

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 20 MAY 2013

**CARL ASKEW**  
Chief Executive Officer

27 May 2013

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**DEVELOPMENT SERVICES COMMITTEE**

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DECLARATION OF INTEREST **ERROR! BOOKMARK NOT DEFINED.**

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:04 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****Mr Tim Wright (Wright Feldhusen Architects) re 10.1.1 No. 48 Forrest Street**

Mr Wright presented the architectural design with 3D images and described how the modern extension would reflect the form and features of the original dwelling, emphasising the fine detail involved and quality materials and finishes intended; as well as the restoration works to be undertaken. The scale and appearance would suit the site and streetscape as a restrained contemporary addition.

**Kirsty Barrett, 45 John Street re 10.1.2 No. 52 Forrest Street**

Ms Barrett expressed disappointment in the proposal as recommended given the significant impact on the view from her house. She was concerned that the degree of discretion sought based on the dwelling being heritage-listed was excessive, and that appropriate compliance should prevail to protect neighbour amenity.

**David Azzopardi, 52 Forrest Street re 10.1.2 No. 52 Forrest Street**

Mr Azzopardi as owner referred to the proposed single-storey addition as lower than the previously-approved two-storey addition and outlined the design constraints involved. He expressed that the objecting neighbour had limited claim to a view whereby the current proposal ought to be supported as recommended.

**6 ATTENDANCE****Present**

Cr Jack Walsh	Presiding Member
Cr Katrina Downes	
Cr Peter Jeanes	
Cr Yvonne Hart	
Cr Victor Strzina	Arrived at 6:06 PM
Cr Rob Rowell	Deputy

**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
Ms Orla Traynor	Development Services Administration Officer

**6.1 APOLOGIES**

Nil

**Officer Apologies**

Nil

**6.2 APPROVED LEAVE OF ABSENCE**

Cr Greg Boland

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Strzina, seconded Cr Walsh**

**That Cr Strzina's request for leave of absence from the June round of meetings be granted.**

**Carried 6/0**

**7 DECLARATION OF INTERESTS**

Cr Jeanes declared an impartiality interest in item 10.1.1 No. 48 Forrest Street, being an acquaintance of the architect, Mr Wright, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.

Cr Rowell declared an impartiality interest in item 10.1.4 No. 135 & 137 Curtin Avenue, being an acquaintance of the property owner, Mr Hunt, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.

**8 CONFIRMATION OF MINUTES**

**Moved Cr Strzina, seconded Cr Hart**

[Minutes April 15 2013 Development Services Committee.docx](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 15 April 2013 be confirmed.**

**Carried 6/0**

**9 PRESENTATIONS**

Nil

**9.1 PETITIONS**

Nil

**9.2 PRESENTATIONS**

Nil

**9.3 DEPUTATIONS**

Nil

**10 REPORTS****10.1 PLANNING**

*Cr Jeanes declared an impartiality interest in item 10.1.1 No. 48 Forrest Street, being an acquaintance of the architect, Mr Wright, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.*

**10.1.1 NO. 48 FORREST STREET (LOTS 92 & 500) - TWO-STOREY ALTERATIONS AND ADDITIONS TO A HERITAGE PLACE KNOWN AS BARSDEN'S**

**File Ref:** SUB/2661  
**Attachments:** [3D Images 48 Forrest Street](#)  
[Plans 48 Forrest Street](#)  
[Extract of Council Minutes 48 Forrest Street](#)  
[Neighbour Submission 48 Forrest Street](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 20 May 2013

**Author Disclosure of Interest:** Nil

**Property Owner:** Denby Roberts & John Georgiades

**Applicant:** Wright Feldhusen Architects

**Date of Application:** 23 April 2013

**Zoning:** Residential R20

**Use:** P - A use that is permitted under this Scheme

**Lot Area:** 1275m<sup>2</sup>

**M.R.S. Reservation:** Not applicable

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**SUMMARY**

In December 2012 Council approved a previous design for two-storey alterations and additions to this heritage-listed property. A copy of the item is attached to be read for the background detail.

That architectural design was somewhat innovative and the owner would now prefer a more contemporary aesthetic, hence a new application by another architect. The current proposal is basically similar in terms of composition and layout, but with certain differences requiring further consideration. As before, the two lots are to be amalgamated.

This report presents the technical assessment of the revised design and again considers the heritage dimension. Approval with conditions is recommended.

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## BACKGROUND

The main, historical, dwelling is located on the larger lot, with a more recent “apartment” building (granny flat) located in the north-eastern rear portion and straddling the lots. The apartment was built in the mid 1970s and mimics the period architecture of the dwelling, but is not in itself of heritage significance.

Over the decades the original dwelling has undergone modernisation and extension at its northern end abutting the ROW. In 2008 Council approved complete redevelopment of this northern end in a single-storey form, demolition of the apartment and the addition of a lap pool. This was implemented, although retaining most of the apartment and without the pool. Subsequently new fencing to the street frontages has been approved and constructed.

The previous report and the earlier approval in 2008 for single-storey extensions elaborated on the heritage framework relating to the property and precinct. The 2012 application was supported by comprehensive heritage documents informing the design and determination, which remain a reference for the latest proposal.

Broadly, the overall planning consideration is a combination of development requirements, built form, heritage and streetscape. In adding a substantial modern two-storey element to this prominent period dwelling, the scale, appearance and materials/finishes of the extension are important to achieve acceptable balance and harmony.

## PROPOSAL

The new design entails:

- Excavation of the northern portion of the site to create a large basement comprising a five-car garage and several ancillary rooms, with vehicular access via the existing crossover from Broome Street.
- Retention of the original dwelling with minor alterations internally and externally, as well as thorough conservation works.
- Demolition of the recent northern addition and redevelopment at ground floor level with increased setbacks and reduced boundary wall.
- Demolition of the apartment building.
- Introduction of a large second storey occupying the northern half of the dwelling, setback from all boundaries and set into the original roof.
- Re-roofing of the original roof in slate (previously to be zinc) and new roofing in matching Colorbond metal sheeting.
- An above-ground swimming pool centrally located along the eastern boundary with a terrace level adjoining perimeter garden beds.
- New retaining walls/garden beds to the northern, eastern and portion of the southern boundaries.
- Retention of the new limestone fencing to the street frontages, with a gate alternation and replacement historical-pattern steel infill panels, as well as extension eastward on Forrest Street.
- New landscaping.

This design and configuration echoes the previous design approved, although differs in the following ways:

- *The new ground floor extension adheres to being setback from the Broome Street boundary, yet assumes a stronger contemporary style in forming part of the two-storey extension.*
- *The new upper floor is increased in space to occupy a larger footprint than the ground floor and a greater proportion of the roof-scape. This includes a cantilevered element to the east facing the side yard as before, and adding a cantilevered element to the west facing Broome Street. The desired accommodation of stairway/passage/void, five bedrooms with en suites, playroom, storeroom and terrace produces the size of the upper-floor.*
- *A larger two-storey façade to Broome Street, with a stronger distinction between the old and the new.*
- *The two-storey addition features greater expanses of fenestration (windows) to its elevations than the former design, although still respecting privacy, and more articulated (segmented) facades with a richer mixture of materials and finishes reflecting the Cottesloe vernacular.*
- *The existing limestone fencing to the two street frontages is proposed to be retained and extended, together with replacement open-aspect infill panels and gates.*

### **Design analysis**

- *As in the previous design, the architectural approach of the alternative design is for deliberate proportions, symmetry, rhythm and texture which serve to integrate the old and the new, even though the heritage and contemporary components of the dwelling are contrasted.*
- *This creates visual logic and aesthetic cohesion. For the addition, the clean horizontal lines, shallow roof pitch, expansive glazing, indentations and surface treatments subdue the impact of bulk and scale, helping to lighten the appearance of the two-storey element. Despite the upper-level being cantilevered, these techniques result in a floating effect with facades that recede due to staggered walls and eave/awning overhangs.*
- *This is true of the proposed upper-floor terrace to Broome Street, which in being five metres deep with the thin, elegant roof suspended above, together with architectural detailing, provides visual permeability to the addition to ameliorate the stature of this elevation.*
- *The heritage element retains a characteristic heavier, anchored presence with its plinth, verandah, columns, entablature, steep roof and chimneys.*
- *The two-storey addition is of significantly less height than the single-storey heritage element, fitting inside that envelope, and some three metres lower than the two-storey Pine Court heritage apartments to the north.*
- *Nonetheless, the two-storey element will be obvious on all elevations to varying degrees. From the south on Forrest Street it will be substantially concealed behind the original dwelling as a rear form, which while wider will in perspective fall away. From the east (facing the side open space) it will be subservient to the original dwelling, similar in size to the previous approval. From the north facing the lane it will be an elongated and entirely modern structure as if a wholly new dwelling. From the west on Broome Street it will be most noticeable, as a modern two-storey element occupying half the width*

of the total elevation and a forward position. While the existing and previously approved additions were also close to this side boundary, the proposal is larger, cubical and defined by a separate roof form.

- This new two-storey element and façade to Broome Street proposes a marked change to the existing dwelling and streetscape, which in this block on both sides is characterised by period residential architecture or low-key modern dwellings, although there are some mundane non-heritage dwellings in the vicinity. The rise of the site from the streets and the plinth of the existing dwelling make the built form prominent. However, different architectural styles are not proscribed in the precinct, while the juxtaposition of historical and contemporary architecture is a recognised design approach in adding to or adapting heritage properties (as opposed to mock-historic mimicry). The subject design, while unashamedly contemporary and by no means small, has a planar, layered look both horizontally and vertically, which in reality will prevent it from appearing monolithic. Throughout the western suburbs and other areas of Perth there are numerous examples of heritage or older dwellings with contemporary or ultra-modern additions. As this new element is under the maximum building height and satisfies the setback to Broome Street, it is deemed acceptable in terms of development parameters. Beyond that, the matter relates to consideration of heritage and streetscape in evaluating the design. Reducing the mass of the addition to Broome Street would require relinquishing floor space and increasing its setback or even deleting the upper-level terrace, any and all of which would by the same token generate a disjointed form that loses its integrity and cohesion as a handsome two-storey statement.

## STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

Residential Design Codes

Various heritage listings and polices

Fencing Local Law

## POLICY IMPLICATIONS

TPS2 Policy No. 12 Places of Cultural Heritage Significance

WAPC SPP 3.5 Historic Heritage Conservation

## HERITAGE LISTING

Register of National Estate	Listed
State Register of Heritage Places	identified to consider
TPS2	Schedule 1
TPS2 Policy 12	N/A
Municipal Inventory	Category 2
National Trust	Listed

**STRATEGIC IMPLICATIONS**

Heritage is recognised as a cornerstone of the character and amenity of Cottesloe, which Council aims to foster through the planning approvals process and related measures.

**FINANCIAL IMPLICATIONS**

N/A

**CONSULTATION****Building**

The building permit will need to manage how works adjacent to the lane are carried out in relation to retaining, walls along the boundary and stabilisation; whereby a civil engineer will be involved.

**Engineering**

The crossover to the basement is acceptable subject to its gradients.

**Liaison by Architect**

The current architect has liaised with the immediately adjacent owners to the north and east to discuss the new design.

**Advertising by Town**

The Town sent advertising letters to nine surrounding properties. Some of the owners/residents made enquiries or inspected the plans and offered passing comments, including:

- Observed the contemporary design with more windows and the upper-level terrace, as the introduction of a modern addition to the heritage dwelling.
- Supports the slate roof to the original dwelling.
- Concern for effective construction/traffic management in relation to the streets and lane. Officer note: this is addressed by a condition.
- Some concern about potential noise from the terrace reaching across the street; also that it is not protected from south-westerly wind. Officer note: there is no planning control for frontage terraces or balconies on opposite sides of streets, as the RDC overlooking standard of a 7.5m minimum setback from an adjacent property boundary is exceeded and noise is not deemed to be a deciding factor, albeit a general amenity consideration.
- Confirmation from the eastern neighbour of the plan details discussed with the architect in relation to the design and height of the boundary retaining wall/fence. Officer note: a condition covers this.

At the close of advertising one submission was received, as summarised and commented upon as follows:

**Ellen Zink, 93 Broome St:**

Expresses concern at the proposed modern addition to the streetscape environment, seen as inappropriate for this location, in relation to heritage values, visual unity and

well-mannered design in context. Also concerned about losing sky view and early morning sunlight.

Officer comment:

The opinion regarding heritage and streetscape character is acknowledged. The architect's design rationale and officer comments in the report (see *Design analysis* section and heritage-related sections) scope considerations in this regard.

The existing dwelling and the addition shadow its own site rather than across the street, while solar access will still be available as the subject site is removed from rather than adjacent to No. 93 and blocking of a sky view occurs in the case of all two-storey dwellings.

## **DEVELOPMENT REQUIREMENTS**

The proposal is predominantly compliant with the development requirements of TPS2, the RDC and the Fencing Local Law, with some relatively minor variations sought. Due to the site being large, bounded by two streets and a lane and having spacious grounds, the existing dwelling and proposed addition are generally well-separated from surrounding properties, whereby direct impacts are minimised. Hence the design and amenity requirements of the RDC are readily satisfied; eg density, access/parking, open space, shadow and privacy standards are all met.

At the same time, as the proposal is for an extension to an existing dwelling, and concentrated at one end of the site in order to retain the heritage building, the proposal does involve variation to particular development requirements, as explained and assessed below.

### **Building height**

The proposal achieves compliance with the TPS2 building height standard of 8.5m maximum for a two-storey dwelling by respecting the ridge height of the existing dwelling, which although single-storey as a period dwelling has high foundations, high ceilings and a high, steep roof pitch, hence equates to a two-storey building at its highest point. The existing ridge height of the original dwelling is 8m or 0.5m metre less than the maximum, while the proposed ridge height of the shallow roof to the modern addition is approximately 0.5m lower again, amounting to some 1m under the maximum.

The two-storey extension adopts the existing ridge height in order to be compliant as well as in sympathy with the existing dwelling; ie containing the extension within the roof envelope.

### **Basement**

Under TPS2 basements are defined in relation to building height and non-habitable usage of that space, in order to not be regarded as a storey. Compliance with the height standard relative to natural ground (NGL) can be a design challenge in terms of topography, ramp gradient, vehicle headroom and other factors.

As previously approved, the proposed basement is premised on the existing floor height of the original and extended dwelling above. It is also constrained by

excavation along the lane and in proximity to the original dwelling, as well as by the profile of the verge which as a rule and because of the heritage-listed pine trees cannot be altered. For these reasons it does not satisfy the height standard measured against the NGL at the centre of the site or the centre of the Broome Street frontage, having 0.7m extra height.

While most basements are able to meet the height requirement, occasionally it can be difficult to comply and Council is asked to exercise discretion to allow a variation, to which Council has agreed as a rare exception where warranted. Although the Scheme does not provide express discretion in this regard, arguably there is broad discretion available to consider individual instances taking into account circumstances, merits and amenity. Moreover, the Scheme contains scope for flexibility taking into account natural ground form and extension of an existing building, which are applicable in this case. In addition, Part 6 of TPS2 provides discretion to vary development requirements having regard to heritage.

In distinguishing that such special discretion is justified, the design should contribute to, rather than detract from, amenity or associated matters. In this regard the proposed basement is preferable to the existing double garage, assisting in producing a dwelling better setback from the north-western corner of the site. Heritage-wise neither a modern basement nor double garage is true to the original dwelling, but the basement does offer the benefit of removing and not expanding the ground-level garaging, in the interest of the site's open space and the streetscape.

Whilst technically the height of the basement equates to a storey, in terms of design and visual appearance it is a sunken, recessive element effectively disguised by the rest of the extension. In particular, at its entrance and along the northern boundary the basement has only one storey above (for a small portion), with the bulk of the basement being buried under the dwelling out of sight.

The basement comprises car parking and several service or ancillary rooms compatible with the definition of non-habitable. The intended gym is not an activity mentioned in the definition and in essence is a habitable private recreational space, albeit used part-time by the occupants, so is perhaps a hybrid use. As a gym is not an entertainment room and would be used by for temporary periods solely for that purpose, it could be permitted with a condition preventing conversion to a habitable space (eg a study or guest room). Therefore the basement as proposed is supported on this proviso.

### **Wall height**

The two-storey addition occupies the complete northern and half the eastern and western flanks of the dwelling, below the existing roof height and the TPS2 maximum building height. Despite the footprint of the addition, the visual result of the streamlined architectural design is to ameliorate the bulk and scale of the new walls, which while contained within the roofscape exceed the two-storey 6m wall height standard under TPS2.

Relative to NGL the calculated maximum height of the two-storey walls of the addition is up to 7.19m, but the as-to-be constructed wall heights measured from the adjacent ground/terrace levels are 6.1m, which is only slightly more than the 6m

standard. Further, due to the very shallow slim-line roof, the measured building height is under the 7m standard for a flat roof design, at about 6.7m, whereby it resembles a flat roof and fits within that envelope. The addition will appear tallest facing Broome Street, although the solid section of boundary fencing will reduce its height. It will also appear expansive along the lane, although the stepped and high boundary wall will likewise screen its prominence.

There is discretion in TPS2 to vary wall and roof heights for extensions to existing buildings and under Part 6 by reason of heritage. This recognises the design, construction and scale of existing buildings, and the common desire for extensions to have the same floor level, ceiling height or roof height as an older building. Extensions to heritage buildings are obvious candidates to maintain or match existing levels and heights when integrating the old and new, and as observed the original single-storey dwelling is characteristically tall. This discretion is assessed as appropriate to the proposal.

### **Setback**

The proposal satisfies almost all setback requirements, including for the new second storey, with one exception.

To the northern two-storey elevation facing the lane, a minimum setback of 6.6m is required from the upper floor to the centre of the lane, based on the total length and height of the wall containing major openings, whereas a setback of 5.675m or 0.925m less is proposed. This variation therefore requires assessment under the performance criteria of the RDC in 6.3.1, as follows:

#### Provide adequate direct sun and ventilation to the building:

Ample sun and ventilation is available due to the lane width and separation from the adjacent dwelling. The north-facing bedroom windows are designed to access winter sun, while the roof eaves protect from summer sun and high-level openings provide for cross-ventilation.

#### Ensure adequate direct sun and ventilation being available to adjoining properties:

The property to the north of the lane is not overshadowed and ventilation is not inhibited.

#### Provide adequate direct sun to the building and appurtenant open space:

Direct sun is readily available and accessed by the building and outdoor areas.

#### Assist with the protection of access to direct sun for adjoining properties:

Solar access and ventilation of adjoining properties are not affected.

#### Assist in ameliorating the impacts of building bulk on the adjoining property:

The lane and setback of nearly 6m from its centre, the separation distance to the adjacent dwelling, the high boundary wall to the lane and design of the proposed dwelling combine to ameliorate the effect of its bulk.

**Assist in protecting privacy between adjoining properties:**

The only direct privacy interrelationship between the extension and a neighbouring property occurs along the lane opposite Pine Court to the north. As the upper-level windows exceed the 4.5m cone of vision setback required for bedroom windows there is no technical overlooking.

In summary, on this basis the proposed northern setback as marginally varied is supported.

**Site levels**

The proposal respects the existing site levels as important to the original dwelling and the basis for the replacement northern extension and basement. As with the previous approval there are some areas of site fill for consideration, but these are less than in the former design.

There is still filling of about 1m for an entry porch to the addition on Broome Street. This is setback as required by the previous approval and is integral to the modern wing. It is necessary for human access and screened by the boundary fence.

The pool podium and perimeter garden beds on the north, east and south entail raised levels that relate to pool isolation, retaining, boundary fences, landscaping and privacy in a simplified design. All of these levels are appropriate to the interfaces with the lane, eastern adjacent property and Forrest Street front fencing in the south-eastern corner.

**Fencing**

As previously, boundary fencing to the two streets preserves that constructed as part of the earlier improvements, extends it at the eastern end of the Forrest Street frontage and modifies the pedestrian entry at the northern end of the Broome Street frontage. Previously the existing gates on Forrest Street leading to the front door of the original dwelling were to be relocated, but are now being kept, which is preferable. The existing infill panels are to be replaced with period-style ones. All of this enhances the open-aspect fencing to Forrest Street and is sympathetic to the dwelling and streetscapes consistent with the Fencing Local Law. A condition covers that the Forrest Street front fence extension conforms to the 0.9m maximum height solid plinth standard.

**Summary**

Comparatively few variations are requested. While building and wall height are fundamental considerations, in this case the specific variations are of limited consequence to the proposal itself, neighbouring properties or the streetscapes, and are not perceptible when read as an extension to the existing dwelling. Importantly, both the existing and proposed building components (crown of roof) comply with the TPS2 standard of 8.5m by being less. The basement variation is seen to be supportable. Setbacks and site levels are assessed as suitable. Privacy and fencing are also acceptable.



## HERITAGE CONSIDERATIONS

As elaborated in the previous report (attached) a suite of heritage instruments and classifications apply to this heritage-listed property. Collectively they provide direction, principles and criteria for the consideration of proposals from a heritage perspective and the basis for decision-making.

A range of heritage considerations relate to the proposal. There is an established framework for assessment of planning proposals from the heritage dimension, which is important in general and in this instance. Together with the ordinary planning technical assessment involved (ie development requirements or standards), the heritage values and classifications of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.

This is an expected part of the development assessment process in the case of heritage-listed properties and those within recognised character or heritage areas. It is through this process that a balanced outcome can be achieved between the objectives of the proposal, the normal planning parameters and the heritage layer of consideration. It can be seen that a strong collection of heritage instruments and classifications relating to the place apply and that they provide clear guidance on how the assessment of proposals should be approached and the values of the place to take into account.

*Barsden's* is one of the grandest historical properties in Cottesloe and a local landmark given its commanding position, exposure to view, generous proportions and architectural treatments. This heritage significance is augmented by the setting of the place in the heart of the district, being an area characterised by a number of other well-known heritage properties, a general collection of period dwellings, the heritage-listed Norfolk Island Pine trees and the heritage-listed Sea View Golf Course.

In recent times other heritage properties in the area have undergone change and Council has aimed to ensure that the opportunity is taken to manage the heritage values of the places and to achieve development compatible with the properties and precinct.

The subject property has experienced previous alternations and additions, which have been relatively low-key and sympathetic, adopting a design ethos to reflect the historical architecture and detailing of the main dwelling. Much of the original dwelling has been retained intact and been fairly well maintained both internally and externally. In relation to the external presentation of the place, it is emphasised that due to the two street frontages and wide-open grounds, the form and fabric of the dwelling can be seen and enjoyed as a major contribution to the streetscape and public realm. The dwelling is known for its verandah columns and rooftop balustrade.

The previous application contributed heritage research and documents to inform the design approach. The advice of an independent heritage architect for the Town was relaxed about the degree to which the heritage qualities of the existing dwelling could be altered.

While against this framework it can be appreciated that the heritage significance of the property should not be underestimated, the current proposal as another design conception is assessed as supportable in terms of normal development requirements and in relation to heritage considerations.

## **CONCLUSION**

The heritage significance of the place, which embodies the particular architectural elements of the original dwelling, is recognised by a range of heritage classifications. This framework supports carefully-designed additions/alterations, retention of heritage fabric, conservation/restoration works and documentation for the long term use and care of the place.

The application is assessed as an acceptable proposal for two-storey plus basement alterations and additions to a heritage dwelling entailing important considerations.

In terms of development requirements, the proposal is assessed as suitably compliant with TPS2, the RDC and the Fencing Local Law, and the overall streetscape and amenity outcomes are considered to be appropriate from a planning point of view.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee was supportive of the proposal while querying the approach to the design of additions to heritage dwellings generally, including input from the HCWA in this instance. The Manager Development Services elaborated on the design philosophy of creating a clear distinction between the old and the new, observing that the current proposal has a more restrained style than the previous approval. He explained that the HCWA is not formally involved in the process at this time as it has not assessed or classified the place and had declined to comment. Discussion ensued about obtaining further input from a heritage architect as previously, but an amendment accordingly was lost. Nonetheless, the MDS volunteered to seek such advice from Bernard Seeber Architects again, in time to feedback to the Council meeting.

## **OFFICER RECOMMENDATION**

### **Moved Cr Strzina, seconded Cr Walsh**

That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pool, landscaping, retaining walls, fencing, demolition of the non-heritage apartment building and heritage restoration/conservation works at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 7 and 13 May 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.

2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the applicant's previous application.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
6. The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classifications.
7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
  - a. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for a maximum 0.9m height for the solid plinth and for open-aspect infill panels.
  - b. The gate to the boundary fence to Broome Street shall be of open-aspect design.
  - c. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
  - d. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway

or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.

12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. 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.
14. Any 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.
15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.

20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

**AMENDMENT**

**Moved Cr Jeanes, seconded Cr Downes**

**That the item be deferred to the next meeting to enable the Town to obtain advice from a Heritage Architect on the proposal.**

**Lost 2/4**

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Strzina, seconded Cr Walsh**

**That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pool, landscaping, retaining walls, fencing, demolition of the non-heritage apartment building and heritage restoration/conservation works at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 7 and 13 May 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:**

1. **Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be**

demolished shall be compiled and submitted to the Town as a heritage record.

2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the applicant's previous application.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
6. The external profile of the proposed 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 the Council and any approvals as required under the relevant heritage classifications.
7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
  - a. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for a maximum 0.9m height for the solid plinth and for open-aspect infill panels.
  - b. The gate to the boundary fence to Broome Street shall be of open-aspect design.
  - c. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
  - d. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.

9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.
12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. 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.
14. Any 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.
15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.

18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

**Advice Notes:**

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

**THE SUBSTANTIVE MOTION WAS PUT**

**Carried 6/0**



**10.1.2 NO. 52 (LOTS 93 & 94) FORREST STREET – SINGLE STOREY ADDITION TO THE REAR OF AN EXISTING DWELLING AND A BELOW-GROUND SWIMMING POOL**

**File Ref:** 2627  
**Attachments:** [Proposed Plans](#)  
[Previously Approved Plans with Current Proposal Images](#)  
[Neighbour Submission](#)  
[Justification Letter From Architect](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Ronald Boswell  
Planning Officer

**Proposed Meeting Date:** 20 May 2013

**Author Disclosure of Interest:** Nil

**Property Owner:** Mr D Azzopardi  
**Applicant:** Kingsley Pearse Architects  
**Date of Application:** 7 March 2013  
**Zoning:** Residential R20  
**Use:** P - A use that is permitted under this Scheme  
**Lot Area:** 704m<sup>2</sup>  
**MRS Reservation:** N/A.

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**SUMMARY**

The Town has received an application to construct a single storey addition and a swimming pool to the rear of an existing single storey dwelling at 52 Forrest Street.

The proposed addition is over height for a single storey dwelling due to the slope of the block. The application is seeking concession for the increase in height and setback variation for this heritage listed dwelling, Municipal Inventory – Category 2.

No. 52 Forrest Street comprises two lots (one being a 3.3m wide strip of land) and existing development is built over both lots. Amalgamation is recommended to rectify this historical anomaly.

Given the assessment that has been undertaken it is recommended to conditionally approve this application.

**PROPOSAL**

The proposal involves the addition of single storey that is raised higher than the existing dwelling due to the block rising steeply towards the rear. The addition to the rear has been designed to complement the natural ground level of the block. Therefore the addition to the rear is split level to accommodate the rise of the block.

The finished floor level of the addition rises 1.2m above the finished floor level of the existing dwelling. Therefore upon completion, the roof of the extension will rise 1.2m above the existing crown of the roof. For this reason, the addition to the rear is over

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the acceptable height requirement for a single storey dwelling and has been assessed under the discretion available to Council in the Scheme. The applicant does not wish to change the wall heights or the roof height of the addition to the rear as the applicant believes it will spoil the appearance of the heritage listed dwelling. The pitch of the roof of the addition to the rear has been designed to complement the existing pitch of the existing dwelling to the front.

The extension to the rear maintains the character of the existing dwelling. The existing dwelling is listed by the National Trust and is Category 2 heritage listed in the Municipal Inventory requiring high attention to detail to ensure that the character and the facade of the existing dwelling is maintained and not diminished. The extension to the rear includes interesting architecturally designed arches incorporated into the roof gables that resemble the arches seen on the verandah at the front of the existing dwelling.

The proposal involves a variation to the 6m single storey height requirement of Town Planning Scheme No.2 due to difficulty involved with the slope of the block at the rear and the inability to make major alterations to the heritage listed dwelling at the front of the property. The applicant had similar constraints when a two storey proposal was submitted to the Town and subsequently approved 24 May 2006. The two storey dwelling proposed was 1 meter higher than what is currently proposed and the bulk and scale of that proposal was much greater than what is currently proposed.

A site inspection and photos of the property revealed that two chimney stacks exist on the dwelling. The development application does not show the two chimneys, however, the applicant has informed the Town that the two existing chimneys shall be retained. As part of the approval for this development application, a condition will be obligatory to retain the two existing chimneys that characterise this dwelling.

This development application includes a below-ground swimming pool at the rear of the dwelling located on the north-east corner of the property. The pool's filtration system is to be located along the eastern side of the family room wall. The plans indicate that a glass pool fence will surround the western and southern perimeter of the pool, which existing boundary fencing exists along the northern and eastern sides of the pool.

The pool's dimensions are:

Width:	5.6m
Length:	5.2m
Overall depth:	1.7m

No neighbouring properties are adversely affected by overshadow. All overshadow falls on to the applicant's property.

## **BACKGROUND**

The property at No. 52 Forrest Street is Listed in Schedule 1 of Town Planning Scheme No. 2 – Places of Natural Beauty and Historic Buildings and Objects of Historical or Scientific Interest, as well as on the Municipal Inventory as Category 2 and classified by the National Trust.

The existing dwelling is a brick and colorbond single storey with a wooden verandah, constructed around 1910. A free-standing double garage was built at the rear of the property in 1997, gaining access from the lane (ROW 32A).

No. 52 Forrest Street comprises of Pt Lot 93 and Lot 94 and the existing dwelling is built over both lots. Pt Lot 93 is a 3.3 wide strip of land which appears to have once been a laneway that was later included on the title for Lot 94.

The following planning approvals have previously been issued for this property:

- Two storey rear addition and swimming pool – approved by Council 24 May 2006.
- Two storey rear addition and swimming pool – re-approved 18 May 2007.
- Two storey rear addition and swimming pool – re-approved 3 June 2008.
- Re-Roofing and Ensuite WIR Additions to Dwelling – 23 February 2010.

### STATUTORY ENVIRONMENT

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

### PROPOSED LOCAL PLANNING SCHEME NO. 3

No changes are proposed to the zoning of this lot.

### POLICY IMPLICATIONS

Nil

### HERITAGE LISTING

- |                                     |            |
|-------------------------------------|------------|
| • State Register of Heritage Places | N/A        |
| • TPS No.2                          | Schedule 1 |
| • Municipal Inventory               | Category 2 |
| • National Trust                    | Listed     |

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Town of Cottesloe Town Planning Scheme No.2

Clause	Required	Provided
Clause 5.1.1 – Building Height	6m max crown height (from 33.4m ANGL)	8.08m (41.48 AHD)

#### Town Planning Scheme Policy

Policy	Required	Provided
N/A	N/A	N/A

#### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Buildings Set	Bed 1 plus existing	1.5m	Clause 6.3.1 – P1

Back from the Boundary	dwelling wall 3.2m from boundary		
Buildings Set Back from the Boundary	West wall total 4.5m from boundary	1.4m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	Family/laundry/existing dwelling wall – total 4.8m	1.75m	Clause 6.3.1 – P1

## STRATEGIC IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## ADVERTISING OF PROPOSAL

Notification of the proposal was given to the adjoining neighbours.

## Submissions

One objection has been received from the owners of the property on the diagonal to the rear at No. 45 John Street (Mr and Mrs Barrett).

In summary, the submission states as follows:

- *Strongly oppose any relaxation of the 6m single storey height restriction as it will have a significant impact on our amenity completely blocking our view of Fremantle Port, Garden Island and Carnac Island.*
- *The Residential Design Codes are designed to prevent this type of development from occurring where a building has a significant impact on a neighbour.*
- *We request that the owner complies with the Residential Design Codes and drops the height of the extension.*
  - *Can be achieved by reducing the pitch of the roof at the rear.*
  - *To excavate into the block for the extension so that the ANGL requirement is achieved.*
- *Heritage listed buildings should not be a reason or excuse for not complying with regulations as a solution can be easily achieved without any impact on the heritage listed dwelling.*
- *We built 10 years ago and were made to significantly excavate into the rear section of our property and retain 1.5m in height in order to comply with the ANGL requirement. Therefore the owner of this property should also be required to comply.*

In response to the objection, the architect and owner have both provided the following comments (summarised):

- *The addition to the rear mimics the roof pitch of an existing single storey heritage listed house.*

- 
- *The 26 degree pitch of the proposed new additions matches the existing building, and is in keeping with the Federation style of the category two building.*
  - *Building a single storey from existing ground level that covers 38% of a sloping site.*
  - *A previous two storey dwelling was previously approved by Council.*
  - *Council should revere and respect the heritage buildings in Cottesloe particularly in the "Pines" precinct where we live.*
  - *Council has repeatedly declared support for those wishing to enhance and preserve heritage buildings.*
  - *We have specifically designed the extensions to complement the existing 100 year old dwelling.*
  - *Altering the pitch would seriously downgrade the aesthetics of the building.*
  - *Height concessions are allowable for heritage buildings under the Town of Cottesloe TPS.*
  - *All adjoining owners directly affected endorse our current plans.*
  - *The Barrett's "views" to the south-west are achieved from the back of the second storey of a house that faces (or should be facing) John St. They obtain these views by overlooking a laneway, our back garden and existing house and only our back garden and house.*
  - *The R-codes seek to address and reduce overlooking. Full Council wholeheartedly agreed when approving our two storey plans at the time and I am confident would do so again if necessary.*
  - *The Barrett's "view envelope" is undiminished as the structure in question is the apex of a roof sloping downward and not a solid mass.*
  - *That our plans can be approved under the allowable heritage concessions in the TPS by delegated authority.*
  - *Does not diminish the amenities of the adjoining neighbours through our proposed additions to the residence.*
  - *The Town of Cottesloe Town Planning Scheme allows for Council to grant a variation in the height requirements for heritage listed house in order to help preserve them and the historical character of the era.*
  - *The existing house has been classified as category two residence.*
  - *Views can still be seen either side of the pyramidal roof located in the centre of the building as proposed.*
  - *Our previous approved submission had a roof height 1.0 meter higher and a greater wall mass being two storeys.*
  - *We are improving the amenity of our neighbours in our new single storey submission.*
  - *Our proposal allows for less wall mass, less bulk and therefore increased views.*
  - *the measurement of height is consistent with the Residential Design Codes figure 17 method of measurement of height above natural ground and should be considered when assessing a difficult sloping site such as 52 Forrest Street Cottesloe rather than the ANGL method described within the Town of Cottesloe's scheme which suggest that our ANGL floor level should be 33.40 which is lower than the existing residence's floor level of 33.78 and way lower than the existing plateau level which varies between 34.94 at the top of the existing bank and stairs, and 35.65 at the northern corner of the site.*

- *The site rises 3.0 metres from the front boundary to a flat plateau area situated at the rear.*
- *38% of the area of the block is located within this plateau.*
- *Our proposal's floor level will be below the level of the northern ROW and 440mm below the adjoining garage on the eastern boundary.*
- *The floor level of the new additions has been designed to match the existing levels of the plateau area at the rear of the site.*
- *The level as shown will also allow for an easy transition between the existing carport and new addition.*
- *In our previous two storey addition the existing carport was not retained therefore floor levels could be lower.*
- *In our new submission the floor levels between the new and existing carport do need to coincide.*
- *The existing pencil pine tree hedge located within the lot, on the rear northern and eastern boundaries have a height which is higher than our proposed roof line and therefore the existing views to the south and west may have already been diminished.*
- *A variation to the policy in the calculation of the height is therefore warranted because of this unusual land topography, the position of the existing building and the preservation of the front category two heritage listed residence.*
- *We believe that the performance criteria of the Residential Design Codes have been achieved in regard to direct sunlight, adequate daylight and increased access to views in our submission.*
- *As there appears to be no disadvantage to the adjoining properties due to our proposed overall building height of the single storey addition, we request that the variation be permitted under the general provisions of the Town of Cottesloe TPS.*

## **STAFF COMMENT**

The following technical assessment is made with respect to this development application.

### Heritage Listing

The proposed dwelling is listed in Schedule 1 of Town Planning Scheme No.2 Clause 6.1.1 of the Scheme states that the "Council considers that the places in Schedule 1 should be conserved and preserved". Clause 6.2.3 of the Town Planning Scheme No.2 allows Council to approve development notwithstanding non-compliance with the Residential Design Codes.

The dwelling is also a Category 2 listing in the Town's Municipal Inventory. Its significance under the Inventory is stated as "*typical of many built in Cottesloe in the early years of the twentieth century. It is better preserved than most of its contemporaries. It has additional features of architectural interest such as the delicate timber work and the limestone footings*".

The category 2 management category provides for "*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 dwelling is a fine example of Edwardian Filigree bungalow design, carried out in timber and limestone. It has a very high level of architectural quality, authenticity and integrity in its form, materials and retention of original and characteristic detailing. The place contributes to the aesthetic values of its setting because of its elevated position on limestone pier foundations on a dramatic hilltop site at a high point of Forrest Street in view of the ocean and golf course.

The dwelling has historical significance because it was built for the prominent solicitor JH Barsden, who owned the neighbouring property at 48 Forrest Street upon which he later built the current house occupying that site.

This development application proposes to retain most of the existing original residence. The alteration to the existing dwelling includes the removal of the existing kitchen/family/dining area at the rear.

The proposal adequately addresses the heritage and streetscape significance of the property by locating additions to the rear of the property. The addition to the rear will be difficult to see from the street level, due to the block rising high above the road.

### Amalgamation

Setbacks, open space calculations and the like have been assessed for this application on the basis that the property comprises of one complete land holding, rather than two separate lots. This existing dwelling is constructed over both lot 93 and 94. Although both lots are shown on the one certificate of title, it is considered opportunistic to rectify the historical anomaly and amalgamate the lots as a single entity.

### Boundary Setbacks

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
Buildings Set Back from the Boundary	Bed 1 plus existing dwelling wall 3.2m from boundary	1.5m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	West wall total 4.5m from boundary	1.4m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	Family/laundry/existing dwelling wall – total 4.8m	1.75m	Clause 6.3.1 – P1

The proposed side boundary setbacks do not comply with the Acceptable Development Standards and concessions under the Performance Criteria are required. Performance Criteria Clause 6.3.1 of the RDC stated the following:

- “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 variation to the setbacks for the proposed addition to the rear although quite substantial reductions, they are considered to be minor in effect. The reduced setbacks do not adversely affect the neighbours' access to northern sunlight and privacy is not compromised. The addition has been designed so that it continues the similar setbacks of the existing dwelling to maintain an overall appearance of being part of the original dwelling.

The setback variations are considered to comply with the Performance Criteria of the Residential Design Codes and in the absence of any objection from the adjoining land owners it is recommended that they be supported.

### Height

The centre point level of the site for the purpose of measuring heights under Town Planning Scheme No.2 was calculated at 33.4m ANGL. The Scheme generally requires a 6m roof height to the crown for a single storey addition.

In relation to the proposed development application, the permitted roof height to the crown is 39.4m. The roof height exceeds this and is 41.48m – a difference of 2.08m. The applicant has informed the Town that they do not wish to lower the pitch or the roof of the wall heights to achieve the basic height standard.

Clause 6.2.3 of Town Planning Scheme No.2 allows Council to grant approval to an application involving a place listed in Schedule 1, notwithstanding that the development or work involved does not comply with the Residential Design Codes or with any requirement or standard specified in the Scheme Text.

It is recognised that certain difficulties exist in achieving further reductions in the proposed dwelling height. The existing heritage residence is located forward on the block such that the finished floor level within the dwelling is raised substantially at the front. Due to the heritage significance of this dwelling, development is somewhat restricted. As such the rear addition is proposed behind the existing dwelling, however, development needs to deal with the existing floor levels and the gradient of the site which continues to slope upwards to the north of the block. The additional height does not adversely affect adjoining properties in terms of overlooking or overshadowing.

Objection was received regarding the loss of view from the owners of the property diagonally to the rear of the subject property and (separated by a ROW).

Obtaining and maintaining views is generally difficult to guarantee as is claiming ownership of views. Nonetheless views are part of the amenity enjoyed by people in certain areas and the Residential Design Codes state in the explanatory section of 6.7, Building Height Requirements, that “designers should take into account the desirability of protecting views enjoyed by neighbours, and in some cases, modify the design of dwellings accordingly”. However, while views are mentioned in this manner, there are no actual provisions to guide how views may be protected. The applicant



has already scaled-down the proposal from a two storey dwelling that was previously approved by Council to a single storey addition. It would be reasonable to suggest that the current proposed plans have been modified to maintain greater access to views for the objecting neighbour to the rear.

Clause 5.1.2 of the Town's Planning Scheme states that: "*Council shall have regard to and may impose conditions relating to (a) the need for limitation of height or location of buildings to preserve or enhance views*", however, there are no set criteria or performance indicators given against which to assess a proposal.

In practice, the concept of sharing views has emerged whereby over time the evolution of residential development results in dwellings capturing various views which in turn may not be lasting as further development adjacent or nearby occurs.

While a reduction in the height of the addition and/or excavating the site would assist a view for the objecting neighbour, that view will be diminished by any extension.

Given the circumstances involved with this site in terms of its heritage and the gradient of the block, and that the proposal is for a single storey addition, it is recommended that the variation in height and setbacks be relaxed in this instance.

The applicant has provided sets of plans that show a comparative analysis of the difference in high between the previously approved two storey dwelling and the proposed single storey dwelling – see attachments.

## **CONCLUSION**

The addition to the existing dwelling has considered the heritage significance of the building by ensuring that minimal changes have been made to the original fabric and new development is placed to the rear.

The proposal complies with most of the design elements stipulated in the Residential Design Codes and TPS No.2, except for a variation to building height and setbacks. The setback variations satisfy the performance criteria of the Codes and can be supported.

Under the Scheme Council may relax the 6m single storey height requirement to approve the proposal.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee discussed the proposed height concession at length and considered that there could be some redesign to address the neighbour's concern about loss of a view and achieve greater compliance. The Manager Development Services explained the scope for discretion to allow additional height in the case of existing dwellings and referred to the rationale in the report from the architect and owner. He advised that the apex of the new roof was what created excess height and that were it deleted the height of the building would be more acceptable – he outlined a possible condition of approval for that. The MDS also advised that the setback

variations were allowable and not at issue. Committee concluded to defer the item to Council for revised plans to be explored by the Town and applicant for reporting to that meeting.

### **OFFICER RECOMMENDATION**

#### **Moved Cr Strzina, seconded Cr Walsh**

That Council GRANT its Written Consent and Approval to Commence Development for a single-storey addition and below-ground swimming pool to the rear of the existing dwelling at No. 52 (Lots 93 & 94) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 18 March 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
- (2) 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.
- (3) The two existing chimneys shall be retained as part the character of the heritage-listed dwelling. The two chimneys shall be shown on the building permit plans submitted to the Town as “existing chimneys to be retained”.
- (4) 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.
- (5) 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.
- (6) The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified in the Environmental Protection (Noise) Regulations 1997.
- (7) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation’s sewer.
- (8) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary.
- (9) 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.

- (10) The two subject lots being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.
- (11) A professionally-prepared photographic and drawn archival record of the parts of the dwelling to be demolished and redeveloped shall be submitted to the Town of Cottesloe to the satisfaction of the Manager Development Services prior to the commencement of any work.

#### **AMENDMENT**

**Moved Cr Rowell, seconded Cr Walsh**

**That the item be deferred to the Council meeting on 27 May 2013 for discussion between the Town and applicant towards revised plans that lower the height of the proposal.**

**Carried 6/0**

#### **COMMITTEE RECOMMENDATION**

**Moved Cr Strzina, seconded Cr Walsh**

**That the item be deferred to the Council meeting on 27 May 2013 for discussion between the Town and applicant towards revised plans that lower the height of the proposal.**

**Carried 6/0**

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**10.1.3 NO. 226B (STRATA LOT 6) BROOME STREET – FIRST-FLOOR ADDITION**

<b>File Ref:</b>	<b>2655</b>
<b>Attachments:</b>	<a href="#">Photographs 226B Broome Street</a> <a href="#">Applicant Submission 226B Broome Street</a> <a href="#">Proposed Plans 226B Broome Street</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett</b> <b>Senior Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>20 May 2013</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Elisabeth Harris &amp; Terrence Murphy</b>
<b>Applicant:</b>	<b>As above</b>
<b>Date of Application:</b>	<b>18 April 2013</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>648.7m<sup>2</sup> (total lot size)</b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

This application is seeking the following variations to Council's front setback resolution (2002) and the Residential Design Codes (RDC):

- Front setback;
- Setback to southern boundary.

Both of these aspects is discussed in this report and refers to plans received on 18 April 2013. The remainder of the proposal is compliant with Town Planning Scheme No. 2 and the RDC.

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

**PROPOSAL**

The application is for a first-floor addition to an existing strata-titled property comprising a large bedroom, front balcony, ensuite, WIR and study.

**STATUTORY ENVIRONMENT**

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

**PROPOSED LOCAL PLANNING SCHEME NO 3**

No changes are proposed to the zoning of this strata lot.

**MUNICIPAL INVENTORY**

Not applicable.

**APPLICATION ASSESSMENT****AREAS OF NON-COMPLIANCE****Town Planning Scheme No.2/Council Resolution**

Streetscape	Permitted	Proposed
	6m front setback (Council resolution 28/10/02).	3.37m to first-floor front balcony; 5.45m (approx.) to bedroom.

**Residential Design Codes**

<b><i>Design Element</i></b>	<b><i>Permitted</i></b>	<b><i>Proposed</i></b>	<b><i>Performance Criteria</i></b>
6.2 – Streetscape	6m front setback or corresponding to the setback of existing dwellings on each side fronting the same street or minimum 3m, average 6m.	3.37m to front balcony; 5.45m (approx.) to bedroom.	Clause 6.2.1 – P1
6.3 – Boundary setbacks	2m from first floor to southern boundary.	1.33m	Clause 6.3.1 – P1

**ADVERTISING OF PROPOSAL**

The application was advertised in accordance with TPS 2 and consisted of a letter to six adjoining property owners. Advertising closes on 16 May 2013. No submissions have been received to date although the southern neighbour has signed the submitted plans in support of the proposed reduced side setback.

**APPLICANT'S JUSTIFICATION**

The main points raised by the applicant in support of the proposal are summarised as follows:

- The existing dwelling was extended in the 1980s and does not comply with the RDC in respect to its front setback and setback to the southern boundary. The proposed first-floor addition will not extend beyond the existing ground-floor footprint;
- There are many non-conforming structures in Cottesloe. Two examples of first-floor additions with reduced front setbacks include 101 Broome Street and 54 Marmion Street;
- The proposed addition is not built over any common property and complies with visual privacy and overshadowing requirements of the RDC;
- The relevant performance criteria have been addressed for the proposed reduced front and side setbacks;

- The streetscape would be enhanced by maintaining a 3.37m setback to match the existing ground floor;
- There would be minimal impact on the unwallled front garden area of the adjoining southern property and screening will be used to avoid overlooking;
- Adequate privacy and open space is maintained;
- Safety clearances for easements for essential service corridors is not an issue;
- Adequate sun and ventilation will maintained to the proposed addition and adjoining properties;
- Access to direct sun for the adjoining property would be maintained;
- The impact of building bulk on the adjoining property would be minimal;
- Privacy between properties is not affected as highlight windows and obscure glazing is proposed;
- It is extremely difficult to maintain the required setbacks and the proposed addition will assist with the symmetry of the building and thus street amenity.

### **PLANNING COMMENT**

The following technical assessment is made in respect to this development application:

#### Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscapes, view corridors and amenity). The acceptable development standards of the RDC also require a minimum 6m front setback in an R20 zone, albeit that this may be reduced to 3m providing it averages 6m across the lot or where a reduced setback corresponds with existing dwellings on each side.

The proposed first-floor addition will be situated directly above the existing dwelling on the front strata lot and have a reduced front setback of 3.37m to a proposed balcony and approximately 5.45m to a new bedroom. The balcony will have a 7.5m high gabled colorbond roof with cathedral ceilings and be partially enclosed on its north and south sides with 1.65m high screens for visual privacy.

In addition to the existing dwelling having a reduced front setback following the approval in 1994 of a front lounge extension and patio, there is also an existing double garage on the northern side of the lot that was also approved in 1994 and which has only a 2m setback from the front boundary. The garage is therefore also non-compliant with Council's preferred 6m front setback and Policy for 'Garage and Carports in Front Setbacks Areas' which generally only allows a setback concession of up to 4.5m for garages that are perpendicular to the street, although Council does have discretion to allow lesser setbacks where it is satisfied certain criteria have been met.

The combination of these previous additions that were subsequently constructed mean that the existing dwelling does not satisfy the RDC in terms of having a minimum 3m setback, average of 6m, and the proposed upper floor will exacerbate this non-conforming situation.

The two-storey dwelling on the northern side of the lot was approved in 1991 with a front setback ranging from 6m to 8.5m (excluding a small pergola), whereas on the southern side there is an older-style, single-storey dwelling, with approximately a 6m

setback, so the proposed reduced front setback to the upper floor does not correspond to existing front setbacks of the dwellings on either side.

The relevant performance criteria of the RDC for street setbacks state:

*Buildings set back an appropriate distance to ensure they:*

- *contribute to the desired streetscape;*
- *provide adequate privacy and open space for dwellings; and*
- *allow safety clearances for easements for essential service corridors.*

This part of Broome Street is a low density residential area that has characteristically wide verges, Norfolk Island pines, and a generally open feel about it in terms of its overall streetscape due not in the least to the dwellings having maintained traditional front setbacks. Although the existing single-storey dwelling on this strata lot was previously approved with reduced front setbacks, a first-floor addition would be unlikely to contribute to the desired streetscape and therefore would not satisfy performance criteria even though it may otherwise satisfy privacy requirements, open space and not affect easements.

Council has mostly restricted allowing reduced front setbacks to R30 zoned areas or above with the exception of carports and garages which can be assessed under the Council's specific Policy for these types of structures and which generally don't have significant impact on the streetscape if designed well. Where exceptions have occurred such as at 101 Broome Street the specific location and context of the individual setting of the dwelling has had to be carefully taken into consideration before approval was granted to ensure that the dwelling contributed to the streetscape and there is no loss of amenity to adjoining properties. Furthermore, although balconies are sometimes supported in front setback areas these are usually only where they satisfy the definition of a minor projection in the RDC and are therefore restricted to project no more than 1m into the front setback and not exceed 20% of the frontage of the lot. The proposed balcony does not satisfy this requirement.

#### Side setback to southern boundary

The proposed upper floor will have a side setback of 1.33m in lieu of 2m required under the acceptable development standards of the RDC to align it with the existing ground floor.

This concession can be considered under the performance criteria of the RDC which state:

*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 proposed reduced setback will not significantly impact on direct sun and ventilation to the dwelling or the adjoining property on the southern side as the first-floor addition will only affect the front portion of the adjoining lot, it satisfies overshadowing requirements, and will allow uninterrupted prevailing winds from the

south-west. There will also be approximately 5.3m from the proposed addition to the southern property due to the location of an existing driveway which will also assist in ameliorating the impact of building bulk and high-level windows and screens will ensure adequate visual privacy is maintained. In addition, the owner of the dwelling on the southern side has consented to the proposed reduced side setback.

## **CONCLUSION**

The proposed first-floor addition has been designed to sit above the existing single-storey dwelling to minimise structural alterations and cost. The reduced setback to the southern boundary satisfies the performance criteria of the RDC and it also has the support of the adjoining owner.

The proposed reduced front setback intrudes into the Council's preferred 6m front setback and does not comply with the RDC due to the location of the existing structures in the front setback area. It is considered that the visual appearance of the first-floor will not contribute to the streetscape and will not complement the adjoining dwellings on each side. It is therefore recommended that the first-floor addition be setback a minimum 6m from the front boundary.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee felt that the plans could have been clearer and was nonetheless supportive of the proposal as recommended with the condition for a 6m front setback to the upper-floor addition.

## **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Downes**

**THAT Council GRANT its Approval to Commence Development for the proposed first-floor addition at 226B Broome Street, Cottesloe, in accordance with the plans received 18 April 2013, subject to the following conditions:**

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- 2. The external profile of the development as shown of 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 the Town.**
- 3. Gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.**
- 4. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations 1997.**



5. Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing the first-floor addition, including the balcony, having a minimum 6m setback from the front boundary.
6. The southern side of the proposed balcony shall be screened to a minimum height of 1.6m to the satisfaction of the Manager Development Services.

**Advice Note:**

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.

Carried 6/0

*Cr Rowell declared an impartiality interest in item 10.1.4, Nos 135 & 137 Curtin Avenue, being an acquaintance of the property owner, Mr Hunt, and stated that as a consequence there may be a perception that his impartiality may be affected and declared that he would consider the matter on its merits and vote accordingly.*

#### **10.1.4 NOS 135 & 137 (LOTS 15, 58 & 59) CURTIN AVENUE – TWO, TWO-STOREY DWELLINGS WITH POOLS**

**File Ref:** 2584  
**Attachments:** [Photographs 135 and 137 Curtin Avenue](#)  
[Letter 135 and 137 Curtin Avenue](#)  
[Plans 135 and 137 Curtin Avenue](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
**Proposed Meeting Date:** 20 May 2013  
**Author Disclosure of Interest:** Nil  
**Property Owner:** Joshua Hunt  
**Applicant:** Webb Brown-Neaves  
**Date of Application:** 25 February 2013  
**Zoning:** Residential R20  
**Use:** P - A use that is permitted under this Scheme  
**Lot Area:** Lot 15 - 491m<sup>2</sup>; Lot 58 - 306m<sup>2</sup>; Lot 59 - 21m<sup>2</sup>  
**M.R.S. Reservation:** Not applicable.

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#### **SUMMARY**

This application is seeking the following variations to Council's front setback resolution (2002) and the Residential Design Codes (RDC):

- Front setbacks
- Side setbacks
- Overshadowing.

Each of these aspects is discussed in this report and refers to amended plans received on 30 April 2013. The remainder of the proposal is compliant with Town Planning Scheme No. 2 and the RDC.

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

#### **PROPOSAL**

This application is to demolish the existing dwelling and outbuildings that straddle the lots and construct two, two-storey dwellings with pools.

#### **STATUTORY ENVIRONMENT**

- Town Planning Scheme No. 2

- Residential Design Codes

### POLICY IMPLICATIONS

- Garages and Carports in Front Setback Area

### PROPOSED LOCAL PLANNING SCHEME NO 3 (LPS 3)

The lots are proposed be zoned Residential R30 under LPS 3.

### HERITAGE LISTING

Not applicable

### APPLICATION ASSESSMENT

### AREAS OF NON-COMPLIANCE

#### Town Planning Scheme No.2/Council Resolution

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	<p><b>Lot 15:</b> 5.1m - 6.3m ground floor; 4.5m - 5.78m first floor.</p> <p><b>Lots 58/59:</b> 3.41m - 4.59m ground floor; 3.995m - 5.55m first floor.</p>
Garages and Carports in Front Setback Areas	6m, but may be reduced to 4.5m, or less, where perpendicular to the street and if satisfies Policy criteria.	<p><b>Lot 15</b> 5.1m.</p> <p><b>Lots 58/59:</b> 3.41m.</p>

### Residential Design Codes

<i>Design Element</i>	<i>Permitted</i>	<i>Proposed</i>	<i>Performance Criteria</i>
6.2 - Streetscape	6m front setback or corresponding to the average setback of existing dwellings on each side fronting the same street or minimum 3m, average 6m.	<p><b>Lot 15:</b> 5.1m - 6.3m ground floor; 4.5m - 5.78m first floor;</p> <p><b>Lots 58/59:</b> 3.41m - 4.59m ground floor; 3.995m - 5.55m first floor.</p>	Clause 6.2.1 - P1
	Garages permitted	<b>Lots 58/59:</b>	Clause 6.2.3 - P3

	4.5m from primary street.	3.41m.	
6.3 - Boundary setbacks	Walls built up to boundary behind front setback line.  <b>Lot 15:</b> 2.1m from upper floor to northern boundary;  <b>Lots 58/59:</b> 1.5m from ground floor to southern boundary;  2.2m from upper floor to northern boundary.	Both garages proposed within front setback.  <b>Lot 15:</b> 1.5m  <b>Lots 58/59:</b> 1m  1.762m-2.964m	Clause 6.3.2 - P2  Clause 6.3.1 - P1
6.9 - Design for climate	Maximum shadow 25% of adjoining site area.	<b>Lot 15:</b> 30% shadow of adjoining lot;  <b>Lots 58/59:</b> 26% shadow of adjoining lot.	Clause 6.9.1 - P1

### ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to four adjoining property owners. Advertising closes on 13 May 2013. No submissions have been received to date.

### BACKGROUND

On 22 September 2008 Council approved two similar applications for two, two-storey dwellings on these lots submitted by Webb and Brown-Neaves.

The dwelling on Lot 15 was approved with minor setback concessions from the upper floor to the side boundaries, a garage on the southern boundary within the front setback, and a minimum 4.5m front setback to the ground and first-floor.

The dwelling on Lots 58/59 was approved with a minor setback concession from the upper floor to the southern boundary, a garage on the southern boundary within the front setback, 27% overshadowing of the southern lot, and a 2.5m and 3.6m front setback to the garage and porch respectively on the ground floor, and a 3.87m front setback to a balcony, although the remainder of the upper floor was approved at 7.76m from the front boundary.

**APPLICANT'S JUSTIFICATION**

The main points raised by the applicant in support of the proposal are summarised as follows:

No. 135 – Northern Boundary Setbacks

The variations to the RDC are considered in light of the performance criteria as follows:

- Any windows are screened effectively by fencing or are minor openings to provide privacy to No. 137;
- The orientation of the lots ensures that there is minimal shadow thrown onto the adjoining site, so the property at No. 137 has adequate access to northern sunlight;
- The northern wall incorporates articulation through the use of openings at both ground and first floor levels. Horizontal articulation is also provided due to varying setbacks to the first floor and ground floor, for a stepped effect. These elements will minimize the bulk of the building.

No. 137 – Southern Boundary Setback

A setback variation to the southern ground floor kitchen and family room wall has been identified. The variation occurs due to the length of wall and the openings, however, it is considered that there will be no negative impacts on the adjoining site for the following reasons:

- The houses have been designed in consultation and for the same owner, so they complement each other and there is no neighbour objection;
- The wall is only slightly longer (0.4m) than the 9.0m length restriction for the 1.0m setback and is single storey in height. The additional length will not produce excessive building bulk as the majority of the wall will be obscured behind a standard dividing fence;
- The windows to the kitchen and living room will not reduce the privacy of the adjoining site as they will be effectively screened by the dividing fence;
- Clause 6.3.2 A2i of the RDC could be applied to the wall as the homes are being simultaneously constructed. If this is accepted, the setbacks between the buildings are in excess of that which is required under the Acceptable Development provisions;
- The wall is at ground floor level on the southern side of No. 137. Some overshadowing of the adjoining site at No. 135 is proposed, however, the overshadowing calculations pitch off the first floor wall of the building (not the ground floor wall) and the first floor setback is compliant. Therefore, the reduced setback to the kitchen and living room wall does not increase the proposed shadow.

No. 137 – Northern Boundary Setback

The development of No. 137 will result in a rationalisation of cadastral boundaries by way of the amalgamation of Lots 58 and 59 into one site.

A minor side setback variation to the first floor wall remains, however, it is considered acceptable in accordance with Performance Criteria, as follows:

- The northern first floor wall variation occurs due to the angle of the northern boundary which converges towards the rear of the site;
- A variation of 0.44m is proposed, which is considered minor. It only applies to the first floor void area as the remainder of the wall achieves the 2.2m setback;
- The void is an open part of the structure, with no walls and only one supporting column. As such, building bulk is not considered to be excessive. The building bulk applies to the Bed 1 and enclosed void, and both these spaces comply with the setback requirements;
- The portion of non-compliant void is approximately only 4.0m long, which is not considered to produce excessive building bulk;
- The external void is located on the northern side of the subject site, so will not produce overshadowing of any adjoining sites. The reduced setback will not restrict the neighbour's access to northern sunlight;
- As the void does not contain a floor or windows, there will be no overlooking of the adjoining properties. The privacy of neighbours is maintained.

## **PLANNING COMMENT**

The following technical assessment is made in respect to the two proposed dwellings:

### Front Setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscapes, view corridors and amenity). The acceptable development standards of the RDC also require a minimum 6m front setback in an R20 zone, albeit that this may be reduced to 3m providing it averages 6m across the lot or where a reduced setback corresponds with the average of the setback of existing dwellings on each side.

### *Lot 15*

The proposed dwelling on the southern lot (Lot 15) has a front setback ranging from 5.1m (garage) to 6.3m (study) on the ground floor and between 4.5m (bedroom 3) to 5.78m (balcony) on the first floor.

### *Lots 58/59*

The proposed dwelling on the northern lots (Lots 58/59) has a front setback ranging from 3.41m (garage) to 4.59m (study/bed 2) on the ground floor and between 3.995m (robe) and 5.55m (bedroom 3) on the first floor.

The existing streetscape in this part of Curtin Avenue comprises both older-style, single-storey dwellings, and newer contemporary, two-storey dwellings. The adjoining house on the southern side of Lot 15 is an older-style, single-storey dwelling with a large gabled porch that extends to within approximately 3m of the front boundary, whereas the dwelling adjoining Lots 58/59 on the northern side is a single-storey dwelling that fronts Pearse Street and has a reduced front setback and a zero

setback to its garage on Curtin Avenue. The existing house (to be demolished) at 137 Curtin Avenue also has a reduced front setback of between approximately 1m and 3m.

The proposed dwellings will exceed the existing front setbacks on the lot and correspond to the average of the setback of the dwellings on each side thereby providing a transition between the corner property to the north and the existing dwelling to the south. The proposed front setbacks for both dwellings also exceed that previously approved by Council in 2008.

The proposed reduced front setback can be considered under performance criteria of the RDC which state:

*Buildings set back from street boundaries an appropriate distance to ensure they:*

- *contribute to the desired streetscape;*
- *provide adequate privacy and open space for dwellings; and*
- *allow safety clearances for easements for essential service corridors.*

As previously mentioned, there are a number of other houses adjoining which have a reduced setback to Curtin Avenue and this section of road also has a particularly wide verge (approx. 27m) which further reduces the visual impact of the proposed dwellings on the existing streetscape. The modern contemporary design of the proposed dwellings will complement each other and the existing solid front wall along the frontage is proposed to be removed to give a more open aspect to the street which will assist in contributing to the desired streetscape. Adequate privacy and open space is retained for the dwellings and adequate clearances for easements for essential services appear satisfactory. Furthermore, these lots are proposed to be zoned Residential R30 under proposed LPS 3 which would permit a 4m front setback under the RDC.

#### Setback of Garages

The proposed double garages are an integral feature of the new dwellings but the garage on Lots 58/59 only has a 3.41m front setback, in lieu of 4.5m required under the acceptable development standards of the RDC. It is considered that the reduced setback to the garage can be supported under the relevant performance criteria of the Codes which states:

*The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.*

The juxtaposition of the proposed garage to the dwelling is sympathetic with the overall design and will not detract from the streetscape for reasons already discussed. Furthermore, the width of the garage is only approximately 50% of the lot frontage and will therefore not obstruct views of the dwelling from the street or vice versa.

Council Policy for 'Garages and Carports in Front Setback Area' (Policy TPSP 003) generally requires garages to be positioned behind the 6m front setback line. However, the policy does also allow for garages to be constructed with a reduced 4.5m front setback having regard to:

- *the relevant objectives of the RD Codes;*

- *the effect of such variation on the amenity of any adjoining lot;*
- *the existing and potential future use and development of any adjoining lots;*
- *existing setbacks from the street alignment in the immediate locality, in the case of setbacks from the principle street.*

Although this Policy does not specifically address walls on boundaries (see below) it is nevertheless relevant in this case and the setback variations sought for the proposed garages can be supported for the reasons previously discussed.

#### Walls on Boundaries

Double garages are proposed on the southern boundaries of Lot 15 and Lot 58 with a 5.1m and 3.41m front setback respectively, in lieu of a 6m front setback required under the acceptable development standards of the RDC for walls on boundaries. The length and average height of the proposed walls would otherwise be compliant with the RDC. The location of the walls can be considered under the performance criteria of the RDC which state:

*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 location of the proposed garages on the boundaries make effective use of space particularly as the lots only have 12.19m frontages. Furthermore, the garage on Lot 15 will be located next to an existing driveway on the adjoining lot and will not be directly opposite any major openings and therefore is unlikely to have a significant adverse effect on the amenity of the adjoining property and potentially will enhance privacy. It also replaces an existing garage which is setback only approximately 1.5m from the front boundary, albeit setback 1m from the side boundary, and so it is not inconsistent with the existing streetscape. In addition, no submission has been received from the adjoining property owner at 133 Curtin Avenue following the advertising period for the application. The garage on Lot 58 will be on the boundary of the other proposed dwelling and will not have any significant adverse effect on the amenity of that property or significantly restrict direct sun or ventilation.

#### Side Setbacks

Side setback variations are sought for both proposed dwellings that can be assessed under performance criteria which state:

*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.*

#### *Lot 15*

The proposed upper floor has a minimum 1.5m setback from the northern boundary, in lieu of a 2.1m setback required under the acceptable development standards of the RDC. This reduced setback will still ensure adequate direct sun and ventilation is maintained to the proposed dwellings and ensures that the southern boundary has the necessary setbacks from the boundary thereby not impacting on the adjoining southern neighbour. Furthermore, no major openings are proposed along this elevation so privacy will be protected and the remaining side setbacks exceed the minimum requirements.

#### *Lots 58/59*

The proposed ground floor has a 1m setback from the proposed kitchen-family room to the southern boundary, in lieu of a 1.5m setback required under the acceptable development standards of the RDC and the proposed upper floor has a minimum 1.762m setback from the rear covered void area to the northern boundary in lieu of 2.2m. Both these variations are relatively minor and will still ensure that adequate direct sun and ventilation is available to the proposed dwelling and adjoining dwellings and that the impact of building bulk is ameliorated by the articulated design of the side elevations and because, in the case of the northern setback, the setback to the remainder of the upper floor exceeds the minimum requirements under the RDC and it is effected by an existing angled boundary which makes achieving the required setback more difficult.

#### Solar Access

#### *Lot 15*

The proposed dwelling on Lot 15 will overshadow 30% of the adjoining southern lot, in lieu of 25% permitted under the acceptable development standards of the RDC.

#### *Lots 58/59*

The proposed dwelling on Lots 58/59 will overshadow 26% of the adjoining southern lot, in lieu of 25% permitted under the acceptable development standards of the RDC.

These variations may be considered under performance criteria which state:

*Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:*

- *outdoor living areas;*
- *major openings to habitable rooms;*
- *solar heating devices; or*
- *balconies or verandahs.*

Due to the orientation of the lots the shadow cast by the proposed dwellings will generally avoid rear outdoor living areas and although there is a small porch on the northern side at the rear of the existing southern neighbour's property to Lot 15 this would be likely overshadowed by any proposed two-storey dwelling proposed on the lot. Furthermore, under the proposed R30 zoning for the lots up to 35% of the adjoining lots can be overshadowed under the acceptable development standards so

the proposed variation is less than that which may otherwise be permitted once the new scheme is gazetted.

## **CONCLUSION**

The proposed two, two-storey dwellings and pools can be supported with the setback and overshadowing variations sought as the proposal satisfies the relevant performance criteria of the RDC and is an acceptable variation to Council's policy pertaining to Garages and Carports in Front Setback Areas. The ridge height of the proposed dwellings are below the maximum height permitted under TPS 2 and this will further assist in ameliorating their visual impact on the adjoining dwellings and the existing streetscape.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

The Presiding Member queried survey peg information on the plans and if boundaries were correct. The Senior Planning Officer advised that the survey was sound and supported by an advice note, plus that a condition covers location of the crossovers for retention of the verge trees. Committee was satisfied with the proposal.

## **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Jeanes, seconded Cr Strzina**

**That Council GRANT its Approval to Commence Development for two, two-storey dwellings and pools at Nos 135 & 137 (Lots 15, 58 & 59) Curtin Avenue, Cottesloe, in accordance with the plans submitted on 30 April 2013, subject to the following conditions:**

- (1) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (2) Stormwater runoff from the driveways or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.**
- (3) 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.**
- (4) The applicant applying to the Town of Cottesloe for approval to construct two crossovers, in accordance with Council specifications, as approved by the Manager Engineering Services or authorised officer.**
- (5) The proposed crossovers being located to ensure the retention of the existing street trees and the Works Supervisor determining the distance that the crossovers shall be located away from the base of the trees.**

- (6) The existing redundant crossover being removed, the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (7) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees (February 2005) where the development requires the protection or pruning of existing street trees.
- (8) The roof surfaces 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.
- (9) Air-conditioning plant and equipment shall be located closer to the proposed dwellings 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.
- (10) The finish and colour of the southern boundary walls shall be to the satisfaction of the Manager Development Services.
- (11) Any fencing to the sites within the front setback area being of an "Open Aspect" design in accordance with Council's local law.
- (12) Lots 58 and 59 shall be amalgamated prior to occupancy of the dwellings.
- (13) The pool pumps and filters shall be located closer to the proposed dwellings 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.
- (14) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (15) 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.

**Advice Note:**

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.

Carried 6/0

**10.1.5 PLANNING INSTITUTE OF AUSTRALIA 2013 NATIONAL CONGRESS -  
UPDATE**

**File Ref:** SUB/38  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
**Proposed Meeting Date:** 20 May 2013

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**SUMMARY**

On 25 February 2013 Council resolved to:

*APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2013 National Congress in Canberra from 24-27 March 2013, and request that a report on the congress be provided within two months of attending the event.*

The conference was attended and this report provides a summary of the topics discussed.

**BACKGROUND**

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia. The theme of this year's conference was *Celebrate the Value of Planning: Past, Present, Future* and it attracted speakers from Australia and overseas and was well attended by delegates from Western Australia and other States.

The main topics of presentation included:

- Achieving sustainable communities;
- Community participation and engagement;
- Climate change and sustainable city design;
- Sustainable urban transport corridors;
- New approaches to development assessment;
- Delivering successful Transport Orientated Development;
- Delivering successful urban outcomes for light rail in Perth;
- National and world heritage perspectives;
- Comparing metropolitan planning strategies for creating healthy cities;
- Successful place-making; and
- Challenges of urbanization and climate change.

A number of keynote speakers contributed to the program and the conference culminated in the presentation of the National Awards for Planning Excellence.

**COMMENT**

Key presentations are summarised as follows:

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**HRH The Prince of Wales (via video message)**

The Prince of Wales gave his personal thoughts and ideas on town planning and the art of city-making and described the work of the Princes' Foundation for Building Community. He also discussed the planning principles used in the town of Poundbury, Dorset, UK, which is an experimental new town built on land owned by the Duchy of Cornwall. This Town is modelled on the Princes' own ideas of modern urbanism and has been described as an attractive, modern and pleasing place in which people can live, work, shop and play and where an emphasis is placed on the quality of design and materials, landscaping, and attention to detail - even down to street furniture and signage.

**Mitch Silver, President, American Planning Association – The Value of Planning in the 21<sup>st</sup> Century**

This presentation examined the massive rate of global urbanization that has occurred since the 19<sup>th</sup> Century and emphasized the responsibility of Planners to consider the 22<sup>nd</sup> Century (only 88 years away!). He suggested that we should be planning for an estimated 124 million more people in the USA in 50 years, and 16 million more people in Australia. He emphasized that Planners are the 'guardians of the future' and have a responsibility to protect public interest and therefore need vision, solutions, big ideas and courage to fulfill their responsibilities.

**Prof. Dr Karl F. Fischer – Canberra: An international perspective**

This presentation looked at the development and history of Canberra and the city's design which was based on a blueprint submitted by Chicago architects Walter Burley Griffin and Marion Mahony Griffin. The Griffins' plan featured geometric motifs such as circles, hexagons and triangles, and was centred around axes aligned with significant topographical landmarks in the Australian Capital Territory. It was influenced by the garden city movement and incorporates significant areas of natural vegetation that have earned Canberra the title of the "bush capital". The growth and development of Canberra were hindered by the World Wars and the Great Depression, which exacerbated a series of planning disputes and the ineffectiveness of a sequence of bodies that were to oversee the development of the city until Prime Minister, Robert Menzies, championed its development and the National Capital Development Commission was formed.

**Danya Alexander – Collaborative Mapping Tool: Using Community Engagement to Solve Parking Issues in Subiaco**

This presenter explained that between April and August 2012 the City of Subiaco undertook a city-wide parking study, led by technical consulting firm Arup. The study aimed to gather information to create an improved and sustainable approach to parking management in the City, addressing topics such as parking supply, demand and management. During this time, the City has sought feedback from residents, businesses, employees and visitors. However, rather than just restricting comments to persons living in the area, a collaborative mapping system on the City's website enabled anyone to be able to provide a comment and identify a particular problem area on a map. This may be an initiative that Cottesloe could consider for identifying issues associated with visitors to its main parking areas on the foreshore and town centre.

**Phil Heyward – Collaboration: Falling Into Place, Not Falling Apart**

This speaker discussed the need for a collaboration approach to planning, not just an essential method of community planning, but also as a driving force. He gave examples where following the Queensland floods the community had organized ways of working collaboratively to succeed in rebuilding communities and lives. Norman Creek in the Brisbane region was an example where a collaborative approach with the community has achieved multiple outcomes for the city including:

- strengthening the local economy;
- improving access and inclusion for all residents;
- making the city cleaner and greener;
- improving the health of the waterways and ecosystems;
- sport and recreational opportunities; and
- strengthening community connections (physical and social) within the catchment.

**The Hon Chief Justice Robert French, Chief Justice of Australia**

This presentation concentrated on the effects of planning decisions on the use and enjoyment of property rights. He explained how Planning Law and Practice exists within the general framework of administrative justice which seeks to ensure that public power is exercised lawfully, fairly, rationally and intelligibly. It is exercised within the framework of constitutional and statutory constraints and the great traditions of the common law applicable to the way in which our laws are interpreted and applied to all Australians in striking a balance between the public interest and the legitimate interests of individuals, communities and corporations in the use and enjoyment of their property.

**Ross Holt, CEO, Landcorp**

This presentation discussed the growth of the Pilbara Region and Landcorp's involvement with the State Government's 'Pilbara Cities' programme. The area is at the threshold of a new surge of industrial, commercial and population growth in the Pilbara and to capitalise on the opportunities that this future growth offers, it is necessary to rethink design responses to creating communities and shift from short term to longer term regionally specific responses. The scale and character of the existing Pilbara towns require strategic re-imagining for future urban and suburban development and the launch of the Pilbara Cities Vision by the Western Australian Government in 2009 proposed a complete transformation of towns across the region in order to provide centres that will attract new residents from Australia and overseas. Future transformation requires an almost complete regeneration of the existing urban form and includes major restructuring and activation of town centres in the Pilbara including densification and renewal of existing residential areas; development of new residential, commercial and industrial areas; and major upgrades and replacement of services and amenities infrastructure.

**Brian Wyatt, CEO, National Native Title Council**

This presentation examined the role of the National Native Title Council and discussed Indigenous property rights and the role of Native Title. He outlined where Native Title claims had been lodged and where they were been successful, and explained that the Council actively encouraged mining companies to negotiate

directly with Indigenous people in respect to property rights, rather than going through the State Government, as this often resulted in more successful agreements, such as with Rio Tinto, that has resulted in a good income stream, training and job opportunities for indigenous people.

### **Prof. Will Steffen – The Risks and opportunities of Climate Change for Urban Areas**

This presentation outlined the effects of climate change and explained that 90% of global warming occurs in the oceans rather than on land due to the massive areas covered by water. This not only results in sea level changes that can be observed at the coast but also influences weather patterns resulting in increased rainfall in certain areas and droughts in other areas. He described, for example, how warming of the Indian Ocean had resulted in cold fronts being pushed further south that has resulted in the south-west of WA experiencing a drying climate. He also looked at opportunities that are presented to us as we strive towards lower emissions of greenhouse gases and these included exploring cleaner methods of energy production, alternative transport and changes in built infrastructure. This topic is particularly relevant to Cottesloe as climate change, flooding and coastal vulnerability are all issues that affect the foreshore and low-lying area.

### **Prof. John Stanley – Solutions for a Livable Australia.**

This presentation looked at the effects of climate change and explored changes that we can make in the built environment to reduce pollution and carbon emissions. He examined the advantages of creating a Polycentric City which provides:

#### *Central Areas:*

- Major public transport investment to support urban agglomeration;
- Priority treatments to deliver competitive travel times;
- Local bus, walk, cycle for local circulation.

#### *Inner Areas:*

- Tram, bus, walk, cycle

#### *Middle/Outer Areas*

- Radial rail/bus for trunk services;
- Circumferential bus feeding nodes/clusters + bus for local circulation;
- Increase walking and cycling opportunities
- Promote health and safety;
- Create attractive road corridors that promote distinctiveness/liveability, such as boulevards.

### **Hank Dittmar, CEO, The Prince's Foundation Trust, UK**

This presentation looked at examples in the UK of the work of the Princes' Trust and emphasized the importance in empowering neighbourhoods to make decisions that will enhance their locality and engaging stakeholders in design forums that lead to quality outcomes.

**Clover Moore MP, Lord Mayor, City of Sydney**

This was a visionary presentation that looked to urban renewal and consolidation as providing an effective response to population growth in an environmentally sustainable way - so long as it is supported by clean efficient transport, a wide range of local community facilities, and more and improved open space. By 2031, metropolitan Sydney will have an extra 1.3 million people bringing it up to 5.5 million. The Lord Mayor welcomes these challenges and emphasized the benefits of density, such as lively and walkable neighbourhoods; easy access to quality local shops; quality community facilities and libraries; diverse cultural opportunities; and the possibility of greater sustainability. There are many comparisons between the infill and urban renewal that is occurring in Sydney with that occurring in Perth and this discussion provided an insight of how these challenges may be addressed in the planning system and emphasised the need for active community engagement for it to be a success.

**CONCLUSION**

The Senior Planner thanks Council for the opportunity of attending this conference which provided a high level of training and exposure to new ideas and concepts. It also provided an opportunity to see first-hand planning initiatives that had been developed in 'new towns' such as Belconnen, Gungahlin and Parks on the outskirts of Canberra which have had mixed success, but now were undergoing further intensification of housing, retail and office development with a growth of population in these areas. This has also created demand for a light rail system to be built to provide better public connectivity from these centres to the CBD, not unlike the transportation needs in Perth.

**VOTING**

Simple Majority

**COMMITTEE COMMENT:**

Committee commented on the interesting line-up of speakers at the conference and they were happy to endorse this event and receive this report.

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council receive this report on the 2013 Planning Institute of Australia National Congress.**

**Carried 6/0**



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

Nil

**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**

Nil

**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 7:23 PM.

CONFIRMED MINUTES OF 27 May 2013 PAGES 1 – 55 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....