

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 15 MARCH 2010

CARL ASKEW
Chief Executive Officer

18 March 2010

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05 pm.

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

Cr Jack Walsh	Presiding Member
Cr Jo Dawkins	
Cr Patricia Carmichael	
Cr Davina Goldthorpe	
Cr Jay Birnbrauer	(No leave of absence)
Cr Ian Woodhill	(No leave of absence)
Cr Greg Boland	Deputy for Cr Strzina
Cr Dan Cunningham	Observer
Cr Rob Rowell	Observer

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Will Schaefer	Planning Officer
Ms Pauline Dyer	Development Services Secretary

Apologies

Cr Victor Strzina

Officer Apologies

Mr Ed Drewett	Senior Planning Officer
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Leave of Absence (previously approved)

Cr Victor Strzina

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PUBLIC STATEMENT TIME

Mrs Hart, 26 Mann Street, Item 10.1.1 – No. 115 Grant Street

Mrs Hart provided a handout to Committee which set-out her concerns and suggestions and spoke to these, including the need for good sightlines,

preferred construction access via the subject property and traffic management of the laneway system.

Mr John Kestel, Architect for 115 Grant Street

Mr Kestel as the architect stated that the design was compliant and the corner truncation adequate for sightlines. He also advised that the construction phase would pay attention to effective traffic management for the lanes.

Cr Rob Rowell

Mr Rowell addressed Committee about the overall traffic volume and safety concerns in this locality, hence the proposed building setback warranted review and the construction management plan should be strict to avoid peak-time traffic conflicts.

Mr PC Berrell, 34 McNamara Way

Mr Berrell briefly stated that the proposed setback was considered insufficient for traffic sightlines (as elaborated in his submission).

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Jay Birnbrauer requested Leave of Absence for the meeting on 19th April 2010.

Moved Cr Birnbrauer, seconded Cr Dawkins

That Cr Birnbrauer's request for Leave of Absence be noted.

Carried 7/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Walsh, seconded Cr Dawkins

[Minutes February 15 2010 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 15 February 2010 be confirmed.

Carried 7/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 PLANNING****10.1.1 NO. 115 (LOT 9) GRANT STREET – A SWIMMING POOL, WORKSHOP STORE & 4-CAR GARAGE WITH TWO-STOREY STUDIO ADDITION**

File No:	1857
Attachments:	AerialPhoto115Grant.pdf SitePhotos115Grant.pdf Plans115Grant.pdf ApplicantJustif115Grant.pdf NeighbourComments115Grant.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	William Schaefer Planning Officer
Proposed Meeting Date:	15 March 2010
Author Disclosure of Interest:	Nil
Property Owner:	Mrs M T Bentley
Applicant:	John Kestel Architect
Date of Application:	21 December 2009
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Lot Area:	1442 m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variation to the Residential Design Codes:

- Wall on boundary with maximum height of 4.1m in lieu of 3.0m

The variation and other items are discussed in this report, which refers to revised plans received on 4 February 2010.

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

PROPOSAL

It is proposed to construct a swimming pool and a workshop/store/4-car garage addition with a second storey studio component in the backyard of the above property. Access is intended to be from Joinery Way, which forms part of the laneway system comprising McNamara Way, Pennefather Lane and Joinery Way.

The single-storey component of the workshop/store/4-car garage addition is intended to extend from one side of the 19.17m-wide lot to the other, whilst the proposed second storey studio component is intended to be 5.3m wide.

The addition will be constructed of brick and tile that matches the parent dwelling, which is listed as a Category 3 building on the Municipal Inventory. As the lot is 75.6m in length and falls approximately 2.5m over this distance, it is expected that the additions will have little impact on the Grant Street streetscape and will thus not significantly affect the heritage value of the property.

It is intended to set the face of the garage 2.0m back from the ROW at the rear, with the upper-floor studio set back 1.403m and the workshop/ store set back 0.6m.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

- Rights of Way/Laneways: (Resolution No: 12.2.2, Adopted: 28 August, 2006)

FINANCIAL IMPLICATIONS

Nil re proposal per se.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2 (TPS2).
- Residential Design Codes (RDC).

SUSTAINABILITY IMPLICATIONS

Nil.

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes to the zoning of the property are intended for the property under LPS3.

HERITAGE LISTING

Category 3 on Municipal Inventory.

VARIATIONS

It is proposed to construct a 5.5m long wall of up to 4.1m in height along the eastern boundary, whereas the Acceptable Development Standards of the RDC state that buildings-on-boundaries in R20 areas should be no higher than 3.0m.

It is therefore necessary to consider the wall under RDC Performance Criterion 6.3.2 P2, which contemplates:

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;

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 is not restricted.

In this instance the proposed building-on-boundary enables effective use of space by making use of space between the ROW and an established tree that the owner intends to keep. As the proposed building-on-boundary occurs to the west of the affected property, the passage of northern light is not affected and thus no overshadowing issues are generated. The 5.5m length of wall occurs along a 75.6m boundary and is considered unlikely to have a significant adverse impact on the availability of ventilation to the neighbouring lot.

In any event the neighbouring dwelling is approximately 30.0m from the proposed building-on-boundary. There are no outdoor living areas or major openings to habitable rooms in the area immediately adjacent to the building-on-boundary. Furthermore, no written objections were received from the affected landowner.

In conclusion, the Performance Criterion is deemed to have been satisfied as off-site impacts are not incurred and amenity is preserved.

A second wall-on-boundary is proposed for the McNamara Way boundary. This wall meets the Acceptable Development Standards of the RDC as setbacks are calculated from the centrelines of ROW, rather than from the property boundary, but the effect of building from east-boundary to west-boundary is worthy of consideration.

In this instance the building is predominantly single storey and is setback from Joinery Way in accordance with the RDC. The recessive roof ameliorates the effects of building bulk, and the finish of the proposed additions harmonises with the parent dwelling. Service access remains unchanged from the front and sides of the lot.

The wall does not generate overshadowing, hinder the flow of air to nearby properties or create privacy issues. At 2.7m high and 6.3m in length, it is not imposing on neighbours or the ROW.

Setting the wall further back from the western boundary would not improve the lines-of-sight at the intersection. As the second wall-on-boundary is expected to perform satisfactorily, it is recommended for approval.

ADVERTISING

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.
- Letters were sent to Adjoining and Surrounding Property Owners.
- A total of 5 submissions from 4 submitters was received.

Summaries of the submitters' concerns are as follows:

TWO SUBMISSIONS FROM Y AND W HART, 26 MANN STREET, COTTESLOE; WITH P C BERRELL, 34 MCNAMARA WAY, COTTESLOE SUPPORTING

- Acknowledgment that proposed additions appear to meet development guidelines;

- Council needs to consider wider issue of traffic management in ROW system as situation is already hazardous and further development will only compound problem;
- Laneway system is currently an unsafe mix of single-car-width ROWS, intersections and blind spots used by motorists, pedestrians, cyclists, and skateboarders (including children). Many are using laneways as shortcuts;
- Entry and egress from rear of 26 Mann Street is hazardous due to traffic southbound along McNamara Way;
- A garage for the rear of 117 Grant Street has been approved and will worsen the traffic situation even more;
- Council needs to manage traffic in accordance with its Rights-of-Way/Laneway Policy, which aims at providing a safe environment and discouraging motorists from using ROW as shortcuts; and
- Outline of four traffic management options for Council to consider: doing nothing, adding speed humps, closing access to north of McNamara Way, partial closure of McNamara Way at rear of 28 Mann Street (fourth option most favoured by submitters).

TWO SUBMISSIONS FROM A AND R SADLER, 32 MCNAMARA WAY, COTTESLOE

- Submissions are copies of above letters.

ONE SUBMISSION FROM J AND M HENDERSON, 28 MANN STREET, COTTESLOE

- No objection to building design;
- Principal concern is with traffic management during construction – ROW not to be blocked by trucks or stored materials, contractors to avoid damage to fence at rear of 28 Mann Street, dust and noise from site to be controlled; and
- Permanent traffic management measures should not include speed humps as these transmit noise and vibration into adjoining properties.

APPLICANT'S JUSTIFICATION

The applicant has supplied written justification for the building-on-boundary, which is discussed below. Streetscape and line-of-sight drawings were also supplied as justification and form two of the attachments.

PLANNING COMMENT

Built Form of Additions

As discussed, the proposal seeks only one variation from the Acceptable Development Standards of the RDC. It is further noted that the written objections to the proposal do not appear focussed on the built form of the additions.

From the built-form perspective, the proposal may be considered to offer several improvements over the existing picket/shade sail arrangement. For example, the fence is presently built right up to the ROW boundary, whereas the garage is

proposed to be truncated two metres back from the boundary. Improvements in the lines-of-sight at the intersection are therefore likely to be significant. Furthermore, the additions will match the parent dwelling, provide passive surveillance of the ROW and resolve the unfinished appearance of the fence and shade cloth.

It has been suggested that the setback of the garage be increased by up to 6 metres. Insisting on a setback of this magnitude would be inconsistent with state and local planning policy, which require such setbacks to be observed only when development is proposed for primary street frontages; whereas setback requirements are normally *relaxed* for development adjacent to ROW (unless it is a garage or carport that is under consideration) and in the absence of an overriding local policy, Council may find such a decision difficult to justify.

Council would also probably be bound to consider imposing similar setback requirements on all future proposals adjacent to ROW. Given that few lots in Cottesloe are near the 1442 m² total of the subject property, the setback requirement would prove a prohibitive constraint in most instances.

It is therefore recommended that the built form of the proposed additions be approved as-is.

Outbuildings

Council's Outbuildings Policy under TPS2 also has some bearing on the proposal, although the RDC tend to prevail in similar situations and as previously advised the policy is likely to become outmoded under LPS3. The gist of the policy is to help guide the form of outbuildings including size, heights and setbacks, which is aimed at smaller, single-level traditional outbuildings.

Where two-storey more substantial residential additions/outbuildings are proposed, such as here or in similar instances in rear yards often with access via lanes, then the RDC are the appropriate assessment tool in this respect.

Urban Design

From an urban design perspective the revised proposal complies with height and setback requirements other than the eastern boundary wall to the neighbour which is assessed on performance as suitable. The western boundary wall to McNamara Way is considered to be an acceptable interface similar to other walls/garages common in lanes. Scale-wise the building is relatively spacious but it remains proportionate to the large lot and is consistent with the existing rear two-storey extension to the dwelling.

The two-storey portion of the proposal is set well-away from the eastern neighbour and is inset from the lanes on both frontages. It is arranged transverse to the single-storey garage portion, sitting over that roofline and extending into the rear yard. As the two-storey component is only 6m high with a flat roof (ie equivalent to the two-storey wall height) rather than up to the 8.5m two-storey pitched roof height allowed, the bulk of the building will be comparatively modest – effectively a low two-storeys. However, were the small cantilever over the garage perceived as heavy-looking, then that façade could be set back flush with the garage. Alternatively, were the box-effect above the garage seen as an awkward aesthetic juxtaposed with the lower

element, then the studio could be pushed back over the void and into the lot to ameliorate its dominance.

Traffic Management

Council took traffic concerns into account in 2005 when supporting the scheme amendment for the former National Measurement Institute site. In considering the development application for their now-completed townhouse proposal in Clive Road, Council resolved that: ... *having regard to ongoing development in this locality and its laneway system, [Council may] review and improve traffic calming and management measures provided.*

Since then the matter has been tackled incrementally. Although in this instance it is concluded that approval of the present proposal is not prevented by traffic concerns, the application is a timely reminder of the need to effectively manage traffic in the spirit of the above resolution.

Several residents in the vicinity consider the ROW to be unsuitable for the existing traffic load. Indeed, a series of submissions to Council on the matter of traffic hazards at the intersection of Joinery Way/ McNamara Way was received from Mr Hart of 26 Mann Street in November 2009 – one month prior to the development application being lodged.

If the total of 40 single dwellings and approximately 92 multiple dwellings that are entitled to direct access to the ROW system is considered, the effects of the four extra vehicles from one residence are likely to be small. The traffic issues clearly exist despite the proposed garage.

Nevertheless, it is apparent that the present traffic situation warrants further investigation and possible additional management.

A variety of potential traffic calming solutions has been proposed by residents and consultants in the past. Possible solutions include:

- Larger speed humps along the one-way section of McNamara Way;
- Extra signage, such as *Give Way* or *Stop* signs in lieu of the existing *Watch for Entering Traffic* sign at the intersection of Joinery Way/McNamara Way;
- Chicanes or other restrictive devices along the one-way section of McNamara Way;
- Mirrors to assist the owners of 26 Mann Street with egress from their property into the ROW;
- Full closure of the northern Mann Street entry into McNamara Way.

It is beyond the scope of Council's Planning Department to make specific recommendations about these measures without due regard at this stage to the advice of suitably qualified traffic engineers. Council's Manager Engineering Services has provided the following response to the above submissions:

The laneways involved are gazetted, narrow-width public roads. Therefore, any narrowing, part-closure, full-closure or use of bollards would require a procedure

under the Land Administration Act to legalise such public road restrictions or closures.

This includes an advertised 35 day objection period for all stakeholders.

Council must be careful not to implement changes brought on by a garage installation which dramatically change traffic flow for several streets. The use of speed humps and other built obstacles requires extra warning signs, improved lighting etc. Effects would include increased noise near bedrooms.

The idea of one-way traffic movement requires public advertising and agreement by Main Roads WA to linemark and signpost. It also means that speeders in that one direction no longer worry about oncoming traffic.

It is apparent from the above response that the Manager Engineering Services does not favour modifications to the laneway system at this stage. In the light of the above it is recommended that Council approve the application without making an attempt to alter the flow of traffic at this time.

Council may, however, wish to proceed with improving the laneway system regardless. If so it is recommended that Council investigate the most satisfactory solutions prior to committing resources and making changes. The investigation could be conducted by Council's Manager Engineering Services or by private consultants. Given the suggestions made by the submitters and noting the advice of the MES, it is recommended that the investigation be conducted as a separate yet related initiative, without prejudice towards approving the proposed additions.

CONCLUSION

The proposal satisfies the requirements of the Scheme and RDC, and is expected to function satisfactorily as a built-form. A number of traffic issues already exist within the laneway system but it is not considered that the proposed additions would not significantly worsen them. The 2.0m truncation would increase visibility at the intersection of Joinery Way/ McNamara Way and improve safety. Council's Manager Engineering Services advises that modifying the existing arrangements for management of traffic in the ROW system would be complicated, but Council may wish to further investigate the matter.

It is recommended that approval be granted.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried the use of the additions which staff clarified as bona fide and controlled by condition (m). Committee also discussed the traffic concerns in general and in relation to the design of the proposal, which it felt should not proceed in its current form. Suitable traffic management for the construction phase was a further point of discussion in terms of minimising impact on the lanes and ideally maximising builder access via the subject property. The Presiding Member foreshadowed an amended recommendation and the MDS suggested wording for: (i) elaboration of condition (l) about construction / traffic management; and (ii) adding a condition (n) requiring revised plans to address sightlines as well as reconsider the studio mezzanine overhang.

OFFICER RECOMMENDATION

THAT COUNCIL:

1. GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 4 February 2010, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be 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) Air-conditioning plant and equipment shall be located closer to the building 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.
 - (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.
 - (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
 - (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
 - (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
 - (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
 - (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
 - (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
 - (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be

undertaken without undue disruption to the ROW adjacent to the property.

- (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
2. REQUEST the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
 3. ADVISE the submitters of its decision.

AMENDMENTS

Moved Cr Walsh, seconded Cr Carmichael

In line with Committee's deliberations Cr Walsh moved that condition (l) be elaborated upon with respect to construction traffic access / management and that a new condition (n) be added for revised plans addressing the sightlines and design considerations. The MDS provided a form-of-words as follows (new text shown in *Italics*):

- (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. *This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).*
- (n) *Revised plans being submitted to the satisfaction of the Manager Development Services which improve sightlines at the intersection of the lanes and give further consideration to the design of upper-level studio mezzanine in terms of any overhang to the southern elevation facing the lane.*

Carried 7/0

COMMITTEE RECOMMENDATION

Moved Cr Carmichael, seconded Cr Birnbrauer

THAT COUNCIL:

1. **GRANT its Approval to Commence Development for the Swimming Pool and Workshop, Store and 4-Car Garage Addition with Second Storey Studio at No. 115 (Lot 9) Grant Street, Cottesloe, in accordance with the revised plans submitted 4 February 2010, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff shall not be discharged onto the Rights-of-Way or adjoining properties and gutters and downpipes shall be 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) Air-conditioning plant and equipment shall be located closer to the building 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.
- (e) The existing redundant crossover on Grant Street shall be removed and all surfaces made good at the owners'/applicants' expense.
- (f) The applicant shall comply with the Town of Cottesloe's Policies and Procedures for Street Trees, February 2005 where development requires the removal, replacement, protection or pruning of street trees.
- (g) The finish and colour of the boundary wall facing the eastern neighbour shall be to the satisfaction of the Manager Development Services and the details shall be included in the building licence application.
- (h) The pool pump and filter shall be located closer to the proposed building than the adjoining dwellings and housed or treated to ensure that noise emissions do not exceed the levels prescribed by the Environmental Protection (Noise) Regulations 1997.
- (i) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
- (j) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
- (k) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (l) As part of the building licence application a comprehensive construction management plan shall be submitted to the satisfaction of the Manager Development Services and shall demonstrate how the works will be undertaken without undue disruption to the ROW adjacent to the property. This shall include full traffic management and safety measures for all construction, contractor and worker vehicles, wherever possible utilising the

subject property for direct ingress and egress via Grant Street, with any exceptions requiring prior liaison with the Town of Cottesloe (contacts: Principal Building Surveyor or Works Supervisor).

- (m) The additions are not to be used as ancillary accommodation and the studio roof is not to be used for habitable purposes.
 - (n) Revised plans being submitted to the satisfaction of the Manager Development Services which improve sightlines at the intersection of the lanes and give further consideration to the design of upper-level studio mezzanine in terms of any overhang to the southern elevation facing the lane.
2. **REQUEST** the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.
3. **ADVISE** the submitters of its decision.

Carried 7/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:47 pm.

CONFIRMED: PRESIDING MEMBER _____ *DATE: .../.../...*