

9.1.2 No. 341-345 (Lot: 888 D/P: 47169) Charles Street, North Perth – Proposed Change of Use from Showroom and Associated Education Centre to Shop and Associated Demonstration Area and Storage

Requested by: Mayor John Carey
Prepared by: Gabriela Poezyn, Director Planning Services

PROPOSED AMENDMENT:

That Condition 4 and Advice Note 2 be deleted, as follows:

~~“4. Within 28 days of the issue date of this approval to commence development, the owner or the applicants on behalf of the owner shall comply with the following requirements:~~

~~4.1 Cash-in-Lieu for Car Parking~~

~~Pay a cash-in-lieu contribution for the shortfall of 4.4 car bays, based on the cost of \$5,400 per bay as set out in the City's 2015/2016 Schedule of Fees and Charges being a contribution of \$23,760; and”~~

~~“2. With reference to Condition 4.1:~~

~~2.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City;~~

~~2.2 alternatively to the payment of cash-in-lieu, the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:~~

~~2.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or~~

~~2.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or~~

~~2.2.3 To the owner/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired; and~~

~~2.3 the applicant may request the City to approve a payment plan.”~~

9.1.5 No. 44 (Lot: 382 D/P: 2334) Shakespeare Street and No. 19 (Lot: 352 D/P: 2334) Dunedin Street, Mt Hawthorn – Proposed Addition to Dividing Fence

Requested by: Mayor John Carey
Prepared by: Gabriela Poezyn, Director Planning Services

PROPOSED AMENDMENT:

That Condition 2 be deleted, as follows:

~~“2. The height of the proposed wall shall not exceed the height of the existing dividing fence in the area that is adjacent to the outdoor areas of proposed Units 4 and 5 at No. 86 Hobart Street, Mount Hawthorn.”~~

Date	Comment
25 February 2014	Council approved a revised proposal under S31 of the <i>State Administrative Tribunal Act 2013</i> .
20 August 2014	The City under delegated authority approved a planning application that made amendments to the February approval.
7 November 2014	Building Permit approved by Delegated Authority to commence construction of the Multiple Dwellings.

DETAILS:

Landowner:	B L and CA Webber and A A Reed
Applicant:	Bruce Webber and Tony Reed
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R20 Draft Town Planning Scheme No. 2 (TPS2): Residential R20
Existing Land Use:	Two Single Houses
Use Class:	N/A
Use Classification:	N/A
Lot Area:	No. 44 Shakespeare Street = 546 square metres No. 19 Dunedin Street = 546 square metres
Right of Way:	Not Applicable
Date of Application:	2 June 2015

The development application is for a proposed additional wall structure to be constructed within the property boundary of Nos. 44 Shakespeare Street and 19 Dunedin Street adjacent to the existing dividing fence between Nos. 44 Shakespeare Street and 19 Dunedin Street and No. 86 Hobart Street. The design and material of the proposed wall addition are such that it will provide acoustic privacy for the applicants.

The existing dividing fence was constructed less than six months ago. This fence is approximately 2.4 metres high when measured from No. 86 Hobart Street due to the retaining walls built along the common boundary ranging in height to a maximum of 300mm, and 2.1 metres when measured from the adjoining properties' ground levels.

~~In relation to No. 44 Shakespeare Street the proposed wall ranges in height between 2.4 metres and 3 metres (300mm and 900mm higher than the existing dividing fence measured from the ground level of No. 44 Shakespeare Street) and in relation to No. 19 Dunedin Street the proposed wall is 3 metres high (900 mm higher than the existing dividing fence measured from the ground level of No. 19 Dunedin Street).~~ *

The proposed privacy wall is up to 900mm higher than the existing boundary fence in some parts but will vary between 690mm and 850mm depending on the fall of the natural ground level. *

ASSESSMENT:**Summary Assessment**

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Discretion of Council
Density/Plot Ratio	N/A	
Front Setback	N/A	
Front Fence	N/A	
Building Setbacks	N/A	
Boundary Wall	✓	

Design Element	Complies	Requires the Discretion of Council
Building Height	N/A	
Building Storeys	N/A	
Roof Form	N/A	
Open Space	N/A	
Privacy	N/A	
Access & Parking	N/A	
Bicycles	N/A	
Solar Access	N/A	
Site Works	N/A	
Essential Facilities	N/A	
Surveillance	N/A	
Dividing Fence		✓

Detailed Assessment

Issue/Design Element:	Wall on boundary
Requirement:	2013 Residential Design Codes Clause 5.1.3 C3.2 Wall on one lot boundary not exceeding a maximum height of 3 metres and an average height of 3.5 metres for one third the length of the balance of the lot boundary behind the front setback line.
Applicant's Proposal:	Walls on boundary ranging in height from 2.4 metres to 3.0 metres
Design Principles:	Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	To provide screening against the 18 units being built at No. 86 Hobart Street. The applicants have also provided additional justification to Elected Members.
Officer Technical Comment:	<p>The proposed structure on the boundary is discretionary in relation to No. 44 Shakespeare Street as the existing development already contains a wall on the other property boundary, but complies with the acceptable development standards in relation to No. 19 Dunedin Street. In both situations the impact of the proposal on the adjoining property needs to be considered.</p> <p>The proposed wall exceeds the height of the existing dividing fence by 300mm in the area where the proposal abuts an existing carport structure at No. 44 Shakespeare Street and up to 900mm for the remainder of the proposal.</p> <p>As the additional wall is located parallel to the northern boundary of No. 86 Hobart Street the impact of the additional height above the existing dividing fence is overshadowing.</p> <p>The courtyards to three multiple dwellings (proposed Units 3, 4 and 5) are located along the northern boundary of No. 86 Hobart Street. Refer Attachment 3.</p>

