

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 21 APRIL 2008**

DEVELOPMENT SERVICES COMMITTEE

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DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:03 pm.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**Present**

Cr Jack Walsh	(Presiding Member)
Cr Jay Birnbrauer	
Cr Greg Boland	
Cr Jo Dawkins	
Cr Victor Strzina	(from 6:15pm)
Mr Andrew Jackson	Manager Planning & Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Lance Collison	Planning Officer

Observer

Cr Patricia Carmichael

Apologies

Ms Georgina Cooper	Planning Services Secretary
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Leave of Absence (previously approved)

Cr Ian Woodhill

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME**Item 1.1 – Mr Fulvio Prainito – nearby resident**

Mr Prainito had three questions; in relation to equipment noise and management of operational impacts from Indiana's and to CCTV for the foreshore area, as elaborated in recent letter to the Town on the matter.

The Presiding Member outlined that noise and other impacts could be addressed under health regulations and as part of the planning application, and that the Town is looking into CCTV.

Item 1.1 – Mr Chris Wiggins – President, SOS Cottesloe Inc

On behalf of SOS Mr Wiggins distributed a list of concerns identified regarding the proposal and advocated deferral of the item to the May Council meeting to address them, including more community consultation in the public interest. Aspects for consideration are community benefit, visual amenity, public toilets, lease arrangements and operational management.

The Presiding Member responded broadly that such matter warranted attention and would be discussed when considering the item.

APPLICATIONS FOR LEAVE OF ABSENCE

Cr Walsh sought leave of absence from the May DSC.

Moved Cr Strzina, seconded Cr Dawkins

Carried 5/0

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Dawkins

The Minutes of the Ordinary Meeting of the Development Services Committee held on Monday, 10 March 2008 be confirmed.

Carried 5/0

ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

PUBLIC STATEMENT TIMEItem 1.2 – Mr Ken Adam – Planning Consultant for owner

Mr Adam complimented the report and referred to the extensive liaison with officers leading to the revised plans achieving improved compliance. He also noted the similar approach taken to 6 Nailsworth Street next door and commented on the concerns raised by neighbours (including views and overlooking). The owner is content with the recommendation, however, would like condition (f) regarding the subdivision to read that the titles be in order for dealings as the prerequisite to building licences, so that development is not delayed.

Item 1.3 – Mr Andrew Boughton – Architect for owner

Mr Boughton described the design approach to the proposed two-storey dwelling in terms of the TPS and RDC standards, including the treatment of setbacks, boundary walls and wall heights. He also handed-out a streetscape perspective and explained how the design fits into the context of adjacent dwellings and will have an essentially open (unfenced) front yard.

Item 1.4 – Ms Liz Adams – owner on behalf of strata owners

Ms Adams referred to the agenda item and emphasised the parking difficulties experienced by the flats. In the circumstances of the recommendation to not support

the proposed verge parking, Ms Adams requested deferral of the application at this stage for further consideration of the options.

Item 1.5 – Mr Peter Taranto – husband of applicant

Mr Taranto elaborated on the design of the proposal as explained in the report and felt that it would not be so unattractive or incongruous, including that there weren't neighbour objections and that there were numerous comparative examples of forward carport structures in Cottesloe. The applicant's full submission explaining the proposal was tabled in addition to the agenda attachments.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

REPORTS OF COMMITTEES AND OFFICERS**1 PLANNING****1.1 RESERVE 44617, NO. 91 MARINE PARADE – ALTERATIONS AND ADDITIONS TO INDIANA’S RESTAURANT**

File No: 1396
Author: Ed Drewett
Author Disclosure of Interest: Nil
Attachments: Location plan
Submissions (2)
Photos
Plans

Report Date: 2 April 2008
Senior Officer: Mr Andrew Jackson

Property Owner: Crown Land (Vested in Town of Cottesloe)

Applicant: McDonald Jones Architects Pty Ltd
Date of Application: 22 February 2008
Modified plans received 16 March 2008

M.R.S. Reservation: Parks and Recreation

SUMMARY

This proposal represents the first stage of a 2-staged development for the Indiana’s restaurant which has evolved following consideration of initial concept plans by the Design Advisory Panel.

The applicant anticipates that by the reducing the building scope this will allow Stage 1 to be completed this year and enable it to be open for October/November trading, with Stage 2 to be determined within 2 years.

Additional plans for the proposal were received on 16 March 2008 following discussions between the applicant and the Town’s staff and on advice from the Town’s Heritage Adviser to ensure that adequate details were provided.

The existing building is located on land reserved under the Metropolitan Region Scheme for ‘Parks and Recreation’ and therefore Council’s resolution will be forwarded to the Western Australian Planning Commission (WAPC) for determination of the application.

The application was been forwarded to the Heritage Council of WA as the property is located within the Cottesloe Beach Precinct which has interim heritage listing, and the HCWA has advised that it raises no objection to the proposal.

The recommendation is to support the application, subject to conditions.

PROPOSAL

The development entails alterations and additions to the existing restaurant and kiosk levels of the building.

A summary of the proposed works for Stage 1 has been provided by the applicant as follows:

- Extend and open up the restaurant towards Marine Parade with bi-fold doors;
- Provide new undercover terraces to the east;
- Adjust levels to the pathway to provide disabled access;
- Fully landscape the eastern elevation;
- Enclose portion of the restaurant to cater for small functions and private dining rooms;
- Realign the kitchen to assist efficiencies;
- Relocate the bar and integrate with a “cold larder” chefs’ station;
- New toilets for patrons and staff;
- Lift and stairs access for deliveries and facilities at the mid-level which would integrate into Stage 2 for future kitchen access.

In addition, it is proposed to remove the existing timber entry “gatehouse” and provide additional lighting.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme
Heritage Act

POLICY IMPLICATIONS

N/A

HERITAGE LISTING

- | | |
|-------------------------------------|-----------------|
| • State Register of Heritage Places | Interim listing |
| • TPS No 2 | N/A |
| • Town Planning Scheme Policy No 12 | N/A |
| • Municipal Inventory | N/A |
| • National Trust | N/A |

STRATEGIC IMPLICATIONS

The proposal is essentially consistent with Council’s outlook for activities within the Cottesloe Beach Precinct and its objectives for the Cottesloe Beachfront, but it may increase demands on the existing public parking areas due to a proposed increase in the number of patrons.

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Works, Building, Health – All supportive of the application, subject to relevant conditions being imposed.

ADVERTISING OF PROPOSAL

The application was advertised in accordance with Town Planning Scheme No 2 and consisted of a letter to nearby properties.

Submissions

Two submissions were received. The main points raised are summarised as follows:

Cottesloe Surf Life Saving Club:

- Raises no objection to the proposal;
- The surf club needs to expand the space available on the promenade level to fulfill its current and future operational requirements over the next 20 years. Discussions have therefore been had with the operators of the Indiana's restaurant to see whether they can accommodate the Club's space requirements as part of their overall redevelopment plans.
- Their current proposal may provide the opportunity to free-up some existing space on the promenade level for our immediate use.

Fulvio Prainito, "The Seapines", 7/94 Marine Parade

Raises no objection to the proposal, but is seeking assurances that the Town would obtain a nuisance management plan with performance guarantees from Indiana's restaurant regarding the following:

- (i) Noise from ventilation and refrigeration equipment;
- (ii) Operating hours and noise from entertainment within the Indiana leasehold area;
- (iii) After hours noise from probably inebriated Indiana patrons waiting for transport in front of the restaurant;
- (iv) Parking of delivery vehicles;
- (v) External lighting.

A copy of this submission is attached which expands on each of the abovementioned points.

APPLICANT'S RESPONSE TO SUBMISSION

In response to the comments received during advertising, the applicant has advised the following:

- All air conditioning and mechanical noise will comply with the BCA acoustic requirements;

- Our client will comply with the Liquor Licensing Laws and appropriate Noise Abatement Act;
- Anti-social behaviour along Marine Parade can be attributed to any number of factors, however, the lessee and licensed managers are fully aware of the consequences of anti-social behaviour from excessive drinking. The licensee is not permitted to serve those who they deem to be “over the limit” and are fully aware of “responsible management”. The delay in taxis is something we all want solved;
- The proposal positively addresses the delivery issue by providing a receiving area on the mid-level with lift and stairs access directly to the kitchen area. All deliveries would be accepted between 7am and 5pm, excluding Sundays;
- External lighting and signage will be submitted with the Building Licence application for Council approval and take due consideration of adjacent properties.

BACKGROUND

In February 1995, Planning Consent was considered by Council for the redevelopment of the Cottesloe Beach Pavilion. An Approval to Commence Development for the redevelopment was subsequently granted by the Western Australian Planning Commission, subject to conditions.

The seating capacity was limited to a maximum of 240 patrons, including the pergola and alfresco areas.

The applicant was advised at the time that the Committee members felt strongly that this is the maximum that may be permissible, particularly given the undertaking to waive all responsibility for the provision of additional car parking.

The current application is for additions and alterations to the existing development but also seeks an extension to allow 350 people, an increase of 110 or 46%.

STAFF COMMENT

The application was referred to the WAPC on 25 February 2008 for preliminary assessment, and also to the Heritage Council of WA in view of the interim listing of the Cottesloe Beach Precinct on the State Register of Heritage Places.

The Heritage Council has not provided formal comment on the application to date but the Town’s Heritage Adviser is of the opinion that the additions will not significantly impact on the Cottesloe Beach Precinct and is therefore supportive of the proposal. It should be noted that the Interim Entry on the Register of Heritage Places states *while the Indiana Tea House represents the continuation of a historic use, the present building has little significance.*

There are no specific development standards applicable for the proposed additions and extensions and therefore the application has only generally been assessed with regards to Part V (General Provisions) of Town Planning Scheme No 2, although technically this is not applicable as the site is not zoned land under the Scheme.

The design and scale of the additions appear sympathetic with the existing building and the use of building materials are consistent with the existing walls and roofing.

Aspects such as privacy and overshadowing are not an issue due to the isolated location of the building on the beachfront reserve.

The applicant has advised that 8 Sheoak trees would need to be removed but the submitted plans indicate that additional trees, new planter beds and front lawn/landscaping is proposed which all appear satisfactory.

Notwithstanding the Cottesloe Life Surf Saving Club's submission, the comments received during advertising from a nearby resident are predominantly BCA and Health related issues that have been addressed by the applicant and can be the subject of conditions.

Parking

The main issue with this application from a planning viewpoint is regarding a potential increased shortfall of parking if the additions and extensions are approved.

The applicant has advised that the existing restaurant is licenced for 220 people. However, it is proposed to increase this number to 350 people (ie: 100 function, 30 private dining and 220 restaurant).

In support of this proposal the applicant has provided the following comments;

- *Currently no carbays have been provided by our client and so our client wishes to maintain that precedent;*
- *The busiest hours at Indianas are in the evening and at night, when the number of beachgoers and associated parking is reduced;*
- *During the day, many patrons to Indianas also enjoy the surrounding facilities, for which parking is already provided;*
- *As a lessee, our client points out that convenient parking for Indianas should be provided by the Town of Cottesloe for staff who work shifts longer than the 3 hours maximum parking as stipulated in nearby carbays;*

As the Indiana's restaurant is on land reserved under the MRS it is not zoned or reserved under TPS 2 and as such the vehicle parking requirements do not technically apply. However, if they were to be applied then the existing licensed premises would require 55 car bays and the proposed licensed premises would require an additional 32.5 car bays based on 1 space per every 4 persons. The total shortfall of parking bays would therefore amount to 87.5 bays.

A condition of the original planning approval issued in 1995 stated:

The maximum number of seated patrons, including the outside areas, shall be 240 persons.

The Town also wrote to the original applicant in 1995 stating inter alia:

The proposal has been presented to the Development Services Committee for a restaurant with a seating capacity of 240. The committee members feel strongly that this is the maximum that may be permissible, particularly given the undertaking to waive all responsibility for the provision of additional car parking.

The additional demand for car parking is of concern as the parking areas are often at full capacity during the day and early evenings in the summer.

Council could decide to waive the additional parking bays, as requested by the applicant, but this could result in an increase in parking in the vicinity at busy periods if no alternative bays are available. The main areas likely to be affected would be along Forrest and Napier Streets.

Normally cash-in-lieu would be an option for Council but under TPS 2 (Clause 5.5.4) this can only be applied for a use proposed in the Town Centre, Foreshore Centre, Business and Hotel zones. As Indianas is not on land zoned under the Scheme cash-in-lieu cannot be applied in this case and is unlikely to be accepted by the WAPC as the determining authority.

Furthermore, in 2005 cash-in-lieu was calculated at \$125,000 per car bay by the Valuer General's office for a change of use application at the La Tropicana Café at 88 Marine Parade (opposite Indianas). Therefore, notwithstanding that land values have increased since then, the estimated cost of cash-in-lieu for the proposed additions to the Indiana's restaurant would be approximately \$3,500,000 which is likely to make the proposal cost prohibitive.

It is considered that the proposed additions and extensions would ultimately contribute to the appearance and functionality of the existing restaurant as well as be an appropriate intensification of an existing use along the beachfront.

Cottesloe Beach is the primary destination point for recreational and social needs of the local residents and the wider community of the Perth Metropolitan area. The public parking along Marine Parade is available for all visitors to the area and visits are often multi-purpose, e.g. visiting the beach, walking, exercising, eating at local restaurants etc. An allocation of car bays for a specific purpose is therefore less appropriate in this situation.

The eventual completion of the planned second stage of development should also ensure that the matters raised by the Surf Life Saving Club are addressed and a solution is ultimately reached regarding the relocation of the existing toilets on the mid level.

CONCLUSION

On balance, it is considered that the proposal has merit and the benefits that the development offers outweigh any parking difficulties that may arise during peak times.

Nevertheless, it may be appropriate for Council to consider these matters again if the current lease arrangements are at any time renegotiated as more stringent conditions could then be imposed to ensure that the Town receives some financial benefit towards the upkeep of the existing public car bays and possibly some financial assistance to ultimately providing additional car bays in the immediate vicinity.

VOTING

Simple majority

COMMITTEE COMMENT

Committee identified a range of queries and concerns in relation to the development application, in the wider context of the history of the premises, the associated lease, development in the foreshore area and so on. More specifically, these included:

- Council's policy of not supporting new development west of Marine Parade.
- The interrelationship of the proposed first stage with the intended second stage.
- Is the existing lease area being extended?
- The opportunity to renegotiate the lease arrangements.
- Retention of the kiosk and the need for public food outlets and other amenities, rather than an exclusive high-end venue.
- The provision and maintenance of public toilets.
- Distinguishing between private and public spaces.
- Loss of informal public spaces and play areas.
- Whether the design creates an attractive environment.
- Footpath congestion.
- Loss of vegetation.
- The parking and traffic management situation.
- Liquor licensing and hours of operation.
- Should the number of patrons be limited?
- The goal of high quality premises, operations and public facilities.
- Identification of the benefits and returns to the Town.
- The public interest and desire for greater community consultation.

MANAGER DEVELOPMENT SERVICES COMMENT TO COMMITTEE

The Manager Development services explained that the proposal could be approached in two ways.

The first is in terms of the planning application for physical development approval, where the land use and design detail are the main considerations in the usual manner (as examined by the Design Advisory Panel) and the statutory process to be followed which in this case involves the WAPC.

The second is in terms of the strategic framework regarding foreshore development and the influences that has on the consideration of individual proposals. In other words, on the one hand the development application could be treated as an opportunity to improve the premises and recreational choices, or on the other hand it could be viewed as warranting a wider assessment in the context of Council's outlook to foreshore facilities and the lease arrangements.

The public toilets are the subject of a separate report via the W&CSC to the April Council meeting, and that Committee has also discussed the wider considerations, as well as seen the need for legal advice about changing the lease arrangements to address this matter.

In view of the overall corporate and community aspects raised in considering proposals for the premises, it is apparent that a fuller report to Council is desirable in May in order to address them, including any legal advice, and coordinate the actions taken by the Town. If so the WAPC should be requested to put the development application on hold.

OFFICER RECOMMENDATION

- (1) That the Western Australian Planning Commission be advised that Council SUPPORTS the proposed alterations and additions to the Indiana's restaurant on Reserve R44617, 91 Marine Parade, Cottesloe, in accordance with the plans submitted on 16 March 2008, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (c) All landscaping shall be completed in accordance with an approved landscape plan, prior to occupation of the development, to the satisfaction Manager, Development Services.
 - (d) The maximum number of patrons shall not exceed 350.
 - (e) Plant equipment shall not be placed on the roof or in a position that detracts from the appearance of the building.
 - (f) All proposed signage shall be the subject of a separate application for approval.
 - (g) The building licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services, and shall include:
 - (i) Full details of all plant and equipment and how it is to be located, designed, housed, screened, treated or otherwise managed to ensure amenity and compliance with the relevant environmental regulations.
 - (ii) Compliance with all relevant Health regulations, including submission of an Acoustic Consultant's report;
 - (iii) Full details of proposed landscaping and external works;
 - (iv) Full details of all on-site and any off-site drainage management, including any necessary arrangements to utilise land outside the site and link into the public drainage system.

- (v) A comprehensive lighting strategy to manage convenience, amenity, security and advertising in relation to the building and surrounds without undue impacts.
 - (vi) All disabled access, energy efficiency and fire management requirements in accordance with the BCA, Australian Standards and other relevant regulations.
 - (vii) A comprehensive Construction Management Plan.
 - (viii) Arrangements to the satisfaction of the Town of Cottesloe for the mid-level toilets to be made available to the public at all times during construction.
- (2) That any Council Approval to Commence Development be conditional upon the satisfaction of any conditions imposed by the Town of Cottesloe under Clause 16 (Alterations) of the lease agreement between the Town of Cottesloe and the lessees of Indianas (Cottesloe Beach Pavilion).
- (3) Advise submitters of Council's resolution.

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That the item be referred to Council for further deliberation regarding the matters raised for consideration in relation to the development application.

1.2 NO. 8 (LOT 8) NAILSWORTH STREET – TWO SINGLE DWELLINGS

File No:	1377
Author:	Ed Drewett
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photos Plans
Report Date:	14 April 2008
Senior Officer:	Mr Andrew Jackson
Property Owner:	J M & K B Kyrwood and Redback Holdings Pty Ltd
Applicant:	J M Kyrwood
Date of Application:	24 January 2008 Amended plans received 14 April 2008 and stamped 15 April 2008
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1113m²
M.R.S. Reservation:	N/A

SUMMARY

The subject site is located at one of the highest points in Cottesloe, on the eastern side of Nailsworth Street. The site is characterised by extreme topography, with a drop of approximately 11.4m from rear to front and much of the ground level changes occurring in the front one third of the property.

The street is undergoing a phase of subdivision and redevelopment on both the higher and the lower sides, which is altering its character and built form. The proposal is a distinctive design as for other individual properties approved for new dwellings.

On 14 February 2008 the Western Australian Planning Commission issued a conditional approval for the subdivision of the lot to allow the creation of two green titles. The proposed development will be conditional on finalisation of this subdivision.

Amended plans for the proposal were received on 14 April 2008 following extensive discussions between the applicant's architect and the Town's staff with respect to the Town Planning Scheme and Residential Design Codes requirements.

Given the assessment that has been undertaken and the amendments that have been made by the applicant, the recommendation is to approve the application, subject to conditions.

PROPOSAL

The proposal is for two, two storey dwellings with concealed (flat) roofs built over three levels, which are mirror images of each other, albeit with different floor levels.

The undercrofts contain a cellar, lobby, lift, store and parking. Access to the garages is from the street, up a relatively steep driveway.

The right of way (ROW) located at the rear of the subject site is owned by the Town and is partially sealed and trafficable but is very steep.

The ground floors contain the entertainment areas and the main living rooms are situated above.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes

POLICY IMPLICATIONS

Building Heights

Policy No 005

HERITAGE LISTING

N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Dwelling 1			
No.6 – Site Works	0.5 maximum fill within 1m of a common boundary	Up to 1.621m along NW side boundary	Clause 3.6.1 –P1
No 8 – Privacy	7.5m cone of vision to alfresco/lawn (outdoor living area) and front balcony	0 – 3.5m	Clause 3.8.1 – P1
No. 3 – Boundary Setbacks	Walls not higher than 3m with an average of 2.7m up to 9m in length up to one side boundary	Walls on two side boundaries	Clause 3.3.2 – P2

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setback	1.6m setback to NW boundary from ground floor entertaining room, bedroom 4 and alfresco area	1.501m	Clause 3.3.1 – P1
No 3 – Boundary Setback	3.3m setback to upper floor side balcony	2.301m	Clause 3.3.1 – P1
Dwelling 2			
No.6 – Site Works	0.5m maximum fill within 1 metre of a common boundary	Up to 1.645m along SE boundary	Clause 3.6.1 – P1
No 8 – Privacy	7.5m cone of vision to front balcony	3.5m	Clause 3.8.1 – P1
No.3 – Boundary Setbacks	Walls not higher than 3m with an average of 2.7m up to 9m in length up to one side boundary	Walls on two side boundaries	Clause 3.3.2 – P2
No.3 – Boundary Setbacks	1.6m to SE boundary from ground floor entertaining room, bedroom 4 and alfresco area	1.501m	Clause 3.3.1 – P1
No.3 – Boundary Setbacks	3.5m to upper floor side balcony	2.301m	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

REFERRAL

Building & Works – Supportive of application, subject to conditions.

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of letters to adjoining properties.

Submissions:

3 submissions were received. The main points raised are summarised as follows:

Anne & Meikle Meecham, 3 Clarendon Street:

- Extremely disappointed that the two proposed houses are jammed right to the rear of the block (less than 2 metres setback from the NW corner). This will ensure that we will virtually have a 6m high solid wall the entire width of the property to look at instead of all beautiful old established trees which will be destroyed at the rear (near ROW);
- We will completely lose the south facing view to Fremantle and Garden Island;
- The buildings should be moved forward on the building site in order to save some trees or at worst, leave enough room to replant trees between the ROW and the new houses;
- The height restrictions should be strictly adhered to and all windows overlooking the ROW to 3 Clarendon Street to have opaque glass;
- Council should be very concerned at the trend in subdivision in our locality. It appears the open space ratio is being reduced more with the result less trees and more concrete jungle;
- The character and ambience of Cottesloe – open spaces, lovely gardens and beautiful trees is gradually disappearing.

Nicholas & Claire Poll, 5 Clarendon Street:

- The proposed development significantly blocks our view of Cottesloe and the ocean;
- The proposed development is very close to the back boundary;
- The existing house does not comply with height limits and, as a result, blocks our view;
- Proposed development should comply with both setbacks and height limits;
- Any development on the lot would still have excellent views if it were positioned closer to the centre of the property.

Mike & Linda Watkins, 10 Nailsworth Street:

- Concerned with overlooking of our rear courtyard and viewing into our ground level family room;
- We were restricted “strictly” to the Council’s height requirements when developing our own site. The then owner of 8 Nailsworth Street refused to entertain any relaxation of height for our design. Our house has a flat roof and offered minimal impact to their views. If 8 Nailsworth Street is allowed to go

higher than that normally permitted then this will create a disproportional streetscape.

APPLICANT'S RESPONSE TO SUBMISSIONS

The main points raised by the applicant are summarised as follows:

Height restrictions/loss of views:

- Compliance with height restrictions applies to everyone equally. This development complies with the height requirements on the same basis as the adjoining properties;
- There is no justification for setting this development down lower to satisfy a neighbour;
- Neighbouring properties, if developed to the same height limits would not have their views affected because the natural ground levels are not sufficiently different;
- The proposed wall at the rear ROW varies in height from 4.6m (eastern end) to 5.69m (northern end) above NGL. It contains setbacks and recesses to break up the building bulk and allow for the planting of trees;
- The flat roofed design of the proposed development will provide a lower overall building height than a pitched roof design and therefore will have minimal impact on adjoining property views;
- The proposed building is located in a similar position to the existing building on site and will be lower in overall height by between 2.3-3.0 metres and therefore may afford better views from the rear properties than are currently available;

Overlooking of ROW

- The proposed bathrooms, WC and dressing rooms have sill heights of 2m above floor level so will not create an overlooking issue. The bathroom corner windows over the bath have been reduced by half and are not classified as major openings;
- The ROW contains 2 large trees which will provide the rear properties with screening of the buildings as they do now.

Overlooking of adjoining properties

- Screening has been provided to prevent overlooking of adjoining property courtyards and private open space;

Subdivision and open space

- The zoning of the site allows for subdivision and the landowner is entitled to develop the site accordingly;
- Open space proposed is 56.3% of the total site, 6.3% in excess of the minimum requirement.

Removal of trees

- This is a non-issue as the existing trees are not significant. However, the setback to the dressing room has been increased to allow planting of trees to rear courtyard adjoining the ROW.

BACKGROUND

The site currently has a valid subdivision approval which is yet to be cleared. This will require the demolition of the existing house and division of the property into two elongated narrow lots with 10.78m and 10.76m frontages to Nailsworth Street.

Amended plans were submitted on 14 April 2008 following extensive discussions between the applicant's architect and the Town's staff with respect to the Town Planning Scheme and Residential Design Codes requirements, and to take account of comments received during the advertising period.

STAFF COMMENT

The main issues regarding this proposed development (based on the amended plans) are:

- (i) Council's determination of natural ground levels for the purpose of calculating building heights;
- (ii) Height of proposed retaining walls on the boundary;
- (iii) Visual privacy;
- (iv) Walls on boundaries;
- (v) Side setbacks.

Each of these issues are discussed below:

Building height:

The subject site is characterised by extreme topography, which should be taken into account when assessing building height. The calculation of building height stems from Council's determination of natural ground level.

Clause 5.1.1 of the Council's Town Planning Scheme No. 2 expresses policy in relation to building height and paragraph (c) of that clause provides a basic formula in relation to the measurement of such height.

However, provision is made for Council to depart from the formula where natural ground forms indicate that a variation is warranted provided that the amenity of the area is not unreasonably diminished.

Given the existing topography of this particular site, it is considered unreasonable to use the levels of the centre of the site (either by extrapolation or average of the four corners) to determine the natural ground level and building height. Instead, the average natural ground level has been calculated separately for the footprint of each dwelling (ie. its site cover),

This method was used for establishing the natural ground level and the determination of building height for two new dwellings (yet to be built) on the adjoining lot at 6 Nailsworth Street, which was approved by Council on 27 August 2007.

The height of the proposed dwellings would not appear out of keeping with the existing streetscape and will be lower than the ridge of the existing house, as has been demonstrated by the applicant on the submitted plans.

The overall height of the proposed dwellings also do not exceed the maximum 7m building height permitted under the Residential Design Code for a concealed (flat) roof above the average natural ground levels and therefore can be supported.

Each proposed dwelling has a relatively small feature wall/chimney which projects above the main roof to a height of 7.25m (Dwelling 1) and 7.24m (Dwelling 2). However, minor projections such as these are permissible under the R-Codes and are unlikely to have any significant adverse affect on adjoining properties.

Retaining Walls

The Scheme and R-Codes address the amount by which ground levels can be modified during development.

Clause 5.1.4 of the Scheme allows for retaining of up to 1.8m whereas the Acceptable Development standards of the Codes restricts filling behind the street setback line and within 1m of a common boundary to 0.5m.

In this case, Dwelling 1 proposes retaining walls on the NW boundary that gradually increase in height to 1.621m above the NGL and Dwelling 2 proposes retaining on the SE boundary that gradually increase to 1.645m. These walls, where they exceed a height of 0.5m, should therefore be considered under Performance Criteria of the Codes.

The relevant Performance criteria of the Codes (Clause 3.6.1) states:

Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.

The applicant has amended the plans to reduce the height of retaining walls on the boundaries, but because of the steep topography of the site walls higher than 0.5m are still considered necessary unless the proposed dwellings are significantly redesigned which is unlikely to be a feasible option from a design or cost viewpoint.

It should be further noted that a reasonable amount of excavation (cut) is also proposed along the side and rear boundaries so that the general form of the proposed development more closely follows the natural slope of the land. This is

similar to the design of the proposed dwellings approved at 6 Nailsworth Street and overall will assist in ameliorating its impact on the streetscape.

Visual Privacy

The proposed development has been amended to address the majority of the visual privacy requirements of the R-Codes, predominantly by the use of 1.65m high screening and walls on the boundaries. However, the proposed alfresco area and lawn area (outdoor living area) to Dwelling 1 and upper floor balconies to both dwellings needs to be addressed under performance criteria of the R-Codes.

The Performance Criteria (Clause 3.8.1) states:

Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- the positioning of windows to habitable rooms on the development site and the adjoining property;*
- the provision of effective screening; and*
- the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

The proposed upper floor balconies to the dwellings have a 3.5m cone of vision, in lieu of the required 7.5m. However, the applicant is proposing to provide 1.65m high screening to the side of the balconies to restrict overlooking only to the front of the adjoining properties. This will avoid direct overlooking of habitable rooms and outdoor living areas within adjoining residences as the balcony to Dwelling 2 will overlook the driveway of the proposed dwelling to the SE and the balcony to Dwelling 1 will predominantly overlook the roof of the adjoining front property to the NW.

The proposed alfresco area on the ground floor to Dwelling 1 has a 2.1m cone of vision, in lieu of the required 7.5m and the lawn area (behind the pool) extends right up to the NW boundary and so effectively has no compliant cone of vision. However, the applicant is seeking a concession under performance criteria on the basis that the area overlooked to the NW from both the alfresco area and the lawn area does not comprise of habitable rooms or outdoor living areas and therefore would satisfy the performance criteria requirements.

The approved plans for the dwelling at 10 Nailsworth Street indicate that the cone of vision from the proposed alfresco area to Dwelling 1 would indeed be restricted to a roofed area on the ground floor and a wall with no major openings on the upper floor of this property. Furthermore, from the proposed lawn area of Dwelling 1 the portion of the adjoining property that potentially could be overlooked will be restricted to a small drying area, a small rear window to a family room and an obscure glazed window to a computer nook. However, other than the obscured windows to the computer nook, the other areas would only be visible if a person were to actually stand on the NW boundary of the lawn area as they would have to look down into the adjoining property due to the difference in ground levels.

Nevertheless, if Council has concerns with the visual privacy from this lawn area, then the applicant is agreeable to an appropriate screen on the boundary.

Walls on boundaries

The proposed lawn areas behind the pool of both dwellings are proposed to be constructed up to the side boundaries of the lot, thereby creating walls on the boundaries. The driveways to both units will be located beneath this area before entering the undercroft garages.

The wall on the NW boundary will have a length of 5.6m and ranges in height from 3m to 5.7m above the NGL on the boundary, and the wall on the SE boundary will have the same length (5.6m) and be 3.6m above an existing retaining wall on the boundary.

As walls are proposed to more than one side boundary it is necessary to consider them under the relevant performance criteria of the Codes which states:

Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- make effective use of space; or*
- enhance privacy; or*
- otherwise enhance the amenity of the development; and*
- not have any significant adverse effect on the amenity of the adjoining property; and*
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The applicant has addressed these criteria as follows:

- The boundary walls make effective use of space;*
- The proposed walls enhance mutual privacy as they contain no windows or major openings, hence no impact on visual or acoustic privacy;*
- The boundary walls enhance the amenity of the development by: increasing the amount of usable space; enhancing its privacy; and improving the external appearance of the building by avoiding a separate fence and achieving a cleaner and simpler appearance;*
- The proposal will not have any significant adverse effect on the amenity of the adjoining properties. Although the wall is higher than the adjoining NW property boundary wall there is adequate space between the wall and the adjoining house for light, ventilation and sun. The only windows facing this wall are small obscure glazed windows. The wall on the SE boundary will be abutting an existing high retaining wall;*
- The proposal provides adequate direct sun and ventilation to the building and the adjoining setback ensures adequate direct sun and ventilation is available to habitable rooms of the adjoining properties.*

Given the assessment of the above points as reasonable, and the fact that the proposed walls on the boundary are unlikely to have any significant adverse effect on the adjoining properties (including that proposed at 6 Nailsworth Street) it is considered that the proposed walls are considered to satisfy the performance criteria of the R-Codes and may be supported.

Setbacks

The plans have been amended to comply with the R-Codes requirements with respect to setbacks, with the exception of the following:

<i>Dwelling 1:</i>	<i>Required</i>	<i>Proposed</i>
(i) Setback to entertaining area/bedroom 4/ Alfresco:	1.6m	1.501m
(ii) Setback to upper floor side balcony:	3.3m	2.301m
 <i>Dwelling 2:</i>		
(i) Setback to entertaining area/bedroom 4/ Alfresco:	1.6m	1.501m
(ii) Setback to upper floor side balcony:	3.5m	2.301m

These variations are to be assessed under Performance Criteria (Clause 3.3.1) which states:

Buildings set back from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties;*
and
- *assist in protecting privacy between adjoining properties.*

The applicant has addressed these criteria as follows:

- The proposal provides adequate direct sun and ventilation to the building and ensures adequate direct sun and ventilation to the adjoining properties;
- The proposal allows for adequate direct sun to the building and appurtenant open space – both relevant rooms have windows facing away from the boundary.
- The screening by the boundary fence will assist in protecting privacy between adjoining properties.
- The effect of building bulk is negligible because the wall is broken up with a mix of materials and adjoins a similarly located wall of the approved development on the neighbouring property.
- The windows of the adjoining house to the NW face south and the wall will not obstruct direct sun.

The setback variations of both houses are relatively minor and can be supported under performance criteria of the R-Codes.

Although the setback to the upper floor side balconies do not comply with the 'Acceptable Development' standards of the R-Codes, this is due to the proposed location of 1.8m high screens on the balconies that are required for privacy. The recessed walls to both dwellings are actually proposed to be setback 5 metres from the boundaries which exceed the minimum setback requirements.

CONCLUSION

Following extensive discussions with the Town's staff and having regard to the submissions received during the advertising period, the applicant has amended the original proposed plans to reduce the overall height of the dwellings and comply with the majority of the Residential Design Code requirements.

Where R-Code concessions are still sought the applicant has justified the variations by satisfactorily addressing the relevant Performance Criteria of the Residential Design Codes.

On balance, it is considered that the applicant has genuinely attempted to address the planning issues that have arisen as a result of attempting to redevelop this steep and difficult site and the proposed development and concessions sought are not dissimilar to the two, two storey dwellings that have been approved by Council on the adjoining lot and therefore should be supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee expressed some support for the proposal, subject to additional privacy screening to one area. At the same time Committee also expressed several concerns about the proposal in terms of bulk, scale and visual prominence; the design approach to the site (including vehicular access, streetscape and boundary walls); neighbour amenity and privacy treatment; apparent number of storeys; and potential precedent; while noting the similarities to No. 6 as approved by Council.

Officers responded in relation to how the design had been improved and made more compliant; that rear lane access would be very difficult; that under the RDC boundary walls could be allowed virtually as-of-right; and that the proposal qualified as a two-storey development.

Committee considered whether the item ought to be deferred for possible revision of the proposal and further consideration, however, after discussion with the application and advice from the Manager Development Services, it was agreed to refer the item to Council for determination; on which basis the following amendment and recommendation were made.

Moved Cr Dawkins, seconded Cr Birnbrauer

That a new condition be added requiring privacy screening to the boundary wall of the front lawn area on the north-west elevation for dwelling one.

Carried 5/0

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for two single dwellings at No. 8 (Lot 8) Nailsworth Street, Cottesloe, in accordance with the plans submitted on 14 April 2008, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site, not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.
 - (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct the new crossovers, where required, in accordance with the relevant local law.
 - (e) A comprehensive construction management plan shall be submitted at Building Licence stage, to the satisfaction of the Town, including details on the effect on any services outside the property or to adjacent properties, and the protection and repair of any damage caused to fencing or adjacent properties, involving the dilapidation report and assessment process.
 - (f) Finalisation of the approved subdivision is required prior to the issue of building licences.
 - (g) The applicant complying with the Town of Cottesloe Policy for Street Trees, February 2005, where development requires the removal, replacement, protection or pruning of street trees.
 - (h) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (i) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.

- (j) Wastewater or backwash water from swimming pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells.
 - (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (2) Advise the submitters of this decision.

1.2 COMMITTEE RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Dawkins

That Council:

- (1) **GRANT its Approval to Commence Development for two single dwellings at No. 8 (Lot 8) Nailsworth Street, Cottesloe, in accordance with the plans submitted on 14 April 2008, subject to the following conditions:**
- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site, not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.**
 - (c) **The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct the new crossovers, where required, in accordance with the relevant local law.**
 - (e) **A comprehensive construction management plan shall be submitted at Building Licence stage, to the satisfaction of the Town, including details on the effect on any services outside the property or to adjacent properties, and the protection and repair of any damage caused to fencing or adjacent properties, involving the dilapidation report and assessment process.**
 - (f) **Finalisation of the approved subdivision is required prior to the issue of building licences.**
 - (g) **The applicant complying with the Town of Cottesloe Policy for Street Trees, February 2005, where development requires the removal, replacement, protection or pruning of street trees.**

- (h) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (i) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 - (j) Wastewater or backwash water from swimming pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells.
 - (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
 - (l) At building licence stage, revised plans shall be submitted to the satisfaction of the Manager Development Services, showing the addition of privacy screening to the boundary wall to the front lawn area on the north-west elevation of dwelling one, and the privacy screening shall be to a minimum height of 1.65m above the finished ground level of the lawn area.
- (2) Advise the submitters of this decision.

Carried 3/2

1.3 NO. 4 (LOT 2) TORRENS COURT – TWO-STOREY RESIDENCE WITH UNDERCROFT & POOL

File No:	1389
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant (2) Submission (1) Photos Plans
Report Date:	20 March 2008
Senior Officer:	Mr Andrew Jackson
Property Owner:	Sally Luttrell
Applicant:	Boughton Architecture
Date of Application:	15 February 2008
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	412m²
M.R.S. Reservation:	N/A

SUMMARY

A two-storey residence with undercroft and pool is proposed.

Given the assessment that has been undertaken, the recommendation is to Approve the Application.

PROPOSAL

In the undercroft, a lobby, store and 3 car garage is proposed. On the ground floor 2 bedrooms, an open living, kitchen, dining area, laundry, TV room, powder and bathroom is also proposed. Externally, a swimming pool, drying court and a terrace is proposed.

On the upper floor a study, ensuite, WIR, two bedrooms, terrace and deck is proposed. Staircases and a lift link all levels.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
-

- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Council Resolution

Resolution	Required	Provided
TP128a – October 2002	6m front setback for residential development without averaging	4m front setback, 6.8m front setback if averaged

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Element 3 – Boundary Setbacks	1.5m setback – ground east wall	Nil setback	Clause 3.3.2 – P2
Element 3 – Boundary Setbacks	1.5m setback – ground west wall	1.3m setback	Clause 3.3.1 – P1
Element 3 – Boundary Setbacks	2m setback – upper west wall	1.3-2m setback	Clause 3.3.1 – P1
Element 8 – Privacy	4.5m cone of vision setback – Bed 2	1.5m setback	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of a letter to Adjoining Property Owners

Submissions

There were 8 letters sent out. There was 1 submission received, which was an objection. Details of the submission received is set out below:

Clive Brown of 6 Torrens Court

- *The wall to be built on the eastern boundary appears to be 3.3m high as measured from the applicant's property.*
- *There is cut and fill proposed.*
- *Concerned that the wall will be 4.15m above his natural ground level.*
- *Feels this wall is onerous.*

BACKGROUND

An existing single storey residence, carport and solid front fence is found on the property. This is planned to be demolished to make way for the new residence.

STAFF COMMENTNatural Ground Level

A 4-corner average was used as the existing house occupies the centre of the site. This was used as the site survey did not show levels at the centre. The four corner average produced a Relative Level of 20.54. There is a slight fall on the site of 1.2m from the north-west corner down to the south-east.

Council's GIS contours indicate that the RL20 and RL21 intersect the site and that an RL of 20.54 is a fair level to use.

Building Height

The wall heights do not conform to the TPS2 basic requirement of a 6m wall height as a 6.8m wall height is proposed. The roof in this proposal is a combination of a concealed roof and the remainder has a very low pitch. Dwellings with concealed roofs are not considered directly in TPS2 so the RDC are relied upon to as a guide. The RDC allow a 7m wall height with concealed roofs. It is assessed that this proposal is closer to a concealed roof than a traditional pitched roof, so that standard should apply.

In regard to the portion of the house with a pitched roof, the wall height is RL 27.09 (6.55m) and the overall roof height RL 27.34 (6.8m). This small difference between the wall and roof height of 0.25m reflects the 5 degree pitch of the roof. Whilst this is a variation against the 6m wall height standard, alternatively, the wall heights could be raised to RL27.54 (7m) and would conceal the roof from view and would comply with the RDC. The proposal as presented to the Town performs to a 7m housing height standard and the pitch of the roof is not obvious.

In regard to the concealed roof section, the proposal has RL 27.34 (6.8m) wall heights taken from the centre of the site which is lower than the 7m height standard in the RDC.

The form of the subject part of the dwelling is consistent with other similar dwellings approved taking into account the use of flat or near flat roofs and their interrelationship with wall heights. As indicated this particular proposal is relatively low-key and is centrally located on the property to avoid bulk or shadow issues to neighbours and the proposed height is supported.

Front Setback

The front balcony is proposing to be setback 4m from the front boundary. The RDC do allow a 4m setback for R30 coded dwellings; however, Council has adopted a resolution requiring a preferred 6m front setback for residential development (which is the R20 standard) for the district generally.

However, while applicants are encouraged to setback residences 6m, the Council Resolution has not been adopted as part of any policy and is not part of any current statutory document.

In regards to the front setback, it is noted that only one habitable room is located forward of the 6m setback requirement. On the ground floor, Bed 1 is setback 4m; the entry is 7.4m, the staircase 6.07m and the TV Room 10.5m. On the upper floor, the terrace is setback 5.5m, the void, 6.07m, and Bed 3 is setback 10.5m. The front setback is averaged to be 6.8m.

In assessing the impact of the proposed front setback, neighbouring properties along Torrens Court were examined. To the west, the neighbour is constructing a residence with a 6m front setback while to the east; the setback is 6.5m with the carport at 1.5m. This carport lies adjacent to 4 Torrens Court and next to where the proposed Bed 1 is to be located. The applicant notes *“the design of the residence provides a transition between the existing structure built within the front setback on the adjoining lot and the general building line at 6m.”* This is confirmed as the neighbouring carport is setback 1.5m, Bed 1 at 4m whilst the entry is at 7.4m.

Furthermore, the current residence at 4 Torrens Court has a carport with a setback approximately 0.5m from the front boundary with a solid gate and 1.8m high front fence on the front boundary. All these elements are proposed to be removed as part of this application which will be beneficial to the streetscape.

It is also noted that the store room in the basement is also setback 4m, however this space which is almost entirely below ground is not discernable from the street.

In summary, Council has in certain circumstances supported less than 6m front setbacks where the streetscape, built form and amenity considerations have been assessed as acceptable. In this instance the streetscape implications are less of a concern as the street only features 8 houses and two of these faces the head of this cul-de-sac. Furthermore, the neighbour at 6 Torrens Court has a solid front fence which presents to the streetscape.

Given the lack of a uniform streetscape character due to the short length of street it is assessed that the dwelling could be approved with the proposed partial front setback of 4m.

Side Boundary Setbacks

The following side boundary setbacks of the proposed residence don't automatically comply with the Acceptable Development standards of the RDC. These setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) and 3.3.2 (P2) of the RDC which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground East	Laundry/Kitchen	3.3m	10m	No	1.5m	Nil
Ground West	TV Room/Terrace	5m	9.5m	No	1.5m	1.3m
Upper West	Screen/Bed 3 wall	6.8m	13.5m	No	2m	1.3-2m

3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with the protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.*

P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The RDC do also allow as per Clause 3.3.2 A2ii *“In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary”* However in this instance the boundary wall height exceeds the 3m average.

This proposal is to have a nil setback to the side boundary for the ground east wall. This is usually required to be setback 1.5m from the boundary. The setback meets the Performance Criteria of the RDC. The proposal makes an effective use of space and does not provide a privacy concern. Whilst an objection was received to this wall, it is not assessed to adversely affect the amenity of the adjoining property. Also the wall should not restrict sunlight to major openings to habitable rooms of the eastern adjoining property. This wall on the boundary is supported.

The proposal is to have a 1.5m setback to the ground west side boundary. This is usually required to be setback 1.3m from the boundary. The wall is not considered to have a major opening as the opening is from a non-habitable room. The proposal makes for an effective use of space and provides adequate sun and ventilation to the

building and appurtenant open spaces. The proposal does not affect the amenity of the neighbouring property and privacy is not a concern. It should be noted the setback variation is minor and no objections were received.

This proposal is to have a 1.3m to 2m setback to the side boundary for the upper west wall. This is usually required to be setback 2m from the boundary. The RDC do not overtly specify that a screen should be considered part of the same wall for calculation purposes, however, in this circumstance it is considered that the structures should be assessed as one due to the continuous height; and as by definition a wall is a continuous vertical surface. The setback meets the Performance Criteria of the RDC. The proposal does not provide a privacy concern as the screen will prevent overlooking from the rear deck. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The staggered setback also reduces the perception of bulk.

Privacy

The following privacy (cone of vision) setback of the proposed residence doesn't automatically comply with the Acceptable Development standards of the RDC. The setback variation is required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC which are also below:

Room	Required	Provided
Bed 2	4.5m setback	1.5m setback

“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- the positioning of windows to habitable rooms on the development site and the adjoining property;*
- the provision of effective screening; and*
- the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.”*

The proposal asks for a variation to the bed 2's cone of vision setback. The proposal partially complies with the Performance Criteria of the RDC. The bedroom is located on the ground floor but the floor level is raised in excess of 500mm to the eastern boundary. The window could overlook into the neighbouring side garden and partially over the garage. As the side garden can be viewed, it is recommended the window meet the privacy requirements of the RDC by obscuring the window to 1.65m or making the opening a high-light window or increasing the height of the boundary fence in this section.

Staircases

The proposal features two external staircases. One of these staircases is adjacent to the western boundary and provides an external access way to the rear garden from the bottom of the ramped driveway up to the ground floor level at the rear of the property. There are no amenity concerns with this.

The second external staircase provides a link from the backyard to the rear terrace on the upper storey. This staircase is screened with louvres to prevent any overlooking to the western neighbouring property.

Also, the RDC do not normally require screening of stairs due to their transitory use.

Front Gates

The front gates to the driveway are proposed to be of an open aspect design which is compliant with the Fencing Local Law.

Garden-bed Retaining Walls

The garden-bed retaining walls within the front setback area are up to 900mm in height and are also in compliance with the Fencing Local Law,

CONCLUSION

The application is recommended for approval subject to conditions. The residence is well designed, and the number of variations is relatively limited. The building height is supported and meets the performance criteria of the RDC.

In regard to the front setback, the proposal does not meet the Council Resolution from 2002, however; the proposal easily meets the 4m average setback as required by the RDC for R30 coded lots. The residence should be an acceptable addition to the streetscape which is undergoing changes.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the front setback situation and the design approach to wall heights, as well as the notion of increasing the side fence height for privacy, which led to consideration of the following amendments, the outcomes of which are reflected in the Committee Recommendation. It was also queried whether a dilapidation report needed to be mentioned in the advice note and the Manager Development Services advised that would arise as part of the building process in any case.

Moved Cr Boland, seconded Cr Walsh

That a 6m front setback be applied in accordance with Council's 2002 resolution for such.

Lost 2/3

Moved Cr Walsh, seconded Cr Strzina

That condition (m) (iii) be deleted due to the neighbour's concern about that dividing wall height (and that the remainder of the condition to ensure privacy remain).

Carried 5/0

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for a two-storey residence with undercroft and pool at No. 4 (Lot 2) Torrens Court, Cottesloe, in accordance with the plans dated 15 February 2008, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) Any front setback area fencing and gates to the site being of an "Open Aspect" design in accordance with Council's Fencing Local Law.
 - (g) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council's specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (h) The existing redundant crossover in Torrens Court being removed, and the verge, kerb and all surfaces being made good at the applicant's expense, to the satisfaction of the Manager Engineering Services.
 - (i) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.

- (j) Wastewater or backwash water from swimming pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (m) Revised plans being submitted to the satisfaction of the Manager Development Services showing the Bedroom 2 window being modified to prevent overlooking into the adjoining property by either:
 - (i) having an opening sill height of not less than 1650mm above the FFL; or
 - (ii) being constructed of fixed and obscure glazing or screening to a height of at least 1650mm above the FFL; or
 - (iii) the boundary fence directly adjacent to and for at least the same width of the window being increased to a height of RL22.65.

Advice Note:

Construction of any earthworks, basement, retaining walls, boundary walls, dwelling and in-ground services will be required to follow all necessary building applications, approvals and procedures in order to ensure structural integrity and protect the interests of adjacent properties.

- (2) Advise submitters of the decision.

1.3 COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development for a two-storey residence with undercroft and pool at No. 4 (Lot 2) Torrens Court, Cottesloe, in accordance with the plans dated 15 February 2008, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.**

- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) Any front setback area fencing and gates to the site being of an "Open Aspect" design in accordance with Council's Fencing Local Law.
- (g) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council's specifications, as approved by the Manager Engineering Services or an authorised officer.
- (h) The existing redundant crossover in Torrens Court being removed, and the verge, kerb and all surfaces being made good at the applicant's expense, to the satisfaction of the Manager Engineering Services.
- (i) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (j) Wastewater or backwash water from swimming pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (k) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
- (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (m) Revised plans being submitted to the satisfaction of the Manager Development Services showing the Bedroom 2 window being modified to prevent overlooking into the adjoining property by either:
 - (i) having an opening sill height of not less than 1650mm above the FFL; or

- (ii) being constructed of fixed and obscure glazing or screening to a height of at least 1650mm above the FFL; or

Advice Note:

Construction of any earthworks, basement, retaining walls, boundary walls, dwelling and in-ground services will be required to follow all necessary building applications, approvals and procedures in order to ensure structural integrity and protect the interests of adjacent properties.

1.4 NO. 108 (LOT 21) BROOME STREET – RELOCATION OF BIN STORAGE AREA, FRONT BOUNDARY FENCING AND PROVISION OF ADDITIONAL VERGE PARKING

File No:	1397
Author:	Ed Drewett
Author Disclosure of Interest:	Nil
Attachments:	Location plan Town of Cottesloe Parking Policy Photos Plans
Report Date:	9 April 2008
Senior Officer:	Mr Andrew Jackson
Property Owner:	C/o Gow Real Estate Strata Managers Broome & Loma Street road reserves – vested in Town of Cottesloe
Applicant:	Mrs Liz Adams
Date of Application:	18 February 2008
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1300m²
M.R.S. Reservation:	N/A

SUMMARY

The subject site is located on the corner of Loma and Broome Streets and currently comprises of 18 multiple dwellings.

The proposed bin store and front fencing is recommended for approval, subject to minor modifications, but the proposed parking in Loma and Broome Streets is not supported.

PROPOSAL

It is proposed to construct a new bin store fronting Loma Street and to erect a boundary fence along the two street frontages.

It is also proposed to construct 11 car bays on the Broome Street verge and designate 7 existing car bays on Loma Street to a private parking area for the occupiers of the units. One additional existing car bay on Loma Street is proposed to be removed to allow access to the proposed bays in Broome Street.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes

POLICY IMPLICATIONS

- Residential Parking Policy

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Fencing Local Law	Open aspect fencing in front setback	Portion of solid wall in front setback

STRATEGIC IMPLICATIONS

The proposed car parking may influence how the Town approaches consideration of parking needs and provision for older style flats and the approach to utilisation of road reserves/verges for exclusive private use.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering
- Health

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of a Letter to Surrounding Property Owners.

Submissions

There were 7 letters sent out. No submissions were received.

APPLICANT'S JUSTIFICATION

The applicant has provided a letter in support of the application which is summarised as follows:

Bins:

- Currently we have 28 bins which are picked up in Broome Street every fortnight, however this can be hazardous due to the crest of the hill and speeding vehicles;
- It is not uncommon to find our bins further down the street or upended on another neighbour's verge. Extra rubbish has also been left by other people and occasionally bins have been found on the road which could cause a bad accident;
- We are applying for a 1100ltr bin for food waste which would be emptied twice weekly. This will cost us \$40.80 per week;
- The bins will be fully enclosed by a brick fence on all sides other than where there is a small gate on the western side allowing bins to be approached and a sliding metal cream slatted gate hiding the bulk bin facing Loma Street;
- The bin will meet health regulations and regular monitoring will be undertaken to ensure lids are kept closed and flies and any smells contained. The area will be washed down and disinfected weekly or when needed;
- A no parking sign will have to be placed on the opposite side of the road, taking up one car's length. This is for the truck to be able to back into the bulk bin and have turning space.

Fencing

- The fencing will consist of between 200mm to 300mm high stone base topped by a vertical cream powder coated metal visually permeable top;
- The fence will be open aspect design with palings not exceeding the minimum gap between them of 50mm. The height of the complete fence will not exceed 1.8m.
- Security will include card key operation.

Carparking

- Car parking is a nightmare during Council functions and weekends for the tenants and owners as we have to compete with the general public and this can be very difficult as large functions are being held at the Civic Centre;
- Clinton Court was built in the 70's by Len Buckridge. I have been told he was allowed to build 12 apartments with parking but he also built another 6 units where the parking was supposed to be;

- There is no room below this apartment block to park all our cars so we are hoping to convert this area into individual storage units at a later stage. Currently there is nowhere to secure a bicycle, surf board or golf buggy etc;
- We have 18 units in the block of apartments. Our proposal is to place 11 bays on the Broome Street verge in “grass pave” and convert 7 bays on Loma Street into “private parking”. Currently there are 8 public bays in Loma Street. The 8th bay would become part of the driveway into the new carpark on the Broome Street verge. The public can park on the other side of Loma Street;
- Bollards will be used to stop the general public using the car parking spaces. We will need to liaise with Council regarding location of the wiring of these bollards;
- Adjacent to the Broome Street footpath will be a small curb which will prevent anyone using the car bays on Broome Street backing on to the footpath;
- The Council could lease the verge out to the owners and would benefit from the extra revenue. There would also be more parking available to the public in Loma Street.

STAFF COMMENT

Bin Store

In respect to provision for rubbish bins Clause 3.10.3-A2 of the Residential Design Codes states:

“Where rubbish bins are not collected from the street immediately adjoining a dwelling the provision of a commercial pick-up area or areas which are:

- (i) conveniently located for rubbish and recycling pick-up;*
- (ii) accessible to residents;*
- (iii) adequate in area; and*
- (iv) fully screened from view from the primary or secondary street.”*

In this case, there is already a bin storage area located along the southern boundary of an internal courtyard area to the existing units and the bins are wheeled out by the residents to Broome Street. However, a crest in Broome Street just to the north of the lot does create a blind spot to vehicles travelling south and so there can potentially be an increased risk of an accident occurring during the bin pick-up.

The proposed re-location of the bin storage area into Loma Street and the introduction of a bulk bin for non-recyclable waste would probably be a better solution than that existing.

Loma Street carries less traffic than Broome Street and is relatively flat where it adjoins the units and the proposed bin store would be more conveniently located closer to the street thus avoiding the need for residents to wheel the bins down the existing driveway gradient for collection. Furthermore, only 10 recycling bins will be required if a bulk bin is provided for general waste.

The proposed bin storage area will be located in the secondary street setback area but will be screened by a solid 1.8m high rendered masonry wall, although the bulk bin will be located behind a sliding metal cream slatted gate.

Although the Council will continue to arrange for the recycling bins to be picked up, the bulk bin pick up will be a private arrangement to be paid for by the owners of the units.

There is no objection to the proposed size of the bin storage area as this will be adequate for the purpose. Furthermore, a portion of the existing crossover can be utilised for vehicles reversing to pick up the bulk bin.

The main planning issue with the proposed bin storage area is that it will result in reduced access width being available for vehicles that use the existing driveway and undercroft area from Loma Street as the driveway access will be significantly reduced to only 2.554m which is below the normal required minimum width of 3m under the R-Codes.

Furthermore, it will reduce access to the existing (unmarked) on-site car bays in this area and may create an additional safety issue as visual sightlines will be impaired due to the access being restricted to alongside an existing solid wall on the eastern boundary. Vehicles using this access will have to reverse out across an existing footpath in Loma Street.

However, on balance, due to the safety issues that currently exist on Broome Street it is considered that subject to the proposed bin area being redesigned to allow a minimum 3m setback from the eastern boundary for the driveway then the new bin area has merit.

Whilst bins can be an amenity concern at any property and to neighbours, and for flats can be a logistical problem, the proposal seeks to improve the existing sub-standard situation in terms of location, screening, operations and amenity, and there has been no neighbour objection.

Fencing

Council's Fencing Local Law requires fencing above 900mm in the front setback area to be of an open aspect design, unless approved by Council.

The proposed fencing complies with this requirement with the exception of a 3.7m wide solid section along the corner truncation area.

The performance criteria relating to street walls and fences in the Residential Design Codes (Clause 3.2.5 - P5) state:

Front walls and fences to promote surveillance and enhance streetscape, taking account of:

- *the need to provide protection from noise and headlight glare where roads are designated as Primary or District Distributors or Integrator Arterials: or,*

- *the need to provide screening where there is no alternative outdoor living area to the front setback.*

In this case, Broome Street is only a local distributor road the existing units have a large setback from the street and so are unlikely to be affected by headlight glare. Furthermore, the units do not have individual outdoor living areas and so there appears to be little justification to partially screen the corner truncation area in the front setback.

As such, it is considered that the proposed fencing should be supported subject to it being entirely of an open aspect design in the front setback area.

Carparking

Technically, this issue does not form part of this planning application as the carparking areas is not under private ownership. However, because the parking constitutes part of the overall proposed use and upgrade of the existing units it is appropriate to consider all the changes as a whole. Planning does have a role, nonetheless, in relation to streetscape, urban design and amenity, and this is where the application helps to coordinate the matter and allow it to be considered in relation to the private property as well as the public domain.

In this respect it is observed that Broome Street enjoys wide, grassed verges, the landmark and heritage-recognised Norfolk Island Pine trees and generally substantial, well-kept residential properties. This section of Broome Street is in an area recognised for its historical character and proximity to the Civic Centre, being representative of the wide, treed streetscapes the district is renowned for.

While there are a number of pocket parking areas in the verge in the vicinity, they are smaller and dispersed amongst the green grass, rather than being prominent or dominant in the streetscape.

The Council's 'Parking – Residential' Policy states that Council will consider an application for the construction of a verge parking area as a temporary measure in the following circumstances only:

- (a) where the applicant acknowledges that the verge parking area is to be totally removed at no cost to the Council if the property is redeveloped, or if the removal is required by Council;
- (b) where vehicle access onto private residential property cannot be reasonably gained by a conventional vehicle crossover, or from a trafficable right of way;
- (c) where a vehicle cannot be accommodated on site due to insufficient area, or major variation of natural ground levels, or where access to available space on-site is an unreasonable expectation, or
- (d) where on-site parking, with turn around space on a busy road cannot be reasonably achieved, and

- (e) where a vehicle may be safely accommodated on the verge without adversely affecting the sight distance.

A copy of this Policy is attached for information.

The application was referred to the Manager, Engineering Services who provided the following comments in respect to the proposed parking arrangements:

- *The changes proposed for parking have major implications;*
- *The parking proposed on the Broome Street verge and the asphalt surface on Loma Street is for residential use and hence Council's policy 'Parking – Residential' applies;*
- *Any infrastructure built on the road reserve becomes Council's liability, due to the land being vested in Council. This proposed car park is included;*
- *There is a liability issue regarding vehicles driving off Loma Street, over private land, then on to the Broome Street verge. Also given enough time, the triangle of land over which cars will drive, is currently private, but may become public use land. Pedestrians would also tend to walk along the diagonal connection between Loma Street and Broome Street paths;*
- *The Loma Street parking area in front of these units on the south side of Loma Street, are on the built road and are maintained by Council for general use, not privileged private use; and*
- *For the above reasons, the carpark proposal is impractical and should be rejected.*

Planning Comment

The existing multiple dwellings would normally require a minimum of 1 carbay per unit plus 2 visitor bays, bringing the total number of required car bays to at least 20 to comply with the Residential Design Codes. However, the current building has very little provision of on-site parking and pre-dates the Codes and Scheme.

The existing driveway from Broome Street goes to an internal paved courtyard area which is also used as a communal drying area and the driveway from Loma Street goes to an undersized undercroft parking area which is generally not suitable for vehicles.

An application for verge parking could therefore be considered under the Council's Parking - Residential policy as adequate provision of parking cannot be accommodated on site due to insufficient area.

However, in addition to the comments from the Manager, Engineering Services the proposed verge parking on Broome Street should not be supported for the following reasons:

- the proposed car bays do not have a minimum 6m turning area as required under the Residential Design Codes for vehicles to manoeuvre in and out of the proposed bays;
- the proposed hedge in the verge may be difficult to maintain, could create a hazard to pedestrians and would result in additional maintenance costs to Council;
- the proposed driveway link from Loma Street would necessitate all vehicles having to cross existing footpaths in both Broome and Loma Streets creating a safety hazard, it could set an undesirable precedent for other properties seeking verge parking on busy roads and would result in the loss of at least one existing carbay in Loma Street;
- the proposed appearance of the proposed parking area on Broome Street would be detrimental to the visual amenity of the area, particularly when it is fully occupied with the resident's vehicles.

The proposal to convert the existing carbays in Loma Street for the exclusive use of the residents of the adjoining units by way of providing remote controlled bollards in the road is also not supported as these bays were constructed for use by the general public and should therefore remain for this purpose.

If they were taken out of public use then this would undoubtedly result in more cars parking down the Loma Street which could create an additional traffic hazard and potential disturbance to residents.

CONCLUSION

Whilst there is no objection to supporting the proposed re-location of the bin store area and the boundary fencing, subject to some minor modifications, it is the proposed verge parking in Broome Street and the proposed designation of the existing public bays in Loma Street as 'private parking' which is of most concern.

Although Council has previously approved verge parking for residential properties elsewhere in the Town, such as opposite at 103 Broome Street and the flats at 183 Broome Street, these small parking areas have direct access from the street and are limited to only a modest number of bays which are situated parallel to the street.

Furthermore, whilst there would normally be an expectation that most residential properties will have allocated parking, the owners of 108 Broome Street all would have purchased their properties knowing that the premises is of an older style without allocated parking. There should therefore not be an expectation that the Council will now allow exclusive parking to be provided for the residents on the public verge.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee agreed that the application would best be deferred to afford the applicant time to review the proposal and the issues identified by officers before any further consideration by Committee and Council.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the proposed bin storage area and front boundary fencing, for No. 108 (Lot 21) Broome Street, Cottesloe, in accordance with the plans submitted on 18 February 2008, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (c) The applicant complying with the Town of Cottesloe Policy for Street Trees, February 2005, where development requires removal, replacement, protection or pruning of street trees.**
 - (d) The boundary fencing in the front setback area shall be modified to provide an entirely "Open-Aspect Fence" in accordance with Council's Fencing Local Law.**
 - (e) The bin storage area shall be located a minimum three metres from the eastern lot boundary.**
 - (f) The bin enclosure shall comply with all relevant Health Regulations and Council's Health Local Law.**
 - (g) The bin enclosure gate shall be of sufficient size to allow unobstructed access for the purpose of rubbish collection.**
- (2) ADVISE the applicant that the proposed verge parking in Broome Street and the proposed 'private parking' in Loma Street is not supported.**

1.4 COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council defer the application to afford the applicant time to review the proposal and the issues identified by officers before any further consideration by Committee and Council.

Carried 5/0

1.5 NO. 80 (LOT 12) FORREST STREET – PROPOSED SHED (OUTBUILDING) AND ALTERATIONS TO THE HEIGHT OF EXISTING WALLS IN THE FRONT SETBACK AREA

File No: 1395
Author: Ed Drewett
Attachments: Location plan
Photos
Plans

Author Disclosure of Interest: Nil
Report Date: 11 April, 2008
Senior Officer: Mr Andrew Jackson

Property Owner: Mrs B A Woolley

Applicant: Mrs B A Woolley
Date of Application: 22 February, 2008

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 602m²
M.R.S. Reservation: N/A

SUMMARY & BACKGROUND

Following a complaint being received by the Town an inspection of the site revealed that the owner had commenced construction of a shed in the front setback area without the necessary approvals.

The Town advised the builder to stop work pending the submission and determination of planning and building licence approvals. This represents a compliance matter in relation to the need for both planning and building approvals prior to the commencement of development or works.

The owner of the lot advised that as the shed was a replacement of an original one she assumed she didn't need approval. She also advised that she wished to make some alterations to the height of the front walls. As such, she was requested to submit an Application to Commence Development as Council approval was required.

Given the assessment that has been undertaken, the recommendation is to refuse the application.

PROPOSAL

The proposal is for a shed in the front setback area and modifications to the existing front wall.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes

POLICY IMPLICATIONS

- Outbuildings Policy No 004

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory Category 2
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
TPSP 004-Outbuildings	Sheds not allowed in front setback	Shed in front setback
Fencing Local Law	Fences higher than 0.9m in front setback area to be of an open aspect design.	Extension to existing solid walls higher than 900mm.

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.

The advertising consisted of a letter to Adjoining Property Owner.

Submissions

Two submissions were received:

M.H McNamara, 78 Forrest Street:

- Supports proposal to upgrade front walls;
- Councillors should be made aware of the excellent neighbours and ratepayers who continue to improve their dwellings and I trust the Local Authority will demonstrate their support.

P. Rowe and J. Mitchell, 82 Forrest Street:

- Raise no immediate objection to the construction of a shed and screening on the western boundary, but do have concerns over the proposed gable roof of the shed as it would probably be seen above the existing wall and would have a significant visual impact on the streetscape. A flat roof on the proposed shed would reduce this impact.

APPLICANT'S JUSTIFICATION

The main points raised by the applicant in a letter submitted with the application is summarised below:

- The 'garden shed' is replaces an old tin shed that was rusting due to its age;
- Only half of the planned structure is actually a shed area – the other half is open gazebo (as infact is the look of many of the carports which have been allowed on other properties (photos supplied);
- The wall surrounding the property was there when I took ownership of the house. It has a creeping fig covering the brick and wooden panelling which can be viewed from the outside (streetscape);
- When we began to look behind the fig we noticed that much of the panelling had rotted and needed replacing, which we have done. When put back and replaced it will be at the height which it had been at before work on the fence commenced;
- We propose to use the same roofing as used on the house to keep it in character and intend to paint the outside of the house when this is complete and use the same colour scheme for the gazebo so that it remains in character;
- Since 2001, when I purchased this house, I have been broken in to 4 times. Each time I have raised my security around the house, adding security lighting, replacing locks, padlocking gates etc;

- Due to the fact that the house is situated at the beginning of the route most young people use to access the beach and the Cottesloe pubs, I am often woken at night by hooligans coming right up to my house and 'having a look' at accessibility. Therefore, one of the reasons this house attracted me was the high wall around the front of my property giving me some degree of seclusion;
- In terms of style of roof chosen for the gazebo it will only show minimally above the wall. Should this still be a problem we would be happy to discuss perhaps some form of flat roof although that would not look as aesthetically pleasing;
- I have nowhere on my property to create a small shed area for my gardening tools to keep them dry as my back area already has the granny flat using any available space. We wanted the gazebo space to create some shade in the area;
- The shed does not need to be bolted to the paving area if this is more suitable. It could be free standing as the weight of the structure would keep it in place like sheds bought at Bunnings;
- The front yard was an area very much in need of tidying up;
- When we trimmed up the area and removed much of the ivy we realised that our privacy was now gone. With complete approval of our neighbour we agreed to put up some screening which would be in keeping with the existing wooden panelling. We ask Council to allow us to place wooden panelling between the brick piers on the western boundary of our property. The ivy, vine and tree came to the top of these piers before we paid to have them removed;
- Lastly I would like to draw the attention of Council to all the carports in each of my neighbouring properties and how these impose greatly on the 'blocking' of the view of the original house. I am only asking to put a mostly 'open' gazebo in an existing area which will create no visual 'block' to the view of my house from the road, as the wall surrounding my property was always there; and
- We are very aware of the natural beauty of our house and home and only seek to improve this beauty by creating an area which enhances it.

HERITAGE COMMENT

The property is classified in the MHI as Category 2.

Category 2 is defined as:

High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition.

The MHI name and description of the place is:

Derham House – Of historic and architectural interest in prominent heritage streetscape/precinct.

The Town's Heritage Adviser has provided the following comments in respect to the application:

- *This Category 2 house is hidden presently by a fence that does not comply with the open fencing requirements. As detailed in the MHI the house has architectural interest and presides in a prominent heritage streetscape (Forrest Street).*
- *Strongly disagrees with the proposal on the following grounds:*
 - a) *The location of a shed in the front setback significantly impacts on the architectural interest of the house and the Forrest Street streetscape;*
 - b) *The applicant suggests that the shed would not be seen behind the fence, however, we should not be taking into account the height of a now non-approvable fence and the shed will be seen as people walk up Forrest Street;*
 - c) *The applicant describes the shed as one that may be purchased from Bunnings. However, the works that have already commenced show a more solid timber structure;*
 - d) *The shed could be located in the large rear garden or incorporated as part of a carport to the eastern boundary;*
 - e) *This application, if approved, would set a precedent for structures to the front of heritage properties in the Town.*

STAFF COMMENT

Shed (Outbuilding)

Council's Policy TPSP 004 defines an Outbuilding as:

Any building detached from the principle building and includes....store sheds.

The policy further states:

With the exception of carports when permitted by Council...and such pergolas and similar structures associated with landscaping development of the property as the Council may permit, the Council will not permit an outbuilding to be erected between the building line or setback line and the street alignment to which it relates.

The Policy goes on to state:

Garden sheds, site sheds, and similar lightweight structures must be properly anchored to the ground.

The proposed shed is located in the front setback area and extends up to the front boundary and therefore is not permitted under the Council's Policy.

The proposed shed is of a reasonable size, having an area of 12.6m².and the following dimensions:

Length - 5.15m

Width - 2.45m

Wall height above internal paving - 2.1m

Ridge height above internal paving (approx) - 2.7m

Although it is proposed to have approximately half the structure 'open' to the internal courtyard, the submitted drawings indicate that it will have a pitched zincalume roof. The applicant has, however, suggested that it could have a flat roof and the open sided portion could be covered with shadecloth as an alternative to reduce its impact on the streetscape, if preferred by Council.

In addition, the explanatory notes in the Residential Design Codes (Clause 3.10) give the following advice regarding outbuildings:

There is a case for relaxed standards for some outbuildings. The criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape. This means that any outbuilding that is to be exempt from the standards of the dwelling should be:

- *relatively small in area;*
- *relatively low in height;*
- *sited so as to preserve the use and amenity of open space;*
- *setback sufficiently from boundaries;*
- *confined to Single Houses and Grouped Dwellings;*
- *excluded from the street setback.*

The applicant has stated that the subject shed is replacing an older one that was located in the front setback and it will be largely obscured from the street and adjoining properties due to the height of the existing solid walls around the courtyard.

Nevertheless, none of these reasons are considered sufficient to override the clear intent of sound planning principles, the Council's Policy and the R-Codes which is to avoid approving sheds (outbuildings) in the front setback area. Furthermore, the Council's Heritage Adviser is clearly not supportive of the proposal, especially as it is likely to be visible when approaching the property along Forrest Street and it will significantly impact on the architectural interest of the house and the Forrest Street streetscape.

In addition, an inspection of the site revealed that notwithstanding the location of ancillary accommodation at the rear of the lot, there is a sizable garden at the rear of the dwelling and appeared to be alternative locations where a shed could be sited so as to avoid the front setback area.

Walls

The existing solid walls in the front setback area of this property were constructed prior to the adoption of the Council's Fencing Local Law in 2001.

The Council's Local Law requires fencing above 900mm in the front setback areas to be of an open aspect design, unless approved by Council.

The applicant proposes to increase the height of the existing walls on the eastern and western side of the front courtyard to the top of the piers as this was the height previously screened with a tree/ivy. The wall would be solid on the eastern side whereas the western side would consist of open slats.

The applicant's concern regarding security is acknowledged, particularly due to the number of people that use this street walking to and from the beach. Nevertheless, the public footpath is located on the opposite of the street and other properties in the area only have low open fences which arguably provide better surveillance.

It is therefore possible that by increasing the height of the existing solid walls then this may create further problems with security as people can hide behind the front walls rather than being seen by passers-by or from neighbouring properties.

The applicant has further advised that screening is required along the western boundary to provide greater privacy from a front window on the adjoining single-storey property. However, it is not really considered that this is necessary as the area potentially overlooked is restricted to the front of the courtyard and it is generally recognised in the R-Codes that there is a lesser need to prevent overlooking of front gardens.

Increasing the height of the existing front walls will also further reduce the visibility of the heritage listed property from the street and be contrary to the intent of Council's Local Fencing Law.

CONCLUSION

It is clear that the thrust of orderly and proper planning, especially paying attention to heritage and streetscape, does not support frontal structures in general and this proposal in particular.

Opposition to frontal structures is appropriate in the case of ordinary suburban, contemporary, dwellings and even more-so in established character areas and heritage places.

While the owner aspirations and site constraints can be appreciated, it is apparent that the proposal is unsympathetic to the property and surrounds and does not qualify for support. On that basis refusal is in order, however, officers remain available to discuss potentially acceptable alternatives with the applicant and how the front of the property may be improved in terms of its own amenity and the presentation to the street.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee was promptly and unanimously of the view that the proposal ought to be refused as assessed and recommended.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Dawkins

That Council:

- (1) REFUSE to grant its Approval to Commence Development for the proposed shed and alterations to the existing walls in the front setback area at No. 80 (Lot 12) Forrest Street, Cottesloe, in accordance with the plans submitted on 22 February, 2008, as Council considers that the proposal is contrary to the orderly and proper planning of the property and locality and to the preservation of the amenity of the property and locality for the following reasons:
 - (a) The proposal for a shed in the front setback area is contrary to the Council's Policy on Outbuildings and to the Streetscape principles of the Residential Design Codes, as it would have a detrimental visual impact on the streetscape and on the existing dwelling.
 - (b) The property is listed in the Town's Municipal Inventory as a Category 2 place and is situated in a street and locality recognised for its heritage-listed properties and the associated character and amenity, whereby the proposal is contrary to, and would detract from, the heritage values of the property and surrounds.
 - (c) The proposed increased height of the existing solid walls in the front setback area is contrary to the Council's Local Fencing Law and the Streetscape principles of the Residential Design Codes, and would have a detrimental impact on the existing dwelling and the locality.
 - (d) Approval to the proposal would set an undesirable precedent for the approval and proliferation of similar or other structures in front setback areas in this street, the locality and the Town generally.
 - (e) A shed can be located elsewhere on the property behind the front setback area.
- (2) REQUIRE the applicant to REMOVE the existing unauthorised partial shed structure within 30 days of the date of this letter.
- (3) Advise the submitters of this decision

Carried 5/0

1.6 NO. 34 RAILWAY STREET (LOT 22), COTTESLOE – PROPOSED DEMOLITION OF DWELLING – CATEGORY 3 ON MUNICIPAL INVENTORY

File No:	1416
Author:	Mr Andrew Jackson / Ms Delia Neglie
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant Photos Plan Pest Management Report Photos
Owner:	Micmar Pty Ltd
Applicant:	Grae & Peter Hastings
Attachments	Applicant's submission
Report Date:	9 April 2008
Senior Officer:	Mr Stephen Tindale

SUMMARY

An application for planning approval has been submitted for the demolition of an existing weatherboard and asbestos house at 34 Railway Street, which is classified Category 3 under Council's Municipal Inventory (MI). Approval is recommended as the building would require significant repair and alterations to bring to a habitable standard due to its dilapidated condition and extensive asbestos.

STATUTORY ENVIRONMENT

- Town Planning Scheme (TPS) No 2 – demolition is regarded as development under the *Planning and Development Act 2005* and Scheme and therefore requires planning approval.
- The Heritage of Western Australia Act 1990 requires that local governments compile, (with public consultation) and maintain an inventory of buildings or places which are or may become of cultural heritage significance. Council's MI classifies 34 Railway Street as Category 3, which is defined as:
Significant as an Individual Building - Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

POLICY IMPLICATIONS

- Administration of the heritage system.
- Relationship of heritage to the planning system.
- Recognition of the MI and local character.
- The WAPC *State Planning Policy (SPP) 3.5 Historic Heritage Conservation 2007* describes the existing statutory framework for heritage conservation and the relationship and responsibilities of the Heritage Council of WA (HCWA),

the Western Australian Planning and local governments. It specifies policy measures and the means for their implementation and requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval. Those matters relevant as a general guide to the subject proposal include:

- *The conservation and protection of any place or area that is included in the heritage list under a scheme. (Note: this place is not listed in the Scheme but is listed in the MI).*
- *Whether the proposed development will adversely affect the significance of any heritage place including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.*
- *The level of heritage significance of the place, based on a relevant heritage assessment.*
- *Measures proposed to conserve the heritage significance of the place and its setting.*
- *The structural condition of the place, and whether the place is reasonably capable of conservation.*

STRATEGIC IMPLICATIONS

- Fostering of local heritage and streetscape character.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The application is for the demolition of a house classified as Category 3 under the MI. The Manager of Development Services (MDS) had included the proposal on a list of proposals intended for delegated approval (Council has delegated authority to the MDS for the approval of development regarding Category 3 properties). Under this process, Councillors are invited to recall a proposal, hence this report to Council.

The applicants have stated the following reasons for the demolition proposal:

The original two room house being a small wooden framed, weatherboard structure built around a masonry chimney, with an open back and front veranda. This has been added to by multiple, piecemeal extensions in an inconsiderate fashion to the original house with extensive use of asbestos for internal and external cladding.

1. *Dilapidated*
 - 1.1 *The front veranda is being held up by four pine braces cemented into the ground.*
 - 1.2 *The house flooring and walls have sagged due to the building materials lifespan without refurbishment and also possible structural termite damage.*
 - 1.3 *Multiple holes - floor, ceiling, and front verandah.*
 - 1.4 *Leaning structure - right angles no longer exist, floors no longer flat.*
2. *Multiple unsuitable extensions*
 - 2.1 *Asbestos use throughout - holes in the walls, rough edges of asbestos visible and accessible.*
 - 2.2 *Cheap, poorly designed and inconsistent to original form.*

- 2.3 *Uneven and piecemeal cladding - horizontal one wall, vertical on another.*
- 2.4 *Home made electrical wiring throughout.*
- 2.5 *Old style plasterboard internal construction - unable to be refurbished.*
- 2.6 *Poor water piping - promoting wastage, ie many unnecessary corners.*
- 2.7 *Various down piping is poorly designed and promotes roof flooding during winter rains.*
- 3. *Structural damage*
 - 3.1 *Sections of wooden extension sitting on dirt allowing extensive termite damage both visible and predicted behind cladding (termite report).*
 - 3.2 *Sections of wooden verandah and flooring sagging and also moving (the floor is two inches below the front room's fireplace edge on one side only and a one inch gap from the edge is visible).*
 - 3.3 *There is evident wood rot throughout.*

Building Department Comment

The existing residence at 34 Railway Street, Cottesloe consists of a combination of the original building and of what appears to be subsequent additions located at the rear.

The original portion of the existing residence consists of timber framed construction with weatherboard external cladding, constructed around the existing masonry chimney, together with a pitched corrugated metal roof.

The timber frame additions which appear approximately 30-40 years old and are asbestos clad, compose of a flat and pitched roof. A visual inspection confirmed that a number of structural timber studs have been damaged by termites and it would reasonable to assume that other concealed timberwork has also been damaged.

The verandah located at the front of the residence is currently braced by termite resistant pine posts. The timber is sagging and some portions have rotted over time.

It appears that front portion (what appears to be the original house) whilst rundown and requires significant maintenance, is in reasonable condition. The rear portion of the residence shows evidence of structural deterioration and termite damage, which needs to be effectively demolished to enable repair works. If the rear portion is removed the front portion of the residence will require significant alterations to bring it to a habitable standard.

Heritage Advisor Comment

The application for demolition could be approved due to the deteriorated condition of the existing building and the extent of asbestos. Although the façade is attractive to the street, overall the dwelling it is not such a good condition or special example of its type or era to warrant retention and restoration, and much of the original building structure and fabric would be lost to any adaptive redevelopment of the dwelling.

STAFF COMMENT

An MI category and town planning scheme provisions do not make retention of a heritage listed property mandatory, they can only encourage retention by a landowner, and indicate the level of resources that a Council may invest in doing so.

The Category 3 definition suggests that conservation is preferred to unsympathetic alteration or demolition, however, it does not preclude demolition altogether.

The original 1995 MI assessment indicated the significance of the house as:

A worker's cottage in relatively intact condition.

The condition of the house has obviously deteriorated since 1995.

The reassessment in 2002 recommended retention on the MI as Category 3 but states that its significance is as:

an example of a workers cottage in this early subdivision, but not one of the first to be constructed.

This is unlike the neighbouring property at 36 Railway which is stated as *an important early residence in a prominent position along Railway Street*. Therefore in relative terms, the house at 34 Railway is less significant than its neighbour.

Timber-framed or weatherboard cottages are part of the character of early housing in Cottesloe, as in other older suburbs and as such a number of similar dwellings exist. Where retained and maintained, this character is perpetuated and enjoyed. However, where the original condition of a house has significantly deteriorated, its heritage significance and scarcity value would need to be high to encourage or require reconstruction.

Both the Building Department and Heritage Advisor's comments confirm the applicants' advice concerning the building's deteriorated condition. The heritage value is not considered high given the MI descriptions of significance. The building would have been a good example of a workers cottage if in good condition but it is not a unique residence in the context of the metropolitan region or the locality and there are indeed better examples even in Cottesloe. Therefore it is recommended that the demolition be approved subject to a photographic record of the place being undertaken.

CONCLUSION

Having regard to the comparative heritage status of the dwelling and its diminished heritage value due to its poor condition, the grounds for refusal of the demolition would not be particularly strong. Whilst a motivated owner or inspired architect might seek to salvage the front portion of the dwelling in a development, much of the integrity of the original dwelling has already been eroded.

VOTING

Simple Majority

COMMITTEE COMMENT

Cr Boland mentioned that he had called-up the item but with the benefit of the report could now support the proposed demolition. He suggested an advice note nonetheless to the effect that the heritage worth of the property be pointed-out to the applicant, to which Committee agreed as a technical addition.

OFFICER RECOMMENDATION

That Council approve the demolition of No. 34 Railway Street (Lot 48), Cottesloe, subject to the following conditions:

- (1) All demolition work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.
- (2) A full, colour and labelled photographic record of the dwelling, including it's interior, exterior, outbuildings, grounds and setting in the street, shall be made and submitted to the Town, prior to a Demolition Licence being issued.
- (3) If asbestos is present, compliance with the Health (Asbestos) Regulations 1992 is required.
- (4) The site being levelled and stabilised to the satisfaction of the Manager Development Services.
- (5) Any street trees shall be retained and protected from the demolition work at all times.

Advice Note:

In the interest of the amenity of the property, future development and locality, the landowner is encouraged to retain as much of the existing on-site trees and mature vegetation as possible.

1.6 COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That Council approve the demolition of No. 34 Railway Street (Lot 48), Cottesloe, subject to the following conditions:

- (1) All demolition work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
- (2) A full, colour and labelled photographic record of the dwelling, including it's interior, exterior, outbuildings, grounds and setting in the street, shall be made and submitted to the Town, prior to a Demolition Licence being issued.**
- (3) If asbestos is present, compliance with the Health (Asbestos) Regulations 1992 is required.**
- (4) The site being levelled and stabilised to the satisfaction of the Manager Development Services.**
- (5) Any street trees shall be retained and protected from the demolition work at all times.**

Advice Notes:

- (i) In the interest of the amenity of the property, future development and locality, the landowner is encouraged to retain as much of the existing on-site trees and mature vegetation as possible.
- (ii) The owner is advised that, notwithstanding Council's approval to the demolition in the circumstances, the generally preferred alternative is the conservation and improvement of heritage-listed properties having regard to their heritage value and the character of their surrounds.

Carried 5/0

1.7 CURTIN AVENUE – REPORT ON DETAILED CONSIDERATIONS OF OPTIONS

File No: Sub/440
Author: Mr Andrew Jackson
Author Disclosure of Interest: Nil

Report Date: 11 April 2008
Senior Officer: Mr Stephen Tindale

SUMMARY

Council on 17 March 2008 considered an overview update report on Curtin Avenue and resolved to:

1. *Note this update report, provide any direction to officers for ongoing work on the matter as it sees fit, and await a detailed report from officers at the April meeting.*
2. *Determine any interim or more definitive feedback that it may wish to provide to the Government agencies at this stage.*

Development Services Committee had discussed the matter at some length and Council chose to await this fuller report for consideration.

In outlining the next steps it was advised that:

- Council's September 2007 resolution saw the need to better understand the pros, cons and implications of the options for Curtin Avenue in order to consider a course of action including community consultation and provide further feedback to the Government agencies.
- This foreshadowed a report to Council on an enquiry-by-design exercise for the Town Centre, incorporating Curtin Avenue, in liaison with the Government agencies.
- It was also suggested that Council could seek advice from independent consultants to assist its deliberations.

To advance the matter this report presents:

- A framework to help determine the best option.
- More detailed discussion of relevant considerations to that end.
- Comment on the specialist reports by the Government agencies regarding some of these considerations.
- An outline for continued action to reach agreement.

While it concentrates on the solution for Curtin Avenue in the vicinity of the Town Centre, it must be remembered that the entire route as it passes through Cottesloe is to be settled and eventually constructed.

STATUTORY ENVIRONMENT

- The current Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) reservation for Curtin Avenue represents a major constraint to planning for the district and land use and development in the vicinity of the route.

- The uncertainty and potential impacts are impediments to solving regional and local traffic movements and providing for a Town Centre activity node consistent with the State Government's Network City planning strategy.
- In this respect Council's proposed Local Planning Scheme No. 3 (LPS3) is under an expectation to respond to regional requirements, but is affected by the future of Curtin Avenue.
- Once a realigned and minimised road reservation is defined, the MRS and Council's Scheme can be amended to clarify the route for Curtin Avenue and free-up the surplus land west of the railway for structure planning under the proposed Development Zone.
- This statutory implementation will be a major step forward to the long-term benefit of the transport system and urban development characterising the district.
- Because the amendment processes will involve public consultation, it is desirable that Council give consideration to informing and engaging the community during the present formulation phase, which the intended enquiry-by-design exercise would facilitate – this is elaborated on below.

POLICY IMPLICATIONS

- This matter does not relate directly to any specific Council policy about Curtin Avenue, however, it is clear that regional and local transport and planning policies cannot be realised until Curtin Avenue is resolved.

STRATEGIC IMPLICATIONS

- Curtin Avenue is probably the key strategic issue facing the district, which for several decades has remained uncertain, contributing to local traffic problems, urban blight and loss of amenity.
- The growth of Perth has increased pressures on the regional road network and resultant impacts on local communities.
- A responsible approach is needed to finalise a preferred alignment and design for Curtin Avenue through Cottesloe.
- Council's Future Plan and Action Plan identify reaching agreement with the State Government on a solution for Curtin Avenue as a strategic priority.

FINANCIAL IMPLICATIONS

- Construction of a realigned Curtin Avenue would be an MRWA cost.
- Council will incur future costs in addressing the related local road system and land use planning for the surrounding area.
- Community consultation and advertising regarding preliminary solutions for the route may involve consultants and other costs in the order of \$20,000 or more depending on the scope.
- As to funding regional infrastructure and transit-orientated development (TOD), the cost of a superior solution for Curtin Avenue would be offset by an enhanced return on development, as opposed to mediocre yields.

BACKGROUND

- Council on 24 September 2007 received a status report on Curtin Avenue, which drew together its collaborative planning with the Department for Planning and Infrastructure (DPI) and Main Roads Western Australia (MRWA) on this matter.

- Council received a briefing on 25 February 2008 followed by a second update report on 17 March 2008, whence it awaited this detailed report.
- The value of this work and progressive consideration has been to articulate the objectives of the stakeholders, scope the aspects requiring reconciliation, firm-up optional solutions and indicate a way forward.
- As previously reported, the statutory environment and policy, strategic and financial implications associated with Curtin Avenue constitute a major planning matter influencing the future function, form and wellbeing of the district.
- The imposition of regional transit routes through communities is a classic issue facing the structuring of metropolises and can be seriously divisive physically, socially and economically.
- The challenge is to overcome such barriers in a way which best addresses the complexities of sustaining regional transit, local area planning and activity centres.
- A singular view of regional road delivery based on typical engineering and financial feasibilities would appear to fall short of the holistic and integrated model or urban dynamics being pursued by the State Government under the Network City program.

OFFICER COMMENT

Strategic Outlook

Council Resolutions

Council on 24 September 2007 confirmed its position at that stage to the Government agencies as follows:

Council:

- (1) ...
- (2) ...
- (3) *Requests consideration of a new Option 5 with Curtin Avenue and the railway line both being lowered to go under Jarrad Street.*
- (4) *Seeks three-dimensional illustrations from MRWA for Options 1 and 2 only, upon which it will give further consideration to the following in order to provide feedback to the Government agencies towards a solution for Curtin Avenue:*
 - (i) *The pros and cons of the options for the alignment and design of Curtin Avenue through Cottesloe;*
 - (ii) *The implications for land use, urban development and transport connectivity affecting the district;*
 - (iii) *The particular implications for the Town Centre and railway land areas in light of Council's planning for these areas; and*
 - (iv) *A course of action, including community consultation and ongoing liaison, to reach agreement on the matter.*

Future Plan

- This strategic outlook is reflected in the Town's Future Plan and related Action Plan confirmed by Council on 17 March 2007.

- The Future Plan notes that the Town is undergoing change and is involved in a range of regional planning matters which are being responded to.
- It identifies the priorities requiring attention, including to pursue solutions for Curtin Avenue and the railway and to finalise a plan for the Town Centre.
- In this regard Objective 2 - Connectivity is: *To achieve connectivity between east and west Cottesloe* and the associated Strategy is to: *Pursue a draft Structure Plan for consultation purposes including consideration of options in relation to the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links for the Town Centre and adjacent Development Zone.*
- The intended broad actions to address this entail:
 - Establish the situation regarding the options for Curtin Avenue and the railway – that is, the work done to date and continuing.
 - Facilitate engineering, financial and other studies into the preferred solution and focus on a “win-win” approach – the specialist reports provided by the Government agencies are a useful start, however, additional investigations are warranted.
 - Explore the development potential of the vacant land (Development Zone) including visual material that demonstrates housing densities and forms – Council has considered a preliminary report in this and more detailed work is warranted. Ultimately the structure planning provisions under proposed LPS3 will be applied to determine the development characteristics for this area.
 - Conduct a consultation program that involves the community and Government agencies – specifically an enquiry-by-design for the Town Centre area under proposed LPS3 during its advertising phase.
 - Produce an indicative structure plan – this is to crystallise the preferred pattern and form of the planned movement system, land use and development for the area.
 - Consider the findings and likely implementation arrangements – Council, the Government agencies involved would confirm agreement to the plan and a prospective implementation program.

Planning Perspective

- The conundrum of Curtin Avenue as it affects Cottesloe is decades-old and deserves attention to overcome uncertainty and foster urban regeneration.
- During that time the wisdom of ever-expanding regional roads has come under scrutiny as a metropolitan growth philosophy, whereby today's transport systems have become more sophisticated, linking a range of travel modes and being planned in relation to land use, development nodes and urban design.
- As Perth matures it is experiencing substantial renewal of older, redundant areas to embrace this modern planning approach, which includes many innovations such as sinking railways, creating TOD activity centres and rejuvenating built environments. The positive results are manifest in locations such as Subi Centro and other rail-based locations which have been given a fresh focus and sense of place.
- It is apparent that this planning perspective comprises the following:
 - A vision of an ideal solution.
 - A technical “can-do” attitude.

- A consultative process.
- A commitment to implementation.
- In this context the *optimum* solution may be that where the opportunities are seen to outweigh the constraints, and towards that the joint effort to define a solution for Curtin Avenue has so far achieved agreement as follows:
 - There is an important need to address the matter.
 - The solution should look long-term and take into account all aspects.
 - An alignment beside the railway where the route passes the town centre is the most land-efficient.
 - For significantly improved local travel connectivity, grade-separation of the regional and local roads is required.
 - The impetus to stimulate TOD and generate development potential to contribute to Network City principles
 - There will be significant infrastructure and urban design implications requiring attention to minimise amenity impacts.
 - The intended consultation by way of an enquiry-by-design.

Relevant Considerations

- From the work and discussions to address Curtin Avenue a number of key relevant considerations have been discerned.
- These are primary aims to be borne in mind in determining the optimum planning and design solution.
- The following table lists each aspect and the preferred characteristics to satisfy it and benefit the area.

<i>Aspect</i>	<i>Preferred characteristics and benefits to area</i>
Sustainability	<ul style="list-style-type: none"> ○ Consolidated transit corridor – less land take. ○ Environmentally-efficient transit systems – less energy consumption and pollution. ○ Reduced car dependency. ○ Responsible balance of public and private transit modes.
Regional road thoroughfare	<ul style="list-style-type: none"> ○ Free-flowing through-traffic with minimal intersections for functional efficiency. ○ Confined land-take and physical impact.
Railway system	<ul style="list-style-type: none"> ○ Capitalise on railway system – upgrade infrastructure, station and service / patronage. ○ Recognise the presence of the rail system as the dominant public transit mode for the town centre and beachfront.
Local connectivity	<ul style="list-style-type: none"> ○ Local road, cycle, pedestrian and disabled network uninterrupted by regional transit, for legibility, convenience, safety and amenity. ○ Improved access to Town Centre, surrounding localities and beachfront destination.
TOD activity centre	<ul style="list-style-type: none"> ○ Integrated transport and land use / development for mutual advantages – choice of transit modes, public transit, accessibility, activity, local economy, community, sense of place.

Wellbeing of Town Centre	<ul style="list-style-type: none"> ○ Protect the social identity, economic health and village character of the Town Centre. ○ Improve the functioning of the Town Centre. ○ Manage the physical, visual and amenity impacts of infrastructure on the Town Centre. ○ Provide for development and expansion of the Town Centre with appropriate built form and fabric.
Development potential	<ul style="list-style-type: none"> ○ Town centre rejuvenation. ○ Supply of additional and more diverse housing. ○ Responding to Network City – local contribution to urban consolidation and activity centres. ○ Responding to community identity – human-scale urban village feel and place-making approach.
Urban design	<ul style="list-style-type: none"> ○ Contain the physical and visual impacts of the regional road infrastructure. ○ Guide new built form to allow for innovation yet ensure compatible interfaces with existing development. ○ Pay attention to the public domain. ○ Create a walk-able neighbourhood.
Overcoming urban blight	<ul style="list-style-type: none"> ○ Clarify regional road requirement / MRS reservation, including removal of impact on existing residential development. ○ Maximise land availability for urban development. ○ Use surplus “wasteland” for urban purposes.

Analysis of Technical Reports

The 17 March 2007 update report to Council advised as follows:

- A Council briefing session was held on 25 February 2008 where the DPI and MRWA presented technical information exploring the feasibilities in relation to Options 1 and 2. This included the following documentation:
 - Consultant’s report *Curtin Avenue Realignment, Cottesloe, Option 1 – Trench Construction: Engineering Feasibility Study*.
 - Consultant’s report *Noise Impact Assessment Curtin Avenue / Jarrad Street Intersection “Subway Option” (Option 2)*.
 - MRWA *Road Network Options Report* regarding the overall matter and above reports, including three-dimensional photo / computer-graphics images illustrating the built form of Options 1 and 2.
- It was noted that these reports favour the Jarrad Street subway Option 2, on the basis of functionality, engineering and cost. Council was requested to give consideration to the information provided for feedback to the DPI and MRWA.
- A more detailed analysis and assessment of the findings of these reports is presented below.

Curtin Avenue Realignment, Cottesloe – Option 1: Trench Construction – Engineering Feasibility Study – January 2008

(prepared by BG&E for MRWA)

Overview

- This report presents a comprehensive examination of the engineering feasibility of Option 1 for a trench construction. It is a typical preliminary analysis of the engineering considerations pertaining to this option; identifying relevant factors to be taken into consideration were it to be pursued, as a precursor to more detailed design.
- The report scopes the gamut of technical aspects for creation of a trench, including construction methods and the ramifications of existing infrastructure affected. This includes the functional implications for a Jarrad Street bridge over the trench and the railway level crossing, as well as traffic, social and commercial effects.
- In terms of construction techniques, the report concludes that a variety or combination could be utilised and would be influenced by range of factors. In relation to the railway it notes that operational and safety requirements would affect the approach to construction, its timing and cost.
- The report describes the typical bridge construction and associated infrastructure requirements, It also notes that the railway level crossing would remain and be constrained, which is seen as a less than ideal standard.
- The report correctly identifies a number of social and commercial impacts which would arise, such as noise, dust, light spill, disruptions, reduced accessibility, and so on.
- It concludes that Option 1 would involve significant issues and substantial costs, hence suggesting that more economically and socially acceptable alternatives be investigated.

Comment

- This initial engineering assessment is a thorough outline of what this Option 1 entails. As such it serves to explore the ingredients of the option as well as generic aspects likely to be encountered by other options.
- Fundamentally, it finds that Option 1 (or potentially a derivative of it) is capable being built, albeit with particular advantages and disadvantages. In so doing it demonstrates that any option will have constraints and cause impacts.
- What the report does not do (and was not asked to do) is compare options from an engineering point-of-view, provide any weighting to them or have regard to wider planning and urban development considerations.
- Indirectly, the report highlights that the long term gain from the provision of a new regional road carries with it a range of implications and costs (both financial and otherwise) which need to be examined and evaluated. Decisions made solely on engineering ease or economy may fall short of a broader vision for transport systems and urban regeneration – without which major improvements to metropolitan development and activity (for example the new southern railway) may not be realised.

Noise Impact Assessment – Curtin Avenue / Jarrad Street Intersection – “Subway Option” – January 2008

(prepared by Lloyd George Acoustics for BG&E and MRWA)

Overview

- This report presents the methodology and findings of noise modelling for the subway option, including both road and rail traffic, compared to the existing situation for Curtin Avenue and the railway.
- The noise forecasts were assessed against the WAPC draft Policy on Road and Rail Transport Noise and the MRWA Noise Level Impact Assessment Criteria as benchmarks.
- The study found that with this road option, residences along existing Curtin Avenue would experience significantly less noise and that residences along Stirling Highway would experience no change in noise due to the dominance of that traffic noise.
- It also found that any railway noise increase would be negligible and that overall rail noise is much less than from the roads.
- On this basis the report concluded that in terms of the proposed road and rail infrastructure for this option, no noise treatments are considered necessary.
- However, it recommended that adjacent urban development be planned and designed to manage the noise impacts.

Comment

- The report is useful in examining the aspect of noise generally and for this sample option in particular; although it is noted that only one option has been modelled so far and that full noise assessment should occur for any proposal being pursued.
- What the study indicates is that existing Curtin Avenue residences would be afforded relief from noise while the Town Centre and its vicinity would absorb the new noise regime.
- In this regard it is cautioned that while non-residential uses may be more noise-tolerant, the amenity impact of traffic noise on businesses, offices, civic or institutional facilities and the public domain should not be underestimated.
- The presence mixed-use commercial-residential developments in the Town Centre and the proximity of residences along Railway Street and its side streets mean that noise may well become a concern – train horn noise can be a complaint, for instance.
- Therefore, it may eventuate that some noise attenuation structures or treatments need to be considered as part of the design and construction of the new Curtin Avenue and the railway – there are likely to be visual impacts to be considered, too.
- While such amenity-related infrastructure should not deter the overriding need for the routes, it does deserve high-quality urban design because of the physical and visual impacts – noise walls, for example, can be intrusive and unattractive as well as a maintenance burden due to graffiti.
- The principle of putting the onus for noise attenuation onto development is noted in relation to the WAPC draft policy and the characteristics of built-up areas – regional transit routes, TOD and urban consolidation create challenges for noise control.

Curtin Avenue, Cottesloe – Road Network Options Report – February 2008

(prepared by MRWA, Technology & Environment Division, Roads Planning Branch)

Overview

- This report draws together the work and views of MRWA towards firming-up on a solution for future Curtin Avenue, and incorporates the above consultant studies.

It gives direction to the matter insofar as regional road route planning and engineering design is concerned.

- The report contains a context of the historical background to the route, previous studies and earlier design options considered – the previous options were: lowered railway, Napoleon Street underpass, Forrest Street crossing and Jarrad Street overpass. It then summarises four more recent options examined by MRWA and the consultation undertaken with the Town and relevant Government agencies – the options being 1: road trench for Curtin Avenue, 2: subway for Jarrad Street, 3: one-way pair with railway crossings, 4: one-way pair with grade-separated railway crossings.
- This narrows-down to Options 1 and 2, which are examined in more detail in relation to engineering feasibility, noise impact and visual amenity; based on the abovementioned selected studies and three-dimensional photo/computer graphic images of what these options would look like. The report is then rounded-out with discussion of the prospective enquiry-by-design and a conclusion.
- The conclusion is: firstly, that Option 1 for a trench is technically feasible but virtually unviable due to construction costs and impacts, plus has ongoing operational shortcomings; and secondly, that Option 2 for a subway is superior by virtue of full grade-separation, despite the visual impact. In addition, a one-way pair option is found to be undesirable on several fronts.

Comment

- This report represents a concise summary of the work performed over many years by the stakeholder authorities to devise a preferred route alignment and physical design outcome for Curtin Avenue. This affords a useful appreciation of the multitude of aspects to be balanced and the resultant built environment to be borne in mind.
- Understandably, this report and the supporting reports are focussed on the engineering and hence construction cost side of the equation – that is, the practical design and construction considerations, rather than the total framework of transport and land use planning (although certain elements are touched upon).
- For this reason, the report tends to emphasise disadvantages over advantages in the realm of degree of engineering difficulty and cost – it does not dismiss the options (in the sense that almost anything can be engineered), so much as advocate a pragmatic, expedient and affordable choice. This is essentially a listing of points with limited evaluative or comparative assessment. To be fair to the intent of the report, this is not a criticism, but instead a reflection of a conventional assessment within the purview of MRWA.
- Obviously a full cost-benefit type analysis of all of the relevant considerations (planning, engineering, design, social, economic and so on) would arrive at an alternative appreciation of the desired outcomes and innovative possibilities for the Town Centre and developable land in relation to regional transit and local connectivity.
- In concentrating on Options 1 and 2, the report consolidates the MRWA review, with input from the consultant studies (ie engineering for Option 1 and noise for Option 2; yet, it is observed, not both for each) and the 3D images to comment on the issues identified.
- The 3D images are a useful depiction of the way in which Options 1 and 2 would function and their form. It is apparent that either would introduce heavy-duty infrastructure to overcome the current operational deficiencies – in other words,

the benefits of a regional road thoroughfare divorced from the local road system, and the yield of land for development, bring with them dis-benefits by way of major transport infrastructure and all of its impacts. In this respect the trench option offers an out-of-sight/out-of-mind sinking of the regional road, whereas the subway option elevates its presence and externalised effects, being `a good traffic solution but a poor urban design result.

- Given local connectivity as a primary objective, it is clear that a grade-separated crossing of both the regional road and railway is a superior option. Only that would separate regional from local traffic and overcome congestion by removing the level-crossing. The subway option would achieve this and in so doing markedly improve the convenience and safety of local circulation to and from the Town Centre. The significance of this improvement is considered sufficient to justify the impacts of the infrastructure, provided that the detailed design minimises the effects on amenity.

Urban Regeneration & Development Potential

- Resolving Curtin Avenue is vital to removing uncertainty about the route and to enabling urban regeneration to occur in this part of the district and as part of the western suburbs.
- Unless the alignment for Curtin Avenue is defined, and the preferred design solution refined, then the existing situation of regional road impacts, a limited Town Centre, old railway station, poor connectivity and vacant, unkempt reserve lands will continue.
- Such circumstances impede the achievement of regional and local planning objectives for activity centres and urban consolidation, including the ability of Council to respond to regional aspirations such as inner-area housing supply and diversity, for example.
- The opportunity to capitalise on a TOD and thereby address to the wider purpose of creating an integrated land use, development and transport node in accordance with Network City planning principles should be a key determinant in the matter.
- With that in mind, Council has considered a preliminary report on the indicative development potential of the railway lands, which broadly scoped the likely development parameters and built form in estimating dwelling and population yields. The findings reinforced the ability of the railway lands to contribute significantly to the anticipated population and housing targets approach of the DPI.
- In realising this latent potential, it is emphasised that the aim should not simply be on quantity but also on quality, which is why the consideration of Curtin Avenue should seek to add value in both respects.
- In terms of detailed planning, in considering the trench and subway options, it can be seen that by not mixing regional and local traffic, and by improving local connectivity, the solution for Curtin Avenue would reduce the amount of, and improve the flow of, local traffic in the Town Centre. Jarrad Street would become traffic-calmed and more pedestrian/cyclist-friendly. It would be less divisive to the southern sector of the Town Centre, which is anticipated for further development and in need of better links. At the same time, new residential development on the western land would generate additional local traffic accessing the Town Centre and beyond, being more reason to ensure local connectivity.

- In terms of the strategic outlook to an optimum transport and land use solution as expressed in this report, a more visionary option would be for the sinking of the railway in conjunction with Curtin Avenue. This would reduce the physical and visual impacts of the railway and regional road as they pass through the area (by having sunken rather than elevated infrastructure and traffic), emphasise local connectivity over regional through-routes, enable a new railway station to be built at a lower level thereby interfacing much more effectively with the Town Centre, facilitate greater integration with the western land, and enhance the development potential of that area.

Enquiry-by-Design

- In considering means to help settle upon a solution for future Curtin Avenue in the context of the Town Centre and railway lands, the Enquiry-by-Design consultative and design method has been agreed to in-principle by Council and the Government agencies involved.
- This is intended to build on the earlier Town Centre Study, the Scheme Review, related Council initiatives (eg parking strategy) and the current work on Curtin Avenue, to examine in more detail the interrelationship between that regional road route, the railway, Town Centre and developable land.
- Added to this, the DPI is embarking on the Stirling Highway Activity Corridor Study. This a Network City-based study to explore the future of land use and development along the highway activity corridor, and will have a significant focus on the Town Centre as a hub of activity and convergence of transit systems. At the same time Council is advancing its work on the Library complex, further development of Station Street, parking, urban design and public domain infrastructure all in connection with the Town Centre.
- The Enquiry-by-Design is the next step to present this background and the present studies and initiatives to the stakeholders and community for a more intensive analysis of all of the factors to be taken into account.
- Proposed Local Planning Scheme No. 3, which is now being advertised for public submissions, provides for this approach and the Enquiry-by-Design method for the Development Zone (comprising the developable land) as follows:

<p><i>'E' – Crown Reserves 3399, 3434, 25367, 33606, 33607, 30397, bounded by Curtin Avenue and railway line.</i></p>	<ul style="list-style-type: none"> • <i>Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development.</i> • <i>Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8.</i> • <i>The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for</i>
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	<p><i>more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes and the potential for integration with the nearby Town Centre zone on the eastern side of the railway line.</i></p> <ul style="list-style-type: none"> • <i>The Structure Plan will provide for car parking in accordance with clause 5.8.</i> • <i>The Structure Plan will provide for development in accordance with the Residential Design Codes and any Design Guidelines. The Design Guidelines will be formulated following an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure. Guidelines for the height of buildings will have regard to the Town of Cottesloe Town Centre Study (2005) Concept Plan. Following public advertising and consideration of submissions, the Design Guidelines formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.</i>
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- An Enquiry-by-Design is broadly referred to in the Road Network Options Report by MRWA. Both MRWA and the DPI have indicated that they see the Enquiry-by-Design exercise as fairly confined in respect of Curtin Avenue, essentially being a choice between Options 1 and 2 having regard to the degree of grade-separation and the engineering feasibility.
- However, Local Planning Scheme No. 3 contains the statutory structure planning provisions for the comprehensive planning of development areas to reconcile the transport, land use and built form ingredients of urban regeneration.
- It is clear that the combination of regional and local planning for the area needs to thoroughly address the structural, functional, built environmental and amenity dimensions of the Cottesloe Town Centre and surrounds in the context of its sub-regional setting and role.
- The Enquiry-by-Design process is a welcome opportunity to take the conceptual and technical contributions to date to the next stage of analysis and consultation towards a holistic and high-order prescription for this metropolitan place.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee considered the report to be thorough and to highlight the importance of local connectivity in the solution for Curtin Avenue, as well as the need to take into account the potential implications, such as the visual impact of the subway option. There was discussion about the ordering and wording of the points in the recommendation to strengthen Council's outlook in this respect. There was also some discussion about the recommendation point in relation to the MRS at this stage. This led to the following amendments as reflected in the Committee Recommendation.

Moved Cr Strzina, seconded Cr Dawkins

That the order of points (3) and (4) in the Officer Recommendation be swapped and that the trench and subway options be de-emphasised as desirable in terms of comparative connectivity and impacts.

Carried 5/0

OFFICER RECOMMENDATION

That Council:

- (1) Confirms its support in-principle for the alignment of future Curtin Avenue immediately west of the Town Centre as a two-lane road located between the railway line and the Western Power substation.
- (2) To achieve the primary objective of improving local connectivity, support the complete grade-separation of Jarrad Street from the railway and Curtin Avenue.
- (3) Acknowledge the subway option as superior to the trench option in terms of achieving local connectivity, but note that the subway option would have its own physical and visual impacts.
- (4) Promote that an option of sinking the railway, in order to enable full integration of land use and transport, to facilitate transit-orientated development of the Town Centre, and to optimise the development potential of the western land, be further explored with the State Government agencies to ensure the best long-term planning outcomes for the area having regard to Network City objectives and principles for activity centres and corridors.
- (5) Pursue the Enquiry-by-Design process with the DPI as guided by Local Planning Scheme No. 3 to deliver a far-sighted and sustainable structure plan for the area.
- (6) Approach relevant consultants (ie town planning, urban design, engineering, community engagement, place-making, and so on) to assist Council and the State agencies in the matter.
- (7) Subject to reaching agreement with the State Government agencies regarding a detailed design solution for Curtin Avenue in relation to the railway, Jarrad Street and the Town Centre, seek amendment of the Metropolitan Region

Scheme to define the road and rail alignments and land requirements for this section of the route.

- (8) Advise the Department for Planning and Infrastructure, Main Roads Western Australia Western, the Western Australian Planning Commission and Minister for Planning and Infrastructure accordingly.

1.7 COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council:

- (1) **Confirms its support in-principle for the alignment of future Curtin Avenue immediately west of the Town Centre as a two-lane road located between the railway line and the Western Power substation.**
- (2) **To achieve the primary objective of improving local connectivity, support the complete grade-separation of Jarrad Street from the railway and Curtin Avenue, and assert that neither the trench option nor the subway option deals satisfactorily with local connectivity.**
- (3) **Promote that an option of sinking the railway, in order to enable full integration of land use and transport, to facilitate transit-orientated development of the Town Centre, and to optimise the development potential of the western land, be further explored with the State Government agencies to ensure the best long-term planning outcomes for the area having regard to Network City objectives and principles for activity centres and corridors.**
- (4) **Acknowledge the subway option as preferable to the trench option in terms of achieving local connectivity, but note that the subway option would have its own physical and visual impacts.**
- (5) **Pursue the Enquiry-by-Design process with the DPI as guided by Local Planning Scheme No. 3 to deliver a far-sighted and sustainable structure plan for the area.**
- (6) **Approach relevant consultants (ie town planning, urban design, engineering, community engagement, place-making, and so on) to assist Council and the State agencies in the matter.**
- (7) **Subject to reaching agreement with the State Government agencies regarding a detailed design solution for Curtin Avenue in relation to the railway, Jarrad Street and the Town Centre, seek amendment of the Metropolitan Region Scheme to define the road and rail alignments and land requirements for this section of the route.**
- (8) **Advise the Department for Planning and Infrastructure, Main Roads Western Australia Western, the Western Australian Planning Commission and Minister for Planning and Infrastructure accordingly.**

Carried 5/0

ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

Nil

MEETING CLOSURE

The Presiding Member declared the meeting closed at 8:10pm