor Judi Tomlinson - Shire of Chittering  
Councillor Barni Norton - Shire of Chittering  
Mr Harry Hawkins - CEO Shire of Chittering
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of 12 July 2011**
- 9. Reports (see attached index of reports)**
- 10. Confidential items (see attached index of reports)**
- 11. General business**

## **12. Items for consideration at a future meeting**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required by</b>
7416	Directions 2031	Planning Director - 2031 to brief the Committee after release of WA Tomorrow 2011	July/August 2011

## **13. Closure - next meeting to be held on 9 August 2011**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7430  
held on Tuesday 12 July 2011

### Attendance

#### Members

Mr Gary Prattley	WAPC Chairman (Presiding Member)	
Mr Ian Holloway	Professional representative	
Mr Eric Lumsden	Director General, Department of Planning	Arrived 10.52 am during item 6.2
Cr Corinne MacRae	WAPC nominee	Arrived 10.18 am during item 6.1
Ms Elizabeth Taylor	Community representative	

#### Officers

Ms Natalie Cox	Senior Project Planner Schemes & Appeals
Mr Matt Devlin	Geospatial Information Analyst
Mr Chee Ng	Geospatial Scientist
Mr John O'Hurley	Principal Planning Officer Strategic Urban Projects
Mr Mat Selby	Director Planning Metro Central
Mr Mark Szabo	Planning Manager, Independent Planning Reviewer
Mr Jamie Townend	Senior Planner Policy Coordination & Development

#### Observers

Mr John Giorgi	City of Vincent (Item 6.1 only)
Mr Jamie Harrington	Holcim (Australia) Pty Ltd (Item 6.2 only)
Mr Rasaratnam Rasia	City of Vincent (Item 6.1 only)
Ms Dalia Gliozzi-Schenk	Allerding & Associates (Item 6.2 only)
Mr Mike Sjepceovich	Department of Transport (Item 10.3 only)
Mr John Symonds	Hanson Construction Materials Pty Ltd (Item 6.2 only)
Ms Tory Woodhouse	City of Vincent (Item 6.1 only)

#### Presenters

Mr Steve Allerding	Allerding & Associates (Item 6.2 only)
Mr Rob Boardman	City of Vincent (Item 6.1 only)

#### Committee Support

Ms Christina Sanders	Committee Secretary - Department of Planning
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As there was no quorum at 10 am, the Committee elected to hear the deputations and defer consideration of the agenda items until a quorum was present.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7430  
held on Tuesday 12 July 2011

### 7430.1 Declaration of Opening

The Presiding Member declared the meeting open at 10.18 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

### 7430.2 Apologies

Nil.

### 7430.3 Members on Leave of Absence and Applications for Leave of Absence

Ms Burrows and Mayor Adams have submitted applications for a leave of absence for the Statutory Planning Committee meeting scheduled for 12 July 2011.

The Chairman requested a leave of absence for the meeting of 26 July 2011.

#### **Resolved**

***Moved by Ms Taylor, seconded by Mr Lumsden***

*That leave of absence be granted to Mr Prattley for the meeting of 28 July 2011.*

**The motion was put and carried.**

### 7430.4 Disclosure of Interests

Nil.

### 7430.5 Declaration of Due Consideration

No declarations were made.

### 7430.6 Deputations and Presentations

7430.6.1            **Amendment No. 29 to the City (Town) of Vincent Town Planning Scheme No. 1 (refers to Item 10.1)**  
Presenter    Rob Boardman, City of Vincent

**THIS ITEM IS CONFIDENTIAL**



## Statutory Planning Committee

Minutes  
of ordinary meeting 7430  
held on Tuesday 12 July 2011

*and Mapping Standards for a public  
consultation period of two months*

***The motion was put and carried.***

### 7430.10 Confidential Items

#### 7430.10.1 Town of Vincent Town Planning Scheme No. 1 Amendment No. 29 - For Consent To Advertise

File TPS/0450/1  
Agenda Part B  
Reporting Officer Director, Schemes and Appeals

**THIS ITEM IS CONFIDENTIAL**

#### 7430.10.2 143263 Lot 23 Chapman Valley Rd, Morseby - Request For Reconsideration

File 143263  
Agenda Part G  
Reporting Officer Senior Planner  
Central Regions

**THIS ITEM IS CONFIDENTIAL**

#### 7430.10.3 Proposed Mixed Use Development - Lots 9582, 9723 and 10240 (328) Stirling Highway, Claremont

File 02-50053-1  
Agenda Part G  
Reporting Officer Planning Manager; Metropolitan  
Planning Central

**THIS ITEM IS CONFIDENTIAL**

### 7430.11 General Business

Ni.

### 7430.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7416	<i>Directions 2031</i>	Planning Director – Directions 2031 to brief the Committee after release of WA Tomorrow 2011	July/August 2011

**Statutory Planning Committee**

Minutes  
of ordinary meeting 7430  
held on Tuesday 12 July 2011

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**7430.13 Closure**

The next ordinary meeting is scheduled for 10.00 am Tuesday 26 July 2011.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.30 am.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_

Unconfirmed

# INDEX OF REPORTS

<b>Item</b>	<b>Description</b>
<b>9</b>	<b>REPORTS</b>
<b>G</b>	<b>DEVELOPMENTS /SUBDIVISIONAL/SURVEY STRATA</b>
9.1	OUTLINE DEVELOPMENT PLAN - OLD SWANBOURNE HOSPITAL (OSH ODP), LOT 12040 HERITAGE LANE, MT CLAREMONT – FOR FINAL APPROVAL
9.2	ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN - LOT 9508 RAVENDALE DRIVE, DUDLEY PARK, CITY OF MANDURAH
9.3	ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN – LOTS 1, 2 & 49 BANKSIA TERRACE, MURRAY LAKES CANAL DEVELOPMENT, SOUTH YUNDERUP
<b>10</b>	<b>CONFIDENTIAL REPORTS</b>
<b>C</b>	<b>SUBDIVISIONAL/STRATA ITEMS /DEVELOPMENTS MAJOR/CONTROVERSIAL</b>
10.1	ENDORSEMENT OF MUCHEA EMPLOYMENT NODE STRUCTURE PLAN
10.2	PROPOSED EXPANSION OF LAKESIDE JOONDALUP SHOPPING CENTRE FROM 71,128M2NLA TO 99,464M2 NLA
<b>D</b>	<b>GENERAL ITEMS/OTHER MATTERS</b>
10.3	BROOME LOCAL PLANNING STRATEGY - CONSENT TO ADVERTISE
<b>E</b>	<b>MINOR LOCAL PLANNING SCHEMES / LOCAL PLANNING SCHEME AMENDMENTS</b>
10.4	AMENDMENT NO 7 TO SHIRE OF KOJONUP TOWN PLANNING SCHEME NO. 3

- 10.5 SHIRE OF NORTHAM – REVIEW OF LOCAL PLANNING STRATEGY AND TOWN PLANNING SCHEME NO.6 - FOR CONSENT TO ADVERTISE
- 10.6 SHIRE OF PLANTAGENET - TOWN PLANNING SCHEME NO. 3 AMENDMENT 56 - FOR FINAL APPROVAL
- 10.7 SHIRE OF WYALKATCHEM - LOCAL PLANNING SCHEME NO. 4 AND LOCAL PLANNING STRATEGY - FOR CONSENT TO ADVERTISE
- 10.8 SHIRE OF DENMARK - LOCAL PLANNING SCHEME AMENDMENT NO. 124 - FOR FINAL APPROVAL / CONSENT TO ADVERTISE

## ITEM NO: 9.1

### OUTLINE DEVELOPMENT PLAN - OLD SWANBOURNE HOSPITAL (OSH ODP), LOT 12040 HERITAGE LANE, MT CLAREMONT – FOR FINAL APPROVAL

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Director – Metropolitan Central
AUTHORISING OFFICER:	A/Executive Director Perth, Peel and South West Planning and Strategy Division
AGENDA PART:	G
FILE NO:	DPI/09/02220/2
DATE:	12 July 2011
ATTACHMENT(S):	1. Location Plan 2. ODP Plan [to be used as basis for modification] 3. Consultation and Issue Summary 4. Council Resolutions 5. ODP Endorsed by City of Nedlands [to be used as basis for modifications] 6. Development Plan 7. Excerpt from TPS 2 - Clause 5.15 8. Statutory Planning Committee Report dated 24 January 2011 9. Schedule of Modifications

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

- 1. grant final approval for the proposed Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, pursuant to Clause 3.8.7 of the City of Nedlands Town Planning Scheme No.2, subject to:**
  - (i) the Schedule of Modifications at Attachment 9; and**
  - (ii) the Plan at Attachment 2, incorporating the changes required in the 'ODP Plan' section of the Schedule of Modifications, being adopted as the ODP Plan;**
- 2. endorse the Schedule of Submissions at Attachment 3;**
- 3. advise the City of Nedlands and the proponent accordingly.**

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## **SUMMARY:**

The Outline Development Plan (ODP) was originally submitted by The Planning Group on behalf of the owners The Swanbourne Estate Development Pty Ltd to the City of Nedlands in May 2010. The ODP has been submitted to fulfil the requirements of the "Development Zone" provisions of the City's Scheme and enable the subsequent consideration of a development application for Lot 12040 Heritage Lane, Mt Claremont. (**Attachment 1:** Location Plan)

On 24 August 2010, Council approved the ODP subject to modifications and forwarded the draft ODP to the Western Australian Planning Commission (WAPC) for its consent to advertise.

On 8 February 2011, the WAPC approved the ODP for advertising by the City of Nedlands, subject to a Schedule of Modifications and an amended ODP plan.

The City of Nedlands (the City) advertised the ODP as approved by the Commission and a number of consultation responses were received.

In accordance with Clause 3.8.7 of the City of Nedlands Town Planning Scheme No.2 (TPS 2), Council, at its meeting on 24 May 2011 resolved to approve the ODP approved by the WAPC subject to a number of conditions.

This report reviews Council's conditions and recommends a modified ODP for final approval by the WAPC.

## **BACKGROUND:**

In September 2006 the City of Nedlands received a development application for the central site, which proposed a 34 residential unit development and included conservation works, alterations and additions to the heritage buildings on site. An ODP for the site was submitted to the City in October 2006. In December 2006, the City resolved to support advertising of the ODP subject to modifications. The applicant lodged an application for review with the State Administrative Tribunal (SAT) regarding the changes to the ODP required by the City.

Subsequent to mediation, a revised ODP was submitted to Council incorporating aspects agreed by the parties during mediation. The City resolved to support the advertising of the ODP for public comment and to seek the consent of the WAPC to do so. An examination of the proposed ODP submitted to the WAPC for consent to advertise revealed issues that still needed to be addressed or clarified; that of public access to and through the site and the provision of and access to POS.

The applicant was advised of the above concerns regarding the inconsistency of the Development Plan prepared by Taylor Burrell Barnett in 2005 for Amendment No.158 to the City of Nedlands TPS 2. A revised ODP was subsequently submitted by the applicant which generally addressed these matters in order to obtain WAPC approval for the ODP to be advertised. The applicant however advised, in writing, that the required changes were made on the basis to enable the ODP to be advanced and that it should not be construed that the issues of the provision of access-ways and a contribution to POS were acceptable to the proponent.

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The proposed ODP was advertised for public submissions for a month at the end of February 2008, and in April 2008 a development application was submitted to the City of Nedlands for consideration. Council, at its meeting on 27 May 2008, considered both the ODP and the development application and resolved to refuse both proposals. The applicant lodged an application with SAT on 9 July 2008 for review of the City of Nedlands' decision to refuse the ODP and associated development. On 20 November 2008, SAT upheld the City's refusal.

In May 2009, a revised ODP was submitted by the applicant to the City of Nedlands. Concurrently, two subdivision applications for the North and South wings were lodged with the WAPC for the creation of 6 residential lots and a road reserve, and 8 residential lots and a road reserve, respectively (WAPC 131109 and 131108). In August 2009 the WAPC conditionally approved the two subdivision applications. The applicant lodged applications with SAT for review of conditions 1, 6 and 7 of the WAPC's approvals. The conditions in question required the subdivision layout be modified to remove the encroachment of proposed residential lots into the curtilage with the Old Swanbourne Hospital buildings in accordance with the Development Plan, the provision of 11,840m<sup>2</sup> of POS to be ceded free of cost and vested in the Crown under Section 52 of the *Planning and Development Act 2005*, and Design Guidelines for the wings be prepared to control building forms and levels on the proposed lots respectively.

Following mediation, the WAPC was invited to reconsider its decision in accordance with Section 31 of the *State Administrative Tribunal Act 2004* and it was determined that Condition 1 be retained as is, Condition 6 be modified to require 10% of the gross subdivisible area of the site i.e. 2482m<sup>2</sup> of POS, and that the WAPC be designated the clearing authority for Condition 7. The applicant subsequently withdrew the SAT applications.

On 21 May 2010 a revised ODP was submitted to the City of Nedlands which addressed the queries raised in June 2009 and incorporated the approved subdivisions for the North and South wings. On 24 August 2010, Council approved the ODP subject to modifications and forwarded the draft ODP to the WAPC for its consent to advertise. The WAPC approved the ODP for advertising by the City of Nedlands, subject to a Schedule of Modifications and an amended ODP plan, on 8 February 2011.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

**Legislation** Planning and Development Act 2005  
Section: Part 5, Local Planning Schemes

### Strategic Plan

Strategic Goal: 2. Planning  
Outcomes:

- Effective Delivery of Integrated Plans
- Planned Local Communities

Strategies:

- Develop integrated infrastructure and land use plans
- for the State
- Implement State and Regional Planning priorities
- developing a sense of place
- Encourage innovation in the design of our communities

### Policy

Number and / or Name: SPP 1 State Planning Framework  
SPP 3 Urban Growth and Settlement  
SPP 3.5 Historic Heritage Conservation

## DETAILS:

The ODP relates to the Old Swanbourne Hospital Precinct, comprising the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The heritage buildings and mature trees on the site provide a focus and landmark for the area. The site slopes up from St Johns Wood Boulevard and Abbey Gardens in the west to the Administration Building and then falls away to the boundary of John XXIII College at the eastern boundary. Contour levels vary from 29m at the western boundary to 40m at the Administration Building and then fall to 32m at the eastern boundary. John XXIII College, Greylands Hospital and the Industrial Rehabilitation Centre are approximately 1km east of the site. The site is approximately 700m from the Mount Claremont shopping centre and is well-serviced by local public open space (POS), including Hamilton Park, Mooroo Park, Pine Tree Park and Mount Claremont Oval.

The ODP proposes:

- residential lots in the Northern and Southern subdivision wings;
- retention of Montgomery Hall for a low-key use;
- conversion of the existing hospital buildings and Administration Building to residential units, parking;
- shared access paths proposed for the Heritage Buildings character area in the central site; and
- Public Open Space (**Attachment 2:** ODP Plan [to be used as basis for modifications]).
- Access to the central site is obtained from Heritage Lane, with access to the Northern Subdivision Wing via Abbey Gardens and to the Southern Subdivision Wing via Charles Lane and Hamilton Gardens.

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The City advertised the ODP as approved by the Commission and a number of consultation responses were received. These are summarised and comment is provided at **Attachment 3: Consultation and Issue Summary**.

In accordance with Clause 3.8.7 of the City of Nedlands Town Planning Scheme No.2 (TPS 2), Council, at its meeting on 24 May 2011 resolved to approve the ODP approved by the WAPC subject to a number of conditions (see **Attachment 4: Council Resolutions**). The conditions are reviewed throughout this report and a recommendation made to grant final approval of the ODP subject to a schedule of modifications (the ODP text to be read in conjunction with the modifications is included at **Attachment 5: Proposed ODP Text Endorsed by City of Nedlands [to be used as basis for modifications]**).

### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

None.

### **CONSULTATION:**

The City of Nedlands undertook public consultation of the WAPC approved ODP during March 2011. The community consultation period ran from 8-29 March and included an evening session from 4-8pm on 16 March. A total of 157 submissions were received of which:

- 84 (54%) raised no objections or expressed support that the area is finally being developed;
- 10 (0.7%) raised no objections subject to a number of provisos; and
- 58 (37%) raised objections.

A further 4 submissions did not indicate either support or objection for the proposal but provided comments.

The objections arising from the consultation have been summarised and included at Attachment 3, and include the City of Nedlands and the Department of Planning response to each issue.

The City of Nedlands considered the proposed draft ODP approved by the WAPC for advertising in February 2011 at its Council meeting of 24 May 2011. The Council resolved to approve the ODP approved for advertising by the WAPC subject to a number of conditions (included at Attachment 4). The table at Attachment 3 (Consultation and Issue Summary), which addresses the issues raised during the public consultation, also details the view of the Department of Planning with regard to each Council resolution.

The main issues raised during the public consultation and therefore addressed by the City of Nedlands Resolutions relate to:

- public open space;
- pedestrian access;
- future uses for Montgomery Hall;
- access from St John's Wood Boulevard; and
- guarantees for the development of the historic buildings.

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These are addressed in the table at Attachment 3 and also under the 'Planning Considerations' headings below.

## **OFFICER'S COMMENTS:**

### **PLANNING CONTEXT**

#### Metropolitan Region Scheme/ Town Planning Scheme

The subject land is zoned "Urban" under the Metropolitan Region Scheme. In the City of Nedlands' TPS 2 the land is zoned "Development Zone" which requires the preparation and adoption of an ODP prior to development. The zoning of the land in TPS 2 is the result of Amendment No.158 to the scheme (gazetted on 8 November 2005), which included provisions in the scheme requiring the preparation of an ODP and specific controls over the use and development of the site.

#### City of Nedlands Town Planning Scheme No.2

Amendment No.158 to the City of Nedlands TPS 2 included provisions that would enable the site to be redeveloped in accordance with a Development Plan and Development Guidelines. The Development Plan prepared for the site and guidelines were incorporated by reference into the City's Scheme and included compliance with the City's Local Planning Policy - 'Old Swanbourne Hospital Precinct' for the site.

The provisions of Clause 5.15 of TPS 2 relating to the OSH site require subdivision and development to be generally in accordance with the Development Plan, a copy of which is provided at **Attachment 6**, as the Development Plan is annexed to the Local Planning Policy for the site. The Scheme requires the applicant to submit an ODP for approval which will guide subdivision and development of the site. (**Attachment 7**: Excerpt from TPS 2 - Clause 5.15)

#### Development Plan for the Old Swanbourne Hospital Precinct

The Development Plan for the site was prepared by Taylor Burrell Barnett on behalf of the Department of Housing in 2005 and was developed through a consultation process involving the community, stakeholders and a Working Group. As a result of the consultation process, the Development Plan and Development Guidelines were prepared and included in the Amendment document. The Development Plan is included at Attachment 6 and further details can be found in the previous Report to Committee (**Attachment 8**: Statutory Planning Committee Report dated 24 January 2011).

The proposed ODP which was advertised is generally consistent with the Development Plan. The issues that have been raised by the City of Nedlands as being non-compliant with the Development Plan relate to:

- POS provision for the site;
- private versus public land ownership in the central site; and
- the height limit to be placed on any new building to be constructed within the group of the existing heritage buildings.

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## Heritage Considerations

The site is listed on the State Register of Heritage Places as the 'Old Swanbourne Hospital Conservation Area', pursuant to Division 2 of Part 5 of the *Heritage of Western Australia Act 1990* ('the Heritage Act'). The hospital buildings on the site are regarded as being of cultural heritage significance since they represent the remnant core of the original Claremont Hospital for the Insane (subsequently known as Swanbourne Hospital), have a landmark quality occupying a prominent site and are visually dominant from the surrounding areas.

The subject site is also on the City of Nedlands Municipal Heritage Inventory as a Category A, the highest level of protection identified. TPS 2 requires development to be in accordance with a Government Heritage Property Disposal Process and therefore a Heritage Agreement was signed in 2005 and the Conservation Plan was updated in 2005. Part of the Conservation Plan is included the proposed ODP.

The ODP complies with the heritage requirements. The modification requested by the City of Nedlands ensuring that the visual prominence of the heritage buildings is protected and retained, with view corridors to and from the heritage buildings not to be interfered with, is supported in keeping with the heritage significance of the site. The ODP incorporates the Design Guidelines for the North and South subdivision wings agreed at the subdivision approval stage in August 2010.

The Heritage Council of WA (HCWA) has been consulted throughout the ODP process, in accordance with sections 11 and 78 of the Heritage Act, and has advised the WAPC of its support of the ODP.

HCWA have initiated an Order under Section 38 of the Heritage Act which has the power to remove the City of Nedlands powers with regard to the development of the site. HCWA are yet to determine whether or not the order will be advanced.

## **PLANNING CONSIDERATIONS**

### Public Open Space

The background of the issue of Public Open Space (POS) for the site can be found in the previous Statutory Planning Committee Report dated 24 January 2011 at Attachment 8.

The ODP proposes 2482m<sup>2</sup> of POS in the western portion of the site. This accounts for 10% of the gross subdivisible area of the subject site, which is in accordance with the requirements of WAPC Policy DC 2.3 'Public Open Space in Residential Areas'.

A compromise proposal to include additional POS in the west of the site, extending the boundary of the existing proposed POS eastwards towards Montgomery Hall, has been recently discussed with the owner as a possible way to provide additional open space. However, it has been concluded that this is not practical, as this is the only area suitable for the parking requirements for any future use of Montgomery Hall, as parking would not be able to be accommodated elsewhere on the site due to the heritage protections and other constraints. Therefore it is not recommended that the stance of the WAPC be changed.

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## Access and Parking

The ODP proposes vehicular access and dual use paths through the site (see Attachment 2). Vehicular access is proposed to be restricted to private use with 21 visitor parking bays, in accordance with the car parking requirements of TPS 2, provided to service the proposed residences.

Pedestrian access is to be provided across the precinct generally along the routes shown on the ODP map. The Development Plan proposed large areas of POS which facilitated this. The recently advertised ODP proposed private open space, where these pathways would be created via an easement for public access (in accordance with section 196 of the Land Administration Act). However, the owner has raised concern with regard to legal exposure and associated insurance costs that would be borne by the strata company for the proposed residential units, arising from public access on private land. A Public Access Way (PAW) is an alternative option for providing access across the site, whereby land required for access is subdivided and vested with the Local Authority.

On this basis, it is proposed to require that pedestrian access is to be provided across the precinct generally along the routes shown on the ODP. With regard to the tenure of land or method of providing the access, this is to be confirmed at the detailed design stage of the landscaping plan which is required to be submitted.

The pedestrian access routes should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings. The detailed design of the pathways and landscaping treatments will be addressed in the detailed landscaping plan required for the site and this is to be prepared to the satisfaction of the WAPC, in consultation with the HCWA and the City of Nedlands. Text to this effect is to be included in the ODP document and map.

The proposed ODP access and parking provisions generally comply with the requirements of the Development Plan, for public access to be provided to the site and that access through the site is to be maintained and constructed in the form of dual use pedestrian/cycle pathways (now referred to as shared access paths). It is recommended that all references to dual use paths in the ODP be modified to shared access paths.

## Access from St John's Wood Boulevard and Future Uses for Montgomery Hall

The community consultation process raised concern over vehicle access from St John's Wood Boulevard. Access from St John's Wood Boulevard is not proposed.

The ODP states that Montgomery Hall may be used for a private community use such as real tennis, cafe, meeting rooms, museum or rhythmic gymnastics, subject to sufficient parking being available on site. The ODP also states that use of Montgomery Hall needs to have regard to parking and traffic volumes, hours of use, noise levels and heritage values of the building. As mentioned previously, the area between Montgomery Hall and the POS is one of the only places where car parking could be properly accommodated. There is a concern that if car parking for Montgomery Hall is not considered in the ODP, the future ability to find an appropriate use would be constrained.

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It is proposed to sensitively landscape this area, to allow for car parking to be designed and constructed in such a way as to have minimal impact on the aesthetic qualities of the heritage buildings. HCWA have indicated that they are agreeable to such a proposal in principle, subject to the parking design being to their satisfaction.

It is proposed that access to the parking area be provided via the proposed vehicle access point currently shown on the ODP map which is marked for service vehicles only. It is proposed that there would be one access point to the parking area and then branches off to provide access for service vehicles to the Montgomery Hall undercroft area.

### Development of the Historic Buildings

The community consultation process raised concern that there are no guarantees incorporated within the ODP to oblige the development of the historic buildings.

However, the landowner has an obligation to conserve the Heritage Buildings under the Heritage Agreement. The landowner has an obligation under TPS 2 which requires development to be in accordance with a Government Heritage Property Disposal Process, which requires a Conservation Plan and Heritage Agreement for the site, prior to the commencement of development. The Heritage Agreement, signed in 2006, requires conservation works to be completed within a certain timeframe, being 2 years for designated urgent works, up to 5 years for less urgent works and up to 10 years for long term works. These works are clearly defined within the Heritage Agreement in the Schedule of Conservation Works section.

The ODP also states that the Council and Department of Planning are to have regard to the Revised Conservation Plan, Heritage Agreement and advice from HCWA when assessing proposed DAPs and development or subdivision applications.

### New Courtyard Building

The ODP proposes that a new building may be constructed in the heritage buildings courtyard, and that the scale of this building would be consistent with the scale of the existing heritage buildings that form the courtyard. There has been an ongoing dialogue between the applicant and the City of Nedlands to establish a height limit for the proposed new building. Details of the history of this element can be found in the previous report to this Committee included at Attachment 8.

HCWA have advised that they would support a new building in the courtyard, the main consideration being that that any new courtyard building should not be visible over the roofline of the existing heritage buildings forming the central courtyard. Therefore it is recommended that the ODP be updated to reflect this.

### ODP Map and Land Ownership

The ODP approved for advertising by the WAPC in February 2011 depicted examples of landscaping and buildings which are not appropriate for an Outline Development Plan. The Detailed Area Plans (DAP) required for each character area will include detailed design guidelines for the assessment of future development applications.

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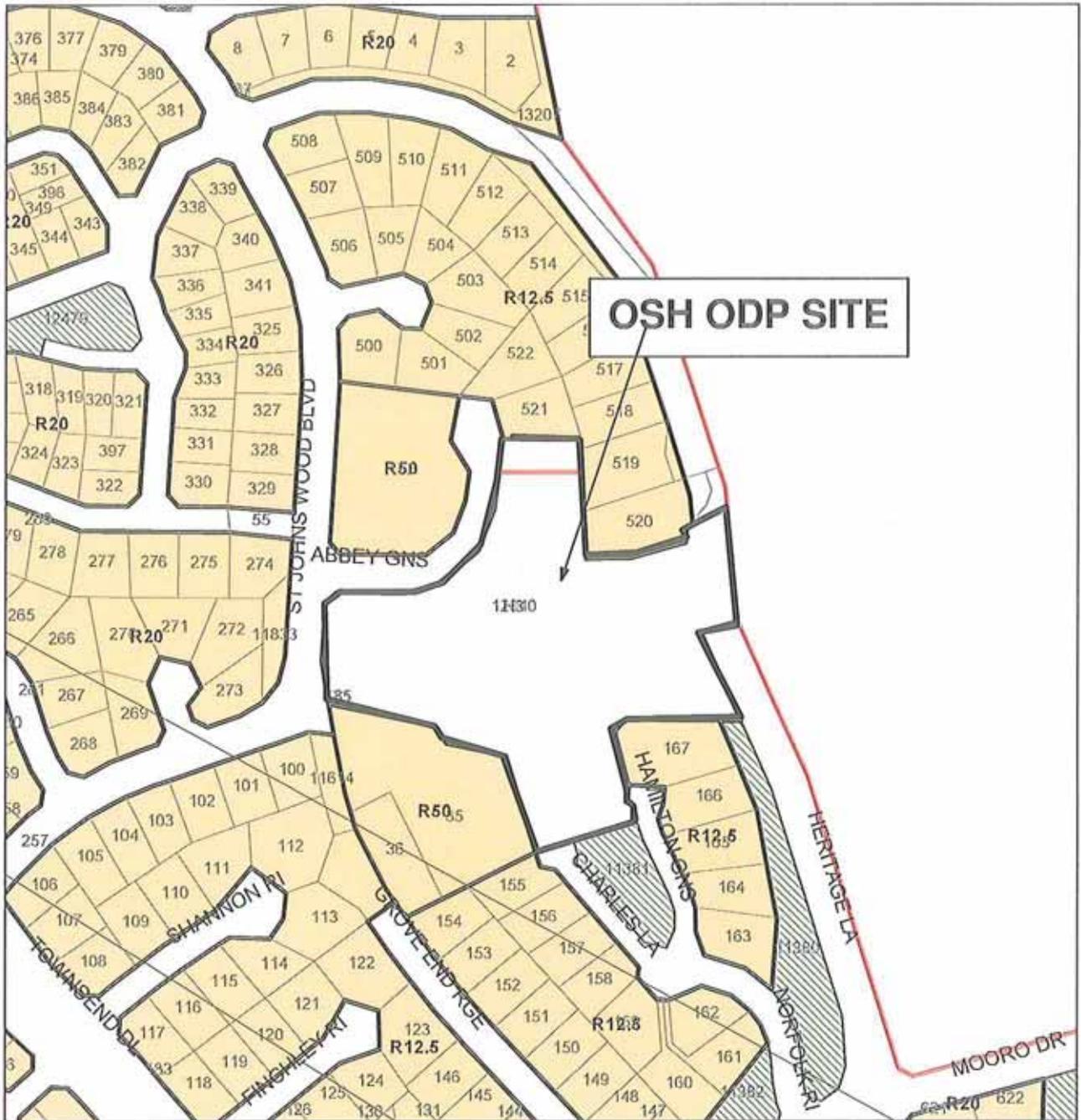
The style of map presented in the original ODP which was submitted to the City of Nedlands in May 2010 and which they submitted to the WAPC to request approval for advertising shows the outline of the heritage buildings, curtilage, pedestrian and vehicular access routes, public and private open space, trees to be protected and has accompanying text and it is recommended that this style of map be used in the final ODP. As there have been several iterations of the map throughout the ODP process, to avoid confusion, the map at Attachment 2 has the most correct elements and therefore should be used as the basis for the final ODP map, with modifications to the text as is specified in the 'Schedule of Modifications' below at Attachment 9.

The land classification plan was included in the ODP for advertising to clearly represent the proposed ownership throughout the site and facilitate comments during the consultation period. As this has been achieved it is recommended the plan is removed from the final ODP document as the main ODP map will show private and public spaces and proposed public access throughout the site.

## **CONCLUSION**

The ODP is consistent with the planning undertaken for the locality and consultation has been taken into account. It is suitable as a guide to facilitate subdivision and/or development. It is accordingly recommended that the WAPC grant final approval of the ODP subject to:

- the Schedule of Modifications at Attachment 9; and
- the Plan at Attachment 2, incorporating the changes required in the 'ODP Plan' section of the Schedule of Modifications, being adopted as the ODP Plan.



- Cadastre with Lot Numbers
- RESIDENTIAL
- PLACES OF NATURAL BEAUTY
- TPS - Scheme Boundaries
- TPS - R Code Boundaries
- DEVELOPMENT
- RECREATION

Scale 1:3,156 50 m

Prepared by: achhabra  
 Prepared for:  
 Date: Monday, January 24, 2011 15:55  
 Plot Identifier: P20110124\_1555



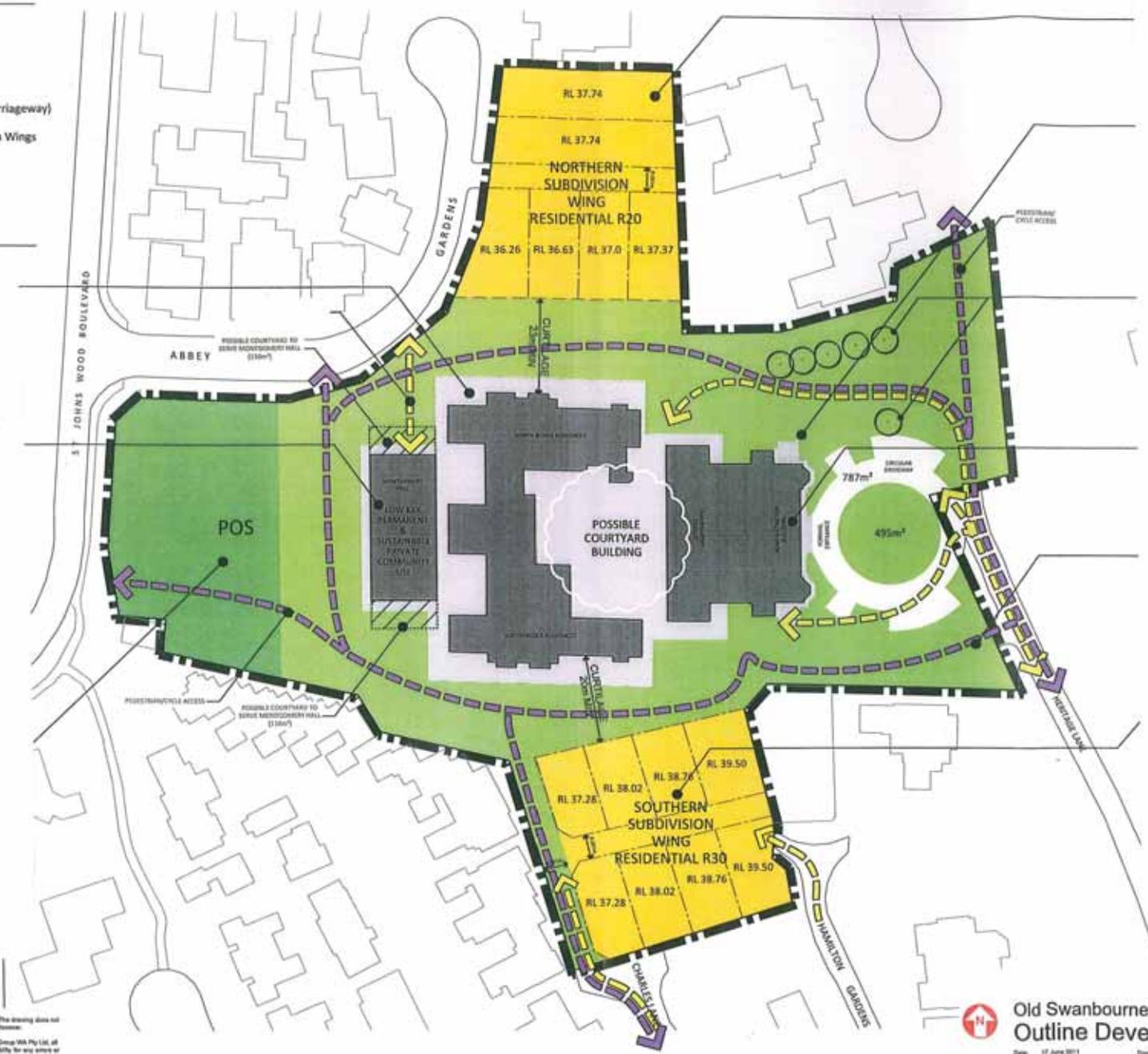
Government of Western Australia  
 Department of Planning

Location Plan

**DP INTERNAL USE ONLY**

ODP PLAN (TO BE USED AS BASIS FOR MODIFICATION)

- Legend**
- Site Boundary
  - 10% Public Open Space (POS)
  - Vehicle Access (6.001m Wide Carriageway)
  - Northern & Southern Subdivision Wings
  - Pedestrian Access
  - Heritage Buildings
  - Tree(s) To Be Protected
- NO PUBLIC / AFFORDABLE HOUSING TO BE PROVIDED  
EXISTING HERITAGE BUILDINGS TO BE RETAINED



This document has been prepared for the purpose of meeting client specifications. The drawing does not constitute an offer, agreement or contract for any work (except) of any kind whatsoever.

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Old Swanbourne Hospital  
Outline Development Plan

Date: 17 June 2011      Designer: DC  
Scale: 1:500      Drawn: MB  
Drawing No: 706-143 ST1H ODP 170811.dwg

**TOWN PLANNING AND URBAN DESIGN**



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### ATTACHMENT 3: CONSULTATION AND ISSUE SUMMARY

Item	Issues Raised	City of Nedlands Response	DoP Response
1	<p>ODP is unclear how the public rights across the site will be secured in perpetuity.</p>	<p>Council resolution to condition support of ODP on addition of the following provision:</p> <p>The land needed for dual use access purposes through the site be in public ownership so as to ensure that public access through the site is maintained in perpetuity. <b>[Condition 1(iv)]</b></p>	<p>Pedestrian and cyclist access will be provided across the site generally along the routes shown on the ODP map.</p> <p>The pathways will be created via either an easement for public access or a PAW.</p> <p>The routes should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings.</p> <p>The detailed design of the pathways and landscaping treatments and placement of associated easements will be addressed in the landscape plan to be submitted at the the Detailed Area Plan (DAP) stage for the Heritage Buildings area.</p> <p>The text of the ODP is to state that the DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the Heritage Council of WA.</p>
2	<p>The proposed ODP reflects a shortfall in amount of public open space compared to the requirements of the 2005 Development Plan.</p>	<p>Council resolution to condition support of ODP on addition of the following provisions:</p> <p>(i) An additional amount of 7441m<sup>2</sup> public open space be provided on site ideally in the location as shown on the 2005 development plan or in a configuration as agreed with the City, so that the total amount of Public Open Space on the site is 9923m<sup>2</sup> as shown in the 2005 development plan and required under Town Planning Scheme No. 2 (TPS2) and flagged in advice notes 1 attached to subdivision approvals WAPC131108 and WAPC131109 dated 24 February 2010. <b>[Condition 1(i)]</b></p> <p>(ii) A provision be included in the final ODP to ensure that the City retains a role in the negotiation process to determine public open space on site. <b>[Condition 1(ii)]</b></p>	<p>The ODP states that the minimum amount of Public Open Space to be ceded is 10% of the total site area, being 2,482m<sup>2</sup>.</p> <p>Each provision is addressed below:</p> <p>(i) The amount of Public Open Space proposed by the ODP (2,482m<sup>2</sup> in the western portion of the site) accounts for 10% of the gross subdivisible area of the subject site, which is in accordance with the requirements of WAPC Policy DC 2.3 'Public Open Space in Residential Areas'.</p> <p>(ii) This suggestion cannot be achieved through the ODP process. The WAPC is the final authority with regard to the ceding of Public Open Space.</p>
3	<p>Concern over future use of Montgomery Hall and parking requirements.</p>	<p>Council resolution to condition support of ODP on addition of the following provision: 'The ODP addresses the question of a future use for Montgomery Hall and provides for the future parking needs for this use on site or alternatively provides an area on site where future parking needs of Montgomery Hall could be accommodated.' <b>[Condition 1(v)]</b></p>	<p>The ODP states that Montgomery Hall may be used for a private community use such as real tennis, cafe, meeting rooms, museum or rhythmic gymnastics, subject to sufficient parking being available on site. The area between Montgomery Hall and the POS is one of the only places where car parking could be properly accommodated and there is a concern that if car parking for Montgomery Hall is not considered in the ODP, the future ability to find an appropriate use would be constrained. Therefore it is proposed to sensitively landscape this area, to allow for car parking to be designed and constructed in such a way as to have minimal impact on the aesthetic qualities of the heritage buildings.</p>

4	Public access around the heritage buildings should be provided to the entire grounds, with legal protection to ensure that public access is protected to all of the areas around the heritage buildings in perpetuity.	Council resolution to condition support of ODP on addition of the following provision: A pedestrian access way along the eastern side of Montgomery Hall be provided so that full public access to the exterior of the building remains.  <b>[Condition 1(vi)]</b>	Refer to response for Item 1 above.  Public access along the eastern side of Montgomery Hall will not be provided. The space along the eastern side of Montgomery Hall forms a narrow laneway and has been identified with regard to crime prevention issues. It is also in close proximity to proposed private residences and therefore it is considered inappropriate to require that public access be provided at this point.
5	Concern that private open space area will be developed in future.	The provision of open space within the site other than the 2482m2 in the western portion of the lot was intended to contribute to the amenity of the development site by helping to meet objectives such as ensuring that the historic buildings are located within a park like environment, are not being built out and retaining view corridors and remain physically accessible to the public. Accordingly the loss of these public open spaces is not acceptable.	The Conservation Plan for the site states: <ul style="list-style-type: none"> <li>• 'the open areas of the Administration Building and west of Montgomery Hall should be retained and no new building should be constructed in these spaces'; and</li> <li>• 'views of Montgomery Hall from the west and the Administration Building from the east should not be obstructed.'</li> </ul> The General Provisions text in the ODP states "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."
6	No vehicle access / visitor parking from St John's Wood Boulevard.	Council resolution to condition support of ODP on addition of the following provision: There shall be no vehicle access to and from the site via St John's Wood Boulevard, Abbey Gardens, Charles Lane or Hamilton Gardens unless otherwise provided in this ODP. <b>[Condition 1 (viii) (c)]</b>	Proposed vehicle access points are shown on the ODP Plan.  Access from Abbey Gardens is to be shown as an additional access point on the ODP as this is required to facilitate access to a parking area for Montgomery Hall.
7	The profile of the heritage buildings to remain unspoilt.	Council resolution to condition support of ODP on addition of the following provision: The following words "so that view corridors to and from the historic building from all sides are retained" are added to the sentence in the ODP "High quality open space treatments are required, commensurate with the quality of the redevelopment of the Heritage Buildings". <b>[Condition 1(viii)(i)]</b>	Refer to response for Item 5 above.
8	Vehicle access to the historic buildings should not be from Charles Lane.	Council resolution to condition support of ODP on addition of the following provisions: The Land Classification Plan is amended so that the area to the north of Charles Lane Extension is shown as open space and not road reserve. <b>[Condition 1 (vii) (a)]</b>  Text to include "There shall be no vehicle access to and from the site via St John's Wood Boulevard, Abbey Gardens, Charles Lane or Hamilton Gardens unless otherwise provided in	The Land Classification Plan will not form part of the ODP.  The land is shown on the ODP map as open space, with no vehicle access to the historic buildings from Charles Lane indicated.  Land will be vested with the Council whether it is road reserve or public open space, therefore this is not required.

		this ODP.” <b>[Condition 1 (viii) (c)]</b>	
9	Concern over building height in courtyard area. Height of proposed new building in the courtyard is to be more specific and be limited not to exceed the height of the historic buildings.	Do not agree. The height of any new building in the courtyard at approximately 10m was prescribed by the SAT decision. The current provision regarding height for any central building is therefore deemed to be acceptable.	<p>The building height is to be limited so that it shall not be visible over the roofline of the existing heritage buildings forming the courtyard from any point on the perimeter of the site.</p> <p>The scale of the building would be consistent with the scale of the existing heritage buildings that form the courtyard.</p> <p>This approach is supported by the Heritage Council and the text will be amended reflect this.</p> <p>Any proposal for a building in this area will require approval from the Heritage Council and this will ensure that the design and height is appropriate.</p>
10	The ODP should "delineate" (rather than "inform") a set of detailed action plans. Development is to be carried out "strictly as described" (rather than "in accordance with the principles") in this document.	Do not agree, because the nature of an ODP is to provide a measure of flexibility and elevating its status as proposed would be contrary to its nature.	An ODP is by definition a framework to guide future development.
11	Complaint that subdivision approval was granted by the WAPC for the north and south wing prior to the ODP over the entire site having been finalised.	Noted.	Noted.
12	Complaint that the developer knew about the 2005 Development Plan which took into account the community's views when the site was purchased but has not been followed.	Noted.	Noted. The proposed ODP is generally consistent with the Development Plan. The issues that have been raised by the City of Nedlands as being non compliant with the Development Plan relate to: public open space provision for the site, private versus public land ownership in the central site and the height limit to be placed on the possible central courtyard building.
13	Proposal represents the developers interest at the expense of amenity of the existing area.	Noted.	The Precinct is listed on the State Register of Heritage Places and aside from the buildings, the roads, trees and spaces between the buildings are also protected. Any proposed development is required to be in keeping with the Heritage Agreement and Conservation Plan and referred to HCWA as part of the statutory approval process.
14	Vehicle access to the site is of concern. In particular: (i) Access from Charles Lane for the majority of newly created lots in the southern subdivision wing is unacceptable. The load should have been spread over Charles Lane and	<p>(i) As the subdivision has been approved in its current configuration there is no scope to amend the subdivision layout to provide additional access points to the south wing. This issue has been acknowledged by the City and the redesign of the existing Charles Lane is to be dealt with by Traffic Management Committee.</p> <p>(ii) Refer to LG response for Item 2 above.</p>	<p>(i) The subdivision has been approved in its current configuration.</p> <p>(ii) Refer to DoP response for Item 2 above.</p> <p>(iii) The subdivision has been approved and access roads built in the approved configuration.</p> <p>(iv) The impact on Mooro Drive is minimal and it is unlikely to be affected by any development at the site.</p>

	<p>Heritage Lane.</p> <p>(ii) Potential negative impact on the traffic flow of the area particularly St John's Wood Boulevard once a use for Montgomery Hall and associated parking needs become a reality.</p> <p>(iii) The access ways that service the new subdivisions from Charles Street and Abbey Gardens are too narrow to cope with large vehicles such as waste management trucks, construction vehicles or furniture delivery trucks.</p> <p>(iv) Additional traffic along Mooro Drive particularly construction vehicles and trucks over the development period.</p>	<p>(iii) As the subdivision has been approved in its current configuration there is no scope to amend the subdivision layout to provide wider access ways in the north and south wing subdivisions.</p> <p>(iv) Not relevant concern. The impact on Mooro Drive is minimal given its size and alignment given its location within the residential area it is unlikely to be affected by any development at the hospital site.</p>	
15	<p>The stage of Montgomery hall should not be demolished or removed.</p> <p>Demolition of any part of the historic buildings is not acceptable.</p> <p>One submission objects to the 'demolition of heritage buildings to be replaced by high rise buildings'.</p>	<p>A provision to this effect is provided within the proposed draft ODP which states that 'Existing Heritage Buildings are to be retained' and the property is listed under the State Heritage List.</p> <p>This comment has no merit as the ODP does not propose the demolition of the historic buildings for the construction of high rise buildings.</p>	<p>The Heritage Council does not support the removal of the arch or stage within Montgomery Hall.</p> <p>The historic buildings are protected by their State and Local heritage listings.</p> <p>The ODP does not propose the demolition of the historic buildings for the construction of high rise buildings.</p>
16	<p>There are no guarantees incorporated within the ODP to oblige the development of the historic buildings.</p>	<p>Council resolution to condition support of ODP on addition of the following provision: 'Provisions are incorporated into the ODP to impose a relationship between the development of the historic buildings following the sale of the vacant blocks in the north and south wings so that the developer is legally bound to link the sale of the north and south wings to the development of the historic building and in this way guarantees are put in place to ensure that the historic buildings will be developed within an agreed timeframe.'</p> <p><b>[Condition 1 (iii)]</b></p>	<p>The landowner has an obligation to do this under the Heritage Agreement.</p> <p>The landowner has an obligation under TPS2 which requires development to be in accordance with a Government Heritage Property Disposal Process, which includes the requirement for a Conservation Plan and Heritage Agreement for the site, prior to the commencement of development.</p> <p>The Heritage Agreement, signed in 2006, requires conservation works to be completed within a certain timeframe, being 2 years for designated urgent works, up to 5 years for less urgent works and up to 10 years for long term works. These works are clearly defined within the Heritage Agreement in the Schedule of Conservation Works section.</p> <p>The ODP states that the Council and Department of Planning are to have regard to the Revised Conservation Plan, Heritage Agreement and advice from the HCWA when</p>

			assessing proposed DAPs and development or subdivision applications.
17	The pathway linking the existing pedestrian network at the end of The Marlows with a path continuing down Heritage Lane shown on the 2005 Development Plan has been deleted from the proposed ODP.	Council resolution to condition support of ODP on addition of the following provision: A shared access path is provided to link The Marlows and Heritage Lane.  <b>[Condition 1 (vii)(b)]</b>	The ODP shows a pedestrian and cycle shared access path which links with the Public Access Way path that exists between the site and The Marlows.
18	It is misleading to state that the area is "well serviced" by local public open space, when the overall POS for St Johns Wood estate falls below normal recommended levels.	Council resolution to condition support of ODP on addition of the following provision: The document text be amended to reflect the following: 'it is misleading to state that the area is well serviced by public open space as there is in fact a shortfall in POS when compared the 10% required by State legislation and policy'. <b>[Condition 2 (a)]</b>	Noted.  10% of the site is provided as Public Open Space.  The text refers to nearby parks including Hamilton Park, Mooroo Park and Pine Tree Park.
19	Access to public transport is overstated. There is no bus stop on The Marlows. These routes do not provide access to Swanbourne beach.	Council resolution to condition support of ODP on addition of the following provision: The document text be amended to reflect the following: 'access to public transport is overstated as in reality exclusive reliance on public transport in Mt Claremont is not practical as the area is poorly serviced with limited bus services.' <b>[Condition 2 (b)]</b>	There are bus stops located within a 5-10 minute walk of the site.
20	School children must be able to access the site from Heritage Lane.	The matter has been noted and the City has resolved to refer the following proposal to the City's Traffic Management Committee to evaluate implementation feasibility: Install a maned crosswalk along Heritage Lane to allow pedestrian movement to John XXIII College from the subject site via Heritage Lane. <b>[Condition 3 (i)(a)]</b>	Pedestrian and cyclist access to the site is provided from Heritage Lane.
21	John XXIII College is described as being approximately 1km east of the proposed development. The College boundary is adjacent and school buildings are only 200m from the site. The developer has not approached the College to discuss development.	Council resolution to condition support of ODP on addition of the following provision: The document text be amended to reflect the following 'John XXIII College is not located approximately 1km to the east from the site, but borders onto the subject site.' <b>[Condition 2 (c)]</b>	Noted.  The ODP text should be amended to include this.
		Council resolution to condition support of ODP on addition of the following provision: There shall be no link between Heritage Lane throughout 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	The City have requested this provision to be included in the text of the ODP to provide safeguards for minor changes to the ODP in the future. This is considered unnecessary. Vehicle access routes are shown on the ODP map as at Appendix 2 and this is considered sufficient.

		road. <b>[Condition 1(viii)(a)]</b>	
		Council resolution to condition support of ODP on addition of the following provision: An additional vehicle access point can be provided from Heritage Lane south of Circular Drive. <b>[Condition 1(viii)(b)]</b>	This is to be shown on the ODP Map.
		Council resolution to condition support of ODP on addition of the following provision: The curtilage areas are to be retained for the purposes of: 1) providing public access throughout the site; 2) retaining the conservation values of the buildings; 3) providing a visual separation between the heritage buildings and other development; and 4) providing limited parking. <b>[Condition 1(viii)(d)(1), (2), (3) and (4)]</b>	The ODP map states “The curtilage shall be retained for providing public access throughout the site, retaining conservation values of the buildings and for visual separation between the heritage buildings and other development.”  As indicated on the ODP, the curtilage is to maintain a width of 23m between the Northern Subdivision Wing and a width of 20m between the Southern Subdivision Wing and the existing heritage buildings.  The treatment of the curtilage will be addressed via DAP, development and landscaping plans at the development application stage.  The curtilage is envisaged to be a parklike pedestrian environment, and therefore it is unlikely that parking will be proposed.
		Council resolution to condition support of ODP on addition of the following provision: No above ground structure of any type including moveable furniture and equipment will be permitted in the curtilage areas unless approved as part of the landscape masterplan. <b>[Condition 1(viii)(e)]</b>	A detailed landscape plan for the whole site is required to be prepared at the Detailed Area Plan stage.  The text of the ODP is to state that the landscape plan and DAP for the Heritage Buildings is to be prepared to the satisfaction of the WAPC on the advice of the City of Nedlands and the Heritage Council of WA.
		Council resolution to condition support of ODP on addition of the following provision: 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. <b>[Condition 1(viii)(f)]</b>	This provision is included in the City’s Local Planning Policy.  This level of detail will be dealt with as part of the Landscape Masterplan.
		Council resolution to condition support of ODP on addition of the following provision: The full extent of the curtilage area may be given up by the developer free of cost as a reserve for which the City has care, control and management. <b>[Condition 1(viii)(g)]</b>	This provision is included in the City’s Local Planning Policy.  This is a statement and is not considered appropriate to include in the ODP.
		Council resolution to condition support of ODP on addition of the following provision: Circular Drive remain accessible to the public at all times and shall not be gated. <b>[Condition 1(viii)(h)]</b>	It is not considered appropriate to include this provision.



7 June 2011

Western Australian Planning Commission  
Albert Facey House  
469 Wellington Street  
Perth WA 6000



Dear Sir/Madam

**Lot Number: 12040**  
**Property Address: Heritage Lane Mt Claremont**  
**Proposal: Old Swanbourne Hospital Proposed Outline Development Plan**

Further to the City's referral of this application on 9 February 2011, I advise that the application was considered at the Council meeting of the 24 May 2011 and the Council's resolutions is as follows:

#### Council Resolution / Committee Recommendation

##### Council

1. Approves the Outline Development Plan (ODP) approved for advertising by the Western Australian Planning Commission (WAPC) for the Old Swanbourne Hospital Site, Lot 12040 Heritage Lane Mt Claremont, pursuant to Clause 3.8.7 of the City's Town Planning Scheme No. 2 (TPS2), subject to the following conditions:
  - i. An additional amount of 7441 m2 public open space be provided on site ideally in the location as shown on the 2005 development plan or in a configuration as agreed with the City, so that the total amount of Public Open Space on the site is 9923 m2 as shown in the 2005 development plan and required under Town Planning Scheme No. 2 (TPS2) and flagged in advice notes 1 attached to subdivision approvals WAPC131108 and WAPC131109 dated 24 February 2010.
  - ii. A provision be included in the final ODP to ensure that the City retains a role in the negotiation process to determine public open space on the site.
  - iii. Provisions are incorporated into the ODP to impose a relationship between the development of the historic buildings following the sale of the vacant blocks in the



- north and south wing so that the developer is legally bound to link the sale of the north and south wings to the development of the historic building and in this way guarantees are put in place to ensure that the historic buildings will be developed within an agreed timeframe.
- iv. The land needed for dual use access purposes through the site be in public ownership so as to ensure that public access through the site is maintained in perpetuity.
  - v. The ODP addresses the question of a future use for Montgomery Hall and provides for the future parking needs for this use on site or alternatively provides an area on site where future parking needs of Montgomery Hall could be accommodated.
  - vi. A pedestrian access way along the eastern side of Montgomery Hall be provided so that full public access to the exterior of the building remains.
  - vii. The following corrections are made to the ODP Maps:
    - a) The Land Classification Plan is amended so that the area to the north of Charles Lane Extension is shown as open space and not road reserve.
    - b) A shared access path is provided to link The Marlows and Heritage Lane.
  - viii. The following provisions are included in the text of the ODP to provide safeguards for minor changes to the ODP in the future:
    - a) There shall be no link between Heritage Lane throughout 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;
    - b) An additional vehicle access point can be provided from Heritage Lane south of Circular Drive;
    - c) There shall be no vehicle access to and from the site via St John's Wood Boulevard, Abbey Gardens, Charles Lane or Hamilton Gardens unless otherwise provided in this ODP;
    - d) The curtilage areas are to be retained for the purposes of:
      - 1. providing public access throughout the site;



2. retaining the conservation values of the buildings;
  3. providing a visual separation between the heritage buildings and other development; and
  4. providing limited parking.
- e) No above ground structures of any type including movable furniture and equipment will be permitted in the curtilage areas unless approved as part of the landscape masterplan.
  - f) The levels within all curtilage areas shall not be altered by more than 500 mm calculated from the Natural Ground Level shown on the Development Plan.
  - g) The full extent of the curtilage area may be given up by the Developer free of cost as a reserve for which the City has care, control and management.
  - h) Circular Drive remain accessible to the public at all time and shall not be gated.
  - i) The following words "so that view corridors to and from the historic building from all sides are retained" are added to the sentence in the ODP "High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings".
2. The document text be amended to reflect the following:
- a) It is misleading to state that the area is well serviced by public open space as there is in fact a shortfall in POS when compared with the 10% required by State legislation and policy.
  - b) Access to public transport is overstated as in reality exclusive reliance on public transport in Mt Claremont is not practical as the area is poorly serviced with limited bus services.
  - c) John XXIII College is not located approximately 1km to the east from the site, but borders onto the subject site
3. The City takes notice of the following matters and addressed them appropriately and will:



- i. refer the following proposals to the City's Traffic Management Committee to evaluate implementation feasibility:
  - a) Install a manned crosswalk along Heritage Lane to allow pedestrian movement to John 23 College from the subject site via Heritage Lane;
  - b) Install traffic management devices in Charles Lane and Abbey Gardens in order to slow the traffic down in these local roads.
  - c) Modify the existing hammerhead turnaround alignment of Charles Lane as Charles Lane is no longer a cul-de-sac in consultation with existing residents of Charles Lane.
- ii. ensure that the existing three paper bark trees at the head of the existing Charles Lane are not removed and are protected in the redesign works of Charles Lane.

✓  
NA  
NA  
NA

Should you have any further queries, please contact the City's Planning Department on 9273 3500.

Yours sincerely

Gabriela Poezyn  
Manager Strategic Planning

MARKED UP VERSION OF PROPOSED ODP  
SHOWING THE AMENDMENTS ON THE BASIS OF WHICH THE  
COUNCIL OF THE CITY OF NEDLANDS IS SUPPORTIVE OF  
THE PROPOSED ODP

(UNDERLINED TEXT DEPICTS AMENDMENTS)

## EXECUTIVE SUMMARY

This Outline Development Plan (ODP) has been prepared by TPG Town Planning & Urban Design on behalf of the Swanbourne Estate Development Pty Ltd to enable the redevelopment of the Old Swanbourne Hospital Precinct (the Precinct).

The ODP sets out appropriate guidelines for the future development and subdivision of the Precinct. It aims to facilitate high quality infill development that remains cognisant of existing heritage values on a landmark site. The ODP also makes provision for Public Open Space, indicative residential densities, vehicular and pedestrian access and general development parameters.

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

These DAPs incorporate detailed design and development parameters for each individual area which will assist in the assessment of future development applications in the Precinct.

The ODP has been prepared in consultation with:

- Advice from the Heritage Council of Western Australia (HCWA) and the City of Nedlands;
- The City of Nedlands Town Planning Scheme No. 2;
- The Taylor Burrell Barnett Town Planning & Design (TBB) Development Plan 03/016/012A dated October 2005;
- The Local Planning Policy: Old Swanbourne Hospital Precinct (May 2008); and
- The revised Conservation Plan and Heritage Agreement pertaining to the Precinct.

It is respectfully requested that the City of Nedlands adopt the

ODP and forward it to the Commission for final endorsement.

## PART 1 -- STATUTORY PLANNING

### OUTLINE DEVELOPMENT PLAN AREA

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This ODP relates to the Old Swanbourne Hospital Precinct as depicted in Figure 1 - Structure Plan Area. The study area is hereafter referred to as the Precinct.

REFER TO FIGURE 1 - ODP AREA

The Old Swanbourne Hospital Precinct comprises the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The Precinct is found 7 kilometres from the Perth City Centre and 3 kilometres from the coastline.

John XXIII College, Graylands Hospital and the Industrial Rehabilitation Division are found approximately one kilometre east of the site. The site is approximately 700 metres from the Mount Claremont shopping centre and is well-served by local public open space including Hamilton Park, Mooro Park, Pine Tree Park and Mount Claremont Oval. Lake Claremont and the Lake Claremont Golf Course are also located two kilometres south of the site whilst the Cottesloe Golf Club is located a similar distance to the west.

REFER TO FIGURE 2 - AERIAL PHOTOGRAPH ODP AREA

The structure plan is divided into the following sections:

Part 1 - Statutory Planning

Part 2 - Explanatory Report

### RELATIONSHIP WITH THE SCHEME

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As provided for under the provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2), Part 1 of the ODP has the same force and effect as a provision, standard or requirement of TPS2. In the event of any inconsistency or conflict between the provisions, standards and requirements of TPS2 and the provisions, standards and requirements of this ODP, then those contained within TPS2 shall prevail.

### INTERPRETATION

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The words and expressions used in this ODP shall have the respective meanings given to them in TPS2, or where not defined in

TPS2, as set out hereunder. The context of the use of any term will be given weight in interpreting its meaning.

#### OPERATION DATE

In accordance with Clause 3.8.7 of TPS2, this ODP shall come into operation when it is fully endorsed by the Town Planning Board, now the Western Australian Planning Commission (WAPC).

#### GENERAL PROVISIONS

The ODP (Figure 3) details the future pattern of development intended for the Precinct. It sets out indicative land uses, residential densities and general development parameters for the Precinct as well as the allocation of Public Open Space (POS); and makes provision for pedestrian and vehicular access. Development is to be carried out in accordance with the principles detailed in this document, and the ODP.

REFER TO FIGURE 3 - SWANBOURNE HOSPITAL PRECINCT ODP AND APPENDIX B

#### DETAILED AREA PLANS

The Precinct has been divided into three (3) distinct character areas for which individual agreed Detailed Area Plans (DAP) are to be prepared in order to ensure co-ordinated and orderly planning and development.

These character areas are defined as the Northern Subdivision Wing, the Southern Subdivision Wing and the Heritage Buildings. The Heritage Buildings is the largest of the character areas and is located between the subdivision wings.

Development of the character areas should be carried out in accordance with a DAP.

The agreed DAPs will include detailed design guidelines for the assessment of future development applications, however a DAP may modify the application of any statutory part of the ODP where the modification is in keeping with the general intent of the explanatory section of the ODP.

The DAPs for the Northern and Southern Subdivision Wings are to be submitted for Council's consideration as part of the conditions of subdivision approval imposed by the Western Australian Planning Commission (WAPC) on 24 February 2010.

## GUIDING PRINCIPLES AND DEVELOPMENT PARAMETERS

The ODP incorporates the following guiding principles and general development parameters for the Precinct.

### GENERAL PROVISIONS

Land Uses	No public or affordable housing is to be provided.
Built Form	Existing Heritage Buildings are to be retained. The style of new development is to respect the existing heritage building character but not mimic the heritage style.
Heritage	<p>The Council and Department for Planning are to have regard to the Revised Conservation Plan, Heritage Agreement and advice from the Heritage Council of Western Australia when assessing proposed DAPs and development or subdivision applications.</p> <p><u>All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.</u></p> <p><u>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.</u></p> <p><u>Circular Drive and the tree to the immediate north along with 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.</u></p>

<p>Public and Private Open Space</p>	<p><del>Public Open Space is to be provided to a high standard and is to be ceded following the adoption of the ODP after agreement has been reached between the City of Nedlands, the WAPC and the landowner on the amount of Public Open Space to be ceded. The Public Open Space is to be vested in the City of Nedlands.</del></p> <p><u>A total contribution of 9923m<sup>2</sup> Of Public Open Space is to be provided in accordance with the development plan adopted by the City of Nedlands for the Old Swanbourne Hospital Precinct (plan No 03/016/012A dated October 2005), of which an amount of 2482m<sup>2</sup> is required to be provided as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.</u></p> <p><u>All Public Open Space shall be given up free of cost to public open space with the intention that the land will become a reserve for which the City will have care, control and management.</u></p> <p><u>All public space must be landscaped to a high standard in accordance with plans approved by the City and maintained for a minimum of 2 years after the completion of landscape works.</u></p> <p><u>Public Open Space West of Montgomery Hall - West Wing</u>  <u>Public Open Space located to the west of Montgomery Hall is to be landscaped to protect and enhance the profile of Montgomery Hall and existing view corridors. 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. Landscaping is to improve lighting and provide for public art.</u></p> <p><u>No parking shall be permitted in this area</u></p> <p><u>A detailed landscaping Plan for the West Wing must be prepared in consultation with the City and lodged for approval with the Detailed Area Plan for the Heritage Buildings character area.</u></p> <p><u>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.</u></p> <p>REFER TO FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL</p> <p><u>East Wing</u></p> <p><del>Private Open Space North East Wing</del>  <del>Private open space in the north east wing is to protect trees on the northern boundary and adjacent to the circular drive as indicated on the ODP.</del></p> <p><del>REFER TO FIGURE 5 - PUBLIC OPEN SPACE: NORTH EAST WING.</del></p> <p><del>Private Open Space South East Wing</del>  <del>Private open space in the south east wing is to protect trees,</del></p>
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	<p><del>the wing wall and bank.</del></p> <p><u>The land except Circular Drive is to be public open space only and shall retain the view corridor to the Administration Building from the east.</u></p> <p>Landscape treatments on open space are to maintain and enhance pedestrian/cycle access.</p> <p><del>A landscape plan is to be prepared as part of the at the development application Detailed Area Plan stage and implemented by the developer as a condition of development approval. The preparation of a landscape plan is most appropriately prepared at the development application stage to ensure the landscaping responds appropriately to the specific redevelopment plans for the site.</del></p> <p><u>The landscape plan shall be prepared in consultation with the City and approved by the City prior to approval of the Detailed Area Plan.</u></p> <p><u>The landscape 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.</u></p> <p><u>The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.</u></p> <p><u>The Developer is required to maintain the public open space for a minimum period of two(2) years after completion of landscape works</u></p> <p>High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the type of landscaping considered appropriate to elements of the site are included overleaf.</p>
<p>Vehicle Movement</p>	<p>Vehicle access is to be provided across the Precinct via an easement <del>generally</del> along the routes shown on the ODP the Development Plan (03/016/012A)</p> <p>Carriageways are to maintain a minimum width of 6.0m.</p> <p>REFER TO FIGURE 6 - INDICATIVE CROSS STREET SECTION.</p> <p>The road reserves located within the Northern and Southern Subdivision Wings will be created as dedicated road reserves with a width of 6.0m.</p> <p>Principal vehicle access to the Precinct is to be provided along Heritage Lane. <u>There shall be no link between Heritage Lane throughout 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.</u></p> <p><u>An additional vehicle access point shall 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.</u></p>

	<p><u>Except unless otherwise provided in this ODP there shall be no vehicle access to or from the site via St John's Wood Boulevard, Abbey Gardens, Charles Lane or Hamilton Gardens.</u></p> <p><del>Service vehicles are only permitted to access the Precinct via Abbey Gardens.</del></p> <p><u>Service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be provided adjacent to Montgomery Hall. The use of these bays is to be regulated.</u></p> <p><b>Vehicle Access to the Subdivision Wings</b></p> <p>Vehicle access to the Northern Subdivision Wing is to be provided via Abbey Gardens.</p> <p>Vehicle access to the Southern Subdivision Wing is to be provided via Charles Lane and Hamilton Gardens. Access to Lot 6 will be provided by Hamilton Gardens whilst access to the remaining lots will be provided via Charles Lane and the 6.0m road reserve. <u>Should the 2010 subdivision approval of the southern wing not be implemented then access to any future residential lots shall be as per the Development Plan: Ie from Heritage Lane via a vehicular public right of way (4 Lots) and the remainder being serviced from Charles Lane and/or Hamilton Gardens</u></p> <p>Vehicle access to the Northern and Southern Subdivision Wings will ensure that the majority of the subdivision lots can be rear loaded. This means that where possible, future dwellings can be oriented towards the heritage buildings and curtilage, without the interference of garages and carports. This arrangement provides an opportunity for passive surveillance of the curtilage and reduces the potential for vehicle congestion and vehicles and pedestrian conflict.</p> <p><del>The proposed vehicle access to the Southern Subdivision Wing will also limit traffic movement along Hamilton Gardens which was previously raised as a concern by existing residents on Hamilton Gardens.</del></p>
Circular Drive	<p>Views to and from the Administration Building are to be protected. The design is to be sensitive to the heritage character of the building i.e. coloured pavement, minimal carriageway width and landscaping.</p> <p><u>Circular Drive shall not be less than 725m<sup>2</sup> and is to be created as a public road.</u></p> <p>Visitor parking is located on the outer edge of the Circular Drive.</p>
Parking	<p><u>All Car parking requirements for all future residents, their visitors and people using the site shall be provided on the site. As far as possible parking shall be provided out of sight such as undercroft parking may be provided in a basement under the existing heritage buildings or at-grade, under the covered way adjacent to the Stores and around the Circular Drive.</u></p>

	<p><u>Access to all parking in the courtyard area shall be via existing accessways.</u></p> <p><u>At grade parking shall not be covered unless it is provided in an area where roof cover has already been provided</u></p> <p>Parking demand will need to be calculated at the development application stage once the proposed use and design of the site has been finalised.</p> <p><del>Sufficient parking can be provided on site to avoid existing streets being used for car parking purposes.</del></p> <p><del>Council has the ability to exercise control over the use of the Abbey Gardens road reserve for visitor parking by installing appropriate signage and by enforcing regulations appropriately.</del></p>
Curtilage	<p><del>An appropriate curtilage is to be retained around the buildings and is to satisfy the Heritage Council of Western Australia and the requirements of the Conservation Plan and Heritage Agreement.</del></p> <p>As indicated on the ODP, the curtilage is to maintain a width of 23m between the Northern Subdivision Wing and the existing heritage buildings, and a width of 20m between the Southern Subdivision Wing and the existing heritage buildings. The treatment of the curtilage will be addressed via development and landscaping plans at the development application stage.</p> <p><u>The full extent of the curtilage areas shall be retained for the purpose of:</u></p> <ul style="list-style-type: none"> <li><u>(a) providing public access through the site;</u></li> <li><u>(b) retaining the conservation values of the buildings;</u></li> <li><u>(c) providing a visual separation between the heritage buildings and other development</u></li> <li><u>(d) providing limited parking.</u></li> </ul> <p><del>The public access within the curtilage will facilitate public access and may include a 3.0m wide dual use path. Refer to FIGURE 7 - INDICATIVE DUAL USE PATH CROSS SECTION.</del></p> <p><del>FIGURE 7 -INDICATIVE DUAL USE PATH CROSS SECTION</del></p> <p><u>No above ground structures of any type including movable furniture and equipment will be permitted in the curtilage areas unless approved as part of the landscape masterplan.</u></p> <p><u>Levels within the curtilage area shall not be altered by more than 500mm calculated from existing levels.</u></p> <p><u>No subdivision of any portion of the curtilage areas shall be permitted for private ownership purposes.</u></p> <p><u>The full extent of the curtilage area may be given up by the Developer free of cost as a reserve for which the City has care, control and management.</u></p>

Public Access	<p>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 Development Plan (03/016/012A).</p> <p>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"and Public Right of Way Access (Vehicles). 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> <p>All dual use paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network established beyond site boundaries.</p> <p>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.</p> <p>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.</p>
General	<p>Vacant lot subdivision shall only occur within the areas identified as the North Wing and South Wing in the Development Plan.</p> <p>In addition to the General Provisions for parking 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> <p>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.</p>

SPECIFIC PROVISIONS

The ODP incorporates the following specific principles and development parameters for the individual character areas. DAPs

are to be lodged and approved by the City of Nedlands for each of the character areas prior to the approval of individual development applications. The DAPs for the Northern and Southern Subdivision Wings will take the form of Design Guidelines. The Design Guidelines are required as a condition of subdivision approval as imposed by the WAPC on 24 February 2010 and have been supported by the City of Nedlands at its meeting of 22 June 2010 as shown below:

NOTE:

TEXT UNDERLINED DEPICTS AMENDMENT RECOMMENDED BY THE CITY OF  
NEDLANDS.

SECTION 1: INTRODUCTION

Located in one of Perth's most attractive and established suburbs, the Old Swanbourne Hospital in Mount Claremont offers a unique opportunity for an exceptional residential community. These design guidelines have been carefully prepared to maximize the benefits for future residents.

Context

Three components make up the Old Swanbourne Hospital site; the existing hospital buildings and grounds at the centre of the site, and the Northern and Southern Subdivision wings. Each component is subject to the preparation of a Detailed Area Plan (DAP). These design guidelines support the DAPs prepared for the Northern and Southern Subdivision wings. A copy of the DAPs for the northern and Southern Subdivision wings are attached to these design guidelines.

The lots subject to these guidelines form an integral part of the overall development of the Swanbourne Hospital Precinct redevelopment, which incorporates the existing hospital buildings, and the Northern and Southern Subdivision wings, which are to be subdivided into six (6) and eight (8) lots residential lots respectively.

The existing hospital buildings and grounds have recognized heritage values. The redevelopment of the central component of the site will be guided by the Swanbourne Hospital Conservation Area Conservation Plan dated October 2005 (the Conservation Plan) and by discussion with the City of Nedlands and the Heritage Council of Western Australia (HCWA).

Relationship to the City of Nedlands Town Planning Scheme No. 2

Part Five of the General Provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2) enables the Council to prepare and implement policies specific to land identified in the scheme map.

These guidelines support the Outline Development Plan (ODP) and DAPs prepared for the Old Swanbourne Hospital and have been prepared having regard to the Development Plan and the City of Nedlands' Local Planning Policy for the Old Swanbourne Hospital site.

In determining applications for planning approval, the Council will utilise these guidelines as the primary assessment criteria to be exercised in conjunction with the provisions of TPS2 and Residential Design Codes. The provisions of TPS2 and Residential Design Codes will apply where these design guidelines are silent. All development should comply with these design guidelines and any departures from these provisions will require full and substantial justification.

Planning Approval Process

TPS 2 requires that an Outline Development Plan must be approved for these lots before the City can grant Planning Approval. In the absence of an Outline Development Plan having been approved, these lots cannot be developed.

TPS2 requires that planning approval be obtained from the City of Nedlands prior to development occurring on the individual lots. Architectural drawings (plans and elevations) of any proposed development should be submitted to the City of Nedlands with an application for Planning Approval. The usual local government Planning, Building and Health By-Laws remain in force and any required licences must be obtained from the City of Nedlands.

It is strongly recommended that the prospective landowners and/or their architect or designer, liaise with the City of Nedlands at the earliest stage of design development to discuss proposals. Purchasers are also encouraged to liaise with neighbouring property owners prior to submitting an application for Planning Approval having particular regard to potential impacts associated with parapet walls, boundary fencing, location of private open space and balconies should be discussed. Proposed designs may be submitted to the developer for endorsement of the design intent prior to lodging an application for Planning Approval with the City of Nedlands.

The City of Nedlands will assess each application on its merit having regard to the relevant provisions these guidelines, TPS2, R-Codes and local planning policies. Applications for Planning Approval will also be referred to the Heritage Council for comment to ensure compliance with the Heritage Agreement and the Heritage Conservation Plan which relate to the site. Non compliant applications may be approved if in the opinion of Council, the application satisfies the objectives of the design guidelines, TPS2, R-Codes or relevant local planning policy.

Planning applications are to be submitted in the format as required by the City of Nedlands. All costs associated with applications for Planning Approval will be borne by the applicant.

## SECTION 2: OBJECTIVES

These design guidelines aim to establish best practice parameters within which quality housing may be developed. Future development will sit comfortably amongst the existing surrounding residences, having due respect for the heritage values of the Swanbourne Hospital buildings and grounds. Indicative elevations of future development in the Northern and Southern Subdivision Wings are attached to this document.

## SECTION 3: SPECIFIC DEVELOPMENT REQUIREMENTS

### (i) Northern subdivision wing design guidelines (6 lot residential subdivision)

The provisions of the R Codes apply to the development of the Northern Subdivision Wing unless otherwise varied by these design guidelines.

Dwelling Type Permitted:	Single House
Residential Coding:	R20
Open Space Requirement:	40%
Site Coverage:	60%
Minimum Outdoor Living:	30m <sup>2</sup>
Relative Lot Levels:	As per the Northern Subdivision Wing Detailed Area Plan.

#### Minimum Setbacks:

Front Setback:	4m pursuant to the R-Codes.
Rear Setback:	As per R codes
Side Setback:	A nil setback is permitted and encouraged along the site boundary as indicated on the Northern Subdivision Wing Detailed Area Plan. Nil setbacks are to be measured in accordance with R-Codes. All other setbacks are to be in accordance with R-Codes.

Garage/Carport:	To be located along common lot boundaries, and as per the Northern Subdivision Wing Detailed Area Plan. Garage/carport to be set back 1.5m from road reserve.
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SECTION 4: GENERAL DESIGN REQUIREMENTS - MANDATORY PROVISIONS

Site Planning:	<p>Amalgamation or subdivision of lots is not permitted.</p> <p>Setbacks shall be in accordance with the R Codes unless otherwise specified elsewhere in this document.</p> <p>Where a front fence, letterbox and gate are provided by the Developer, houses should be designed to allow convenient access to the front door from this gate. Relocation or amendment of the front fence or gate will not be permitted.</p>
Dwelling Type	<p>A single residential dwelling and associated outbuildings is permitted on each lot.</p>
Eave Requirements	<p>A minimum eave requirement of at least 750mm also applies.</p>
Lot Levels	<p><u>Lot levels shall not to be altered except in relation to the finished floor level of the ground floor slab which shall not be increased by more than 300mm from the relative lot levels depicted on the respective detailed area plan.</u></p>
Building Height	<p>Building height shall be in accordance with the City's Town Planning Scheme.</p>
Building Form:	<p>Min roof pitch of 30' and max roof pitch of 34'. Tinted or reflective glazing will not be permitted along the front and rear elevations of dwellings. Minimum 2 covered car bays provided per lot.</p>
Roofscape	<p>It is intended that the principal portion of the roof shall be pitched to a central ridgeline. The roof must have a minimum pitch of 30 degrees and a maximum pitch of 34 degrees. The use of appropriately proportioned dormer windows, chimneys and skylights may be used to add further interest and to break down the perceived bulk of the dwelling.</p> <p>The use of verandas, loggia and pergola elements is encouraged for climate control appropriate to the West Australian environment.</p> <p>Rooves may be constructed of:</p> <ul style="list-style-type: none"><li>o Terracotta tiles;</li><li>o Colorbond finished corrugated metal roof sheet (colours: Jasper, <del>Swainston</del>, Paperbark, Dune, Shale Grey, Windspray Woodland Grey, Bushland or Ironstone) or similar approved; or</li><li>o Zincolume finish roof sheeting will not be permitted unless applicants can demonstrate that their development will not cause problems with glare and reflectivity impacting on neighbouring lots.</li></ul>
Overshadowing	<p>All development shall comply with the overshadowing requirements of the R-Codes.</p>
Visual Privacy	<p>All development shall comply with the visual privacy requirements of the R-Codes.</p>

It is recommended that a minimum of two courtyard spaces be provided for each lot with a minimum depth of 4m, and clothes drying.

#### Materials

The materials and colours of a dwelling shall convey a contemporary aesthetic, whilst acknowledging the existing palette established by the Old Swanbourne Hospital buildings and the surrounding residences. Architectural richness is encouraged through the use of a variety of high quality materials and colours such as:

- o Painted rendered masonry Pre-cast or in-situ concrete.
- o Feature stone as approved.
- o Feature brickwork as approved.
- o Maxi-sized (o.g. Austral Double Decker) or limestone coloured bricks.
- o Concrete blocks as approved.
- o Recycled, plantation or sustainable harvested timber.
- o Steel elements and details.

The use of alternative materials will be considered on their merits for each individual application.

All visible areas of parapet walls must be finished to the standard of the remainder of the house. Particular attention shall be paid to areas of wall that will be visible to neighbouring properties.

#### Windows

Tinted or reflective glass is not permitted in areas facing publicly accessible areas. Windows shall have a vertical proportion and strongly expressed mullions providing visual interest. Expressed sills and lintels are encouraged.

#### Fences

Fences, letterboxes and gates fronting the Old Swanbourne Hospital buildings will be provided by the Developer and are not to be altered.

The developer shall provide open style fencing on all boundaries facing the heritage building, and abutting areas of public open space, unless otherwise specified in these guidelines. The maximum height of those fences shall be in accordance with the requirements for front fences as specified in the Residential Design Codes. The maximum height of the solid portion of the fences and any other structure (letterbox etc) shall not exceed 500mm.

All rear fences shall be 1.8m maximum height. Rear fencing shall be setback 1.5m from the road reserve boundary adjacent to the bin pad location as depicted for each property on the detailed area plans.

Side and rear fencing shall be constructed in materials, colours and style to match and complement the dwelling.

#### Vehicle Accommodation

A carport or garage capable of housing two vehicles is required to be constructed for each dwelling. With the

exception of Lot 2 in the Northern Subdivision Wing, all vehicle accommodation is to be accessed from the road reserves with a 1.5m setback to allow for adequate manoeuvring space. Garages are to be fitted with approved garage doors with a maximum width of 6.25m.

**Services:**

All air conditioners, pipes, conduits, clothes drying areas, hot water storage tanks and such items shall be concealed on the lot, and shall not be visible from publicly accessible areas.

TV antennae, satellite dishes and radio masts shall not be seen from a Primary Street. These items should be located where they are not visible from publicly accessible areas.

**Waste management**

A 1.5m x 1.5m bin pad shall be constructed at the location depicted for each lot on the detailed area plans. The bin pad shall be constructed in the same materials as the pavement adjacent to the bin pad. Bins are to be placed on the designated bin pad for collection as depicted for each lot on the respective detailed area plans. Provision shall be made for the storage of green waste, recycling and general waste bins to be stored on non-collection days on-site and out of view of any public place.

SECTION 5: GENERAL DESIGN REQUIREMENTS - ADVICE NOTES

Site Planning: Particular care should be taken in the design of each dwelling to ensure that visually sensitive areas of adjoining properties (as part of this subdivision and existing adjacent) are not overlooked. This can be achieved through the careful location and design of openings and outdoor living areas to upper floor levels.

Architectural Character: The scale of dwellings should not compete with the bulk of the Old Swanbourne Hospital buildings, but rather should take their cues from adjacent residences.

Housing forms should be of a domestic nature with simple but well proportioned façade elements. Specifically, façade elements should have a strong relationship to each other through common proportions and common horizontal and vertical alignments without becoming too repetitive and symmetrical.

The dwelling should be articulated through sills and lintels and through projecting and recessed sections of façade. Balconies should be open and lightweight but preferably not sheet glass. Tinted or reflective glass is not permitted on any visible elevation.

The intent is to reflect aspects of contemporary Australian housing styles and lifestyles incorporating design features that sit comfortably within the existing streetscape and heritage context.

Examples of appropriate housing design intended to guide the design of new dwellings are attached to these design guidelines.

Contextual and design aspects to be taken into consideration include:

- The heritage buildings;
- The parkland setting;
- Topography;
- Microclimate;
- Views and vistas;
- Orientation and ability to provide "eyes on the street" for passive surveillance of publicly accessible areas; and
- Access by pedestrians and vehicles.

Houses should have features such verandahs, pergolas, balconies etc. to improve their energy efficiency and to provide visual interest to facades.

Entries shall be oriented to the primary boundary towards the Swanbourne Hospital buildings, Abbey Gardens or Public Open Space and Charles Lane as applicable.

Houses should be designed with habitable rooms oriented towards publicly accessible areas to provide passive surveillance. Corner lots are assumed to have dual frontage and will be required to present a high standard of façade treatment to address both these

boundaries.

Elevations Dwellings shall be designed such that all visible frontages are formally addressed. Elevations facing the Old Seaborn Hospital shall be of the quality of the dwelling's major elevations. "Back of house" elements such as air conditioners and clothes drying areas should not be visible from publicly accessible areas.

Front Gardens Front gardens should be simple, featuring low level water-wise plants and turf. Small deciduous trees are encouraged to ameliorate the harsh summer sun and allow winter sun to access living rooms and private open space.

Internal Open Space The West Australian climate allows for outdoor living areas to be utilised almost year-round, making it essential that these spaces are functional and relate well to the dwelling and have appropriate daylight access and privacy.

Solar Access and Energy Efficient Design: Solar access and energy efficient design is encouraged. The planning configuration of individual houses, relationship to open space and design of the various building elements should respond to solar access and control considerations by allowing direct sun penetration to main living areas in winter months whilst controlling sun penetration over the summer period. Cross ventilation to passively cool the dwelling and reduce reliance on mechanical cooling should be achieved by the considered location of openings and internal flow paths.

The relevant provisions of the R Codes apply in respect of designing for climate requirements.

Building elements such as roof overhangs, awnings and canopies, verandas, pergola structures, external blinds and the orientation and siting of openings should be effectively utilised to achieve Building Code of Australian requirements. The use of landscape elements such as the placement of deciduous trees and shrubs may also contribute significantly to solar efficiency.

If a solar hot water system is installed, it should be located to receive sufficient solar gain, preferably on a north facing roof or a secondary west facing roof. Where the preferred north or secondary west facing roof is visible from the public domain, a split solar hot water system should be installed, with the storage tank located on the ground or within the roof space i.e. not visible from the public domain. The solar panels should integrate with the roof, be frameless and mounted flush with the roof.

Major household appliances should achieve a minimum 4 star rating and mechanical heating and cooling a 5 star rating.

Water management It is important to consider the water permeability of the landscape on your lot, in light of the 60%

allowable site coverage. Segmented or permeable pavers and open decking shall be installed in outdoor living areas to allow water to be absorbed on site.

The impact on the local water table depth, salinity of the soil can be minimised including predominantly indigenous or native species of plant in your garden. These plants minimise watering and feeding and, together with mulching, soil conditioning and appropriate waterwise irrigation (sub-surface drip irrigation or similar), moisture and nutrients in the soil can be retained and water conserved.

A minimum 2500 litre rainwater tank is encouraged to capture runoff from dwelling rooves and associated outbuildings. Tanks should not be visible from publicly accessible areas.

Treated grey water may be used to assist with the irrigation of any planting in outdoor areas, subject to the approval of the City of Nedlands.

Owners are encouraged to install water efficient fixtures (for example taps, shower heads and toilets) that have achieved a minimum AAA rating.

<u>Northern Subdivision Wing</u>	The development of the Northern Subdivision Wing will be subject to an agreed DAP including a set of design guidelines to control future built form impacts. Development is to comply with the Residential Design Codes (R Codes) unless otherwise varied. A summary of the key elements is provided below:	
	(i) Northern Subdivision Wing design guidelines (6 Lot residential subdivision)	
<u>Dwelling Type:</u>	Single House	
<u>Residential Coding:</u>	R20	
<u>Open Space Requirement:</u>	40%	
<u>Site Coverage:</u>	60%	

Minimum Outdoor Living:	30m <sup>2</sup>	
Building Height:	2 storeys plus loft in the roof to a max height of 10m. A max wall external height of 8.5m applies.	
Relative Levels of subdivided lots:	As per the Northern Subdivision Wing Detailed Area Plan.	
Minimum Setbacks:	Front Setback:	A 4m minimum as per the R Codes
	Rear Setback:	As per the R Codes
	Side Setback:	A nil setback is encouraged along the side boundary as indicated on the Northern Subdivision Wing Detailed Area Plan. Side setbacks are otherwise to accord with the provisions of the R Codes.
Garage/ Carport:	To be located along common lot boundaries and as per attached detailed area plan. Garage/carport to be setback 1.5m from the road reserve.	
Vehicle Access:	For Lots 3 to 7 vehicle access to garages and carports are to be accessed by the 6.0m road reserve. For Lot 2, vehicle access is provided from Abbey Gardens and the provisions of the R Codes relating to garages and carports apply.	
Orientation:	<p>Lots 2 &amp; 3 to address Abbey Gardens as primary frontage. Lots 4 - 7 to address the heritage building as primary frontage.</p> <p>Lot 4 also to address Abbey Gardens as the secondary frontage whereby the same architectural treatment to the front facade (windows, awnings, gables, materials) is to be used in the first 4m of the secondary frontage.</p>	
Site Planning:	Amalgamation or subdivision is not permitted. Relocation or amendment of front fences/gate will not be permitted.	
Lot Levels:	Lot levels are not to be changed more than 300mm.	

Building Form:	Min roof pitch of 30 degrees and max roof pitch of 34 degrees.
	Minimum eaves requirements of at least 300mm.
	Tinted or reflective glazing will not be permitted along the front and rear elevations of dwellings.
	Car bays provided are to be covered.

<u>Southern Subdivision Wing</u>	The development of the Southern Subdivision Wing will be subject to an agreed DAP including a set of design guidelines to control future built form impacts. Development is to comply with the Residential Design Codes (R-Codes) unless otherwise varied. A summary of the key elements of is provided below:  (ii) Southern Subdivision Wing design guidelines (8 lot residential subdivision)	
Residential Coding:	R30	
Open Space Requirement:	40%	
Site Coverage:	60%	
Minimum Outdoor Living:	30m <sup>2</sup>	
Building Height:	2 storeys plus loft in the roof to a maximum height of 10m. A maximum wall external height of 8.5m applies.	
Relative Levels of subdivided lots:	As per the Southern Subdivision Wing detailed Area Plan.	
Minimum Setbacks:	Front Setback:	4m minimum as per the R Codes
	Rear Setback:	As per R Codes
	Side Setback:	A nil setback is encouraged along the side boundary as indicated on the Southern Subdivision Wing

		Detailed Area Plan. Side setbacks are to accord with the provisions of the R Codes.
Garage/ Carport:	To be located along common lot boundaries and as per attached detailed area plan. Garage/carport to be set back 1.5m from road reserve.	
Vehicle Access:	All lots are to be rear loaded.	
Orientation:	<p>Lots 2 to 5 to address the heritage buildings as primary frontage. Lots 6, 7 and 8 to address the POS, Lot 9 to address Charles Lane.</p> <p>Lots 2 and 9 also to address the 6.0m wide accessway as the secondary frontage. Lot 6 also to address Hamilton Gardens as the secondary frontage. The same architectural treatment to the front facade (windows awnings, gables, materials) is to be used in the first 4m of the secondary frontage.</p>	
Site Planning:	Amalgamation or subdivision is not permitted. Relocation or amendment of front fences/gate will not be permitted.	
Lot Levels:	Lot levels are not to be changed more than 300mm.	
Building Form:	Minimum roof pitch 30 degree and maximum roof pitch 34 degree.	
	Minimum eaves requirement of at least 300mm.	
	Tinted or reflective glazing will not be permitted along the front and rear elevations of dwellings.	
	Car bays provided to be covered.	

<u>Heritage Buildings</u>	(a) Montgomery Hall
Land Use	Montgomery Hall may be used for a private community use such as real tennis, café, meeting rooms, museum or rhythmic gymnastics, subject to sufficient parking being available on site. as well as a cinema, reading room, gymnasium or exercise facility, theatrette, lounge or childcare facility.

	<p>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.</p> <p><del>The hours of use and number of users of Montgomery Hall are likely to vary depending on the use ultimately approved for Montgomery Hall.</del></p> <p>The land 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>Public access to the exterior of the Montgomery Hall building shall be maintained.</p> <p>A dual use path shall be provided along the eastern side of Montgomery Hall as shown on plan 03/016/012A.</p> <p>Montgomery Hall shall not be used for residential purposes.</p> <p>The interior volume of the hall is of considerable significance and should not be subdivided into smaller spaces.</p> <p>All parking for and vehicular access to Montgomery Hall must be provided within the site.</p> <p>The undercroft of the building may be utilised for service vehicle parking or other compatible uses (such as meeting rooms, cafe, etc)</p> <p>Access to any undercroft parking may only be taken from Heritage Lane, through the site. Only service vehicles can access Montgomery Hall via Abbey Gardens.</p>
Maintenance	<p>The ongoing costs of maintaining Montgomery Hall will be managed by the Residents Association, which will include the future strata owners and freehold landowners. Members of the Resident's Association will contribute a nominal levy into a sinking fund that will be set aside for the ongoing maintenance and upkeep of Montgomery Hall. This requirement is proposed to be integrated into the strata company by laws and the title of each subsequent lot in the shall be endorsed to the effect that each owner is aware of the ongoing obligation for the continual upkeep of Montgomery Hall.</p>
	<p>(b) Existing Hospital Buildings</p>
Land Use	<p>The existing heritage buildings are to be converted for use as residential or retirement housing, or an assisted care facility. The reuse of the buildings may under certain circumstances also accommodate a possible café, art/community uses, <del>commercial uses such as consulting rooms or hospital/medical facility</del> as long as amenity and car parking considerations are addressed adequately.</p> <p>Possible reuse of the Administration Building and Covered Way may include residential, retirement housing, home-based business, commercial, mixed use, consulting rooms and professional offices. The Covered Way may be used for vehicle</p>

	<p>parking or courtyard space.</p> <p><u>Development of the Stores Building needs to be sensitive to the heritage values of the building, with to retaining the volume of the space.</u></p> <p><u>Development of the 'covered way' area will need to be handled sensitively from a heritage perspective</u></p>
Parking	<p><del>Parking around the buildings and in the courtyard is to be undercroft where possible. Parking may be provided in a basement. At grade parking should not be covered unless it is on the northern site boundary and does not impact the heritage buildings according to the Heritage Council of Western Australia. Access to parking in the courtyard should be via existing accessways.</del></p>
Residential Dwellings	<p><del>The number of dwellings to be accommodated in the existing heritage buildings will be determined at the development application stage.</del></p> <p><u>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.</u></p>
New Courtyard Building	<p>A new building may be constructed in the heritage buildings courtyard. It may comprise a <del>four</del> (4) three storey above basement contemporary residential building that is limited to a <u>maximum height of no greater than approximately 10 meters</u> <del>14m</del> above the current level of the courtyard. The scale of the building would be consistent with the scale of the existing heritage buildings that form the courtyard. The footprint of the courtyard building would be located within the approximate area of the Kitchen extension that stood between 1958 and about 1990.</p> <p><del>The heritage buildings are intended to be refurbished prior to sale and occupation by future residents. The memorial on the certificate of title for the site ensures that the buildings will be fully restored as part of any redevelopment in accordance with the requirements of the Conservation Plan and Heritage Agreement.</del></p>

## PART 2 - EXPLANATORY REPORT

### INTRODUCTION

TPG Town Planning and Urban Design (TPG) were commissioned by the Swanbourne Estate Development Pty Ltd to prepare an Outline Development Plan (ODP) to guide the future redevelopment and

subdivision in the Old Swanbourne Hospital Precinct (the Precinct).

The ODP supports the high quality redevelopment of the Precinct that respects the existing heritage buildings. This section of the report provides information as required under clause 3.8 of the City of Nedlands Town Planning Scheme No. 2 (TPS2).

The ODP has been prepared to:

- enable the sustainable and sensitive conservation of the heritage values in the Precinct;
- identify appropriate new uses and establish over-arching development provisions to guide new development;
- maintain the cultural and recreation importance of the precinct to the local community; and
- ensure that the reuse and redevelopment of the Precinct does not adversely impact the amenity of the surrounding development.

The ODP is informed by the advice from the Heritage Council of Western Australia, the provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2), the Taylor Burrell Barnett Development Plan 03/06/012A dated October 2005 and the Local Planning Policy: Old Swanbourne Hospital Precinct (May 2008), in addition to the revised Conservation Plan and Heritage Agreement.

## BACKGROUND

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Historically, the Precinct accommodated the Claremont Hospital for the Insane which subsequently became the Swanbourne Hospital for the mentally ill. In 1986 the hospital was closed and in 1987 the surrounding land was subdivided for residential purposes. The Precinct remained vacant and unused since its closure and the ongoing vacancy has contributed to extensive vandalism.

In 1991, the State Government elected to dispose of the site in accordance with the Government Heritage Property Disposal process since neither the State Government nor the City of Nedlands was interested in retaining the site for public purposes.

In 2003, the Department of Housing and Works appointed Taylor Burrell Barnett (TBB) to undertake a study of the Precinct that included public consultation. The study produced a development plan (03/016/012A dated October 2005), which indicated the future land use and development potential for the site. The study also produced draft design guidelines and precinct policy provisions, which were to be adopted as a local planning policy for the Precinct. The development plan, draft policy provisions

and design guidelines were used to support Amendment No. 158 which rezoned the Precinct for future redevelopment.

The amendment was gazetted in October 2005 and the site was sold through a tender process in January 2006 to the current landowner.

## SITE DESCRIPTION AND LOCATION

### LOCATION

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The Old Swanbourne Hospital Precinct comprises the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The Precinct is found 7 kilometres from the Perth City Centre and 3 kilometres from the coastline.

John XXIII College, Graylands Hospital and the Industrial Rehabilitation Division are found approximately one kilometre east of the site. The site is approximately 700 metres from the Mount Claremont shopping centre and is well-serviced by local public open space including Hamilton Park, Mooro Park, Pine Tree Park and Mount Claremont Oval. Lake Claremont and the Lake Claremont Golf Course are also located two kilometres south of the site whilst the Cottesloe Golf Club is located a similar distance to the west.

REFER TO FIGURE 8 - LOCATION PLAN

### THE SUBJECT LAND

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The Precinct is bounded by Lot 35 St Johns Wood Boulevard, St Johns Wood Boulevard and Abbey Gardens to the west, Charles Lane, Lot 11381 (Reserve R41549) to the south, Lot 167, Heritage Lane, Lot 520, Lot 519 and The Marlows to the east, and Lot 521 to the north.

REFER TO FIGURE 9 - SITE PLAN

### SITE CONTEXT

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The hospital buildings represent the structural elements of the Precinct and are regarded as having significant cultural heritage value. The buildings include the Administration Building, the Stores, the Female and Male Attendants Blocks, the Kitchen, Montgomery Hall, the Covered Way and the Courtyard.

REFER TO FIGURE 10 - HOSPITAL BUILDINGS

The buildings are located at the core of the Precinct and are surrounded by an expansive area of open space being the former

hospital grounds and Montgomery Hall, which is paved and grassed. The Precinct is also bound by the Circular Drive and Formal Entrance on the eastern extent of the site. The Northern and Southern Subdivision Wings surround the hospital buildings to the north and south and are currently vacant.

#### SITE DETAILS

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The Precinct comprises Lot 12040 which is owned by The Swanbourne Estate Development Pty Ltd as trustee for The Swanbourne Estate Development Joint Venture. Lot 12040 includes the Northern and Southern Subdivision Wings, the hospital buildings and the surrounding open space. The following table provides the property details of the subject land.

12040	St Johns Wood Boulevard	2121/149	75983	2.48ha	The Swanbourne Estate Development Pty Ltd
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A copy of the Certificate of Title is included as APPENDIX A.

Lot 12040 is affected by a memorial in accordance with the Heritage of Western Australia Act 1990. The memorial was lodged by HCWA in 1994 whereby the land described as the Swanbourne Hospital Conservation Area (formerly Lot 171 on Diagram 75983, now Lot 12040) was entered onto the Register of Heritage Places, pursuant to Division 2 of Part 5 of the Heritage of Western Australia Act 1990.

The Administration Building, Montgomery Hall, the Male Attendants Block, Female Attendants Block, Kitchen and Store are regarded as being of cultural heritage significance since they represent the remnant core of the original Claremont Hospital for the Insane (subsequently known as Swanbourne Hospital). The hospital buildings were the State's largest institution for the care of mentally ill throughout most of the twentieth century.

#### SURROUNDING LAND USES

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The Precinct is set contextually within a broader residential area to the west, north and south. Existing residential development ranges in style from a majority of single lot development that has a mix of one and two storey houses to duplex style and retirement residences.

#### PLANNING FRAMEWORK

## METROPOLITAN REGION SCHEME

The land is zoned 'Urban under the Metropolitan Region Scheme (MRS).

REFER TO FIGURE 11 - MRS MAP

## CITY OF NEDLANDS TOWN PLANNING SCHEME NO. 2

The Precinct is located within the City of Nedlands and zoned 'Development' under TPS2. It is considered a place of natural beauty and entered as item 3 in Appendix II of TPS2 "Conservation and Preservation of Place of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest."

REFER TO FIGURE 12 - TPS2 MAP

Clause 5.15 of TPS2 specifies the requirements affecting the development of the Precinct including:

- Prior to Council considering any application for subdivision and/or development of the site, a suitable and sustainable low key adaptive use for Montgomery Hall shall be identified;
- Council shall require subdivision and development to be generally in accordance with the Development Plan No. 03/16/12A dated July 2005, annexed to Local Planning Policy: Old Swanbourne Hospital Precinct;
- Council shall require subdivision and development to have regard to and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct;
- Notwithstanding the provisions of Table 1: Use Class Table and in accordance with the Development Plan referred to in 5.15(a), the following uses are 'AA' or discretionary uses:
  - Caretakers Dwelling
  - Home business
  - Car park
  - Home occupation
  - Civic Building
  - Medical Centre
  - Club Premises
  - Office - General
  - Consulting room(s)
  - Office - Professional
  - Dwelling House - Single

- Recreation - Private
- Dwelling House - Grouped
- Recreation - Public
- Dwelling House - Multiple
- Residential Building
- Educational Establishment
- Restaurant

All other uses are 'X' or not permitted uses.

- Prior to Council considering any application for subdivision and/or development onsite, in accordance with clause 3.8 of the Scheme, the applicant shall submit an Outline Development Plan (ODP) for the approval of the Council, in consultation with the HCWA;
- Prior to Council considering any application for subdivision and/or development on the site, a revised Conservation Plan for the site shall be completed to the satisfaction of the HCWA in accordance with the Government Heritage Property Disposal Process; and
- Any application for subdivision and/or development shall have due regard for the revised Conservation Plan for the site and shall demonstrate the conservation of the existing heritage buildings to the satisfaction of the HCWA.

Clause 3.8 of TPS2 deals with land that is zoned "Development" on the Scheme Map. Subclause 3.8.2 requires that development of land that is zoned "Development" shall make application to the Council for approval in accordance with Part 6 and shall submit with the application, an overall concept plan for the land in the Development Zone or such part thereof as the Council shall require. The Outline Development Plan shall show:

- The topography of the area;
- The existing major road systems;
- The location and width of proposed roads;
- The approximate location and quantity of shopping, civic and public facilities proposed;
- The approximate location of the recreation and open space area proposed;
- The population and residential densities proposed including the spatial location of appropriate Residential Planning Code densities;
- The basic layout of a sewerage system;
- The layout of comprehensive drainage, both land and stormwater;

- Landholdings adjacent to or in the vicinity of the area the subject of the application;
- The development proposed, the method of carrying out the development and the projected times of completion of each stage of development; and
- Such other information as shall be required by the Council.

Under subclauses 3.8.3 to 3.8.7 of TPS2, if the ODP is approved by Council in principle it is to be submitted to the Town Planning Board (the Board). If the Board also approves the plan in principle, it is to be advertised for a minimum period of 21 days for public comment. Submissions received during advertising are to be considered by Council and after consultation with the applicant, the ODP may be amended.

Council may decide not to proceed with the ODP or may submit it to the Board together with objections and a request that the Board adopt the plan as the basis for the approval of subdivision and development applications for the area covered by the plan.

## STATE PLANNING POLICIES

The ODP is cognisant of a number of key State planning policies and strategies.

### 1.1.1 STATE PLANNING STRATEGY

The State Planning Strategy incorporates the following key principles relevant to the redevelopment of the Precinct:

- To protect and enhance the key natural and cultural assets of the State and deliver to all Western Australians a high quality of life which is based on sound environmentally sustainable principles;
- To respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities; and
- To facilitate strategic development by ensuring land use, transport and public utilities are mutually supportive.

The ODP will implement strategic development objectives by establishing new uses for the Precinct that will enable the conservation of significant heritage values. The ODP will facilitate development that provides diverse residential and a limited number of non residential options in proximity to the coast and other community assets that will improve the local amenity.

## NETWORK CITY: COMMUNITY PLANNING STRATEGY (WAPC)

Network City is a strategy prepared to guide the future form and function of the Perth Metropolitan and Peel Regions. It embodies a metropolitan land use and transport strategy through a whole-of-Government approach to the provision of services and a commitment to partnership with local government in planning with communities.

The key elements of Network City relevant to the LSP include:

- Consolidating residential development in existing areas and directing urban expansion into designated growth areas which are, or will be, well serviced by employment and public transport;
- Giving priority to infill development in established urban areas, particularly through urban regeneration and intensification of development on under-utilised urban land, whilst respecting neighbourhood character;
- Locating higher residential densities in locations accessible to transport and services, such as in and around the CBD, regional and district centres and activity corridors; and
- Developing an integrated land use and transport network which reduces car dependence and broadens travel options, makes it easier for people to use public transport or walk/ cycle to their destinations.

The ODP will serve to implement the strategies and objectives of Network City by encouraging more effective use of urban land by revitalising under utilised urban land whilst respecting the neighbourhood character.

#### LIVEABLE NEIGHBOURHOODS (2007)

The Liveable Neighbourhoods principles apply to the preparation and review of regional, district and local structure plans for new urban areas, local structure plans for new subdivisions and in planning for the revitalisation or redevelopment of existing areas.

These principles include:

- A sense of community, strong local identity and sense of place in neighbourhoods and towns;
- Active street frontages with buildings facing streets to improve personal safety through increased surveillance and activity;
- A variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services;
- Subdivision and housing types which can adapt to changing needs and accommodate gradual intensification; and
- The protection of key environmental areas and the incorporation

of significant cultural and environmental features of a site into the design of an area with an integrated approach to the design of open space and urban water management.

The proposed ODP serves to implement the above requirements of Liveable Neighbourhoods 2007 by particularly establishing an overarching framework for future development subdivision on the site.

### SPP 3.5 HISTORIC HERITAGE CONSERVATION (2007)

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The policy notes that heritage conservation and sustainable economic development should be seen as complementary rather than conflicting objectives. Adaptation of buildings for new uses is seen as the key to conservation of heritage places that no longer serve their original function, and will often require imagination and flexibility. Exercising effective controls over land use, density and plot ratios through town planning schemes and other planning controls is an important practical way to attain heritage conservation outcomes.

Development control principles should be applied to planning applications concerning places that are entered in a heritage list, a place or area entered in the state register or a heritage area designated pursuant to a local planning scheme. The weight given to heritage as a consideration will vary depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

In regard to alterations, extensions or change of use affecting a heritage place, development should involve the least possible change to the significant fabric. Alterations and additions should not detract from the significance of a heritage place and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it. Sympathetic adaptation and change of use should be supported where the conservation and protection of a heritage place requires a change of use to ensure a reasonable beneficial use. Development should accord with local planning policies relating to heritage.

Demolition of a State heritage place is rarely appropriate and should require the strongest justification. It is noted however that there will be circumstances where demolition is justified although the onus rests with the applicant to provide a clear justification for this. Consideration of a demolition proposal should be based on the significance of the building or place, the feasibility of restoring or adapting it, or incorporating it

into new development, the extent to which the community would benefit from the proposed redevelopment and any local planning policies relating to the demolition of heritage places.

Development within a heritage area should complement the heritage significance of the area as identified in a local planning policy. Respectful design should give special consideration to the siting, scale, architectural style, and form, materials and finishes of the proposed development in relation to its neighbours without copying historic detailing or decoration. Buildings that make positive contributions should be retained and any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the heritage significance of the area. New construction that is imaginative, well designed and harmonious should not be discouraged.

## LOCAL PLANNING POLICIES AND STRATEGIES

### TAYLOR BURRELL BARNETT STUDY

In 2003 TBB was appointed by the Department of Housing and Works (DHW) to undertake a study of the former Swanbourne Hospital site. The study resulted in the preparation of the 2005 TBB Development Plan, which indicated future land use and development of the site. The plan was created to support an application to rezone the site under Amendment No. 158 and give greater development certainty to a future purchaser of the site.

The Study also produced draft policy provisions and design guidelines. The draft policy provisions were created as general provisions and specific provisions relating to the existing hospital buildings, Montgomery Hall, Administration Buildings, West Wing, East Wing, Northern Wing and Southern Wing. The draft provisions were later revised in 2008 and adopted as the Local Planning Policy: Old Swanbourne Hospital Precinct.

### LOCAL PLANNING POLICY: OLD SWANBOURNE HOSPITAL PRECINCT

Under clause 5.15.3 of TPS2, all development is to have regard to and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct. The latest version of the Local Planning Policy was adopted by the Council in May 2008 and is based on the recommended draft policy provisions prepared as part of the earlier TBB Study.

The Local Planning Policy for the Precinct include a set of general provisions that deal with the heritage buildings, public access, vehicular access, parking, agreements, landscaping, subdivision, public open space, curtilage and other elements.

The Local Planning Policy also sets out specific provisions that

concern the use and development, landscaping, parking and curtilage and new building issues for the existing buildings, as well as the use, landscaping parking and public access for Montgomery Hall. Specific provisions also deal with the use, curtilage and covered way for the Administration Building, and well as the use, landscaping, public access, and other issues related to the east and west wings. Specific provisions have also been prepared for the north and south wing in respect of use, public access, parking, height and levels, fencing, landscaping and agreements.

The general and specific requirements of the Local Planning Policy have been incorporated into the proposed ODP.

## CONTEXT AND ANALYSIS

### TOPOGRAPHY

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The Precinct has an undulating topography. It rises from 29 metres on the western site boundary to 40 metres at the Administration Building. In the east, the topography rises steeply from Heritage Lane towards the Circular Drive, as well as both north and south of the roundabout at the eastern entrance. The Northern Subdivision Wing has a gentle northerly rise of approximately 1.5 metres. The Southern Subdivision Wing falls gently to the west by 2.5 metres.

### EXISTING VEHICLE ACCESS

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Vehicles access to the site can be taken from Heritage Lane, Abbey Gardens, Hamilton Gardens and Charles Lane. Heritage Lane provides access to the formal entrance on the eastern side of the Precinct and under the TBB Development Plan, Heritage Lane is to be retained as the principle means of vehicle access. Abbey Gardens is to provide service access to Montgomery Hall

### SOCIAL INTEGRATION

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The Precinct exists as an important piece of infrastructure in the local community. Aside from its historical significance as the State's principle hospital for the mentally ill, the site has important recreation values for the surrounding residential area. Since being vacated in the late 1980s, the Precinct has gradually deteriorated through constant vandalism. Set in a primarily residential environment, the redevelopment and conservation of the heritage buildings will revitalise and inject new life into the Precinct. Redevelopment will also contribute to a stronger community identity and through design

strategies, create an interactive neighbourhood space.

## PHYSICAL CONNECTIONS

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The built structures on the site have a significant cultural and social history and future development needs to respect and respond appropriately to the heritage integrity of the Site. Heritage considerations for future development are outlined below.

## HERITAGE CONSIDERATIONS

### OLD SWANBOURNE HOSPITAL CONSERVATION PLAN / HERITAGE AGREEMENT

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The Precinct is listed on the State Register of Heritage Places as the Old Swanbourne Hospital Conservation Area, whereby aside from the buildings, the roads, trees and spaces between the buildings are also protected.

The former Swanbourne Hospital is considered significant for the following reasons:

- The buildings that remain on the Swanbourne Hospital site are the remnant core of the Claremont Hospital for the Insane constructed in 1904;
- The hospital was Western Australia's largest institution for the care of the mentally ill throughout most of the twentieth century;
- The buildings have a landmark quality, occupying a prominent site and are visually dominant from the surrounding areas including the formal grandeur of the Administration Building on the eastern side of the site, with its limestone and brick façade and Donnybrook stone portico; and
- The site contains the following elements of considerable significance: the Administration Building (1904), Montgomery Hall (1904), Male Attendant's Block (1904), Female Attendant's Block (1904 and 1912), Kitchen (1904), Store (1904), Covered Way (1906) between the Administration Building and the Store, and the formal space to the east of the Administration Building including the circular drive, circular planted bed, the Eucalyptus Clodacalyx and Port Jackson Fig on the northern side of the site.

TPS2 requires development to be in accordance with a Government Heritage Property Disposal Process which includes the requirement for a Conservation Plan and Heritage Agreement for the site, prior to the commencement of development. All development applications are also required to be referred to the HCWA for consideration as part of the statutory approval process.

A Conservation Plan for the site was completed in 1994 and an updated schedule of works was completed in 2001. A Heritage Agreement was signed in 2005 and the Conservation Plan was updated in 2005. The Conservation Plan identifies the following 'Future Use' and 'Physical Conservation' policies:

<p>Future Use and Development :</p>	<p>Future uses that do not require major adaptation of significant buildings and site area are appropriate. These could include commercial, residential or community uses; and</p> <p>Montgomery Hall should be used for a purpose that allows some public access. Use as a theatre or other entertainment or performance venue, or for meetings is desirable.</p>
<p>Plantings and Landscape Features:</p>	<p>Significant buildings on the Swanbourne Hospital Conservation Area site should be retained and conserved in accordance with the place specific policies included in the Conservation Plan;</p> <p>The significant buildings in the Swanbourne Hospital Conservation Area should not be extended;</p> <p>The open areas of the Administration Building and west of Montgomery Hall should be retained and no new buildings should be constructed in these spaces;</p> <p>Views of Montgomery Hall from the west and the Administration Building from the east should not be obstructed;</p> <p>Generally surface treatments including bitumen and concrete pavers are not of particular heritage significance and may be retained or altered as required. Bitumen adjacent to the Administration Building requires repair. Although not of particular heritage significance, concrete slabs suit the scale of the former institutional buildings and are appropriate for pathways around the building;</p> <p>Where they remain extant, the original stone edging to planted beds should be retained. In some areas stone edging has been reinstated (south of the South Block) and is appropriate to the significance of the place. Where concrete edging has been used this may be retained or relaced with stone. Consider in particular replacing the concrete edging to the circular bed east of the Administration Building with stone; and</p> <p>Where possible, mature trees associated with the original Claremont Hospital for the Insane should be retained. In particular retain the mature Port Jackson Fig and Eucalyptus Clodocalyx north of the Administration Building.</p>

Courtyard:	<p>The Courtyard should be retained as open space. If new structures are required, these should comprise shelters or pavilions only and should be relatively small structures no larger than the former meat store, no longer extant but shown on 1904 plans of the area. The Courtyard could be landscaped provided the landscape treatment was designed in a manner compatible with the heritage value of the adjacent buildings; and</p> <p>The remnant Covered Ways between the Store and the South and North Blocks could be retained or photographed and removed.</p>
Retaining Walls and Steps:	<p>Retain and conserve without alteration the limestone retaining walls south and north of the Administration Building. The concrete steps immediately north of the Administration Building are also original and should be retained and conserved;</p> <p>Limestone walls adjacent to Montgomery Hall are recent and may be retained, removed, or replaced as required. While not of heritage significance, they are appropriate to the site. Any new walls should be of similar limestone construction;</p> <p>Other than the steps north of the Administration Building, steps may be retained removed or replaced as required; and</p> <p>Brick retaining walls may be retained or replaced as required.</p>
Covered Walkway:	<p>The steel framed awning over the covered walkway east of Montgomery Hall dates from the 1950s refurbishment. It is recommended that it be removed and left either open or replaced with a covered walkway reflecting the detail of the original walkways of the site. Alternatively a contemporary awning that interprets the form of the original walkway may be considered;</p> <p>The Covered Walkway between the Administration Building and the Store is original and should be retained and conserved. Any timbers that require replacement should be replaced with material of the same dimensions and species and finished to match the remainder of the structure. The wired glass is original. Replace broken sections with clear laminated glass and retain a section of the original wired lass for interpretative purposes. Contemporary wired glass is not the same quality as the original and need not be used in the restoration of the roof. The detail of the gable ends at the north and south of the structure should be retained and the structure should not be extended; and</p> <p>If the roof sheeting requires replacement, short sheets of galvanised iron should be used.</p>

Toilet Blocks:	The two brick toilet blocks east of Montgomery Hall may be retained or removed. If they are removed the courtyard areas in which they are located should be landscaped. Consideration should be given to creating herb gardens in these areas as they were originally associated with the Kitchen.
Lights:	Floodlighting of the building is not of heritage significance, but enhances the buildings at night it is recommended that floodlights be retained in any redevelopment of the site if possible.
Roads and Car parks:	Access to the Swanbourne Hospital Conservation Area site from Heritage Lane should be retained as the primary access to the place in any future adaptive reuse or redevelopment of the place; and  The circular driveway and circular planted bed east of the Administration Building should be retained and conserved in any redevelopment of the place.

## OUTLINE DEVELOPMENT PLAN OUTLINE

The ODP includes the whole of Lot 12040, which can be characterized as three distinct areas; the Northern Subdivision Wing, the Southern Subdivision Wing and the Existing Heritage Buildings. Whilst this ODP sets out the general development provisions for the ODP area, detailed development parameters will be provided via a set of DAPs including design guidelines, which address each of the character areas. The DAPs are to be approved prior to the approval of development applications. The DAP for the Northern and Southern Subdivision Wing is to be approved as a condition of a subdivision approval imposed by the WAPC on the 24 February 2010.

The key aspects of the ODP area discussed below in detail.

### PUBLIC OPEN SPACE

The ODP cedes a minimum of 10% of the site area as Public Open Space. The final amount of the site to be ceded as Public Open Space is to be determined through negotiations with the Western Australian Planning Commission, the City of Nedlands and the landowner. The land ceded as Public Open Space is to be vested in the City of Nedlands.

### MOVEMENT SYSTEMS

#### Vehicle Access

Vehicle access is provided generally in a manner that is consistent with the TBB Development Plan. Primary vehicular access to the Precinct is provided via Heritage Lane with

service access to Montgomery Hall from Abbey Gardens. Access to the Northern Subdivision Wing is provided via Abbey Gardens and the 6.0m road reserve. Access to the Southern Subdivision Wing is provided via Hamilton Gardens for Lot 6, and from the 6.0m road reserve via Charles Lane for remaining lots. The road reserves created within the subdivision wings are to be dedicated road reserves.

#### Pedestrian Access

Pedestrian access is provided generally in a manner that is consistent with the TBB Development Plan. It may be facilitated via a 3.0 m wide dual use path that will provide a high level of public access through the site.

The dual use path will provide a link from Heritage Lane to the Northern Subdivision Wing, Montgomery Hall, the Southern Subdivision Wing and the circular driveway. The dual use path will also connect to the existing residential area on St Johns Boulevard and Abbey Gardens, Charles Lane, Heritage Lane and the adjoining land to the north east.

The proposed dual use path is to be constructed in coloured aggregate to blend into the heritage character of the site and soften the visual impact

Private pedestrian access is also to be maintained through the 'Covered Way' which may be utilized as car parking that remains sensitive to the heritage values of the Covered Way.

#### PUBLIC TRANSPORT

Bus services (Route: 27 between East Perth - Claremont Train Station and Route: 28 between East Perth - Claremont Station deviating at Floreat Forum Shopping Centre) provide public transport access to the surrounding centres (Claremont and Floreat Shopping Centre and Claremont Train Station which provides links to Fremantle, Subiaco and Perth). These bus routes also provide access to Swanbourne Beach. The bus stops are accessed from The Marlows located to the north west of the Precinct.

#### LAND USE

The land uses proposed for the Precinct are consistent with the provisions of the TBB Development Plan.

Montgomery Hall is to be utilised for a sustainable, low key private community use which will enable the Southern Subdivision Wing to be developed for residential uses.

The Existing Hospital Buildings may be converted into residential / retirement housing or an assisted care facility.

They may also incorporate a possible café or arts or community facility as well as consulting rooms and a hospital medical facility. A new building may be located in the existing courtyard.

The Administration Building and Covered Way may be redeveloped for residential, retirement housing, home based business, commercial, mixed use, consulting rooms and professional offices with parking or courtyards along the Covered Way.

The Northern and Southern Subdivision Wings may be developed for residential purposes to a density of R20 and R30 in accordance with the approved subdivision plans.

A portion of the site as evidenced on the ODP is to be ceded as Public Open Space and vested in the City of Nedlands.

#### RELATIONSHIP TO ADJOINING LAND

The redevelopment of the Precinct is to respond appropriately to its mainly residential surrounds. The proposed densities represent a median position between the existing R50 and R12.5 densities that abut the site. The uses proposed for the adaptation of the existing buildings are complementary to the residential character of the locality. The proposed pedestrian and vehicle access makes use of existing road connections and provides a high level of connectivity throughout the site.

#### URBAN DESIGN

Details of the ultimate design of the Precinct are to be determined through DAPs for the Northern and Southern Subdivision Wings and the heritage buildings. The DAPs which are to be informed by the general principles embodied in this ODP, are to be adopted prior to the approval of development applications and are to respect the heritage character and qualities of the Precinct. The DAPs will include specific guidelines that articulate the development requirements appropriate to each character area.

The layout of the subdivision wings have nevertheless been indicatively designed to address the heritage buildings at the core of the Precinct. This orientation towards the heritage buildings, and their visual curtilage will create an interactive, intimate space which fosters a sense of community and residential neighbourhood.

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Whilst the Precinct appears reasonably attractive, safe and well utilised for recreation by surrounding properties, the Precinct has been a constant target for vandalism. Given the extended period of vacancy and relative deterioration of the heritage buildings the site could become a host to antisocial behaviour.

The proposed ODP reinforces CPTED principles since it creates well defined legible and visible public spaces and maintains a capacity to separate areas for pedestrian and vehicle access. The orientation of lots in the Northern and Southern Subdivision Wings which addresses the heritage buildings, ensures good passive surveillance and interaction between the different character areas.

## CONCLUSION

TPG was commissioned to prepare an ODP to guide the future redevelopment and subdivision in the Old Swanbourne Hospital Precinct.

The ODP supports the high quality redevelopment of the Precinct in line with clause 3.8 of the City of Nedlands TPS2.

The ODP sets out the broad development parameters based on heritage advice, the revised conservation plan, the recommendations resulting from the TBB study and TPS2 provisions. In acknowledging the work undertaken in regard to the site, this ODP seeks to conserve the cultural and recreation amenity of the Precinct to the local community whilst establishing a way forward for sustainable adaptation.

## APPENDIX A

### CERTIFICATE OF TITLE

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## APPENDIX B

### OUTLINE DEVELOPMENT PLAN

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LEGEND	
	Public Open Space
	Residential
	Montgomery Hall (including courtyard and parking)
	Administration Building & Covered Way
	Existing Hospital Buildings
	Future road reserve
	Public ROW Access (vehicles)
	Public ROW Access (cyclists, pedestrians only)
	Open Style Fencing
	Registered Curtilage & Development Plan Area

NO PUBLIC/AFFORDABLE HOUSING TO BE PROVIDED.  
EXISTING HERITAGE BUILDINGS TO BE RETAINED

**PUBLIC OPEN SPACE (WEST WING)**

**PUBLIC OPEN SPACE (WEST WING)**  
Landscape to protect and enhance the profile of Montgomery Hall and existing view corridors:  
 • Maintain and enhance pedestrian/cycle access, (S196 Land Administration Act)  
 • Improve lighting and provide public art.  
 • Landscaping Plan to be prepared at Development Application Stage and implemented by Developer prior to vesting.

**EXISTING HOSPITAL BUILDINGS**

**EXISTING HOSPITAL BUILDINGS**  
 • Conversion to Residential/Retirement Housing or Assisted Care Facility (approx. 28 units)  
 • Possible cafe  
 • Possible Arts/Community uses.

**MONTGOMERY HALL**

Retain heritage values - possible uses:  
 • Private Community Use e.g. Real Tennis, cafe, meeting rooms, museum, rhythmic gymnastics.  
 • Parking provided in South wing or in undercroft  
 • Use of Montgomery Hall needs to have regard to parking and traffic volumes, hours of use, noise levels and heritage values of building.  
 • Not to be used for residential purposes.  
 • Access to Montgomery Hall Undercroft for service access only  
 Note: Heritage Council does not support the removal of the arch and stage within Montgomery Hall.

**SOUTH WING**

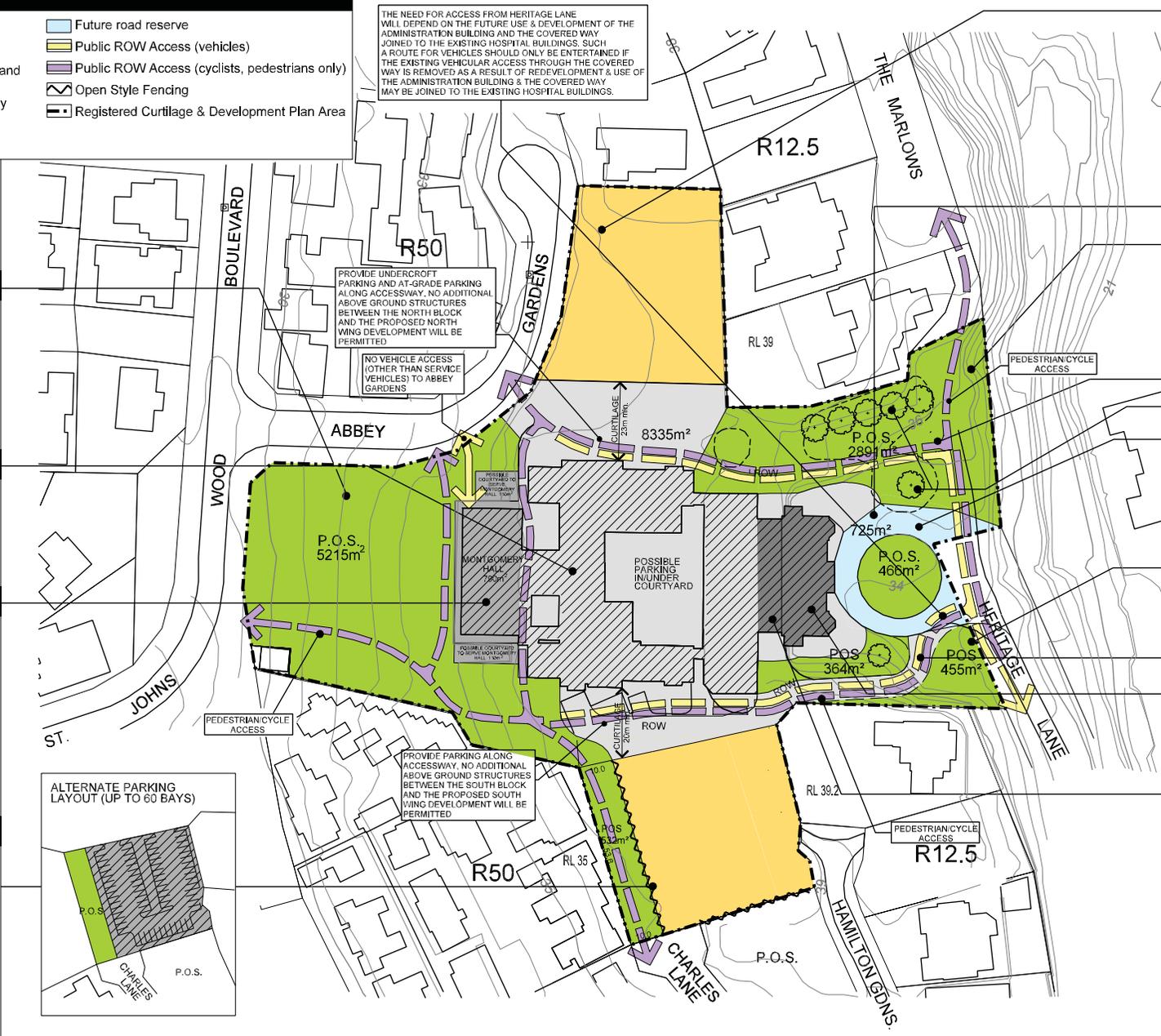
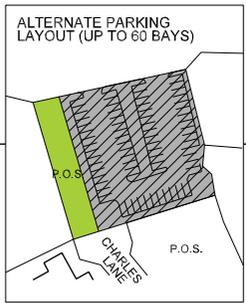
• Retain for parking (up to 60 bays) unless Montgomery Hall put permanently to a low-key use  
 • Access to parking from Heritage Lane  
 If developed for residential:  
 • Access from Heritage Lane, Hamilton Gardens and Charles Lane.  
 • Development guidelines/covenants to control building form and levels  
 - maximum 2 storey + loft (non habitable),  
 • Development to be 'cut into' bank to minimise impact on neighbours in Norfolk Lane complex.  
 • Maximum 7 lots  
 Note: Density of development of this site may be subject to further consideration at the subdivision stage.

THE NEED FOR ACCESS FROM HERITAGE LANE WILL DEPEND ON THE FUTURE USE & DEVELOPMENT OF THE ADMINISTRATION BUILDING AND THE COVERED WAY JOINED TO THE EXISTING HOSPITAL BUILDINGS. SUCH A ROUTE FOR VEHICLES SHOULD ONLY BE ENTERTAINED IF THE EXISTING VEHICULAR ACCESS THROUGH THE COVERED WAY IS REMOVED AS A RESULT OF REDEVELOPMENT & USE OF THE ADMINISTRATION BUILDING & THE COVERED WAY MAY BE JOINED TO THE EXISTING HOSPITAL BUILDINGS.

PROVIDE UNDERCROFT PARKING AND AT-GRADE PARKING ALONG ACCESSWAY. NO ADDITIONAL ABOVE GROUND STRUCTURES BETWEEN THE NORTH BLOCK AND THE PROPOSED NORTH WING DEVELOPMENT WILL BE PERMITTED.

NO VEHICLE ACCESS (OTHER THAN SERVICE VEHICLES) TO ABBEY GARDENS

PROVIDE PARKING ALONG ACCESSWAY. NO ADDITIONAL ABOVE GROUND STRUCTURES BETWEEN THE SOUTH BLOCK AND THE PROPOSED SOUTH WING DEVELOPMENT WILL BE PERMITTED.



NORTH WING
<p><b>NORTH WING</b></p> <ul style="list-style-type: none"> <li>Develop for residential purposes -</li> <li>Maximum 5 lots</li> <li>Maximum 2 storeys + loft (non-habitable).</li> <li>Access off Abbey Gardens.</li> <li>Note: Vehicular access to this site will be further considered at the subdivision stage and may result in the need for a right of way providing access to the rear of this land</li> <li>Guelines/Covenants to control built form and levels.</li> <li>Development to be 'cut into' bank to minimise impact on neighbours to east.</li> </ul>
EAST WING
<p><b>PUBLIC OPEN SPACE (NORTH EAST WING)</b></p> <ul style="list-style-type: none"> <li>Protect trees on northern boundary and adjacent to circular drive.</li> <li>Provide access to site for cyclists and pedestrians.</li> <li>(S196 Land Administration Act)</li> <li>Landscaping Plan to be prepared at Development Application Stage and implemented by Developer prior to vesting.</li> </ul> <p><b>MAIN ACCESS INTO SITE (S20A Town Planning &amp; Development Act)</b></p> <p><b>TREE(S) TO BE PROTECTED</b></p> <p><b>CIRCULAR DRIVE TO BECOME PUBLIC ROAD</b></p> <ul style="list-style-type: none"> <li>Protect view corridor to and from Administration building.</li> <li>Design to be sensitive to heritage character of building i.e. coloured pavement, minimal carriageway width, landscaping</li> </ul> <p><b>PUBLIC OPEN SPACE (SOUTH EAST WING)</b></p> <ul style="list-style-type: none"> <li>Protect trees, wing wall and bank.</li> </ul> <p><b>ALTERNATIVE ACCESS FROM HERITAGE LANE TO SOUTH WING VIA PUBLIC RIGHT OF WAY (ROW) DEVELOPED AS A 'MEWS' (S20A Town Planning &amp; Development Act)</b></p>
ADMINISTRATION BUILDING & COVERED WAY
<ul style="list-style-type: none"> <li>Possible uses include residential, retirement housing, home based business, commercial, mixed use, consulting rooms and professional offices etc.</li> </ul> <p>COURTYARD(S) AND/OR PARKING, ALONG COVERED WAY</p>
PUBLIC ACCESS
<p>Pedestrian &amp; cyclist access will be provided across the land generally along the routes shown on the plan, either through the creation of pedestrian access reserves or general public access easements for pedestrians, cyclists and wheelchairs under Sections 195 &amp; 196 of the Land Administration Act 1997 for the benefit of the WAPC.</p>
PUBLIC OPEN SPACE
<p>POS calculations will need to be agreed to by the WAPC &amp; City of Nedlands at the subdivision / development stage.</p>



OCTOBER 2005

PLAN NUMBER  
03/016/012A



OLD SWANBOURNE HOSPITAL STUDY

Development Plan  
Agenda Page 81

detrimentally affected by the proposal.

5.10.3 Within a Controlled Development Area the following provisions shall apply:-

- (a) the Council shall not permit the ground level of any portion of any lot to be raised by an amount greater than 0.5m above natural ground level whether by means of a retaining wall or not, unless it is satisfied that such changes in level will not unduly affect the amenity of the area including amenity of neighbouring properties. *AMD 25 GG 14/9/90*
- (b) for the purpose of this clause the rear boundaries of certain lots shall be as delineated in Appendix I and the rear setback applicable to boundaries of lots so delineated shall be 7.5m. Where the 7.5m setback is a front boundary the provisions of clause 5.3.3 (a) shall apply and the setback shall be 9.0m unless varied by Council. *AMD 25 GG 14/9/90*

#### 5.11 MAXIMUM BUILDING HEIGHT

*AMD 135 GG 2/2/01*

No site shall be developed or building constructed:

- i) to contain more than two storeys directly above each other in the case of residential use or three storeys in the case of other uses, excluding areas for plant and equipment, storage, toilets and the parking of wheeled vehicles;
- ii) with the height of any part of an exterior wall greater than 8.5m from mean natural ground level at the base of the walls; and
- iii) to exceed 8.5 metres in overall height facing the primary street frontage, measured from the mean level of the lot boundary at the primary street frontage; and
- iv) so that any point of the building exceeds a height of 10m, measured from the mean natural ground level around the base of the building or from such other level determined by Council.

#### 5.12 PARKING OF COMMERCIAL VEHICLES

*AMD 25 GG 14/9/90; AMD 130 GG 8/12/00*

- 5.12.1 A person shall not park or stand on a road reserve or park or stand or suffer or permit the parking or standing on private property in either case within a residential zone of a commercial vehicle with a tare weight in excess of 3.5 tonnes for a continuous period in excess of four (4) hours.
- 5.12.2 A person shall not park or stand or suffer or permit a commercial vehicle of more than 3.5 tonnes to be parked or allowed to stand on land within the residential zone unless it is garaged or otherwise screened from view from any street.
- 5.12.3 A person shall not park or stand or suffer or permit the parking or standing on any lot within the residential zone more than one commercial vehicle and shall not park or stand more than one commercial vehicle on a road reserve or any other reserve within the residential zone without the approval in writing of the Council.

#### 5.13 TREE MANAGEMENT

*AMD 116 GG 17/10/97; DELETED BY AMD 126 GG 11/2/00*

#### 5.14 DEVELOPMENT STANDARDS FOR LAND CONTAINED IN AMENDMENT NO. 121, BEING LOT 2 OF SWAN LOCATIONS 2105 AND 9149

*AMD 121 GG 23/10/98; DELETED BY AMD 134 GG 4/7/00*

#### 5.15 OLD SWANBOURNE HOSPITAL PRECINCT

*AMD 158 GG 8/11/05*

- 5.15.1 Prior to Council considering any application for subdivision and/or development on the site, a suitable and sustainable low-key adaptive re-use for Montgomery Hall shall be

Agenda Page 82

identified;

- 5.15.2 Council shall require subdivision and development to be generally in accordance with the Development Plan No. 03/16/12A, dated July 2005, annexed to Local Planning Policy: Old Swanbourne Hospital Precinct;
- 5.15.3 Council shall require subdivision and development to have regard to, and be generally consistent with Local Planning Policy: Old Swanbourne Hospital Precinct;
- 5.15.4 Notwithstanding the provisions of Table 1: use Class Table, and in accordance with the Development Plan referred to in 5.15(a), the following uses are 'AA':
- i. Caretakers Dwelling
  - ii. Carpark
  - iii. Civic Building
  - iv. Club Premises
  - v. Consulting Room(s)
  - vi. Dwelling House – Single
  - vii. Dwelling House – Grouped
  - viii. Dwelling House – Multiple
  - ix. Educational Establishment
  - x. Home Business
  - xi. Home Occupation
  - xii. Medical Centre
  - xiii. Office – General
  - xiv. Office – Professional
  - xv. Recreation – Private
  - xvi. Recreation – Public
  - xvii. Residential Building
  - xviii. Restaurant.

All other uses are 'X' – not permitted.

- 5.15.5 Prior to Council considering any application for subdivision and/or development on the site, in accordance with clause 3.8 of the Scheme, the applicant shall submit an Outline Development Plan for the approval of the Council, in consultation with the Heritage Council of Western Australia;
- 5.15.6 Prior to Council considering any application for subdivision and/or development on the site, a revised Conservation Plan for the site shall be completed to the satisfaction of the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process;
- 5.15.7 Prior to Council considering any application and/or development on the site, a Heritage Agreement shall be completed to the satisfaction of the Heritage Council of Western Australia in accordance with the Government Heritage Property Disposal Process;
- 5.15.8 Any application for subdivision and/or development shall have due regard for the revised Conservation Plan for the site and shall demonstrate the conservation of the existing heritage buildings to the satisfaction of the Heritage Council of Western Australia.



## ITEM NO: 9.6

### REQUEST FOR THE WESTERN AUSTRALIAN PLANNING COMMISSION TO GRANT CONSENT TO ADVERTISE THE OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN (OSH ODP), LOT 12040 HERITAGE LANE, MT CLAREMONT

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planner
AUTHORISING OFFICER:	Director Planning - Metropolitan Central
AGENDA PART:	G
FILE NO:	DPI/09/02220/2
DATE:	24 January 2011
ATTACHMENT(S):	Report (1, 2, 3, 4, 5, 6) and Schedule of Modifications (A, B)
LOCAL GOVERNMENT:	City of Nedlands
LOCAL GOVERNMENT ZONING:	Development Zone
LOCAL GOVERNMENT DECISION:	Support of ODP, subject to modifications
REGION SCHEME ZONING:	Urban
REGION DESCRIPTOR:	Metropolitan Region Scheme

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

1. *support advertising of the proposed Outline Development Plan (ODP) for the Old Swanbourne Hospital Site, pursuant to Clause 3.8.5 of the City of Nedlands Town Planning Scheme No.2, subject to:*
  - (i) *the attached Schedule of Modifications; and*
  - (ii) *the plan at Attachment 2, incorporating the annotations required of Modification 17 of the Schedule of Modifications, being adopted as the ODP Plan.*
2. *advise the City of Nedlands and proponent accordingly.*

## INTRODUCTION:

- The Outline Development Plan (ODP) has been submitted by The Planning Group on behalf of the owners The Swanbourne Estate Development Pty Ltd to the City of Nedlands. The ODP has been submitted to fulfil the requirements of the "Development Zone" provisions of the City's Scheme and enable the subsequent consideration of a development application for Lot 12040 Heritage Lane, Mt Claremont. (**Attachment 1: Location Plan**)
- The ODP relates to the Old Swanbourne Hospital Precinct, comprising the former Swanbourne Hospital estate in Mount Claremont in the City of Nedlands. The heritage buildings and mature trees on the site provide a focus and landmark for the area. The site slopes up from St Johns Wood Boulevard and Abbey Gardens to the Administration Building and then falls away to the boundary of John XXIII College. Contour levels vary from 29m at the western boundary to 40m at the Administration Building and then fall to 32m at the eastern boundary. John XXIII College, Greylands Hospital and the Industrial Rehabilitation Centre are approximately 1km east of the site. The site is approximately 700m from the Mount Claremont shopping centre and is well-served by local public open space (POS), including Hamilton Park, Mooroo Park, Pine Tree Park and Mount Claremont Oval.
- The ODP proposes residential lots in the Northern and Southern subdivision wings; with the retention of Montgomery Hall for a low-key use, the conversion of the existing hospital buildings and Administration Building to residential units, parking, shared access paths and POS proposed for the Heritage Buildings character area in the central site (**Attachment 2: ODP Plan**). Access to the central site is obtained from Heritage Lane, with access to the Northern Subdivision Wing via Abbey Gardens and to the Southern Subdivision Wing via Charles Lane and Hamilton Gardens.
- In accordance with Clause 3.8.3 of the City of Nedlands Town Planning Scheme No.2 (TPS 2), Council, at its meeting of 24 August 2010 advised of its in principle support of the ODP subject to modifications, and resolved to seek the consent of the Western Australian Planning Commission (WAPC) to formally advertise the ODP. This report reviews the proposed ODP and its suitability for public advertising.

## BACKGROUND:

- In September 2006 the City of Nedlands received a development application for the central site, which proposed a 34 residential unit development and included conservation works, alterations and additions to the heritage buildings on site. An ODP for the site was submitted to the City in October 2006. In December 2006, the City resolved to support advertising of the ODP subject to modifications. The applicant lodged an application for review with the State Administrative Tribunal (SAT) regarding the changes to the ODP required by the City.

- Subsequent to mediation, a revised ODP was submitted to Council incorporating aspects agreed by the parties during mediation. The City resolved to support the advertising of the ODP for public comment and to seek the consent of the WAPC to do so. An examination of the proposed ODP submitted to the WAPC for consent to advertise revealed issues that still needed to be addressed or clarified; that of public access to and through the site and the provision of and access to POS.
- The applicant was advised of the above concerns regarding the inconsistency of the Development Plan prepared by Taylor Burrell Barnett in 2005 for Amendment No.158 to the City of Nedlands TPS 2. A revised ODP was subsequently submitted by the applicant which generally addressed these matters in order to obtain WAPC approval for the ODP to be advertised. The applicant however advised, in writing, that the required changes were made on the basis to enable the ODP to be advanced and that it should not be construed that the issues of the provision of access-ways and a contribution to POS were acceptable to the proponent.
- The proposed ODP was advertised for public submissions for a month at the end of February 2008, and in April 2008 a development application was submitted to the City of Nedlands for consideration. Council, at its meeting on 27 May 2008, considered both the ODP and the development application and resolved to refuse both proposals. The applicant lodged an application with SAT on 9 July 2008 for review of the City of Nedland's decision to refuse the ODP and associated development. On 20 November 2008, SAT upheld the City's refusal.
- In May 2009, a revised ODP was submitted by the applicant to the City of Nedlands. Concurrently, two subdivision applications for the North and South wings were lodged with the WAPC for the creation of 6 residential lots and a road reserve, and 8 residential lots and a road reserve, respectively (WAPC 131109 and 131108). In August 2009 the WAPC conditionally approved the two subdivision applications. The applicant lodged applications with SAT for review of conditions 1, 6 and 7 of the WAPC's approvals. The conditions in question required the subdivision layout be modified to remove the encroachment of proposed residential lots into the curtilage with the Old Swanbourne Hospital buildings in accordance with the Development Plan, the provision of 11,840m<sup>2</sup> of POS to be ceded free of cost and vested in the Crown under Section 52 of the *Planning and Development Act 2005*, and Design Guidelines for the wings be prepared to control building forms and levels on the proposed lots respectively.
- Following mediation, the WAPC was invited to reconsider its decision in accordance with Section 31 of the *State Administrative Tribunal Act 2004* and it was determined that Condition 1 be retained as is, Condition 6 be modified to require 10% of the gross subdivisible area of the site i.e. 2482m<sup>2</sup> of POS, and that the WAPC be designated the clearing authority for Condition 7. The applicant subsequently withdrew the SAT applications.

- On 21 May 2010 a revised ODP was submitted to the City of Nedlands which addressed the queries raised in June 2009 and incorporated the approved subdivisions for the North and South wings. On 24 August 2010, Council approved the ODP subject to modifications (**Attachment 3: Requested modifications to ODP by Council**) and has forwarded the draft ODP to the WAPC for its consent to advertise.

#### PLANNING CONTEXT:

##### Metropolitan Region Scheme/ Town Planning Scheme

- The subject land is zoned "Urban" under the Metropolitan Region Scheme. In the City of Nedlands' TPS 2 the land is zoned "Development Zone" which requires the preparation and adoption of an ODP prior to development. The zoning of the land in TPS 2 is the result of Amendment No.158 to the scheme (gazetted on 8 November 2005), which included provisions in the scheme requiring the preparation of an ODP and specific controls over the use and development of the site.

##### City of Nedlands Town Planning Scheme No.2

- Amendment No.158 to the City of Nedlands TPS 2 included provisions that would enable the site to be redeveloped in accordance with a Development Plan and Development Guidelines. The Development Plan prepared for the site and guidelines were incorporated by reference into the City's Scheme and included compliance with the City's Local Planning Policy - 'Old Swanbourne Hospital Precinct' for the site.
- The provisions of Clause 5.15 of TPS 2 relating to the OSH site require subdivision and development to be generally in accordance with the Development Plan, a copy of which is provided at **Attachment 4**, as the Development Plan is annexed to the Local Planning Policy for the site. The Scheme requires the applicant to submit an ODP for approval which will guide subdivision and development of the site. (**Attachment 5: Excerpt from TPS 2 - Clause 5.15**)

##### Development Plan for the Old Swanbourne Hospital Precinct

- The Development Plan for the site, prepared by Taylor Burrell Barnett (TBB) on behalf of the Department of Housing in 2005, was developed through a consultation process involving the community, stakeholders and a Working Group. The consultation process included information flyers, a questionnaire and two workshops. A number of key themes and issues arose from the workshops, including preference for community use of the site, no support for the inclusion of public or affordable housing on the site, general support for residential development in the main heritage building, preference for low density residential development for areas designated residential, and support for enhancement and retention of POS and public access to these areas.

- As a result of the consultation process, the Development Plan and Development Guidelines were prepared and included in the Amendment document. The Development Plan indicates future land use and development of the site within 7 precincts; existing Hospital Buildings, Montgomery Hall, Administration Building, West Wing, East Wing, North Wing and South Wing. It proposes:
  - the North Wing be developed at a density of R20 (a potential of 5 lots);
  - the South Wing be used for parking or for residential development at a density of R30 (potential of 7 lots);
  - significant trees be protected;
  - access to the site be provided for cyclists and pedestrians (Section 196 of the *Land Administration Act 1997*);
  - existing heritage values be retained;
  - use of Montgomery Hall in accordance with its Heritage value; and
  - POS provision for the site.
  
- The proposed ODP is generally consistent with the Development Plan. The issues that have been raised by the City of Nedlands as being non-compliant with the Development Plan relate to:
  - POS provision for the site;
  - private versus public land ownership in the central site; and
  - the height limit to be placed on any new building to be constructed within the group of the existing heritage buildings.

#### Heritage Considerations

- In 1994 the subject site was entered on the State Register of Heritage Places as the 'Old Swanbourne Hospital Conservation Area', pursuant to Division 2 of Part 5 of the *Heritage of Western Australia Act 1990* ('the Heritage Act'). The hospital buildings on the site are regarded as being of cultural heritage significance since they represent the remnant core of the original Claremont Hospital for the Insane (subsequently known as Swanbourne Hospital), have a landmark quality occupying a prominent site and are visually dominant from the surrounding areas. The buildings include the Administration Building, the Stores, the Female and Male Attendants Blocks, the Kitchen, Montgomery Hall, the Covered Way and the Courtyard.
  
- The subject site is also on the City of Nedlands Municipal Heritage Inventory (MHI). It is a Category A site on the MHI, which identifies it as being worthy of the highest level of protection. TPS 2 requires development to be in accordance with a Government Heritage Property Disposal Process which includes the requirement for a Conservation Plan and Heritage Agreement for the site, prior to the commencement of development. A Conservation Plan for the site was completed in 1994 and an updated schedule of works was completed in 2001. A Heritage Agreement was signed in 2005 and the Conservation Plan was updated in 2005, and forms part of the proposed ODP.

- The ODP complies with the above heritage requirements. The modification requested by the City of Nedlands regarding ensuring that the visual prominence of the heritage buildings is protected and retained, with view corridors to and from the heritage buildings not to be interfered with, is supported in keeping with the heritage significance of the site..
- The Heritage Council of WA has been consulted throughout the ODP process, in accordance with sections 11 and 78 of the Heritage Act, and has advised the WAPC of its support of the ODP.

## **PLANNING CONSIDERATIONS:**

### Public Open Space

- The ODP proposes 2482m<sup>2</sup> of POS in the western portion of the site. This accounts for 10% of the gross subdivisible area of the subject site, which is in accordance with the requirements of WAPC Policy DC 2.3 'Public Open Space in Residential Areas'. The City of Nedlands, in its 24 August 2010 resolution, requires that POS provision be modified to give up a total contribution of 9923m<sup>2</sup> of POS in accordance with the 2005 Development Plan.
- The original August 2009 determinations of the subdivision applications (refs 131109 and 131108) by the WAPC required 11,840m<sup>2</sup> of POS to be provided. This amount was based on a shortfall that was calculated from submitted plans of subdivision when the area within which the subject land is located (St John's Wood and Mount Claremont estates) was subdivided in 1988 and 1989 (WAPCs 73944, 74342 and 76209). The calculation was made prior to implementation of the approved subdivisions and was not based on accurate area calculations available from survey documents. Review of archived WAPC records indicate that portions of the estates were subject to subsequent subdivision applications approved in 1992, 1993 and 1997 that addressed the POS shortfall (WAPCs 86562, 88141 and 102529). Diagrams and Plans of Survey implementing these later applications confirmed vesting of an additional 1.2290ha comprising 3 POS areas.
- In addition to the above, a more accurate area calculation of the estates and POS was undertaken. This indicates that a total area equivalent to approximately 8.6% (or 5.76ha) of the estates is vested and credited for POS (including the additional 1.2290 referred above). Inclusion of the 2.4819ha old Swanbourne Hospital site in the gross subdivisible area marginally lowers the proportion of POS to approximately 8.3%, which represents a shortfall of 11,500m<sup>2</sup> over the estates. Notwithstanding this, lots in the estate are within the desirable 400m distance from POS areas, along road reserves and pedestrian accessways.
- In view of the above, it would be unreasonable for the 11,500m<sup>2</sup> POS shortfall for the estates to be met solely by the subject site and it is recommended that the normal 10% POS requirement in accordance with WAPC Policy DC 2.3 (i.e. 2482m<sup>2</sup> instead of 11,840m<sup>2</sup>), as depicted in the ODP, be applied. This has been supported by the Statutory Planning Committee in its determination of

WAPCs 131109 and 131108 as directed by SAT under Section 31 of the SAT Act (DRs 366 and 367 of 2009), the applications for review which were subsequently withdrawn by the applicant.

#### Land Ownership

- The City of Nedlands' modifications to the ODP includes a requirement for all land within the east wing, excepting Circular Drive, being POS. Further, the City requires Circular Drive to be ceded and vested in the Crown as a public road (see Attachment 3). However given the above discussion regarding POS requirements for the site, the applicant has proposed that the land in the east wing and on the periphery of the central site be held in private ownership, with public access easements registered over it. The applicant has prepared a plan clarifying the land classification at the request of officers from the Department of Planning, at **Attachment 6**. The plan depicts the residential units in the centre of the site and the proposed residential lots in the north and south wings being held in private ownership; the curtilage with the existing hospital buildings and the land in the east wing, including Circular Drive, being held in private ownership with public access easements over it; and the 2482m<sup>2</sup> in the west wing being ceded as a Reserve for Recreation (public land).
- The land classification depicted in Attachment 6 complies with the requirement of the Development Plan (at Attachment 4) for access to be provided to the site for cyclists and pedestrians in accordance with section 196 of the *Land Administration Act 1997*. It is accordingly recommended that the land ownership proposed by Attachment 6 be included in the ODP for advertising.

#### Access and Parking

- The ODP proposes vehicular access and dual use paths through the site (see Attachments 2 and 3). Vehicular access is proposed to be restricted to private use with 21 visitor parking bays, in accordance with the car parking requirements of TPS 2, provided to service the proposed residences. Public access easements are to be registered over the curtilage of the existing hospital buildings and the east wing to ensure a high level of public access within the site. Access to Montgomery Hall from Abbey Gardens is to be restricted to service vehicles only. The proposed ODP access and parking provisions generally comply with the requirements of the Development Plan, for public access to be provided to the site in accordance with section 196 of the Land Administration Act and for that access through the site to be maintained and constructed in the form of dual use pedestrian/cycle pathways (now referred to as shared access paths). It is recommended that all references to dual use paths in the ODP be modified to shared access paths.

#### New Courtyard Building

- The ODP proposes that a new building may be constructed in the heritage buildings courtyard, and that the scale of this building would be consistent with the scale of the existing heritage buildings that form the courtyard. There has been an ongoing dialogue between the applicant and the City of Nedlands to

establish a height limit for the proposed new building. The Development Plan for the Old Swanbourne Hospital Precinct does not provide guidance regarding height restrictions for buildings on site, as at its time of adoption the provision of a new courtyard building was not envisaged. The City has requested that the ODP be modified to restrict the height of the new building to 3 storeys above basement level and limited to a maximum height of no greater than approximately 10m above the current ground level of the courtyard.

- In its November 2008 determination of the applications for review of the City of Nedlands' refusal of one of the earlier versions of the ODP and a concurrent development application for the site which proposed a new building of 4 storeys (DRs 247 and 256 of 2008), SAT concluded that it is not appropriate to exercise a discretion available in relation to heritage areas to vary the standard, because, on balance, the building proposed did not facilitate the conservation and preservation of the conservation area. SAT further ruled that such a building would have significant and detrimental impacts on the heritage significance of the site by compromising the landmark significance of the place and visually dominating the central courtyard. In its conclusion, SAT suggested that a contemporary building could be accommodated centrally within the site, consistent with the scheme and the Development Plan. This would enable the conservation, preservation and conversion of all heritage buildings.
- In accordance with the above, it is recommended that the ODP be updated to reflect a height limit of no greater than approximately 10m above the current ground level of the courtyard for the proposed new building, in accordance with TPS 2 provisions. In addition, the modification required to the ODP by the City of Nedlands for view corridors to be retained and protected is supported by the WAPC and will ensure that the landmark significance of the place is not compromised.

#### **CONCLUSION:**

- The ODP is consistent with the planning undertaken for the locality and is suitable as a guide to facilitate subdivision and/or development. It is accordingly recommended that the WAPC support the public advertising of the ODP subject to the Schedule of Modifications and to the Plan at Attachment 2, incorporating the annotations required of Modification 17 of the Schedule of Modifications, being adopted as the ODP Plan.

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**SCHEDULE OF MODIFICATIONS:  
OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN**

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**GENERAL**

1. Include the Land Classification Plan, at **Attachment A**, in the ODP documentation.
2. Replace all references to the "dual use path" in the Outline Development Plan with "shared access path".

**PART 1 - STATUTORY PLANNING**

***GUIDING PRINCIPLES AND DEVELOPMENT PARAMETERS***

*GENERAL PROVISIONS*

3. In the "Heritage" section, the following text is to be inserted:

"All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.

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.

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 those trees on site and any other existing trees that will be retained, and indicate measures to protect those trees during and after construction."

4. In the "Public and Private Open Space" section, the existing text is to be deleted and replaced with the following:

"A total contribution of 2482m<sup>2</sup> of Public Open Space is to be provided for the site as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.

All Public Open Space shall be ceded free of cost to the Crown under Section 152 of the Planning and Development Act 2005, with the intention that the land will become a reserve for which the City will have care, control and management.

All Public Open Space must be landscaped to a high standard to protect and enhance the profile of Montgomery Hall and existing viewing corridors, in accordance with plans approved by the City.

The Public Open Space is to provide for pedestrian/cycle access, and landscaping, lighting and public art, and may incorporate things such as a playground.

No parking shall be permitted in this area.

A detailed landscaping plan for the Public Open Space located to the west of Montgomery Hall must be prepared in consultation with the City and lodged with the City for its approval as part of the Detailed Area Plan stage. 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.

#### REFER TO FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL

A landscape plan is to be prepared for the East Wing as part of the Detailed Area Plan stage and implemented by the Developer as a condition of development approval. The landscape plan shall be prepared in consultation with the City and approved by the City prior to the approval of the Detailed Area Plan.

The landscape plan must indicate what treatments (e.g. plantings, "hard" landscaping) are proposed for the curtilage areas, any private open space areas within the site, and for road verges bounding the site. The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.

High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the type of landscaping considered appropriate to elements of the site are included overleaf."

5. In the "Vehicle Movement" section:
  - (i) The first sentence is to be replaced with "Vehicle access is to be provided across the Precinct via a shared access easement along the routes shown on the ODP."
  - (ii) Delete "Service vehicles are only permitted to access the Precinct via Abbey Gardens" and replace with "Service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be provided adjacent to Montgomery Hall. The use of these bays is to be regulated."
  - (iii) Delete "The proposed vehicle access to the Southern Subdivision Wing will also limit traffic movement along Hamilton Gardens which was

previously raised as a concern by existing residents on Hamilton Gardens."

6. In the "Parking" section, the existing text is to be deleted and replaced with the following:

"All car parking requirements for all future residents and their visitors shall be provided on the site. As far as possible parking shall be provided out of sight such as undercroft parking or at-grade, under the covered way adjacent to the Stores and around Circular Drive.

At grade parking shall not be covered unless it is provided in an area where the roof cover has already been provided.

Parking demand will need to be calculated at the development application stage once the proposed use and design of the site has been finalised."

7. In the "Curtilage" section:

- (i) Delete the first sentence.
- (ii) Replace "The curtilage may include a 3.0m wide dual use path. Refer to FIGURE 7 – INDICATIVE DUAL USE PATH CROSS SECTION" with "The curtilage is to include a 3.0m wide shared access path. Refer to FIGURE 7 – SHARED ACCESS PATH CROSS SECTION".

8. Insert a "Public Access" section, with the following text:

"Shared access 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.

All shared access paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network."

#### *SPECIFIC PROVISIONS*

9. Insert "and have been supported by the City of Nedlands at its meeting of 22 June 2010 as shown below:" at the end of the existing text.

#### **DESIGN GUIDELINES**

##### *Section 3: Specific Development Requirements*

- (i) Northern subdivision wing design guidelines (6 lot residential subdivision)

10. Delete: "Site Planning: Amalgamation or subdivision is not permitted. Relocation of amendment of front fences/gate will not be permitted."

*Section 4: General Design Requirements*

11. Insert "Mandatory Provisions" to the Section 4 title.
12. Insert a "Lot Levels" provision, below the "Eave Requirements", with the following text:

"Lot levels shall not be altered except in relation to the finished floor level of the ground floor slab which shall not be increased by more than 300mm from the relative lot levels depicted on the respective detailed area plan."
13. In the "Fences" provision, insert the following text:

"The developer shall provide open style fencing on all boundaries facing the heritage building, and abutting areas of public open space, unless otherwise specified in these guidelines. The maximum height of these fences shall be in accordance with the requirements for front fences as specified in the Residential Design Codes. The maximum height of the solid portion of the fences and any other structure (letterbox etc) shall not exceed 500mm.

All rear fences shall be 1.8m maximum height. Rear fencing shall be setback 1.5m from the road reserve boundary adjacent to the bin pad location as depicted for each property on the detailed area plans.

Side and rear fencing shall be constructed in materials, colours and style to match and complement the dwelling."
14. The text after the "Waste Management" provision is to be modified as shown in **Attachment B**.

**PART 2 – EXPLANATORY REPORT**

**OUTLINE DEVELOPMENT PLAN OUTLINE**

*PUBLIC OPEN SPACE*

15. Delete the sentence "The final amount of the site to be ceded free as Public Open Space is to be determined through negotiations with the Western Australian Planning Commission, the City of Nedlands and the landowner."

**ODP PLAN**

16. Depict clearly on the Plan the shared access paths on the site.

17. Provide the following annotations on the Plan, linked to the relevant portion(s) of that Plan:

"North Wing

- See ODP text for information.

East Wing

- Provide access to the site for cyclists and pedestrians.
- A landscape plan is to be prepared as part of the Detailed Area Plan stage in consultation with the City prior to the approval of the Detailed Area Plan, and implemented by the Developer prior to vesting.

Circular Drive

- Protect view corridor to and from the Administration Building.
- Design to be sensitive to the heritage character of the building i.e. coloured pavement, minimum carriageway width, landscaping.
- Visitor parking to be located on the outer edge of Circular Drive.

Public Access

- A high level of public access within the site shall be maintained. Shared access paths are to be provided across the site and shall integrate with the existing pedestrian and cycle network established beyond the site.

South Wing

- See ODP text for information.

Existing Hospital Buildings

- Conversion to Residential.
- Possible cafe, Arts/Community uses.
- Possible parking in or under the courtyard.
- Possible residential building in the courtyard.

Montgomery Hall

- Retain heritage values.

- Possible uses: a private community use e.g. real tennis, cafe, meeting rooms, museum or rhythmic gymnastics.
- Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
- Montgomery Hall is not to be used for residential purposes.
- Access to Montgomery Hall undercroft for service access only.
- Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
- Two (2) courtyard areas of 110m<sup>2</sup> each may be provided north and south of Montgomery Hall.
- The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.

#### Public Open Space (West Wing)

- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.
- Maintain and enhance pedestrian/cycle access.
- No parking shall be permitted in this area.
- Landscaping plan to be prepared as part of the Detailed Area Plan stage in consultation with the City and approved by the City for implementation by the Developer prior to vesting.

#### New Courtyard Building

- A new building may be constructed within the heritage building courtyard, limited to a maximum height of no greater than approximately 10m above the current ground level of the courtyard.

#### Curtilage

- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development."

**SCHEDULE OF MODIFICATIONS:**

**OLD SWANBOURNE HOSPITAL OUTLINE DEVELOPMENT PLAN**

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*These modifications refer to the ODP text submitted to the WAPC by the City of Nedlands in September 2010 and included at Attachment 5 of this report.*

**GENERAL**

1. Remove the Land Classification Plan from the ODP documentation.
2. Replace all references to the "dual use path" in the Outline Development Plan with "shared access path".

**PART 1 - STATUTORY PLANNING**

***OUTLINE DEVELOPMENT PLAN AREA***

3. Add after the text "John XXIII College": "borders the site to the east, and".

***DETAILED AREA PLANS***

4. The following text is to be added:

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

***GUIDING PRINCIPLES AND DEVELOPMENT PARAMETERS***

***GENERAL PROVISIONS***

5. In the "Heritage" section, the following text is to be inserted:

"All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.

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.

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 those trees on site and any other existing trees that will be retained, and indicate measures to protect those trees during and after construction.

The development and conservation of the heritage buildings are to be to the satisfaction of the Heritage Council of Western Australia."

6. In the "Public and Private Open Space" section, the existing text is to be deleted and replaced with the following:

"A total contribution of 2482m<sup>2</sup> of Public Open Space is to be provided for the site as part of the subdivision approvals granted in 2010 for the northern and southern subdivision wings.

All Public Open Space shall be ceded free of cost to the Crown under Section 152 of the Planning and Development Act 2005, with the intention that the land will become a reserve for which the City will have care, control and management.

All Public Open Space must be landscaped to a high standard to protect and enhance the profile of Montgomery Hall and existing viewing corridors, in accordance with plans approved by the City.

The Public Open Space is to provide for pedestrian/cycle access, and landscaping, lighting and public art, and may incorporate things such as a playground.

No parking shall be permitted in this area.

A landscape plan for the Heritage Buildings area including the Public Open Space located to the west of Montgomery Hall, must be prepared in consultation with the City and the Heritage Council of WA as part of the Detailed Area Plan stage. The landscaping plan is to be prepared to the satisfaction of the WAPC. The approved landscaping plan is to be implemented by the Developer to the satisfaction of the City as a condition of development approval.

The landscape plan must indicate what treatments (e.g. plantings, "hard" landscaping) are proposed for the curtilage areas, any private open space areas within the site, and for road verges bounding the site. The verge planting for Abbey Gardens must be such that it prevents parking within the road verge.

High quality open space treatments are required, commensurate with the quality of the redevelopment of the heritage buildings. An indication of the

type of landscaping considered appropriate to elements of the site are included overleaf."

REFER TO FIGURE 4 - PUBLIC OPEN SPACE WEST OF MONTGOMERY HALL

7. In the "Vehicle Movement" section:
  - (i) The first sentence is to be replaced with "Vehicle access is to be provided across the Precinct along the routes shown on the ODP."
  - (ii) Delete "Service vehicles are only permitted to access the Precinct via Abbey Gardens" and replace with "Service vehicles servicing Montgomery Hall may use Abbey Gardens to access only Montgomery Hall. Service vehicle parking bays may be provided adjacent to Montgomery Hall. The use of these bays is to be regulated."
  - (iii) Delete "The proposed vehicle access to the Southern Subdivision Wing will also limit traffic movement along Hamilton Gardens which was previously raised as a concern by existing residents on Hamilton Gardens."
  
8. In the "Parking" section, the existing text is to be deleted and replaced with the following:

"All car parking requirements for all future residents and their visitors shall be provided on the site. As far as possible parking shall be provided out of sight such as undercroft parking or at-grade, under the covered way adjacent to the Stores and around Circular Drive.

At grade parking shall not be covered unless it is provided in an area where the roof cover has already been provided.

Parking demand will need to be calculated at the development application stage once the proposed use and design of the site has been finalised."
  
9. In the "Curtilage" section:
  - (i) Delete the first sentence.
  - (ii) Replace "The curtilage may include a 3.0m wide dual use path. Refer to FIGURE 7 – INDICATIVE DUAL USE PATH CROSS SECTION" with "The curtilage is to include a 3.0m wide shared access path. Refer to FIGURE 7 – SHARED ACCESS PATH CROSS SECTION".

10. Insert a “Public Access” section, with the following text:

“Pedestrian and cyclist access will be provided across the Precinct generally along the routes shown on the ODP. The pathways will be created via an easement for public access or the creation of a Public Access Way (PAW).

The shared paths should provide for pedestrian and cyclist access through the site and to allow public enjoyment of the heritage buildings.

Shared access paths shall 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.

All shared access paths on site must be separate from vehicle access and shall integrate with the existing pedestrian network.

The detailed design and placement of the shared access paths will be addressed as part of the detailed landscaping plan required as part of the Detailed Area Plan (DAP) for the Heritage Buildings area.”

#### *SPECIFIC PROVISIONS*

11. Insert “and have been supported by the City of Nedlands at its meeting of 22 June 2010 as shown below.” at the end of the existing text.

#### **DESIGN GUIDELINES**

##### *Section 3: Specific Development Requirements*

- (i) *Northern subdivision wing design guidelines (6 lot residential subdivision)*

12. Delete: “Site Planning: Amalgamation or subdivision is not permitted. Relocation of amendment of front fences/gate will not be permitted.”

##### *Section 4: General Design Requirements*

13. Insert “Mandatory Provisions” to the title.
14. Insert a “Lot Levels” provision, below the “Eave Requirements”, with the following text:

“Lot levels shall not be altered except in relation to the finished floor level of the ground floor slab which shall not be increased by more than 300mm from the relative lot levels depicted on the respective detailed area plan.”

15. In the “Fences” provision, insert the following text:

“The developer shall provide open style fencing on all boundaries facing the heritage building, and abutting areas of public open space, unless otherwise specified in these guidelines. The maximum height of these fences shall be in accordance with the requirements for front fences as specified in the Residential Design Codes. The maximum height of the solid portion of the fences and any other structure (letterbox etc) shall not exceed 500mm.

All rear fences shall be 1.8m maximum height. Rear fencing shall be setback 1.5m from the road reserve boundary adjacent to the bin pad location as depicted for each property on the detailed area plans.

Side and rear fencing shall be constructed in materials, colours and style to match and complement the dwelling.”

16. The text after the “Waste Management” provision is to be modified as shown in Attachment 5, until the section ‘Residential Dwellings’. The text in this section is to read:

“The number of dwellings to be accommodated in the existing heritage buildings will be determined at the development application stage.”

17. The text in the ‘New Courtyard Building’ section is to read:

“A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site. The scale of the buildings should be consistent with the scale of the existing heritage buildings that form the courtyard. The design of the new courtyard building is to be to the satisfaction of the Heritage Council of Western Australia in consultation with the City of Nedlands.”

## **PART 2 – EXPLANATORY REPORT**

### ***OUTLINE DEVELOPMENT PLAN OUTLINE***

#### ***PUBLIC OPEN SPACE***

18. Delete the sentence “The final amount of the site to be ceded free as Public Open Space is to be determined through negotiations with the Western Australian Planning Commission, the City of Nedlands and the landowner.”

## ODP PLAN

19. The ODP Plan to be used as the basis for these modifications is provided at Attachment 2.
20. Redesign the yellow arrow at the north of Montgomery Hall to show one access point to the proposed parking area, which branches off to provide access for service vehicles to the Montgomery Hall undercroft area.
21. Provide the following annotations on the Plan, linked to the relevant portion(s) of that Plan:

### "North Wing

- See ODP text for information.

### Heritage Buildings and East Wing

- Provide access to the site for cyclists and pedestrians.
- A landscape plan is to be prepared in consultation with the City of Nedlands and the Heritage Council of WA, to the satisfaction of the WAPC, as part of the Detailed Area Plan stage. The landscape plan is to show detailed design of pathways and landscaping treatments.

### Circular Drive

- Protect view corridor to and from the Administration Building.
- Design to be sensitive to the heritage character of the building i.e. coloured pavement, minimum carriageway width, landscaping.
- Visitor parking to be located on the outer edge of Circular Drive.

### Public Access

- A high level of public access within the site shall be maintained. Shared access paths are to be provided across the site and shall integrate with the existing pedestrian and cycle network established beyond the site.

### South Wing

- See ODP text for information.

### Existing Hospital Buildings

- Conversion to Residential.
- Possible cafe, Arts/Community uses.
- Possible parking in or under the courtyard.
- Possible residential building in the courtyard.

### Montgomery Hall

- Retain heritage values.
- Possible uses: a private community use e.g. real tennis, cafe, meeting rooms, museum or rhythmic gymnastics.
- Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
- Montgomery Hall is not to be used for residential purposes.
- Access to Montgomery Hall undercroft for service access only.
- Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
- Two (2) courtyard areas of 110m<sup>2</sup> each may be provided north and south of Montgomery Hall.
- The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.
- Area between POS and Montgomery Hall can be sensitively landscaped to allow for car parking, to be designed and constructed in such a way as to have minimal impact on the aesthetic qualities of the heritage buildings, to the satisfaction of the Heritage Council of WA.

### Public Open Space (West Wing)

- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.

- Maintain and enhance pedestrian/cycle access.
- No parking shall be permitted in this area.
- Landscaping plan to be prepared as part of the Detailed Area Plan stage in consultation with the City and approved by the City for implementation by the Developer prior to vesting.

#### New Courtyard Building

- A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site.

#### Curtilage

- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development."

## ITEM NO: 9.2

### ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN - LOT 9508 RAVENDALE DRIVE, DUDLEY PARK, CITY OF MANDURAH

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Peel Region
AUTHORISING OFFICER:	A/Executive Director Perth, Peel and South West Planning and Strategy Division
AGENDA PART:	G
FILE NO:	SPN/0301/1
DATE:	July 2011
ATTACHMENT(S):	Attachment 1 – Location Plan Attachment 2 - ODP Attachment 3 - Schedule of Submissions
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Mandurah
LOCAL SCHEME ZONING:	Urban Development
LGA RECOMMENDATION:	Approved with modifications
REGION DESCRIPTOR:	Peel Region
RECEIPT DATE:	8 April 2011
PROCESS DAYS:	89
APPLICATION TYPE:	Request for endorsement of Outline Development Plan
CADASTRAL REFERENCE:	Lot 9508 Ravendale Drive, Coodanup

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

1. ***endorse the Outline Development Plan for Lot 9508 Ravendale Drive, Dudley Park, subject to the following modifications:***
  - a) ***the density codings being modified as follows:***
    - i) ***R30 for the lots fronting Ravendale Drive;***
    - ii) ***R35 for the lots 6-8, 23-28 and 33; and***
    - ii) ***R40 for the balance of the site;***
  - b) ***ODP note 2 and the associated symbol being deleted, remaining provisions to be renumbered accordingly;***

- 
- c) *the noise mitigation provisions at note 6 being expanded to include proposed Lot 24;*
  - d) *the Detailed Area Plan provisions at note 11 being expanded to include reference to proposed Lots 23 and 24 abutting the pedestrian access way;*
  - e) *the pedestrian access way being increased to four metres in width and straightened;*
  - f) *inclusion of the following notation:*  
*'The Federal government has determined that this proposal constitutes a 'controlled action' and requires approval under the Environment Protection and Biodiversity Conservation Act'.*

**2. advise the City of Mandurah of its decision accordingly.**

#### **SUMMARY:**

The key points relating to this report are as follows:

- The City of Mandurah requests the Western Australian Planning Commission's (WAPC) approval of an Outline Development Plan (ODP) for a 1.7 hectare site, south of the Mandurah Road/Pinjarra Road intersection (Attachment 1 – Location Plan).
- The ODP has been subject of a State Administrative Tribunal Review, as a result of Council's refusal to initially advertise and subsequently to adopt the ODP due to concerns regarding the proposed density and layout.
- Four objections were received during advertising, primarily relating to the proposed residential density and increased traffic.
- It is recommended that the ODP be approved, subject to minor modifications.

#### **BACKGROUND:**

The site was created as a result of historical subdivision of the Dudley Park estate, and incorporates a narrow strip of land between Mandurah Road and the Catholic College linking the site to Public Open Space Reserve 39652.

In March 2010, Amendment 105 to TPS3 was gazetted, rezoning the site from 'Residential R17.5' to 'Urban Development', requiring preparation of an ODP prior to development.

In April 2010, Council refused consent to advertise an ODP for the site, on the basis that the R40 density proposed was excessive and the single access point would adversely impact residential dwellings opposite the site. The proponent sought a review of this decision through the State Administrative Tribunal (SAT).

In August 2010, Council granted consent to advertise a modified ODP for the site, with a slightly reduced yield and larger lots fronting Ravendale Drive.

In November 2010, Council refused to grant final approval to the ODP, for the reasons outlined in it's earlier refusal. The proponent sought a review of this decision through the SAT.

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In February 2011, as an outcome of mediation, Council reconsidered its decision and resolved to adopt a modified ODP for final approval.

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Planning and Development Act 2005*  
*City of Mandurah TPS No. 3*  
Section: 7.11.3.10

**Strategic Plan**  
Strategic Goal: Planning  
Outcomes: Planned Local Communities developing a sense of place  
Strategies: Encourage innovation in the design of communities

**Policy**  
Number and / or Name: Directions 2031 and Beyond  
State Planning Policy 3 - 'Urban Growth and Settlement'  
State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'

## **KEY ELEMENTS OF PLAN:**

The ODP adopted by Council proposes the following:

- i) 43 residential lots comprising:
  - 28 lots with a R30/40 density code
  - 10 slightly larger lots with a R30/35 density codes for the purpose of vegetation retention, and
  - five lots fronting Ravendale Drive with an R25/30 density code;
- ii) internal road access via a single entry point from Ravendale Drive;
- iii) noise attenuation measures addressing Mandurah Road; and
- iv) continuation of an existing dual use path adjacent to Mandurah Road.

## **PLANNING CONTEXT:**

The local planning scheme (LPS) requires preparation of an ODP prior to subdivision or development within the 'Urban Development' zone, addressing, inter alia, major land uses, subdivision and development standards.

## **SUBMISSIONS AND CONSULTATION:**

The ODP was advertised for public comment during July and August 2010, with four submissions received. The issues raised are presented at **Attachment 3**, together with Council's and DoP's comments.

## **DISCUSSION:**

The ODP adopted by Council has been subject to the following modifications as a result of mediation, compared to that originally submitted for approval in April 2010:

- 
- i) the density coding has been reduced from R40 to a R25 - R40 range, with a corresponding yield reduction of 4 lots;
  - ii) larger lots are proposed to front Ravendale Drive, to maintain the established streetscape;
  - iii) larger lots within the site provide opportunities for vegetation retention; and
  - iv) provision for a three-metre setback to Mandurah Road allows for continuation of the dual use path network adjacent to the site's northern site boundary.

### Density and streetscape

The density proposed is consistent with existing R40 development to the west of the site, and is appropriate given the site's proximity to amenities including schools, proposed commercial development and public open space. The proposed layout provides for improved streetscape outcomes, consistent with surrounding residential development.

Singular density codings are recommended to remove ambiguity, maintain the lot yield outcome negotiated through the SAT process, and clarify subdivision requirements, noting that ODP note 11 requires preparation of Detailed Area Plans at subdivision stage to address appropriate development standards

### Access and footpath network

The proposed access and rear-loaded lots fronting Ravendale Drive are supported as mechanisms to reduce the likelihood of pedestrian and vehicular conflict, given the site's proximity to Mandurah Catholic College.

The ODP makes provision for extension of an existing dual use path (DUP) adjacent to Mandurah Road, which currently terminates at a pedestrian overpass to the east of the site in Reserve 39652. The City of Mandurah intend to fund continuation of the DUP west of Lot 9508 to the Leslie Street intersection in due course.

A footpath through the site is proposed to link Ravendale Drive to the extended DUP via a pedestrian access way (PAW). These measures are supported to improve the site's permeability. The PAW has a width of approximately 3 metres, which is considerably less than the 8 metres recommended in Development Control Policy 2.6 - *Residential Road Planning*. It is not considered necessary for a short PAW of about 20 metres in length to achieve a width of 8 metres. A better outcome would be for the PAW to be widened out to 4 metres and straightened.

### Traffic and Road Noise

The site is adjacent to Mandurah Road, which is classified as a primary freight road in State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'. The policy's noise criteria applies where new noise-sensitive development, such as residential dwellings are proposed in the vicinity of major roads.

MRWA provided comments at rezoning stage regarding Mandurah Road access, traffic noise, fencing, stormwater and lighting. The ODP provisions relating to noise

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attenuation satisfactorily address the comments raised, with the other matters able to be addressed at subdivision stage.

An ODP notation requires the developer to fund screening vegetation in the verge on the southern side of Ravendale Drive opposite the proposed access point, to reduce the impact of headlight glare on existing residences. The provision was included as a result of mediation, and is supported, as it will limit the impact of the development on established dwellings.

### Other

The Federal government has determined that development of the site is a 'controlled action', requiring approval under the Environment Protection and Biodiversity Conservation Act. The proponent is currently preparing a response relating to the impact of development on potential Black Cockatoo foraging and nesting sites.

No public open space is proposed, as sufficient open space has been provided in the locality as a result of earlier subdivision (WAPC ref 127069 and 114412).

### Justification

The ODP is supported for the following reasons:

- (i) The ODP will facilitate development of a wider range of dwelling types, providing for greater housing choice and diversity in the area; and
- (ii) The proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located urban land.

### **MODIFICATIONS:**

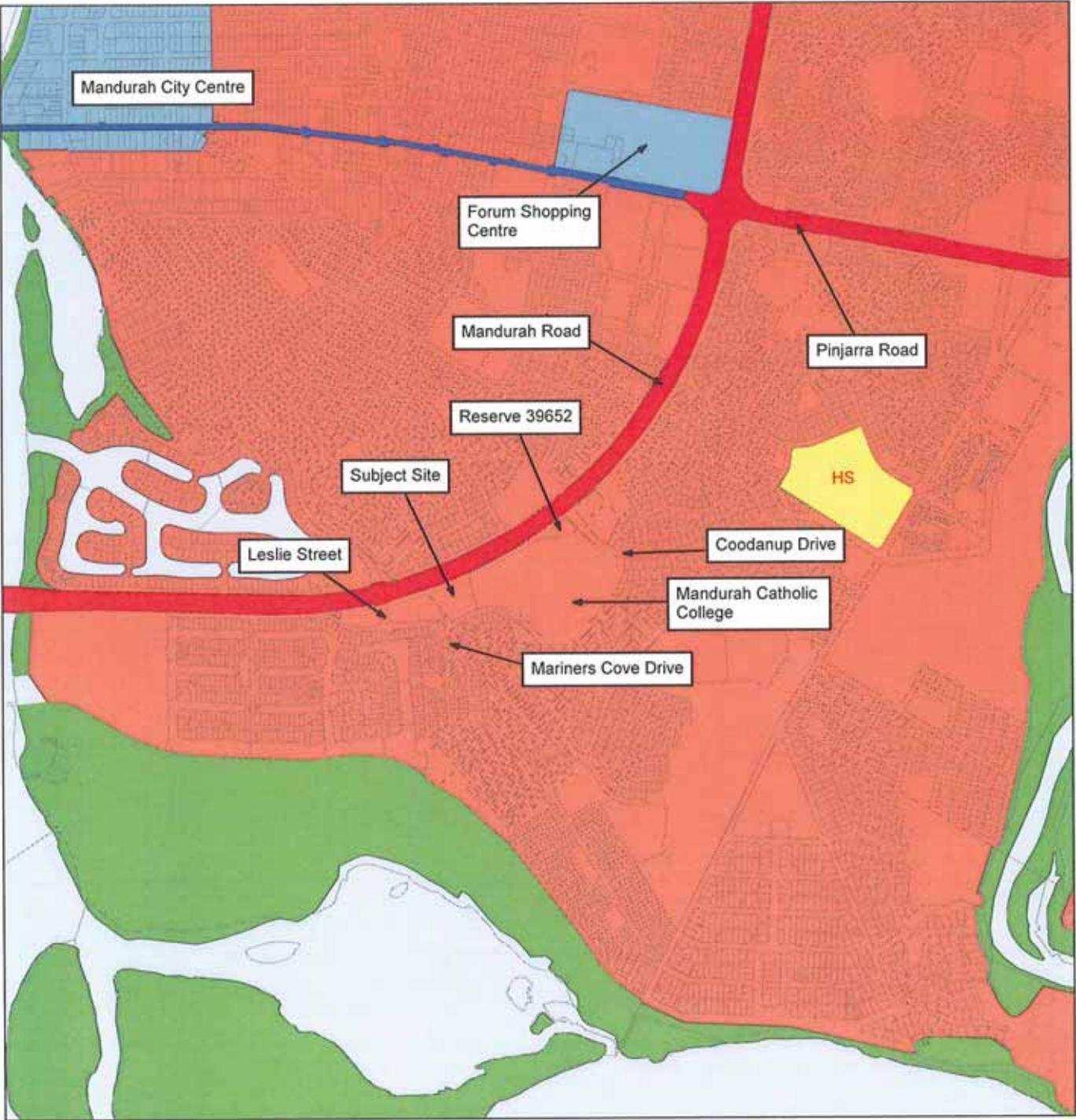
The following modifications are recommended:

- i) the R-coding for the lots fronting Ravendale Drive being modified from R25/30 to R30, the R-coding for the larger internal lots being changed from R30/35 to R35 and the R-coding for the balance of the site being modified from R30/40 to R40;
- ii) the PAW being increased to four metres in width and straightened;
- iii) ODP note 2 and the associated symbol being deleted, as it is unnecessary;
- iv) ODP note 6 being expanded to include proposed Lot 24;
- v) ODP note 11 being expanded to include reference to proposed Lots 23 and 24, abutting the PAW; and
- vi) a notation should be placed on the ODP highlighting the requirement for approval to be obtained under commonwealth legislation

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**CONCLUSION:**

It is recommended that the ODP be approved subject to the modifications outlined in the Recommendation.



Scale 1:20,000  
 0 500 m

Prepared by: alawson  
 Prepared for:  
 Date: Thursday, July 07, 2011 13:15  
 Plot identifier: P20110707\_1314

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning

Lot 9508 Ravendale Drive  
 Dudley Park  
 Location Plan  
 Agenda Page 112

FILE REF: A4511  
 COUNCIL APPROVED DATE 22 / 02 / 2011  
 APPROVED / ENDORSED BY WAPC ON \_\_\_\_\_

ODP PROVISIONS

- 1 Masonry Noise Attenuation Wall to be constructed
- 2 Category 1 Trees able to be removed.
- 3 Category 1 Trees to be retained in Subdivision and development process.
- 4 Presumption against 2nd storey westward facing windows unless high level or translucent glass is installed. Ground floor westward facing windows to have awnings or similar privacy screens.
- 5 No street front garages or carports on Ravendale Drive frontage. 2nd storeys (if constructed) to be stepped back from front ground floor wall.
- 6 2nd storey windows on north east or west walls to be double glazed for noise attenuation purposes.
- 7 Colorbond or agreed fencing type on secondary frontage of corner lots.
- 8 600mm - 1000mm retaining wall including steps to footpath with high quality constructed permeable boundary fencing to Council's satisfaction
- 9 Shared Paths
  - The final lot configuration and design is to be confirmed at the subdivision stage to maximise tree retention throughout the ODP area, which may include the construction of crossovers for some lots.
- 10
- 11 Detailed Area Plans will be required to confirm vehicle access, site layouts and setbacks as a condition of subdivision.
- 12 At the relevant stage of development or subdivision, the applicant will be responsible for the preparation and implementation of the following:
  - Tree Retention and Management Plan;
  - Wildlife Protection Management Plan.
  - Landscaping Plan with emphasis on indigenous plants



**■** SUBJECT SITE  
**🌳** ADDITIONAL LANDSCAPING  
**□** SINGLE RESIDENTIAL R25/30  
**□** SINGLE RESIDENTIAL R30-40  
**□** R30/35 (LARGER LOTS TO PRESERVE TREES)  
**▨** VEGETATION SCREENING

DATE: 14/02/2011  
 DRAWN BY: I/STG @ AJ  
 CHECKED BY: D/STG  
 PROJECT NO: 5/14/01

ravendale drive  
 14/9508 warjeep road  
 14/9508 warjeep road

**GREG ROWE**

CITY OF MANDURAH

OUTLINE DEVELOPMENT PLAN - LOT 9508 RAVENDALE DRIVE, DUDLEY PARK

SCHEDULE OF SUBMISSIONS

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
1.	Mariners Cove Residents Association	<p>Concerns with the following aspects of the proposed ODP:</p> <ul style="list-style-type: none"> <li>a. The potential impact the addition of a further 46 dwellings would have on the already excessive peak hour traffic. The 6 metre wide road is too narrow to accommodate the extra traffic.</li> <li>b. It is likely that future residents will use the route onto Mariners Cove Drive to access Mandurah Road rather than via Newport Drive and Coodanup Drive competing with buses, waste disposal vehicles and construction vehicles.</li> <li>c. The opening of the Forrest Freeway will lead to an increase in traffic for people accessing Halls Head through Mariners Cove as a short cut.</li> </ul>	<ul style="list-style-type: none"> <li>a. <b>Not Supported</b> - The road reserve is approximately 18 metres at the narrowest point with the tarmac surface approximately 7.2 metres. The minimum lane width to accommodate buses is 3.5 metres; therefore it is considered that the addition of 46 dwellings will not be significantly detrimental to the road network traffic flow.</li> <li>b. <b>Noted</b> – There is no expectation that future residents should enter Mandurah Road via Coodanup Drive.</li> <li>c. <b>Not Supported</b> – It is considered unlikely people exiting the freeway would prefer to travel through Mariners Cove rather than along Pinjarra Road as it is approximately 1.2km to do so and is therefore not a shortcut.</li> </ul>	<ul style="list-style-type: none"> <li>a. Dismiss. Agree with Council's comment. The traffic generated by the development will not exceed the capacity of the local road network.</li> <li>b. Noted. It is possible that traffic would utilise Mariners Cove Drive, as the intersection with Mandurah Road is signalised, however this will not exceed the capacity of the local road network.</li> <li>c. Dismiss. Agree with Council's comment.</li> </ul>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>d. The intersection at the entry and exit to Mariners Cove was originally designed for local traffic only and the buses cause significant traffic jam during peak times.</p> <p>e. The access to Mandurah Catholic College from Ravendale Drive should be closed and limited to Coodanup Drive only.</p> <p>f. It appears logical that to alleviate the traffic congestion, that the ODP should be amended so that direct vehicular access could be gained direct from Mandurah Road. This could be done by sacrificing one single lot and joining Mandurah Road adjacent to the proposed dual use path.</p>	<p>d. <b>Not Supported</b> – The intersection in question is controlled by traffic lights. It is not considered to have been designed for local traffic only.</p> <p>e. <b>Noted</b> – However, it is not the function of the proposed ODP to determine the appropriate access for buses and students to Mandurah Catholic College.</p> <p>f. <b>Not supported</b> – There is a significant change in levels which would render this option infeasible. It is unlikely that Main Roads WA would allow for direct access such as this in any case.</p>	<p>d. Dismiss. Agree with Council's comments. The road network in Mariners Cove is an issue that does not have direct implications upon the ODP.</p> <p>e. Dismiss. Agree with Council's comments.</p> <p>f. Dismiss. Agree with Council's comments, Main Roads do not support additional access onto Mandurah Road.</p>
2.	Nola and Brian Leckie 27 Tasman Loop Dudley Park WA 6210	<p>Object to the proposal for the following reasons:</p> <p>a. The additional traffic brought through the 46 extra dwellings is excessive and hazardous given the roads were not designed for buses and heavy traffic.</p> <p>b. The existing R40 development relies on Mariners Cove Drive for their rubbish and recycling</p>	<p>a. <b>Not Supported</b> – The road constructed is to a standard suitable for buses with a minimum lane width of 3.5 metres. Further, it is not considered the additional traffic will be excessive.</p> <p>b. <b>Noted</b> – However the existing R40 development is a built strata whereas the proposed ODP</p>	<p>a. Dismiss. Agree with Council's comment.</p> <p>b. Noted. Agree with Council's comment.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning and Comment Recommendation
		<p>collection due the single access point. It is hard to imagine the impact with a further 46 dwellings added.</p> <p>c. The roundabout at the intersection of Mariners Cove Drive and Ravendale Drive is a traffic problem during certain times of the day and the roundabout at the entry to Mariners cove from Mandurah Road now has vehicles turning right to access the Islands. These roads were not designed for heavy traffic or buses.</p>	<p>area will be 46 individual lots. It is expected that the waste disposal and recycling trucks will use the internal road and pick up the bins from outside the individual properties.</p> <p>c. <b>Not supported</b> – These roads are constructed to a satisfactory standard to allow for buses and the volumes of traffic that use them. It is not unexpected that people will be turning right at the roundabout to access the islands as development continues. The roundabouts and traffic conditions are not part of this application.</p>	<p>c. Dismiss. Agree with Council's comment.</p>
3.	Maxine Jones 32 Ravendale Drive Dudley Park WA 6210	<p>Concerned with the following aspects of the proposal:</p> <p>a. The increased traffic which has already increased since the opening of the Perth to Bunbury Freeway. The speed of the traffic along Ravendale Drive is excessive and suggests speed bumps to calm traffic.</p> <p>b. The high density of people and housing proposed is out of proportion with the area.</p>	<p>a. <b>Noted</b> - however it is considered unreasonable to require traffic calming off site on the basis of the number of lots proposed.</p> <p>b. <b>Not supported</b> – The proposed density is considered 'medium' as defined by the Residential Design Codes. The adjacent property has been developed at an R40 density and is therefore consistent with the locality.</p>	<p>a. Noted. Agree with Council's comment.</p> <p>b. Dismiss. Agree with Council's comment, the density is similar to existing development to the south of site.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning and Recommendation
		<p>c. Development of the site will highlight the poor state of the verge along the boundary of Mandurah Catholic College. Request this verge be cleaned up to remove rubbish, weeds and unsightly trees.</p> <p>d. Of the two plans the current one, adopted for advertising, is the preferred option as it does not have frontages to Ravendale and the rubbish collection can occur on the internal road.</p>	<p>c. <b>Noted</b> – however this is not valid planning grounds to refuse the proposal. That is, the unsightly condition of neighbouring properties.</p> <p>d. <b>Noted</b></p>	<p>c. Dismiss. Agree with Council's comment, and this is a matter to be addressed separately by the City.</p> <p>d. Noted.</p>
4.	<p>Simon and Sharon Hunt 52 Ravendale Drive Dudley Park WA 6210</p>	<p>Object the proposal for the following reasons:</p> <p>a. When we purchased our block and built our house, the block across the road was already designated as residential lots the same as ours. Not 46 lots as suggested by the current ODP plan.</p> <p>b. We were also careful to not buy directly opposite a T junction as this lowers the property values. If the rezoning goes ahead, this may all change.</p> <p>c. Do not want to live opposite high density flats or apartments. The adjacent R40 development causes a</p>	<p>a. <b>Noted</b> – the site was zoned 'Residential R17.5' until Scheme Amendment 105 rezoned it to 'Urban Development'. This rezoning was extensively advertised.</p> <p>b. <b>Not Supported</b> – The access to the site is clearly delineated on the ODP and is over 35 metres from 52 Ravendale Drive. Opposite the correspondent's property is a house with vehicular access to the rear.</p> <p>c. <b>Not Supported</b> – No flats or apartments are proposed. Rather town houses on individual lots. As defined under</p>	<p>a. Noted. Agree with Council's comments. Proposal is consistent with State Government Policy position of higher density in appropriately located and serviced locations.</p> <p>b. Dismiss. Agree with Council's comment</p> <p>c. Dismiss. Agree with Council's comment. The tenure of future dwellings is beyond the scope of the</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning and Comment Recommendation
		<p>nuisance with bins left on the verge and visitors parking on the verge. Also, these types of buildings are often rented which has a negative impact on the area.</p> <p>d. Another concern with zoning this away from residential is the school children that will be at risk from people entering and exiting the complex.</p> <p>e. We are aware that this site is a roost for Carnaby Cockatoos and this should be considered.</p> <p>f. We take a lot of time making our house and garden look as do our neighbours. To change from a residential zoning opposite would have a very negative impact on all our</p>	<p>the Residential Design Codes, the density proposed is not high density. Waste collection and mail services will be internal because the proposal has individual lots in contrast to the built strata adjacent.</p> <p>d. <b>Not Supported</b> – there is no proposal to rezone the site away from residential. It is considered that consolidating all access and egress to one point, in lieu of a number of crossovers to Ravendale Drive, creates a safer environment for pedestrians as vehicles will be moving forward in one place.</p> <p>e. <b>Noted</b> - This is a separate process under separate legislation and should not impact on this decision. However the applicant has been made aware of this and the obligation to refer the proposal on to the Department of Environment, Water Arts and Heritage (DEWHA) under the EBPC Act. City officers have advised DEWHA of the proposal.</p> <p>f. <b>Noted</b> – There is no proposal to move away from a residential use.</p>	<p>ODP.</p> <p>d. Dismiss. Agree with Council's comment.</p> <p>e. Noted. A modification to the ODP is recommended highlighting the requirement for approval to be obtained under commonwealth legislation.</p> <p>f. Dismiss. Agree with Council's comments.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>homes.</p> <p>g. If the rezoning is to occur, we would like some public open space set aside as there is none in Tuckey Cove.</p>	<p>g. <b>Not Supported</b> – Sufficient POS has been provided previously for the locality. Further, there is a park 250 metres from this site.</p>	<p>g. Dismiss. Agree with Council's comment. Sufficient public open space already given up through development of Mariners Cove and Dudley Park.</p>

## ITEM NO: 9.3

### ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN – LOTS 1, 2 & 49 BANKSIA TERRACE, MURRAY LAKES CANAL DEVELOPMENT, SOUTH YUNDERUP

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager Peel Region
AUTHORISING OFFICER:	A/Executive Director Perth, Peel and South West Planning Strategy Division
AGENDA PART:	G
FILE NO:	SPN/0209/1
DATE:	23 June 2011
ATTACHMENT(S):	Attachment 1 – Location Plan Attachment 2 – ODP Attachment 3 – Schedule of Submissions
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Murray
LOCAL SCHEME ZONING:	Residential Development
LGA RECOMMENDATION:	Endorse with modifications
REGION DESCRIPTOR:	Peel
RECEIPT DATE:	24 September 2010
PROCESS DAYS:	272
APPLICATION TYPE:	Outline Development Plan
CADASTRAL REFERENCE:	Lots 1, 2 and 49 Banksia Terrace, South Yunderup, and portion of closed road reserve

#### RECOMMENDATION:

*That the Western Australian Planning Commission resolves to:*

- 1. endorse the Outline Development Plan for Lots 1, 2 and 49 Banksia Terrace, South Yunderup, subject to the following modifications:**
  - a) modify ODP provision 4 by including a requirement for a 1.5 metre setback to the western boundary of Lot 6;**
  - b) modify ODP provision 5 by inserting the words 'primary street' before 'setback';**

- 
- c) *reword ODP provision 12 as follows:*  
*"a notification on the title of all new lots is required at subdivision or development stage sufficient to alert prospective purchasers that boat mooring and/or jetty construction will not be permitted along the canal entrance channel or the Murray River"; and*
- d) *include the following additional notation:*  
*"Foreshore fencing to be visually permeable for the full height".*

2. *advise Shire of Murray of its decision accordingly.*

## **SUMMARY:**

The key points relating to this report are as follows:

- The Shire of Murray seeks the Western Australian Planning Commission's endorsement of an Outline Development Plan (ODP) for Lots 1, 2 and 49 Banksia Terrace, South Yunderup (**Attachment 1** – Location Plan).
- The ODP seeks to facilitate redevelopment of the sites at an R30 density, providing for a total of nine residential lots (**Attachment 2** - ODP). In order to implement the ODP, a road reserve on the western side of the canal is being closed and partially amalgamated with the site.
- 86 submissions were received during concurrent public advertising of the ODP and associated scheme amendment, generally relating to density and setbacks, traffic issues, amenity, vegetation and public open space. In response to community concerns, Council required various modifications to the ODP, including reducing the height and density permitted, and increasing setbacks to the Murray River foreshore.
- It is recommended that the ODP be approved subject to additional minor modifications.

## **BACKGROUND:**

In December 2009, the WAPC granted approval for the amalgamation of Lots 1 and 2 Banksia Terrace (WAPC ref 140883). The new parent lot has not yet been created.

In February 2011, Council resolved to close the 16-metre wide road reserve between the western side of the canal and Lots 1 and 2. The road reserve previously provided access to Lot 2, however is no longer required as a result of the above amalgamation.

In June 2011, the Minister for Planning approved Amendment 250, which rezoned the subject land along with the adjacent road reserve from 'Residential R12.5' and 'No Zone' to 'Residential Development' and 'Public Recreation/Conservation Reserve'.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

*Planning and Development Act 2005*  
*Shire of Murray Town Planning Scheme No.4 (TPS4)*  
Section: Clause 6.5.2

### Strategic Plan

Strategic Goal: Planning  
Outcomes: Planned Local Communities developing a sense of place  
Strategies: Encourage innovation in the design of communities

### Policy

Number and / or Name: Directions 2031  
State Planning Policy 3 - 'Urban Growth and Settlement'

## KEY ELEMENTS OF PLAN:

The ODP adopted by Council proposes the following:

- ii) a total of nine rear accessed lots, comprising six lots on western side of canal, and three to the east of canal;
- ii) built form setbacks to both the Murray River and canal entrance channel;
- iii) retention of vegetation and existing footpath along the canal;
- iv) preparation of a foreshore management plan; and
- v) a provision prohibiting jetties or boat mooring along the canal entrance channel.

## PLANNING CONTEXT:

TPS4 enables Council to require preparation of an ODP prior to subdivision or development within the 'Residential Development' zone, addressing, inter alia, land uses, subdivision and development standards.

### Directions 2031 and Beyond (D2031)

D2031 provides the planning framework for metropolitan Perth and the Peel Region, advocating more efficient use of land and infrastructure through increases in residential density and infill development opportunities in appropriate locations.

The subject land is located in an area of high amenity adjacent to both the Murray River and canal entrance channel, and is in close proximity to an established neighbourhood centre. The proposal will provide for greater housing choice and diversity, and is consistent with the priorities outlined in D2031.

### State Planning Policy 3 'Urban Growth and Settlement' (SPP3)

The ODP is consistent with the principles outlined in SPP3, as it will facilitate more efficient use of urban land in an area of high natural amenity, close to existing services and facilities in South Yunderup.

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## SUBMISSIONS AND CONSULTATION:

The ODP, Amendment 250 and the road closure were advertised concurrently between December 2009 and February 2010. 86 submissions were received during the advertising period, with 79 objections (59 pro forma). The submitters comprise a mixture of local residents and visitors to the area, with seven being from government agencies. The objections relate to the proposed residential density coding, setbacks, traffic issues, loss of amenity and vegetation, and public open space provision.

Due to the volume and nature of submissions, Shire officers facilitated a submitters meeting in May 2010 to clarify the issues and investigate areas of compromise. This resulted in a number of modifications to the advertised ODP, including decreasing the density proposed from R40 to R30, reducing the maximum building height from three to two storeys and increasing setbacks to the river foreshore.

The issues arising from the submissions are summarised at **Attachment 4**, together with Council and DoP's comments.

DoP officers undertook further consultation with the Heritage Council (HCWA) regarding the dwelling on Lot 2 Banksia Terrace. A subsequent assessment carried out by the HCWA concluded that the dwelling is of limited cultural heritage significance and will not prevent development of the site in the manner proposed.

## DISCUSSION:

### Density

The predominant R-coding in the immediate locality is R12.5, although higher R-codings are found elsewhere in South Yunderup. Council's decision to reduce the density proposed by the ODP from R40 to R30 is considered to be a reasonable response to the concerns raised in relation to the increased density for the following reasons:

- i) the density is consistent with existing medium density development in South Yunderup around the neighbourhood centre, at the western end of Banksia Terrace and on the newer canal system close to the Peel Inlet;
- ii) although the R30 density coding could yield eight dwellings on the western site, the ODP restricts development to six dwellings/lots to limit the impact on the adjoining dwelling; and
- iii) redevelopment of the sites is consistent with State Government Policy regarding more efficient use of appropriately located and serviced urban land.

### Setbacks

Council required the proposed three metre setback to the river foreshore to be increased to a six metre average/three metre minimum, to reduce the impact of development on the foreshore, with reference to the existing building line. This is considered a reasonable compromise, as the existing dwelling on Lot 2 is constructed midway between the proposed minimum and average setback, and the 6 metre average is consistent with the rear setback required for the R12.5 coded lots west of the site.

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Redevelopment of the western site will likely result in dwellings being closer to the canal waterway than is currently the case. However, the width of the proposed foreshore reserve along the canal frontage has been increased from six to eight metres to preserve existing vegetation and increase the setback of private land to the waterway. A three metre setback adjacent to the canal further reduces the built form impact on the public domain, and is supported.

### Jetties

The ODP requires a notification on the title of all new lots at subdivision or development stage, to advise prospective purchasers that boat mooring and/or jetty construction along the canal entrance channel is not permitted, due to the limited width of the waterway.

It is recommended that the notation be expanded to include reference to the Murray River, as the current policy framework prohibits construction of additional jetties and/or related structures for private use adjacent to public land. An existing boathouse registered to the owner of Lot 2 is being retained but does not form part of the application.

### Justification

The ODP is supported for the following reasons:

- (i) the ODP will facilitate development of a wider range of dwelling types, providing for greater housing choice and diversity in the area; and
- (ii) the proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located urban land; and
- (iii) the sites are well located relative to public services, infrastructure and natural amenity.

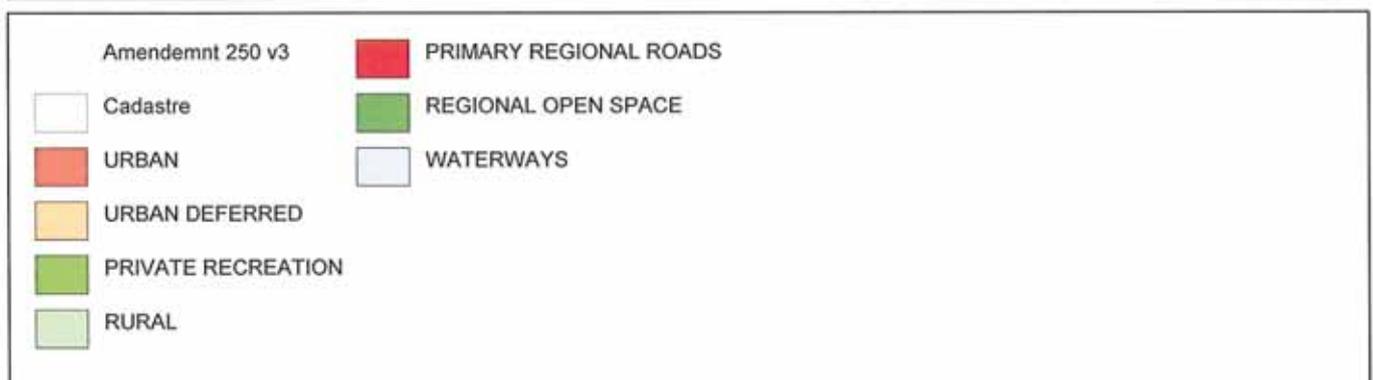
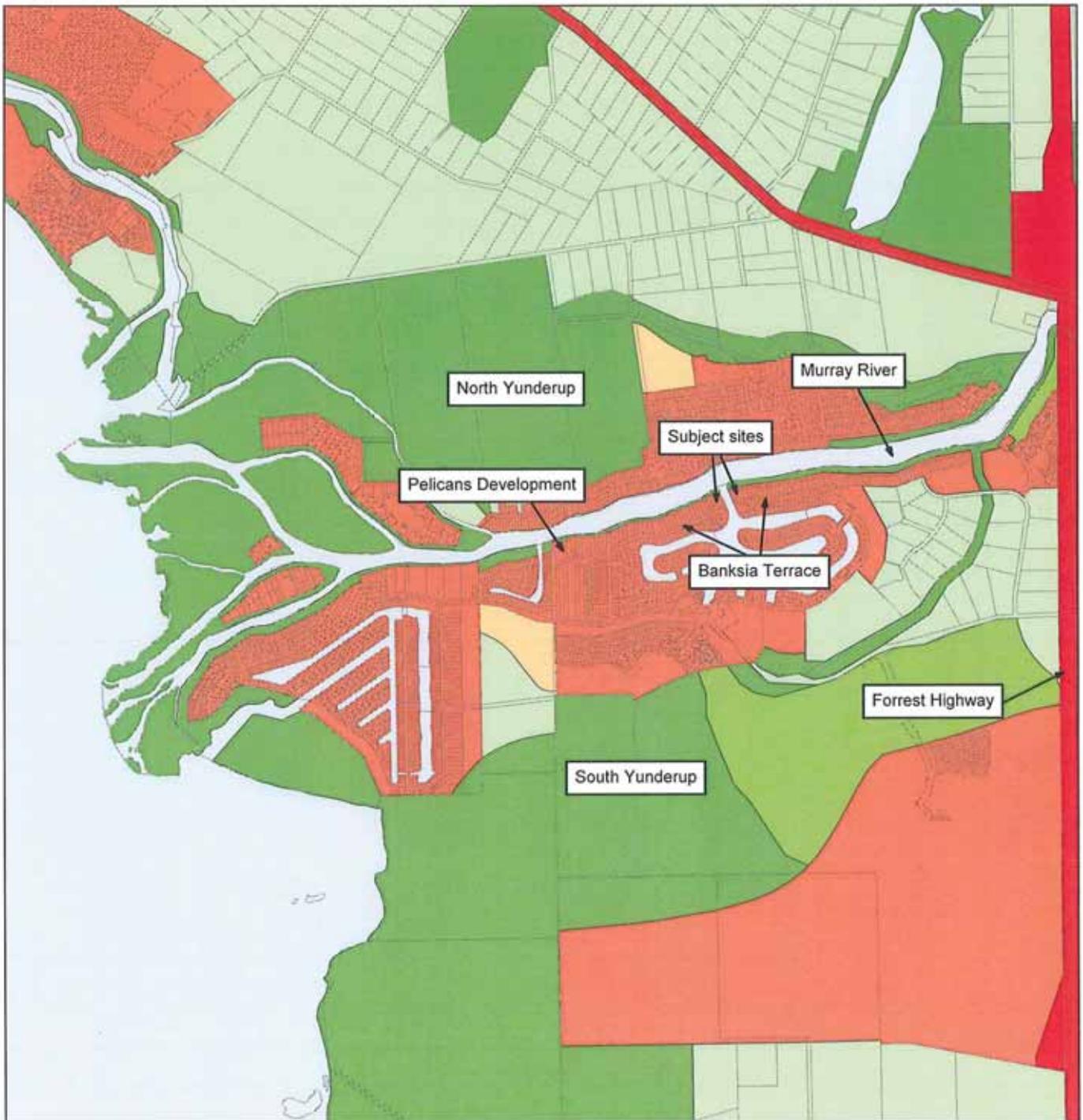
### **MODIFICATIONS:**

A minor modification is recommended, to reinstate a notation present on the advertised plan relating to visually permeable fencing being required along the foreshore.

It is also recommended that a 1.5 metre side setback to the western boundary of proposed Lot 6 be required, as per the advertised ODP, to limit the impact of development on the existing dwelling on Lot 45 to the west of the site.

### **CONCLUSION:**

It is recommended that the ODP be approved subject to the modifications outlined in the Recommendation.



Scale 1:30,000  
 0 0.5 km

Prepared by: alawson  
 Prepared for:  
 Date: Tuesday, July 05, 2011 10:16  
 Plot identifier: P20110705\_1016

**DP INTERNAL USE ONLY**

Government of Western Australia  
 Department of Planning

Shire of Murray  
 Banksia Terrace  
 Outline Development Plan



ODP Notes

- maximum 2 storey with high quality, consistent built form
- development to be in accordance with R30 density code except as varied by this plan and notes
- maximum of 6 lots / dwellings to be developed on western portion of canal
- Lot 6 river foreshore setback to average 6 metres with a minimum 3 metres
- Lot 1 Banksia Terrace setback to be a minimum of 2 metres and an average of 3 metres
- all visitor parking bays to be provided within development site
- landscape and foreshore management plan for all public land adjacent to development to be prepared prior to development and/or subdivision which includes a trafficable dual use path of up to 3.5 metres in width
- balconies permitted in foreshore setback
- major openings and outdoor living areas to be orientated to provide passive surveillance over the foreshore reserve
- all vehicular access to be obtained from the common driveway and garages to both Lot 1 and 7 to be located away from the Banksia Terrace side of the lot in order to provide an improved streetscape to Banksia Terrace.
- site cover to be maximum of 60% of site
- a notification on the title of all new lots at the subdivision or development stage sufficient to advise prospective purchasers that the Shire will not permit boat mooring or jetty construction along the canal entrance

--- Subject site  
--- Existing lot boundary  
--- setbacks

date 4 August 2010 job no. 5479  
 scale 1:5000(a) email 06/003 acp  
 designer L.P.G. email approved by D. Rafter  
 client  
 Lot 1 & 97 Phym Knot, Handback, Western Australia, 620  
 email mandalind@gregrowe.com.au www.gregrowe.com.au  
 tel +61 8 9332 3275 fax +61 8 9332 3588

title outline development plan (ODP)  
 address lots 1, 2 & 49 banksia terrace, south yunderup  
 parcel no. 4 322 1941 email gregor@gregrowe.com  
 email web site +61 8 9332 3275 email gregor@gregrowe.com  
 gregor@gregrowe.com +61 8 9332 3275 email gregor@gregrowe.com

**GREG ROWE & associates**  
 FOCUSED ON ACHIEVEMENT



SHIRE OF MURRAY

AMENDMENT NO. 250 & OUTLINE DEVELOPMENT PLAN

SCHEDULE OF SUBMISSIONS

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
1.	<b>59 ProFormas</b> D10/3316 D10/3318 D10/3320 D10/3321 D10/3322 D10/3323 D10/3324 D10/3325 D10/3327 D10/3328 D10/3329 D10/3330 D10/3331 D10/3333 D10/3334 D10/3335 D10/3336 D10/3338 D10/3339 D10/3340 D10/3341 D10/3342 D10/3343 D10/3344 D10/3345 D10/3346 D10/3347 D10/2805 D10/2742 D10/2451 D10/2454 D10/2456 D10/2457 D10/2459 D10/2462 D10/2463 D10/2465 D10/2466 D10/2467 D10/2468 D10/2469 D10/2470 D10/2472 D10/2473 D10/2475 D10/2479 D10/2481 D10/2485 D10/2487 D10/2491 D10/2498 D10/2502 D10/2507 D10/2508 D10/2509 D10/2510	<p>A high density development is out of character with the area.</p> <p>Building over the road reserve will destroy a number of trees.</p> <p>Road reserves that are no longer required should be retained for public use.</p>	<p>Following the submitters meeting the density was reduced from R40 to R30. Under the current zoning the land on west side of the canal entrance would yield 4 dwellings. At R30 it could be developed with 8 dwellings, but the applicant has limited development to 6 dwellings on the ODP. Developing these lots as one coordinated development is considered a better planning outcome. Dismiss</p> <p>There are no trees within the part of the road reserve to be closed that is to be amalgamated with Lots 1 and 2. It is a requirement of the ODP that a Landscape and Foreshore Management Plan be prepared which will include the existing trees in the reserve. Dismiss</p> <p>Half of the closed road reserve is to be zoned Public Recreation/Conservation Reserve. The current purpose of the road reserve is to provide access to Lot 2, which will no longer be required after amalgamation. The footpath will still give pedestrian access along the west side of the canal entrance and link to the pedestrian bridge and east side.</p>	<p>Noted. R30 is a reasonable compromise, in-line with existing medium density development in South Yunderup. The proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located and serviced urban land. Notations on the ODP restrict the yield on the western site to limit the impact of future development on the adjoining residential lot.</p> <p>Dismiss. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation.</p> <p>Dismiss. Agree with Council's comment. Public use of the reserve will not be restricted.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
	D10/2518 D10/2520 D10/2645	<p>Inadequate car and boat parking for the proposed 6 residences.</p> <p>Rear setback of 6m will not apply to this development.</p>	<p>Dismiss</p> <p>All future development will be required to comply with the Outline Development Plan and Residential Design Code requirements including provision of parking. Dismiss</p> <p>The ODP adopted by Council has been modified to require a minimum setback of 3 metres with an average of 6 metres.</p>	<p>Noted. The Residential Design Codes require provision of on-site parking, which is achievable on lots of this size. The ODP adopted by Council also includes visitor parking. The ability to store boats will depend on vessel size, and may require off-site storage.</p> <p>This increases the development setback compared to the existing dwelling on Lot 2, which is approximately 4.5 metres, and is considered a reasonable approach.</p>
2.	D10/2750	<p>Rezoning from R12.5 to R40 will reduce setbacks everyone else must meet.</p> <p>Developers will not be providing public open space as other developers have to do.</p>	<p>Development should conform to the Residential Design Code requirements for that coding or any approved Outline Development Plan (ODP) or Detailed Area Plan (DAP). There are different setbacks for different codings. Dismiss</p> <p>State Development Control Policy DC2.3 allows for the non-provision of public open space (POS) in locations where there is sufficient open space in the locality. POS has already been provided in the locality and does not apply to further subdivision. Dismiss</p>	<p>Noted. The ODP has been modified to require a minimum setback of 3 metres with an average of 6 metres. This increases the development setback compared to the existing dwelling on Lot 2 (aprox 4.5 metres) and is considered a reasonable approach.</p> <p>Dismiss. Agree with Council's comment.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>Banksia Terrace from Lots 1 &amp; 2 to Pelican Road is also an unmade road and this will set a precedent for sale of the road to adjoining landowners.</p> <p>The closed road reserve should be sold by public auction or tender.</p>	<p>Banksia Terrace is a fully constructed road. Dismiss</p> <p>The part to be sold is 8m wide, which would not be able to be separately developed, so is only suitable for amalgamation with adjoining lots. Dismiss</p>	<p>Dismiss. Agree with Council's comment.</p> <p>Dismiss. The road closure process is consistent with Statutory requirements under the Land Administration Act.</p>
3.	D10/5689	<p>Reduced setbacks compared with other dwellings on Banksia Terrace.</p> <p>Power should be underground.</p>	<p>Development should conform to the Residential Design Code requirements for that coding or any approved ODP or DAP. Dismiss</p> <p>Western Power will provide its requirements at subdivision stage. Noted</p>	<p>Dismiss. The ODP adopted by Council has been modified to require a minimum setback of 3 metres with an average of 6 metres. This increases the development setback compared to the existing dwelling on Lot 2 (aprox 4.5 metres) and is considered a reasonable approach.</p> <p>Agree with Council's comments.</p>
4.	D10/2718	<p>High density housing is not in keeping with the area.</p> <p>Will set a precedent for</p>	<p>The proposal is for medium density similar to Pelicans. Dismiss</p> <p>This site is unique as it has open space</p>	<p>Dismiss. The density reduction from R40 to R30 supported by Council is a reasonable compromise, in-line with existing medium density development in South Yunderup. The proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located and serviced urban land.</p> <p>Dismiss. Agree with Council's comment.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		others to rezone.	on 2 sides plus road frontage. There are no other lots of a similar configuration in the locality. Dismiss	
5.	D10/2297	Not a suitable location for high rise development.  Jetties for these lots will clog the canal.	The ODP allows for 2-storey development, as could be developed on the site without rezoning. This is not high rise development. Dismiss  It is unlikely that additional jetties would be permitted in the river, and none would be permitted in the canal entrance. Dismiss	Dismiss. Agree with Council's comment.  Dismiss. Agree with Council's comment. It is recommended that the ODP notation prohibiting jetties in canal be expanded to include reference to the river.
6.	D10/2386	High density is out of character.  Inadequate car and boat parking.  Reduced setbacks.  Significant trees will be destroyed.	R30 is classified as medium density. Pelicans development is R40. Dismiss  The Residential Design Codes require on site parking, and two visitor spaces have been provided on the ODP. Dismiss  Development should conform to the Residential Design Code requirements for that coding or any approved ODP or DAP. Dismiss  There are no trees within the part of the road reserve to be closed that is to be amalgamated with Lots 1 and 2. The landscape and foreshore management plan will address the issue of trees.	Dismiss. Refer comment at submissions 1 and 4 regarding density.  Dismiss. Refer comment at submission 1 regarding parking.  Dismiss. Refer comment at submissions 1, 2 and 3 regarding setbacks.  Dismiss. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation.

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		Boats will be moored against the canal wall.  Should be maximum 2-storey.	Dismiss  There will be no boat mooring in the canal entrance. Dismiss  Following the submitters' meeting, the ODP was amended to include a maximum 2-storey development. Dismiss	Dismiss. Agree with Council's comment. An ODP notation requires notification on Titles advising that jetties and/or boat moorings will not be permitted along the canal entrance channel.  Dismiss. Agree with Council's comment, Council's modifications to the ODP address this concern.
7.	D10/2447	Proposal does not reflect current building height or density.  Noise created by potential high number of residents.  Footbridge is not safe for increased pedestrian use from the proposed development.	Following the submitters meeting, the ODP was amended to include a maximum 2-storey development. This amendment seeks an increase in density. Dismiss  Noise made by residents is not an issue that can be addressed by planning conditions. Dismiss  This proposal does not include the footbridge. Dismiss	Dismiss. Refer comment at submissions 1 and 4 regarding density. Council's modifications to the ODP restrict building height to 2-storeys, as could be developed on the site with the existing zoning.  Dismiss. The minimal increase in population resulting from redevelopment of the site is unlikely to significantly increase ambient noise levels.  Dismiss. Agree with Council's comment.
8.	D10/2648	Should be the same setbacks for everyone.  Parking for visitors and	The R-Codes list the required setbacks for each coding. Due to differing lot sizes it would be impossible to have the same setbacks for everyone. Dismiss  The required 2 visitor parking spaces	Dismiss. Refer comment at submissions 1, 2 and 3 regarding setbacks.  Dismiss. Refer comment at submission

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>boats insufficient.</p> <p>Parking of boats will be a problem.</p> <p>Loss of very old trees on the property.</p> <p>Foreshore reserve will be diminished.</p>	<p>have been provided on the ODP. Dismiss</p> <p>Residents of the future development will be responsible for legal parking of their boats. Dismiss</p> <p>Any redevelopment of the site, with or without this Amendment, can remove trees for construction of a dwelling. Dismiss</p> <p>There will be no reduction of the Foreshore Reserve. Dismiss</p>	<p>1 regarding parking.</p> <p>Dismiss. Refer comment at submission 6. It is recommended that the ODP notation prohibiting jetties in the canal be expand to include reference to the river.</p> <p>Dismiss. Agree with Council's comment.</p> <p>Dismiss. There is currently no foreshore reserve in this location. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation. The ODP includes setback and landscaping requirements to limit the impact of development on the foreshore.</p>
9.	D10/2720	Proposal does not comply with the General or Specific Objectives of TPS4.	The proposal does ensure the orderly and proper development of the Scheme area by following the procedure for rezoning, advertising widely and responding to submissions. In relation to securing the amenity of the area, the requirement for landscaping and foreshore management will enhance the amenity of the public area. Dismiss	Dismiss. The relevant objectives of TSP4, relate to preservation of the amenity and individual identity of urban settlements within the scheme area. Whilst the prevailing density in the vicinity is R12.5 and R15, there are medium density developments in South Yunderup on both the canals and the river. The proposal is consistent with State Government Policy direction relating to more efficient use of appropriately located and serviced urban land.

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>Parking problems.</p> <p>Proposed development will overpower, cause shadowing, reduce openness and safety for pedestrians.</p> <p>Proposed driveways are not wide enough for 2 cars to pass.</p> <p>No room for onsite visitor parking.</p> <p>R40 is not in keeping with the area.</p>	<p>On-site parking will be provided for residents and visitors. Dismiss</p> <p>Any redevelopment of the site with 2-storey dwellings, which is currently permitted, would reduce the openness. With more residents watching, safety would be increased. Dismiss</p> <p>There is no requirement for 2-way traffic in the driveway. Dismiss</p> <p>Two visitor parking spaces have been provided onsite. Dismiss</p> <p>There is existing R40 at Pelicans. Following the submitters meeting, the density has been reduced from R40 to R30. Dismiss</p>	<p>Dismiss. Refer comment at submission 1 regarding parking.</p> <p>Dismiss. The ODP requires foreshore setbacks to reduce the impact of development on the public realm. Passive surveillance of the foreshore will be improved by the proposed development.</p> <p>Dismiss. Agree with Council's comments.</p> <p>Dismiss. Agree with Council's comments.</p> <p>Dismiss. Refer comment at submissions 1 and 4 regarding density.</p>
10.	D10/13900	<p>Degradation of river banks and foreshore from increased traffic, pedestrians, speeding boats, parking of cars, boats, caravans belonging to residents of this development.</p> <p>Devaluation of neighbouring properties.</p>	<p>Residents have a responsibility to park their vehicles legally. Dismiss</p> <p>Property values are not a planning issue. Dismiss</p>	<p>Dismiss. The ODP facilitates creation of nine additional dwellings; the increase in pedestrian and vehicular traffic is anticipated to be minimal.</p> <p>Dismiss. Agree with Council's comment, property values are a subjective issue and no evidence has been provided to support the claim.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		Will set a precedent for high-rise, high density development.	The proposal is for 2-storey maximum, which is what is currently allowed on that site. Dismiss	Dismiss. Refer comment at submissions 1 and 4 regarding density, and submissions 6 and 7 regarding height.
11.	D10/2805	Should be maximum 2-storey.  Road closure will restrict access for emergency vehicles and maintenance of water, electricity and phone services.  Reduced setbacks, retaining walls and building height will overpower the footpath and foreshore.	Following the submitters meeting, the ODP was amended to state maximum 2-storey. Dismiss  Access will still be available through the 8m wide public open space area. Dismiss  The ODP requires 3m setback from the canal entrance, which is greater than currently required by R-Codes. Dismiss	Dismiss. Refer comment at submissions 6 and 7 regarding height.  Dismiss. Agree with Council's comment.  Dismiss. Refer comment at submissions 1, 2 and 3 regarding setbacks. Retaining walls will be necessary to contain fill, which is required to comply with the statutory requirements of the local planning scheme for flood fringe land, and would be required for any redevelopment of the site.
12.	D10/2521	It should not be built on but left as public space.	Lots 1, 2 & 49 are privately owned residential lots and are able to be developed in accordance with Planning and Building requirements. They are not public space. Dismiss	Dismiss. Agree with Council's comment. A portion of the road reserve will be secured as a 'Reserve for Recreation /Conservation' in the local planning scheme.
13.	D10/2743	The proposal is more like R30 than R40.  The zoning should be Canal Development.	The ODP has been amended from R40 to R30. Noted  None of the lots have frontage to a canal, so Canal Development is not applicable. Dismiss	Noted. Agree with Council's comment.  Dismiss. Agree with Council's comment. The Amendment was not intended to facilitate creation of lots with a water boundary, where the requirements of the Canal Development zone would

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>What parking upgrade is proposed.</p> <p>There will be demand for jetties.</p> <p>Retaining walls should have anti-graffiti coating.</p> <p>Will the proceeds from sale of road reserve be used to upgrade local facilities?</p>	<p>No parking upgrade is proposed for Banksia Terrace. Dismiss</p> <p>Jetties will not be permitted in the canal entrance. Dismiss</p> <p>Noted.</p> <p>The land is owned by the Crown and any money goes to the Crown. It is not a Shire asset. Dismiss</p>	<p>apply.</p> <p>Dismiss. Refer comment at submission 1 regarding parking.</p> <p>Dismiss. Refer comment at submissions 5, 6 and 8 regarding boating facilities for this development.</p> <p>Noted. Passive surveillance from dwellings will assist in discouraging anti-social behaviour along the foreshore, however this matter could be addressed through the Foreshore Management Plan.</p> <p>Dismiss. Agree with Council's comment.</p>
14.	D10/2380	<p>Devaluation of canal properties.</p> <p>Parking problems in cul-de-sac.</p> <p>Views will be obstructed.</p>	<p>Property values are not a planning issue. Dismiss</p> <p>Vehicle owners have a responsibility to park their vehicles legally. Dismiss</p> <p>River views from existing dwellings adjoining the sites are not affected, and existing side fences obscure views to the canal entrance. Dismiss</p>	<p>Dismiss. Agree with Council's comment, property values are a subjective issue and no evidence has been provided to support the claim.</p> <p>Dismiss. Refer comment at submission 1 regarding parking.</p> <p>Dismiss. Agree with Council's comment.</p>
15.	D10/2272 D10/2273	<p>Development will dominate the foreshore and walking path.</p>	<p>A setback of 3m to the canal entrance is greater than could be currently developed under existing coding requirements. Dismiss</p>	<p>Dismiss. Whilst development will likely be closer to the waterway than the existing dwellings on lots 1 and 2, the ODP requires foreshore setbacks to</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>Retain road reserve in public ownership to prevent destruction of trees.</p> <p>Height should be restricted to 2-storey.</p> <p>Setbacks don't match other properties.</p> <p>Parking problems in Banksia Terrace.</p>	<p>The existing trees will be within POS as the proposed Recreation/Conservation zone. Dismiss</p> <p>Height has been restricted to 2-storey. Noted</p> <p>Different setback requirements apply to different codings. The revised ODP now requires 6m average river setback. Dismiss</p> <p>Vehicle owners have a responsibility to park their vehicles legally. Dismiss</p>	<p>reduce the impact of development on the public realm.</p> <p>Dismiss. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation.</p> <p>Noted. Refer comments at submissions 6 and 7 regarding height.</p> <p>Dismiss. Refer comments at submissions 1, 2 and 3 regarding setbacks.</p> <p>Dismiss. Refer comments at submission 1 regarding parking.</p>
16.	D10/2016	I fully support the proposal.	Noted	Noted. Landowner of the eastern site.
17.	D10/1527	<p>Insufficient setbacks.</p> <p>Existing trees must be retained.</p> <p>Parking issues.</p> <p>No proposal to upgrade</p>	<p>The revised ODP now requires greater setbacks than adjoining properties. Dismiss</p> <p>The existing trees will be within the proposed Recreation/Conservation zone and will be incorporated in the Landscape and Foreshore Management Plan. Noted</p> <p>Two visitor bays are now shown on the revised ODP. Dismiss</p> <p>The existing jetty/boatshed is outside</p>	<p>Dismiss. Refer comments at submissions 1, 2 and 3 regarding setbacks.</p> <p>Dismiss. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation.</p> <p>Dismiss. Refer comments at submission 1 regarding parking.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		the existing jetty/boatshed.	the area of this amendment. Dismiss.	Dismiss. Agree with Council's comment.
18.	D10/1434	Will set a precedent.  Will destroy the ambiance of the area.	The site is unique having both river and canal entrance frontage. No other site meets this requirement. Dismiss.  Any development, even under current zoning would change the area. Ambiance is subjective. Dismiss	Dismiss. Agree with Council's comment.  Dismiss. Agree with Council's comments. The ODP includes setback and landscaping requirements to limit the impact of development on the foreshore.
19.	D10/1310	Unrestricted height limit.  Setback does not have 6m foreshore requirements.  Potential for flooding adjoining property.  Parking issues.  Removal of rare vegetation in the road reserve and foreshore.	Height limit has been amended to maximum 2-storey. Dismiss  Revised ODP now has a 6m average foreshore setback. Dismiss  All stormwater is required to be contained onsite. Dismiss  Two visitor bays have been provided onsite. Dismiss  The existing trees will be within the proposed Recreation/Conservation zone and they will be identified on the Landscape and Foreshore Management Plan. Dismiss	Dismiss. Refer comments at submissions 6 and 7 regarding height.  Dismiss. Refer comments at submissions 1, 2 and 3 regarding setbacks.  Dismiss. Agree with Council's comment.  Addressed in ODP report.  Dismiss. The width of the proposed foreshore reserve has been determined in order to preserve existing vegetation.
20.	D10/2118	Fences adjoining existing properties will be intrusive.  R40 does not leave room	Side boundary fencing is not a planning issue unless within the front setback. Dismiss  Development will be required to comply	Dismiss. Fencing will be of similar standard than could be established without redevelopment of the site.  Dismiss. Agree with Council's comment.

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		<p>for trees and open space around buildings.</p> <p>Should be the same canal setback as Murray Waters estate.</p> <p>Privacy issues for neighbours – overlooking.</p> <p>The 'riverscape', not streetscape, must be addressed.</p> <p>Setbacks are inadequate.</p> <p>Insufficient open space.</p> <p>Building height on fill.</p>	<p>with the R30 requirements and the ODP. It will provide for a variety of housing types within the locality. Dismiss</p> <p>This amendment proposes Residential Development zone, not Canal Development zone, as the site does not have canal frontage. Dismiss</p> <p>Privacy issues will be addressed at development stage. Dismiss</p> <p>There will be no change to the foreshore reserve. Dismiss</p> <p>Setbacks will comply with R30 and the ODP. Dismiss</p> <p>The site is adjacent the Foreshore Reserve and Recreation/Conservation Reserve, and POS has previously been provided. Dismiss</p> <p>Any fill would be to the same level as</p>	<p>The site is in close proximity to Regional Open Space, compensating for limited private open space.</p> <p>Dismiss. Agree with Council's comment.</p> <p>Noted. Overlooking is not expected to be an issue due to the location of the driveway between established and proposed dwellings. If necessary, this issue can be addressed at development stage through the use of obscure glazing or other measures. Also the 'open' nature of the foreshore leads to a lesser expectation of privacy for dwellings facing the river.</p> <p>Noted. The ODP aims to limit the impact of development on the river and foreshore through appropriate built form setbacks.</p> <p>Dismiss. Refer comments at submissions 1, 2 and 3 regarding setbacks.</p> <p>Dismiss. Agree with Council's comment. There is sufficient open space in the vicinity.</p>

	Submission	Submission (summarised comments)	Council Comment and Recommendation	Department of Planning Comment and Recommendation
		Will destroy the visual amenity of the area.	adjoining properties. Dismiss  Visual amenity is subjective. Dismiss	Dismiss. Agree with Council's comment. Any redevelopment would require the site to be filled to comply with the statutory requirements of the local planning scheme for flood fringe land.  Dismiss. Agree with Council's comments. The ODP includes setback and landscaping requirements to limit the impact of development on the foreshore.
21.	D10/2829	Will create a wind tunnel.  Loss of native trees and bird life.  Will destroy the ambiance of the channel entrance from the river.	There is no substantiation for this assertion. Noted  Any trees on the lots can be removed for development of a dwelling. Dismiss  Ambiance is subjective. Any development will change how the lots currently look. Dismiss	Dismiss. Agree with Council's comments.  Dismiss. Agree with Council's comments.  Dismiss. Agree with Council's comments. The ODP includes setback and landscaping requirements to limit the impact of development on the foreshore.
22.	Regional Heritage Advisory Service	There is no cultural significance for Lot 49.  The residence on Lot 1 has little cultural significance.  The residence on Lot 2 potentially has cultural heritage significance and should be investigated prior to rezoning.	Noted  Noted  This will be addressed prior to any demolition application.	Noted. An assessment carried out by the HCWA concluded that the dwelling is of limited heritage significance and will not prevent development of the site as proposed.

	<b>Submission</b>	<b>Submission (summarised comments)</b>	<b>Council Comment and Recommendation</b>	<b>Department of Planning Comment and Recommendation</b>
23.	Tourism Western Australia	No comments to make.	Noted	No further comment.
24.	Public Transport Authority	No objection to the proposed rezoning.	Noted	No further comment.
25.	Western Power	No objections.  Relocation of existing infrastructure will require application to Western Power.	Noted	Requirements for relocation of servicing assets within the closed road reserve will be addressed prior to amalgamation of the land with Lots 1 and 2. The proponent is aware of associated cost implications.
26.	Water Corporation	No objections.	Noted	Requirements for relocation of servicing assets within the closed road reserve will be addressed prior to amalgamation of the land with Lots 1 and 2. The proponent is aware of associated cost implications.
27.	Department of Indigenous Affairs	No registered sites in the development area.	Noted	No further comment.
28.	Telstra	No comment.	N/A	The submission from Telstra was not included in the schedule of submissions presented to Council. Requirements for relocation of servicing assets within the closed road reserve will be addressed prior to amalgamation of the land with Lots 1 and 2. The proponent is aware of associated cost implications.