

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 9 DECEMBER 2013

CARL ASKEW
Chief Executive Officer

11 December 2013

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DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:00 PM.

2 DISCLAIMER

The Presiding Member drew attention to the Town's disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4 PUBLIC QUESTION TIME

Nil.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil.

5 PUBLIC STATEMENT TIME

The applicant for item 10.1.1, re 219 Broome Street, Mr David Caddy, explained that he had liaised with officers on the proposal, which was advertised; noting that although the triplex is over-density it has existing use rights. He referred to the aspects of non-compliance and commented on how the variations were supportable. Nonetheless he tabled revised plans responding to recommended condition one and outlined the changes made to make the proposal more acceptable.

Mr Philip Stejskal, the architect for item 10.1.1, described the details of the design revisions, including the roof terrace access and improved privacy, the light scoops, and overall height / bulk and scale. He emphasised the aim to provide amenity space for the rear unit.

Mrs Carol Knowles of 217 Broome Street, re item 10.1.1, presented written comments outlining her concerns with the proposal, including overshadow, privacy, parking/vehicular access, the roof terrace and lift, and possible strata titles, and spoke briefly to these points.

6 ATTENDANCE**Present**

Cr Peter Jeanes
Mayor Jo Dawkins
Cr Jay Birnbrauer
Cr Helen Burke

Presiding Member

Cr Philip Angers
Cr Jack Walsh
Cr Katrina Downes

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Ronald Boswell	Planning Officer
Mrs Liz Yates	Development Services Administration Officer

6.1 APOLOGIES

Nil.

Officer Apologies

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Downes, seconded Mayor Dawkins

That Cr Walsh's request for leave of absence from the February 2014 Development Services Committee meeting be granted.

Carried 7/0

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in item 10.1.1 due to having some conveyancing done by Mrs Carol Knowles of 217 Broome Street, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Burke

[Minutes November 18 2013 Development Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 18 November 2013 be confirmed.

Carried 7/0

9 PRESENTATIONS

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

Cr Downes declared an impartiality interest in item 10.1.1 due to having some conveyancing done by Mrs Carol Knowles of 217 Broome Street, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

10 REPORTS

10.1 PLANNING

10.1.1 NO. 219 (LOT 34) BROOME STREET - ALTERATIONS AND ADDITIONS TO THREE UNITS

File Ref: 2765
Attachments: [Aerial Plans](#)
[Property Photos](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ronald Boswell, Planning Officer
Andrew Jackson, Manager Development Services
Proposed Meeting Date: 09 December 2013
Author Disclosure of Interest: Nil
Property Owner: David Sharp
Applicant: The Planning Group
Date of Application: 17 September 2013
Zoning: Residential R20
Lot Area: 742m²
M.R.S. Reservation: N/A

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2) and Residential Design Codes (RDC):

- Building height.
- Setback to southern boundary.
- Visual privacy.
- Overshadow.

These aspects are discussed in this report and refer to a series of plans as received on 17 September, 15 October, 28 November and 2 December 2013.

While certain aspects of the proposal don't automatically comply with TPS 2 and the RDC, the proposal does comply with Council's Fencing Local Law and retains the existing dwellings.

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

PROPOSAL

This development application is for alterations and additions to three older triplex units and entails:

Unit 1

Additions:

- Extension to the front.
- Enclose existing sleep-out.
- Decks to the front and rear; rear screened.
- Front carport.
- External storage space/bin space.
- Semi-permeable front fencing and screen fence to carport.
- Light scoop/highlight window to top of roof.

Alterations:

- Internal fit-out/layout.

Unit 2

Additions:

- Enclose existing sleep-out.
- Deck to the rear of unit, screened.
- Front carport.
- External storage space/bin space.
- Light scoop/highlight window to top of roof.
- Extension to living room to include daybed.

Alterations:

- Internal fit-out/layout.

Unit 3

Additions:

- Extension to the rear including carport, second store with balcony and roof terrace.
- Store/workshop to rear.
- External storage space/bin space.

Alterations:

- Internal fit-out/layout.

Buildings to be demolished

- External laundry.
- Shed to the rear.

BACKGROUND

Following discussions with the Town, the applicant has submitted revised plans addressing the design and appearance of the proposed improvements to the units, to better satisfy TPS 2 and the RDC. These are relatively minor though beneficial changes, whereby a number of concessions are still sought.

The Town's records do not indicate planning approval for the existing three units built sometime in the 1950s which, density-wise, exceed today's R20 standard. Although the units are a given and upgrading of dwellings is desirable, the proposal would

reinforce this anomaly. Nonetheless, retaining established housing stock and enhancing streetscapes by transforming older dwellings are broad planning objectives.

Initially, the current owner applied to the WAPC for the units to be survey-strata subdivided, but has deferred that application pending this development proposal. The Town's position is that it is difficult to support such a survey strata subdivision in this predominantly low density single residential area of lots greater than 600m² with 15m frontages.

To elaborate, the lot is 742m² and Residential R20 under TPS 2. The RDC require new survey strata lots to be a minimum of 350m² and average of 450m². The intended survey strata lots would fall far short of these sizes and be inconsistent with the density coding and single residential character of the area (ie U1 – 234m²; U2 – 165m²; U3 – 289m²; common property – 54m²).

Also, they would not satisfy the RDC criteria for a marginal reduction in minimum and average site areas for existing grouped dwellings. On this basis, further development of such survey strata lots would be contrary to TPS2, the objectives of the RDC and the orderly and proper planning of the locality.

Putting aside the question of a possible survey-strata subdivision, this development application in itself can be considered due to the existing use right for the three dwellings, in assessing the usual parameters under TPS 2 and the RDC.

In this regard the existing triplex building is of relatively modest footprint and scale, consistent with the single storey height regime of TPS 2, whereby ground floor extensions and a partial second storey would be essentially compatible with the streetscape context of larger dwellings and the trend towards two-storeys – subject to the degree of compliance with planning requirements and the effects of the design, as assessed below.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

- TPS 2
- RDC
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change is proposed to the zoning or density of this lot.

HERITAGE LISTING

N/A.

APPLICATION ASSESSMENT

Areas of non-compliance:**TPS 2**

<i>Building Height</i>	<i>Permitted</i>	<i>Proposed</i>
	<u>Single storey:</u> Max. height: 6m.	Unit 1 – 6.35m – light scoop. Unit 2 – 6.45m – light scoop.
	<u>Two storey:</u> Max. wall / flat roof height – 7m.	Unit 3 – 8.45m – lift and stairwell.

RDC

<i>Design Element</i>	<i>Deemed-to-comply</i>	<i>Proposed</i>	<i>Design Principles</i>
5.1.3 Lot boundary setback.	1.5m 1.2m 3.5m	1m – unit 1 southern wall. 1m – unit 3 wall to stairwell. 2.5m – unit 3 roof terrace.	Clause P3.1 Buildings set back from lot boundaries.
5.4.1 Visual privacy.	4.5m 6m 7.5m	3.96m – master bedroom eastern window. 4.86m – upper floor western window. 7.25m, 5.04m – roof terrace northern and western elevations. 5.91m – balcony, northern elevation.	P1.2 Maximum visual privacy to side and rear boundaries.
5.4.2 Solar access for adjoining sites.	25% overshadow.	28% overshadow.	P2.1 Effective solar access for the proposed development and protection of solar access.
TPS2 Policy 3 front carports.	6m	1.2m	Clause 4 (b).

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 by letter to five adjoining property owners. Three submissions were received, from the northern, eastern and southern neighbours. The main comments received are summarised below:

T & C Knowles, 217 Broome Street

- Strongly objects to any overshadow concession from the proposed addition to the rear unit. The development should comply with the 25% overshadow allowance.

- Objects to the bulk and scale of the rear addition as it will be an eyesore affecting the enjoyment of our backyard.
- Objects to the roof terrace, including that it may become enclosed or a roofed structure could be sought in the near future if approved.
- Objects to increasing the size of the units as they are already over-dense on a lot that should support only a single residence at R20 – disagrees with allowing a non-conforming development to become larger.
- The three units have an already increased vehicle impact on neighbour amenity. Parking on the lot would be more favourable than using the verge.
- Objects to the units becoming survey strata or green title.
- Concerned that the carport at the rear may become enclosed.
- Objects to concession for the units to be over-height.
- There is insufficient land to support two car parking bays for the two front units, therefore the owner/applicant is seeking a concession from Council for two car parking bays to be located on the verge. Therefore this clearly demonstrates that there is insufficient land for the proposed development.
- Objects to vehicles driving over the 217 Broome Street verge to park on the 219 Broome Street verge.

P & K Law, 26 Ozone Parade

- Strongly objects to the roof terrace to rear unit.
- Objects to the rear unit being over-height.
- Concerns with use of the roof terrace as a habitable area as indicated on the plans with a table, chairs and shower.
- Objects to any overlooking onto their property that does not meet the RDC requirements.
- Requests that the rear unit be built within the compliant building envelope for height and setbacks as defined in the RDC.

G & B Leclezio, 221 Broome Street

- Strongly objects to the triplex increasing in size beyond the density of other houses in the street – no concessions should be given to this non-conforming dwelling.
- Objects to the roof terrace and balcony overlooking their private courtyard and outdoor living areas.
- Objects to the extension to the rear unit, as overlooking will occur into their lounge room, kitchen, master bedroom and ensuite.

APPLICANT'S JUSTIFICATION

A summary of the applicant's comments regarding the revised plans is as follows:

Roof terrace and lift shaft access

- The lift shaft access is located in the centre of the site, it is not considered to have any adverse impact on the adjoining properties or the streetscape in terms of bulk and scale and will be considerably less imposing than the adjoining two-storey dwelling.

- Horizontal screening to the south has been provided, and only marginally encroaches upon the northern property. This will be addressed by providing screening on the boundary.
- Encroachment to the west is more significant, but doesn't seem to impact on outdoor habitable areas. However, this will be addressed by installing privacy screens to the west.
- The roof terrace does not look over any habitable areas of No. 26 Ozone Parade.

Overlooking

- Balcony:
 - Addressed by screening on the northern boundary.
 - The cone of vision does not encroach upon any habitable spaces at No. 221 Broome Street, as it faces a blank wall.
- Windows to the first floor on the western elevation:
 - Fixed privacy fins that extend from the edge of the opening to direct sight-lines away from the openings /outdoor living areas of neighbours are proposed.

Overshadow

- Is not considered to have an adverse impact on the adjoining property. The adjoining property to the south has large trees on the boundary which already cast a shadow over the back yard of No. 217 Broome Street.

Bulk and scale

- Bulk and scale has been reduced from the streetscape as the two-storey competent is located to the rear of the lot.

Building height of units one and two

- There is no overshadowing or visual privacy issue due to the angle of the skylights, nor is height an issue of bulk and scale as they are set back considerably.

Unit one verge parking bays

- This will form a separate application to the Engineering Department for approval.

Pedestrian access (common property for units if a survey strata)

- Residents from unit one arriving by car can access directly through the unit one carport and residents arriving on foot go around the unit two carport to the north, not through it.
- Any shared property would be dealt with by implementing cross-easements in favor of each unit.
- A survey strata application can show amendments to allow adequate maneuverability between objects such as meter box/mailboxes.

Concerns regarding additional vehicle movements

- The proposal formalises parking on the lot as at present no on-site parking is available and vehicles use the verge.

Unit one setback

- The southern wall requires a 1.5m setback, while 1m is proposed. This is an extension of an existing wall and is not considered to have any adverse impact on the adjoining neighbour.

Unit three setback

- The southern elevation stairwell requires 1.2m, while 1m is proposed. This could be treated as a minor architectural projection and can be reduced in depth by 200mm to comply.

Rear on-site vehicle turning circle

- Adequate manoeuvrability from the carport of unit three to the ROW has been achieved and is supported by the Manager Engineering services.

OFFICER'S COMMENT

The following technical assessment is made regarding this development application:

Site cover

It is noted that despite the additions made to each unit the site cover has not been compromised, as 50% open space is available for the lot in total and for each unit, calculated on the site area provided.

Boundary Setbacks

The proposal involves setback variations for the southern and western elevations. They are assessed as satisfying the RDC design principles.

For unit one, the front addition has created a continuation of the southern wall. The required setback is 1.5m from the southern boundary and 1m is proposed. This extension is modest and the setback would not affect the neighbouring property.

For unit three, the rear addition stairwell on the south has a setback requirement of 1.2m and 1m is proposed. The 0.2m reduction is minor and the window is to be obscure-glazed. This could be allowed or designed to comply – a condition for the latter is recommended.

For the upper level western wall, a 3.5m setback is required and 1m is proposed from the boundary; however, under the RDC half the width (1.5m) of the lane can be claimed, hence the setback equates to 2.5m or a 1m reduction. In terms of built form, due to the physical separation of the lane this may be supported as the bulk and scale of the building is ameliorated compared with buildings separated by a shared boundary.

Building Height

The calculation of building height stems from the determination of the natural ground level (NGL). Under TPS 2 variations may be permitted in the case of extensions to existing buildings, subject to satisfactory amenity. For this proposal the NGL has

been determined from the location of each unit as derived from the site survey plan (being U1 – RL: 17.2m; U2 – RL: 17.3m; U3 – RL: 17.4m).

Units one and two, to the front and middle of the lot, are over-height due to the addition of their light scoop/highlight window roof forms, which at their apex are 0.35m and 0.45m above the 6m height standard for a single-storey dwelling. These may be considered as an architectural feature under the design principles of the RDC, which state:

Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *Adequate access to direct sun into buildings and appurtenant open spaces;*
- *Adequate daylight to major openings into habitable rooms; and*
- *Access to views of significance.*

However, whilst the purpose of the light scoops/highlight windows can be supported, their form appears discordant and adds to the mass of the overall roof-scape. To address this, their redesign to follow the existing roof pitch and not exceed the height standard is conditioned accordingly in the recommendation.

Unit 3 at the rear is a flat roof design which complies with the 7m height standard of the RDC, including the roof terrace element except for the lift shaft/stairwell extension. This element is a fairly substantial wall/roof form taking the height another 1.45m to 8.45m. This is just under the 8.5m roof height standard for a two-storey pitched-roof design, albeit not directly comparable.

On the one hand this element could be allowed as a projection which occupies a relatively small area albeit as a relatively large height variation. On the other hand the degree of height variation could be considered excessive and the form of the element as too bulky or even awkward. One way of addressing this would be to condition an approval to maybe delete or at least substantially modify the lift shaft/stairwell projection and possibly rely on a stairwell with access hatch instead. This would achieve height compliance and reduce overshadow whilst allowing the roof terrace, though perhaps functioning less conveniently.

Roof terraces are becoming quite popular, for innovative use of space and the enjoyment of the climate and views. They can, however, be contentious in relation to building height/bulk, overlooking, overshadowing and amenity. The RDC recognise roof terraces as open space and subject to privacy controls. The Town has experience with roof terrace proposals. Those at the front of dwellings looking to the street tend to be acceptable, while those to the side or rear of dwellings tend to be more problematic.

The proposed roof terrace is a nice idea for the lifestyle of the rear unit. It is in addition to the ground floor private open space and upper floor balcony, and is not needed in order to provide the minimum required amount of private open space. The terrace balustrade is formed by the walls of the two-storey addition, within the 7m height measure. If the height of the lift shaft/stairwell is resolved, consideration of the roof terrace remains a privacy matter, as discussed below.

Visual Privacy

Technically privacy aspects do not arise for the single-storey units one and two, due to a compliant design and supplementary screening.

The introduction of a rear second storey and roof terrace give rise to privacy considerations. The setbacks to windows, the balcony and roof terrace are less than the RDC deemed-to-comply-standards, whereby the cones of vision affect adjacent properties and this is of concern to neighbours.

The western window overlooks mainly the rear lane and the cone of vision falls to the roof or the dwelling opposite, which has an obscure-glazed window. The applicant has provided widow box type screens to this window to reduce the field of view. This privacy interrelationship is considered acceptable.

The northern balcony is setback 6m in lieu of 7.5m, with full height solid screening to its eastern and western ends, which restricts the cone of vision. The privacy intrusion extends into the northern property, falling between the boundary fence and a two-storey rear outbuilding (ground floor garage and upper floor ancillary accommodation, which has one window looking towards the subject property. This privacy interrelationship can be considered reasonable, as the balcony is not deep and the interface between the neighbouring buildings is fairly discrete. This arrangement of locating habitable rooms on the southern side of a lot, with openings gaining northern exposure, and overlooking private open space before reaching a northern adjacent property, is a sound design approach.

The roof terrace is setback 7.25m from the northern boundary, just shy of the 7.5m deemed-to-comply standard. This could be accepted as a minor variation or conditioned for a minor design change to comply. To the east the roof terrace overlooks the subject property falling mainly to the roof-scape, which is of little consequence. To the south the roof terrace overlooks the neighbouring back yard but more as a "view over" due to the line of sight being setback, yet the sense of privacy being affected may prevail. To west the outlook is upon the lane and roof of the dwelling opposite, again for a somewhat "distant" view which may also create a sense of privacy intrusion.

Deletion of the roof terrace altogether would obviously remove this privacy situation. Alternatively, the design could be modified to limit the size of the roof terrace, increasing its setbacks or adding screening devices. For example, extending the horizontal plane of the southern edge of the roof terrace would deflect the overlooking above the adjacent property. To the west a greater setback, such as in the form of a fixed/built-in planter box would achieve a similar positive outcome. A condition is recommended accordingly.

Overshadow

The second storey with roof terrace rear addition creates 28% overshadow to the southern property, which is marginally in excess of the RDC standard of 25%. Two-storey proposals on east-west orientated lots typically cause overshadowing, often exceeding the standard, which design may address to some extent.

This extra overshadow could, however, be allowed under the design principles of the RDC. Lowering and reconfiguration of the lift shaft/stairwell as recommended should reduce overshadow onto the southern property.

Vehicle parking

At present there is no on-site parking and occupants park on the verge, which is unsightly and has caused neighbour concern. The proposal addresses this in providing four parking bays on the lot. The parking arrangement comprises:

- Open-aspect single carports in the front setback for units one and two, setback 1.2m.
- An open-aspect double carport at the rear off the ROW for unit three.
- One additional parking bay each for units one and two formalised on the verge.

This is supported to satisfy the RDC requirement of two parking bays per dwelling. The verge bays will require detailed design to satisfy the Town's engineering/works requirements, including protection of the street tree. Council can support the front carport under its planning policy for such, as approved next door at 217 Broome Street.

CONCLUSION

The thrust of the proposal to upgrade the traditional triplex can be supported in-principle. Although the number of dwellings is over-density, the footprint and massing of the additions and alterations as one overall built form reflects modern large single dwellings in the locality and the emergent two-storey norm.

The proposal is technically compliant in many respects and several of the variations sought can be supported where they have little effect.

Building height complies for the predominant portion of the overall development, with the variations sought being due to novel design elements, which while intelligent solutions in themselves do generate valid concerns and could be addressed by design modifications.

In conclusion, the basic intent to upgrade the dwellings and the design concept is supported, conditional upon certain revisions to address the aspects identified in order to deliver appropriate aesthetics and amenity.

COMMITTEE COMMENT

Committee discussed the matter at length having regard to the officer report, presentations and neighbour concerns. Committee considered that the existing over-density, non-conforming triplex and the significant concessions sought indicated that the proposal was excessive and should not be supported. Issues included the height, setbacks, privacy (including roof terrace), overshadow and parking; whereby the development would be overpowering and amount to a medium density contrary to the existing R20 character and amenity expectations of residents.

The Manager Development Services confirmed that under the TPS2 R20 zoning three new dwellings could not be approved. He went on to advise that given

Committee was not inclined to support the proposal the options were deferral for redesign or refusal with reasons. Noting that the revised plans tabled had not been assessed he advocated deferral to allow discussion with the applicant towards further advice to Council, either at the 16 December 2013 meeting or the 24 February 2014 meeting – adding that a significantly modified design that is largely compliant might be able to be considered under Special Delegation during the holiday recess, although if still contentious it would be referred to the February Council meeting.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Birnbrauer, seconded _____

THAT Council GRANT conditional approval to commence development for alterations and additions to three units, including second storey and roof terrace to rear unit, carports, decks, storage/bin spaces and front fencing, at 219 (Lot 34) Broome Street, Cottesloe, in accordance with the plans received on 17 September 2013, 15 October 2013, 28 November 2013 and 2 December 2013, subject to the following conditions:

- (1) At building permit stage, revised plans shall be submitted for approval to the satisfaction of the Manager Development Services addressing the following:
 - a. the lift shaft and stairwell element shall be redesigned to: substantially reduce its excess height above 7m; substantially reduce its bulk and scale; and be setback a minimum of 1.2m from the southern boundary;
 - b. the roof terrace shall be redesigned to: achieve a 7.5m setback from the northern boundary; substantially reduce overlooking towards the southern property (such as by an increased setback or increased horizontal screening; and substantially reduce overlooking towards the western property across the lane (such as by an increased setback, horizontal screening or an in-built/fixed planter box); and
 - c. the light scoops/highlight window roof forms shall be reduced in height to not exceed 6m and modified to follow the existing roof pitch.
- (2) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (3) 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.
- (4) Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary, to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (5) Where climatic and soil conditions allow for the effective retention of stormwater on-site, all water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site.

- (6) 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.
- (7) The finish and colour of the boundary walls facing the southern neighbour and the ROW shall be to the satisfaction of the Manager Development Services.
- (8) All fencing in the 6 metre front setback area of the site shall be of open-aspect design in accordance with the Town's *Fencing Local Law*, with compliance to be clearly shown on the drawings submitted at building permit stage.
- (9) Existing street trees shall be retained and protected during building works by barriers around the bases of the trees, to the satisfaction of the Town's Works Supervisor.
- (10) A separate application for a new or reconstructed crossover meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer. The precise location and width of the crossover shall protect the street tree, to the satisfaction of the Town.
- (11) A separate application for two car parking bays in the verge meeting the Town's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer, and shall ensure the retention and protection of existing street trees.
- (12) Prior to the issue of a building permit, the landowner shall make a cash contribution to the Town towards the upgrade of the adjoining right-of-way, equivalent to 50% of the cost of constructing a portion of standard right-of-way for an area of 4m wide by 20m, as determined by the Manager Engineering Services.

Advice Notes:

- (1) The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely with the subject property.
- (2) The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development. Proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose.
- (3) The owner/applicant is advised that this development approval shall not be construed as any indication that the Town may support a subsequent survey strata subdivision application for the property. The Town and the Western Australian Planning Commission may not be able to support such an application, irrespective of this development approval.

The motion lapsed for want of a seconder

NEW MOTION AND COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Jeanes

That the item be deferred for further liaison between the applicant and the Town, with a view to further revised plans and another report to Council for determination of the proposal.

Carried 5/2

**10.1.2 PLANNING INSTITUTE OF AUSTRALIA 2014 NATIONAL CONGRESS –
CONNECTING PEOPLE AND IDEAS**

File Ref: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 09 December 2013
Author Disclosure of Interest: Author is nominee to attend conference.

SUMMARY

Every year a major national congress is arranged by the Planning Institute of Australia (PIA). For the 2014 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The conference will be held in Sydney from 16 - 19 March 2014.

This report recommends Council endorsement for the Senior Planning Officer to attend.

STATUTORY ENVIRONMENT

Relates to the global town planning system.

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

STRATEGIC IMPLICATIONS

Fosters strategic planning knowledge and skills, and keeps up-to-date with planning issues, trends, topics and practices.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$3400 (including 'early bird' savings) and can be met by the current budget for training and conferences for Planning staff.

BACKGROUND

The PIA is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference is the major annual local government planners' event and attracts a variety of overseas representatives and speakers.

The program, over four days, is comprehensive and includes such topics as:

- The role of the public and private sector in delivering successful local town centres;
- The role of visionary planning and place-making;

- Optimum building coverage in coastal areas to respond to changing sea levels;
- Policy transference and design interplay – connecting people and ideas;
- Citizen-led decision-making online;
- The influence of mega councils on urban planning outcomes;
- Community engagement practices;
- The economic value of good planning in sustaining communities; and
- The planning profession and the challenges of the 21st Century;

There are a number of additional papers being delivered and several concurrent sessions with a range of themes and speakers. Virtually all the topics listed cover a worthwhile combination of strategic and practical aspects.

STAFF COMMENT

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry, from both Australia and overseas. The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

In addition, new ideas are acquired from these presentations, as trends occurring become obvious and new ways of thinking or techniques are presented. For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture.

Another advantage for Cottesloe is that the development areas and projects in the district will be assisted by broader exposure to industry knowledge. This includes environmental considerations such as design-for-climate, sustainability and coastal factors. Professional fraternity is equally valuable to swap notes, make contacts and develop a network of colleagues and resources.

The Senior Planning Officer is committed to the role and is motivated to maintain and enhance his professional knowledge and experience. Both he and the Town would gain from attendance at the PIA Congress. For these reasons the request for approval is supported.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Burke

THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2013 National Congress in Sydney from 16-19 March 2013, and request that a report on the congress be provided within two months of attending the event.

Carried 7/0

10.1.3 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2013-2014 HOLIDAY PERIOD RECESS OF COUNCIL

File Ref: SUB/39
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 09 December 2013
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to delegate authority to the Manager Development Services, or the Senior Planning Officer in his absence, and the Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 17 December 2013 to Friday 14 February 2014 while Council is in recess. This arrangement is presented in a report to Council each December for ratification.

BACKGROUND

The following resolution was passed by Council at its December 2012 meeting:

That Council:

- (1) *In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services, and the Chief Executive Officer under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 11 December 2012 to Friday 15 February 2013.*
- (2) *Stipulates that the exercise of those powers referred to in (1) is granted subject to:*
 - (a) *The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and*
 - (b) *A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority that is:*
 - (i) *circulated on a weekly basis to all Councillors; and*
 - (ii) *subject to the current call-in arrangements for Delegated Authority Items.*

STAFF COMMENT

As approved by Council in 2012, it is requested that the Manager Development Services, Senior Planning Officer and Chief Executive Officer be granted additional delegated authority to determine applications beyond their current delegation powers, subject to consultation with the Development Services Chairperson or Deputy, during the 2013-2014 Christmas and New Year recess (ie, until the cycle for referral to the February round of meetings commences).

In practice this arrangement works well and ensures that the processing of applications is not unduly delayed (as there is a right of appeal after 60 days). Also, during the holiday period there are usually fewer applications and any significant or problematic ones can be identified for referral to Council from February onwards – the trend is that usually due to the industry also being in recess the delegation is either not called upon or if so for no more than a few applications.

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period to be consulted and satisfied with delegated decisions.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Downes

THAT Council:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services, and the Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 17 December 2013 to Friday 14 February 2014.**
- (2) Stipulates that the exercise of those powers referred to in (1) is granted subject to:**
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and**
 - (b) A list of items to be dealt with under this special delegation being identified and included in the weekly list of Delegated Authority, that is:**
 - (i) circulated to all Councillors; and**
 - (ii) subject to the current call-in arrangements for Delegated Authority items.**

Carried 7/0

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

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:45 PM.

CONFIRMED MINUTES OF 12 December 2013 PAGES 1 – 23 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

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DATE: / /