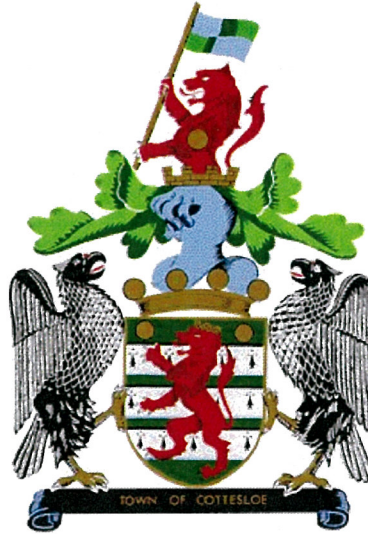


TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 19 MAY 2014

CARL ASKEW
Chief Executive Officer

21 May 2014

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

DEVELOPMENT SERVICES COMMITTEE

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	3
2	DISCLAIMER.....	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
4	PUBLIC QUESTION TIME.....	3
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
	4.2 PUBLIC QUESTIONS.....	3
5	PUBLIC STATEMENT TIME	3
6	ATTENDANCE	3
	6.1 APOLOGIES.....	4
	6.2 APPROVED LEAVE OF ABSENCE.....	4
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7	DECLARATION OF INTERESTS	4
8	CONFIRMATION OF MINUTES	4
9	PRESENTATIONS.....	4
	9.1 PETITIONS	4
	9.2 PRESENTATIONS.....	4
	9.3 DEPUTATIONS	4
10	REPORTS.....	5
	10.1 PLANNING	5
	10.1.1 NO. 265 (LOT 55 - PROPOSED LOT A) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL	5
	10.1.2 NO. 265 (LOT 55 - PROPOSED LOT B) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL	11
	10.1.3 NO. 96-98 (LOTS 700-703) BROOME STREET (PINE COURT) - ALTERATIONS AND ADDITIONS, INCLUDING TWO-STOREY REAR ADDITION WITH BELOW-GROUND GARAGE AND POOL	17

	10.1.4	NO. 2A (LOT 103) EILEEN STREET - UPPER FLOOR ADDITION	29
	10.1.5	PLANNING INSTITUTE OF AUSTRALIA 2014 NATIONAL CONGRESS - UPDATE	35
11		ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	39
12		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:	39
	12.1	ELECTED MEMBERS	39
	12.2	OFFICERS	39
13		MEETING CLOSED TO PUBLIC	39
	13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	39
	13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC	39
14		MEETING CLOSURE	39

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:01 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**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4.2 PUBLIC QUESTIONS

Nil.

5 PUBLIC STATEMENT TIME

Mr Jeff Malcolm, 28 Mayfair Street, West Perth – Re Item 10.1.4 No. 2A (Lot 103) Eileen Street – Upper-Floor Addition

Mr Malcolm from MGA Town Planners representing the owner supported and expressed appreciation for the officer report and thanked Committee in anticipation of endorsement of the recommendation for approval.

6 ATTENDANCE**Present**

Cr Peter Jeanes	Presiding Member
Mayor Jo Dawkins	
Cr Philip Angers	
Cr Helen Burke	
Cr Jack Walsh	
Cr Katrina Downes	(from 7:04 PM)

Officers Present

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

10 REPORTS

10.1 PLANNING

10.1.1 NO. 265 (LOT 55 - PROPOSED LOT A) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL

File Ref:	2886
Attachments:	Aerial Plans Submission
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	19 May 2014
Author Disclosure of Interest:	Nil
Property Owners:	Phillip Gnech & Olivia Porteous
Applicant:	Phillip Gnech
Date of Application:	17 March 2014
Zoning:	Residential 20
Use:	P - A use that is permitted under this Scheme
Lot Area:	636m² (proposed)
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Fill/retaining walls
- Visual privacy
- Front fencing

Each of these aspects is discussed in this report and refers to plans received on 5 May 2014.

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

PROPOSAL

This application is for a two-storey dwelling with an undercroft garage/store and pool on a recently approved green title lot which has its frontage to Clarendon Street rather than Marmion Street, as existing.

The proposed dwelling has a pitched Colorbond roof, rendered brickwork, a dining/living area, kitchen, lift, foyer, communal areas, bathroom, bedroom retreat and north-facing courtyard with alfresco lounge on the ground floor, and 4 bedrooms,

an ensuite and two separate bathrooms, WC, a small garden and front balcony on the upper floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO 3

No change is proposed to the existing density coding of this lot.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT

Areas of non-compliance

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design principles
5.3 – Site planning and design	0.5m fill above NGL within 3m of the street alignment & within 1m of a lot boundary behind the street setback.	Up to 0.9m along southern & eastern boundaries.	Clause 5.3.7 – P7.1, P7.2 & P8.
5.4 – Building design	7.5m cone of vision.	5.8m cone of vision from front balconies to proposed eastern boundary.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3.7m - 9.8m to dwelling (average: 6.75m).
Fencing	Open-aspect above 0.9m in front setback area.	3m long solid section in front of lap pool.

ADVERTISING OF PROPOSAL

The application was advertised to two adjoining owners in accordance with TPS 2. No submissions were received during the advertising period and neighbours' signatures have been submitted by the applicant.

PLANNING COMMENT

The following comments are made with respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed dwelling on the new lot has a front setback ranging from approximately 3.7m to 9.8m, measured at right angles to the front boundary. This results in 12m² projecting into Council's preferred front setback and has been requested by the applicant due to the angled frontage of the lot making it difficult to achieve the normal setback without reducing the depth of the proposed northern courtyard.

Subdivision of this lot was approved by the WAPC on 13 August 2013 to create two green-title lots on the corner of Clarendon and Marmion Streets. The existing dwelling on the lot which is orientated towards Marmion Street will be demolished to enable two new dwellings to be constructed, both with frontages to Clarendon Street. The proposed development is therefore on a lot that has its frontage to the original secondary street of the corner property and as such the *deemed-to-comply* standards of the Residential Design Codes could be applied, which allow a 2.5m front setback to the dwelling and 1.5m to a porch, verandah, balcony or the equivalent (Clause 5.1.2 C2.1 - iv).

The explanatory guidelines of the Codes pertaining to this provision advise:

In many cases streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to side streets. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.

The setback area should be open but with reduced setback for practical and streetscape reasons.

At the request of the Town, the applicant has deleted a gatehouse and various high solid walls from the front setback area that were originally proposed thereby creating a more open and attractive frontage to the street. The existing solid wall along the proposed front boundary will also be removed which will further assist in ensuring that the proposed development positively contributes to the prevailing streetscape. The proposed design/setback arrangement is therefore supported.

Fill and retaining walls

The proposed lot has a 6.21m fall from its north-west to south-east corners which makes development on the site difficult without some fill/retaining walls being necessary.

Up to 0.9m of fill is proposed above NGL for approximately 4m along the southern boundary adjoining the proposed vegetable garden and also for a small section midway along the proposed eastern boundary.

This variation may be considered under the design principles of the RDC, which state:

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

The southern boundary of the proposed lot slopes down approximately 2.6m from the western to eastern ends and the proposed front garden area will be terraced from RL: 32.414 to RL: 30.614 (a drop of 2.1m) to respond to the natural topography and to minimise the need for high retaining walls along the boundary.

The proposed fill/retaining wall midway along the proposed eastern boundary does not need to be considered under the design principles, as the adjoining proposed lot is currently under the same ownership and new titles have not been issued so it is still only one lot at present.

In both situations the proposed fill and retaining walls will assist in ensuring that the land can effectively be used the occupants of the new dwelling without having a detrimental effect on adjoining properties. They are therefore supported.

Visual privacy

The proposed upper and lower front balconies have a 5.8m cone of vision from the new eastern boundary, in lieu of 7.5m behind the front setback as required under the *deemed-to-comply* standards of the RDC. However, as mentioned above, the adjoining proposed lot on the eastern side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. This is therefore supported.

Fencing in front setback

A 3.227m wide x 1.6m high solid wall is proposed at the western end of the southern boundary which will appear up to 1.95m high when viewed from the street due to a proposed retaining wall below. It will provide screening to the southern end of the proposed lap pool and replaces a similar solid wall along this part of the boundary.

Although this constitutes a variation to Council's Fencing Local Law, its length will only extend for approximately 10% of the total length of the new lot boundary with the remainder of the frontage having either low planters or open-aspect fencing. As such, it is considered that this variation may be supported as it is unlikely to have any significant adverse impact on the streetscape.

CONCLUSION

The proposed dwelling complies with TPS 2 and the RDC with the exception of the points discussed in this report. The re-orientation of the lot towards Clarendon Street, the original secondary street, creates an angled frontage to the proposed development making it difficult to achieve a 6m setback. However, the proposed design has an average front setback in excess of 6m which is greater than the existing dwelling on the lot and compliant with the RDC and it is considered that the proposed development will contribute to the prevailing streetscape.

COMMITTEE COMMENT

Committee briefly discussed the proposal including sections of solid wall in relation to front pools generally and supported the proposal overall.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

That Council GRANT its approval to commence development for a two-storey dwelling and pool at 265 (Lot 55 – Proposed Lot A) Marmion Street, Cottesloe, in accordance with the plans received 5 May 2014 subject to the following conditions:

- 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. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve 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.**
- 4. 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.**
- 5. 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.**
- 6. With the exception of the 3.227m long section of solid wall in front of the proposed lap pool as shown on the approved plans, in accordance with Council's Fencing Local Law all proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a**

minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.

7. The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer. The proposed crossover shall not be closer than 1.5m from the base of the existing street trees.
8. 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.
9. 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.
10. 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.
11. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
12. Finalisation of subdivision is required prior to occupation of the proposed dwelling.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 5/0

10.1.2 NO. 265 (LOT 55 - PROPOSED LOT B) MARMION STREET - TWO-STOREY DWELLING WITH UNDERCROFT AND POOL

File Ref:	2900
Attachments:	Lot B Aerial Lot B Plans Lot B Submission
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	19 May 2014
Author Disclosure of Interest:	Nil
Property Owner:	Alex & Lana Noble
Applicant:	Alex Noble
Date of Application:	2 April 2014
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	521m² (proposed)
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Side setbacks
- Fill/retaining walls
- Visual Privacy

Each of these aspects is discussed in this report and refers to plans received on 23 April 2014.

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

PROPOSAL

This application is for a two-storey dwelling with an undercroft garage/store and pool on a recently approved green title lot which has its frontage to Clarendon Street rather than Marmion Street, as existing.

The proposed dwelling has a pitched roof, rendered brickwork, a dining/kitchen area, living room, laundry, pantry, bathroom, bedroom, ensuite and a north-facing courtyard and pool on the ground floor, and three bedrooms, an ensuite, bathroom, TV room and front balconies on the upper floor.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO 3

No change is proposed to the existing density coding of this lot.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**Areas of non-compliance****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.1 – Context	1.8m setback from upper floor & 2.5m setback from balcony to western boundary (proposed).	1.5m	Clause 5.1.3 – P3.1
5.3 – Site planning and design	0.5m fill above NGL within 3m of the street alignment & within 1m of a lot boundary behind the street setback.	Up to 0.72m along eastern boundary.	Clause 5.3.7 – P7.1, P7.2 & P8.
5.4 – Building design	4.5m cone of vision from bedroom; 7.5m cone of vision from balcony.	3.3m & 1.5m cone of vision from bedroom & front balcony respectively to proposed western boundary.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	4m – 8.5m to dwelling (average 6.25m).

ADVERTISING OF PROPOSAL

The application was advertised to two adjoining owners in accordance with TPS 2. No submissions were received during the advertising period.

PLANNING COMMENT

The following comments are made with respect to the proposed development:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed dwelling on the new lot has a front setback ranging from approximately 4m to 8.5m, measured at right angles to the front boundary. This results in 6.4m² projecting into Council's preferred front setback at ground floor level, and slightly less to the upper floor, and has been requested by the applicant due to the angled frontage of the lot making it difficult to achieve the normal setback without reducing the depth of the proposed northern courtyard.

Subdivision of this lot was approved by the WAPC on 13 August 2013 to create two green-title lots on the corner of Clarendon and Marmion Streets. The existing dwelling on the lot which is orientated towards Marmion Street will be demolished to enable two new dwellings to be constructed, both with frontages to Clarendon Street. The proposed development is therefore on a lot that has its frontage to the original secondary street.

The proposed front setback complies with the RDC, with the entry excluded from the building envelope, as the Codes permit residential development in an R20 zone with a minimum 3m front setback where this intrusion is compensated for by at least an equal area of open space behind the setback line.

The proposed open frontage to the street and removal of the existing retaining walls will reduce the visual impact of the proposed dwelling on the prevailing streetscape and will compliment the proposed dwelling on the western portion of the lot which is also discussed in this agenda. The proposed design/setback arrangement is therefore supported as suitable for the two new lots and street.

Side setbacks

The upper floor and front balcony require a minimum 1.8m and 2.5m setback respectively to the proposed western boundary under the *deemed-to-comply* standards of the RDC. However, the adjoining proposed lot on the western side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. The proposed 1.5m setback is therefore supported.

Fill and retaining walls

The proposed lot has a 4.3m fall from its north-west to south-east boundaries which makes development on the site difficult without some fill/retaining walls being necessary.

Up to 0.72m of fill is proposed above NGL along the eastern (secondary street) boundary but this will only represent a short section of the boundary for a depth of 1.5m to create an attractive terraced and landscaped area in front of the proposed dwelling that will step down towards the lowest part of the lot in the south-east corner.

This variation may be considered under the design principles of the RDC, which state:

Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

At the request of the Town, the applicant will remove the existing retaining walls on the lot (also a requirement of subdivision) and have no high solid walls within the front setback area and for the majority of the eastern boundary. The proposed terracing responds to the natural features of the site and will assist in ensuring that the land can be used by the occupants of the new dwelling without having a detrimental effect on the streetscape. This is therefore supported.

Visual privacy

The front balcony and north-facing bedroom 1 window have a 1.5m and 3.3m cone of vision respectively to the proposed western boundary, in lieu of 7.5m and 4.5m required under the *deemed-to-comply* standards of the RDC. However, as mentioned above, the adjoining proposed lot on the western side is currently under the same ownership as new titles have not yet been issued and the owners are signatories to the application. This is therefore supported.

CONCLUSION

The proposed dwelling complies with TPS 2 and the RDC with the exception of the points discussed in this report. The re-orientation of the lot towards Clarendon Street, the original secondary street, creates an angled frontage to the proposed development making it difficult to achieve a 6m setback. However, the proposed design has an average front setback which is compliant with the RDC and the dwelling will contribute to the prevailing streetscape following the removal of the existing high retaining walls and driveway from the site and it will compliment the proposed dwelling on the western side of the lot.

COMMITTEE COMMENT

Committee briefly discussed the proposal including the condition on both applications to ensure completion of the approved subdivision in relation to the development and supported the proposal overall.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Mayor Dawkins, seconded Cr Angers

That Council GRANT its approval to commence development for a two-storey dwelling and pool at 265 (Lot 55 – Proposed Lot B) Marmion Street, Cottesloe,

in accordance with the plans received 23 April 2014 subject to the following conditions:

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. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve 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.
4. 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.
5. 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.
6. In accordance with Council's Fencing Local Law, any proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.
7. The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer. The proposed crossover shall not be closer than 1.5m from the base of the existing street trees.
8. 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.
9. 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.
10. 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.
11. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.

12. Finalisation of subdivision is required prior to occupation of the proposed dwelling.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 5/0

**10.1.3 NO. 96-98 (LOTS 700-703) BROOME STREET (PINE COURT) -
ALTERATIONS AND ADDITIONS, INCLUDING TWO-STOREY REAR
ADDITION WITH BELOW-GROUND GARAGE AND POOL**

File Ref: 2845
Attachments: [Aerial](#)
[Plans](#)
[Property Photo](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Nil
Property Owner: Adrian & Michela Fini
Applicant: Kerry Hill Architects
Date of Application: 17 January 2014
Zoning: Residential R20
Use: P - A use that is permitted under this Scheme
Lot Area: 1195m²
M.R.S. Reservation: Not applicable

SUMMARY

This application has been assessed specifically in the context of the property's heritage significance in addition to relevant statutory planning provisions.

The documentation has evolved following detailed discussions between the applicant and the Town to consider whether the nature, extent and design of the works are appropriate for a property of such high heritage significance.

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Storeys
- Side setback/boundary wall
- Vehicle access

Each of these aspects is discussed in this report and refers to plans received on 29 April 2014.

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

PROPOSAL

This application is for a two-storey rear addition with a below-ground garage/store and pool on a recently approved amalgamated lot.

The proposed development has a flat roof, rendered and painted facades, a kitchen, living /dining room, a store, stairs, a lift and west and north-facing courtyards on the ground floor, and a roofed void area and stairs/lift above. A separate east-facing balcony is also proposed at the rear of the existing dwelling and below-ground parking.

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.

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Heritage of Western Australia Act 1990
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

No change to the existing zoning or density coding is proposed. The property is proposed on the Council's Heritage List.

HERITAGE LISTING

- State Register of Heritage Places
- Municipal Inventory (MHI) – Category 1

APPLICATION ASSESSMENT

Areas of non-compliance

Town Planning Scheme No. 2

	Permitted	Proposed
Storeys	Maximum 2 storeys, except that Council may permit a third storey to be located with the roof space.	2-storeys, subject to interpretation of the proposed development having frontage to the southern ROW.

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
5.1 - Context	1.5m from centre of adjoining ROW.	1.35m from centre of adjoining ROW.	Clause 5.1.3 – P3.1

Council Local Law/Dividing Fences Act

	Permitted	Proposed
Fencing	1.8m high	2.2m-2.98m.

CONSULTATION

The application was advertised to 4 adjoining owners in accordance with TPS 2. One submission has been received from 100 Broome Street in support of the proposal and two other adjoining respondents have verbally advised that they are also supportive.

HERITAGE CONSIDERATIONS

Assessment framework

There is a well-defined planning and heritage framework for assessment of the proposal, which includes the HCWA. This framework guides consideration of the design approach to the heritage place. The Burra Charter is a further guide to the heritage dimension, including consideration of the most appropriate design approach to combining the old with the new.

Together with the planning technical assessment involved (ie: development requirements or standards), the heritage values and classification 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.

In this instance, there is a strong collection of heritage instruments and classifications relating to the place and they provide guidance on how the assessment of proposals should be approached and the values of the place to take into account.

Western Australian Planning Commission's (WAPC) Heritage Policy

The WAPC State Planning Policy (SPP) 3.5 Historic Heritage Conservation was gazetted in 2007. Its objectives are:

- to conserve places and areas of historic heritage significance;
- to ensure that development does not adversely affect the significance of heritage places and areas;
- to ensure that heritage significance at both the State and local levels is given due weight in planning decision-making; and
- to provide improved certainty to landowners and the community about the planning process for heritage identification, conservation and protection.

The Policy describes the existing statutory framework for heritage conservation and the relationship and responsibilities of the HCWA, the WAPC and local governments.

It also specifies policy measures and the means for their implementation and requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval.

Those matters relevant to the proposed development include:

- the conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under a Scheme;
- whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development;
- the level of heritage significance of the place, based on a relevant heritage assessment;
- measures proposed to conserve the heritage significance of the place and its setting; and
- the structural condition of the place, and whether the place is reasonably capable of conservation.

The Policy also requires that the following development control principles should be applied for alterations or extensions affecting a heritage place:

- development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric;
- alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it;
- development should be in accordance with any local planning policies relating to heritage.

Local government has a role in applying and supporting the policy through ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

Proposals should aim to meet this overarching policy guidance, satisfy the heritage values associated with the particular place under its heritage classifications, and address the heritage-related requirements of the local government's planning scheme and policies.

State Heritage Register

The property is listed in the HCWA's State Register of Heritage Places, wherein the *Statement of Significance* for the place provides the following description:

Pine Court, a two-storey brick and tile building c.1937 originally built to contain four flats, altered in late 1987 to form a duplex building, has cultural heritage significance for the following reasons:

- the place has aesthetic value as a fine example of flats built during the inter-war period, demonstrating the judicious use of elements of the Inter War California Bungalow style to give them a residential character;*
- the place is rare as an extant example of a substantial block of flats built in the Inter-war period, the place makes a strong contribution to the streetscape and creates a sense of place as one of a number of substantial inter-war period buildings which characterise the neighbourhood; and*
- the place was built c.1937, during a period of social change and expanded building activity as the State's economy emerged from the Depression, and represents the increasing number of flats constructed at this time.*

Heritage Council's comment

The Heritage Development Committee advises that the proposed alterations and additions have been considered in the context of the identified cultural significance of *Pine Court* and the following advice is given:

Findings

The Statement of Significance refers to the place as a fine example of flats in the Inter-War California Bungalow style giving them a residential character, and being rare as an extant example of a substantial block of flats.

The place was converted from four flats to two dwellings in the 1980s, and elements of the original configuration were altered during these works.

The proposed works will further reduce the ability to understand the place. A scheme of interpretation would therefore help to minimise this impact.

Further efforts to retain original material as part of an interpretation scheme will allow the former use as flats to be shown while providing for the upgraded accommodation sought by the applicant.

The associated program of conservation works will be a positive outcome for the place.

Advice

The proposed development, in accordance with the plans submitted, is supported subject to the following conditions:

- 1. Prior to application for a building permit the applicant is to provide, to the satisfaction of the Heritage Council, the following information:*

2. *An Interpretation Strategy that includes but is not limited to information for the public about the original configuration of four flats and their subsequent adaptation. The strategy shall also consider options for retaining more of the original fabric of the stairs and/or balustrades in situ.*
3. *A landscape plan that retains the contribution the place makes to the streetscape and sense of place. This should include the retention of the open nature of the front lawn. The additional trees are not considered to be consistent with this approach and should be deleted.*
4. *A schedule of conservation works, including further information on the system for secondary glazing and its impact on the original fabric.*

The current plans received 29 April 2014 have also been referred to the HCWA for comment as they contained various technical modifications that have been requested by the Town. A response to this referral has not been received to date but the HCWA's support is anticipated. Approval by Council will be dependent on this support.

Municipal Heritage Inventory (MHI)

The property is classified as Category 1 in the Town's MHI which is defined as:

Highest level of protection: included in the State Register of Heritage Places, provides maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.

The MHI description of the place is as follows:

"Pine Court", A symmetrical two storey duplex, c 1930, it was formally four flats.

The original design drew on some Mediterranean references, but detailing features domestic revival elements, such as the wall finishes, chimneys, bay windows and lead lighting.

The façade features a twin arched two storey gable with the name Pine Court in raised lettering to the spandrel at first floor.

The upper windows have three panels, all leadlighted and a sun hood protects them.

The ground floor windows are in the bay format.

The complex hipped roofs, old and new, are of green painted terracotta tiles.

The walls are rendered with face brick strings and sills.

Odden & Rodriques refurbished the building in 1989/90 and extended the building by one bay north and south in a sympathetic style.

Heritage and streetscape appreciation

The proposal has been assessed against this heritage framework by the Town's planning officers with the following comments and conclusion.

Pine Court is a prominent heritage place in Cottesloe. Together with Pine Lodge, Barsden, Kulahea, Belvedere, Tukurua and Le Fanu, it is one of a handful of period dwellings/properties around the district that stand out from others, each being of unique historical design with distinctive features and in most cases set in prime positions and/or on larger sites.

All of these distinctive places have been saved, as well as undergone substantial conservation works and various additions in more recent times. The earlier tendency has been for additions copying the style of the original dwellings, while lately the trend has been for additions of contemporary design. The approach has been to extend the dwellings to the rear and side, whereby the additions are either largely concealed from view or read as logical from the street. Although there have been some upper-level additions, they have tended to be minor. There has been very little by way of forward additions to these places, or to detract from the dominance of the original dwellings to their streetscapes.

From an analysis of the design, the officer conclusion is that the siting and design of the proposed additions are essentially appropriate for the site from a heritage context and will ensure that the existing dwelling is restored to its original appearance whilst providing additional living space to the occupants who are converting the original flats into a single dwelling. From a heritage prospective, the design is therefore supported.

PLANNING ASSESSMENT

In addition to the heritage requirements, the following technical assessment is made with respect to variations sought under TPS 2, the RDC and Council Policies.

Storeys

The proposed development straddles four existing lots which the applicant received approval from the WAPC on 4 March 2014 to amalgamate into one lot. As such, for the purposes of determining whether the proposed development exceeds the maximum two-storeys permitted under the Scheme, it has been necessary to determine the natural ground level (NGL) at the centre of the proposed amalgamated lots. This has been calculated at RL: 32.26 using a combination of spot heights along all boundaries and around the corners of the site in accordance with Council Policy.

Clause 5.1.1. (a) of TPS 2 advises:

In exercising height control policies Council will not regard as a storey undercroft space designed and used for a lift shaft, stairway, meter room, bathroom, shower room, laundry, WC, other sanitary compartments, cellar, corridor, hallway, lobby, the parking of vehicles or any storeroom without windows or any workshop appurtenant to a car parking area where that space is not higher than 1m above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the NGL measured at the centre of the site as determined by Council.

The building height of the addition is compliant with Council requirements, being 0.5m below the maximum 7m height that can be approved by Council for flat or concealed roofs. However, technically the proposed garage space constitutes an

additional storey as the proposed floor above is 0.24m higher than that required under Clause 5.1.1 assuming the NGL at the centre of the lot is taken as the reference point. Alternatively, if Council accepts that as the proposed access to the garage is from the adjoining southern ROW and it has its longest side parallel with the ROW, albeit mostly below-ground, then this may be considered as the frontage to the garage, then it would make the proposed development permitted under the Scheme.

On balance, the latter interpretation is supported taking into account the heritage significance of the dwelling which prevents the existing floor levels from being altered, the compliance of the proposed development with Council's Building Height requirements, the avoidance of requiring steps between the existing dwelling and that proposed, that the proposal provides below-ground off-street parking that will not detract from the streetscape, and having regard to the fact that the dwelling is proposed to be included on the Heritage List under LPS 3 which would give further discretion to Council to vary Scheme requirements, as was approved by Council in 2013 for an additional (below-ground) storey at 48 Forest Street.

Overall this is considered to be a reasonable and practical application of the Scheme in the circumstances, noting that the original dwelling has traditional height whilst the modern addition is contained well-within the height limits and is largely concealed from view, whereby it will not read as creating excessive height in relation to the site or surrounds.

Side setback/wall on boundary

The proposal complies with setback requirements, with the exception of the proposed 16.5m long kitchen wall along the adjoining southern ROW which is proposed with a 1.35m setback from the centre of the ROW (ie: on the boundary), whereas 1.5m is required under the deemed to comply standards of the RDC. This variation therefore requires assessment under the design principles of the Codes.

The *design principles* of the RDC state:

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

The proposed addition up to the southern boundary makes effective use of space at the rear of the existing dwelling and will not have an adverse impact on the amenity of nearby properties as it will be adjoining a ROW. Also, being only single-storey with a height ranging from 1.78m to 3.395m it will have minimal impact on direct sun to adjoining properties and will be visually similar to the screen wall approved on the opposite side of the ROW. The wall continues for an additional 10.1m ranging in height from 2.2m to 2.98m to provide screening to a small courtyard, access ramp

and bin store which is in excess of the standard 1.8m height for boundary fences but will not appear out of keeping with the proposed development or other similar height fencing often associated with ROWs.

Vehicle access

The proposed vehicle entry/exit to and from the below-ground parking area is from the southern ROW at the front of the lot and has potential to conflict with other users of the ROW. However, vertical open metal fins up to 1.215m in height are proposed near the entry/exit to provide a low open barrier that will enable visibility. Nevertheless, to ensure that traffic safety is adequately addressed, the applicant has agreed to have the proposed entry/exit certified by a qualified Traffic Engineer and this has therefore been conditioned accordingly.

Heritage-wise it is vital that there is not direct vehicular access to Broome Street disrupting the original lawn and low fencing creating the open setting for the place and affording its visual symmetry, which is the position of the Town and the HCWA. Also, generally ROWs are encouraged for alternative vehicular access and there are many constrained situations in Cottesloe that function satisfactorily, while in this instance there aren't other vehicular access points opposite so movements will be relatively easy.

CONCLUSION

Council is the authority to determine this planning application under its scheme and in doing so is required to have regard to the advice of the HCWA, which is supportive of the proposal. The Heritage Impact Statement prepared by TPG Planning Consultants and submitted with the application is also supportive of the proposal.

The proposed alterations and additions appear compatible with the siting, scale, architectural style and form, materials and external finishes of the place and will sit well with the original fabric rather than simply copying or mimicking it.

It is understood that the owner intends to reside at the premises once the conversion of the existing two flats into a single dwelling and the proposed additions are completed. The removal of the existing side additions that were constructed in the 1980s and the enhancement of the front façade and landscaped areas are considered to be positive attributes to the streetscape and, once completed, should complement the additions soon to commence on the adjoining southern lot.

COMMITTEE COMMENT

Committee was pleased with the thorough report and the overall proposal including the desirable conservation of the property. Committee sought some minor clarification regarding the standard drainage condition, neighbour support, vehicle access/parking and the required traffic engineer's report, and the plant compound/clerestory feature. Committee supported the opportunity to preserve and improve the heritage place and its contribution to the locality.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION**Moved Mayor Dawkins, seconded Cr Angers**

That, subject to support by the Heritage Council of Western Australia of the revised plans, Council GRANT its Approval to Commence Development for alterations and additions, including a two-storey rear addition with below-ground garage and pool at 96-98 Broome Street (Lots 700, 701, 702, 703) Broome Street, Cottesloe, in accordance with the plans submitted on 29 April 2014, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to application for a building permit the applicant is to provide, to the satisfaction of the Heritage Council, the following information:
 - (a) An Interpretation Strategy that includes but is not limited to information for the public about the original configuration of four flats and their subsequent adaptation. The strategy shall also consider options for retaining more of the original fabric of the stairs and/or balustrades in situ.
 - (b) A landscape plan that retains the contribution the place makes to the streetscape and sense of place. This should include the retention of the open nature of the front lawn. The additional trees are not considered to be consistent with this approach and should be deleted.
 - (c) A schedule of conservation works, including further information on the system for secondary glazing and its impact on the original fabric.
2. Prior to any demolition, whether to parts of the original building or to later additions or alterations, a full photographic and documented record, both internally and externally, of the portions thereof and features or fabric to be demolished, shall be compiled and submitted to the Town as a heritage record.
3. 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.
4. All boundary walls facing the southern right-of-way shall be properly finished-off.
5. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
6. 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.

7. The pool pump and filter shall be located closer to the existing 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.
8. Any air-conditioning plant and equipment shall be located closer to the existing 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.
9. 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.
10. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit or 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 parking in consultation with and approval by the Town; and verge and tree protection.
11. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
12. 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.
13. Any works to the existing crossover affecting the right-of-way shall be to the specification and satisfaction of the Town and prior-approved as required.
14. 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.
15. The four lots shall be amalgamated into one lot prior to occupation of the completed development and conservation works to the property.

16. The proposed vehicle entry/exit onto the southern right of way shall be assessed by a qualified Traffic Engineer to ensure that adequate design and safety measures are undertaken to the satisfaction of the Town. Details shall be submitted at Building Permit stage.
17. The applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the right of way abutting the southern boundary of the property.
18. The proposed upper floor rear balcony shall be screened along its northern side to a minimum height of 1.6m.

ADVICE NOTES:

1. 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 and any heritage classifications of the property.
2. 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.

Carried 5/0

10.1.4 NO. 2A (LOT 103) EILEEN STREET - UPPER FLOOR ADDITION

File Ref:	2899
Attachments:	2A Eileen St Aerial 2A Eileen St Plans 2A Eileen St Property Photo
Responsible Officer:	Andrew Jackson Manager Development Services
Authors:	Ed Drewett, Senior Planning Officer & Andrew Jackson, Manager Development Services
Proposed Meeting Date:	19 May 2014
Author Disclosure of Interest:	Nil
Property Owner:	Roger Michaud & Liza Sinke
Applicant:	Roger Michaud
Date of Application	1 April 2014
Zoning:	Special Development Zone (with R50 density code for residential)
Use:	P - A use that is permitted under this Scheme
Lot Area:	180m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front setback
- Side setbacks
- Visual privacy

Each of these aspects is discussed in this report and refers to plans received on 28 April 2014.

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

PROPOSAL

It is proposed to add a fourth storey on to the existing three-storey dwelling to accommodate a master bedroom/retreat and balcony/deck. The ability under TPS2 to consider four storeys within the 12m height standard for this particular location is explained further in the report.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Metropolitan Region Scheme
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO 3

In proposed LPS3 the lot is designated as part of Development Zone 'A' for the Ocean Beach Hotel (OBH), which is also the subject of the Special Control Area 2 provisions, although given the residential nature of Eileen Street the three small Lots 101 to 103 along its northern side have been exempted from the OBH controls.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT

Areas of non-compliance

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design principles
5.1 – Context	3.1m setback from east-facing window to eastern boundary; 1.6m – 3.1m setback from upper floor to northern boundary; 3m setback from deck (recess) to western boundary.	2.595m to eastern boundary; 1.5m – 2.96m to northern boundary; 1.55m to western boundary (recess only).	Clause 5.1.3 – P3.1
5.4 – Building design	7.5m cone of vision from balcony/deck.	0m & 4.6m cone of vision to western & northern boundary.	Clause 5.4.1 – P1.1 & 1.2

Council Policy/Resolution/local law

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3m - 4m to dwelling (matches existing).

ADVERTISING OF PROPOSAL

In accordance with TPS2 the application was advertised to the two adjoining owners. No submissions have been received to date. Advertising closes on 19 May 2014. Any submission received will be tabled at the meeting.

PLANNING COMMENT

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed upper floor has a front setback ranging from 3m to 4m which is consistent with the existing frontages to the two dwellings along this section of Eileen

Street and is compliant with the RDC. A zero front setback is generally acceptable for development on the Ocean Beach Hotel (OBH) site fronting Eric Street and Marine Parade (subject to number of storeys proposed), and the dwellings on the northern side of Eileen Street are within this same zone as the OBH site and were originally approved in 1999 with reduced front setbacks.

Under LPS3 it is anticipated that the land will become Residential or possibly Foreshore Centre zone, whereby the setback standards of the RDC would apply which at a medium density would support the setback as previously approved and presently proposed for the addition.

Side setbacks

The proposed side and rear setbacks comply with the RDC with the exception of the setback from the proposed front east-facing window to the eastern boundary which has a 2.595m setback, in lieu of 3.1m; the setback from the proposed master retreat and the balcony/deck to the northern boundary which has a 1.5m and 2.96m setback respectively, in lieu of 1.6m and 3.1m; and the zero – 1.55m setback of the balcony/deck from the western boundary.

These variations may be considered under the design principles of the RDC, which state:

Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

The northern and eastern boundaries are adjoining the OBH and therefore not abutting a residential property. Furthermore, the reduced setbacks are all supported as they satisfy the relevant design principles. On two elevations recessed sections have been incorporated into the design of the upper floor which will assist in reducing building bulk, it will not impact on direct sun and ventilation to the dwelling or adjoining properties, and 1.65m high screening along the northern elevation of the proposed balcony/deck will prevent direct overlooking into the existing hotel accommodation. The proposed reduced setback to the western boundary will be adjoining the roof of the neighbouring property and be an extension of an existing

parapet wall on the common boundary. It makes effective use of space without compromising design principles or having an adverse impact on the adjoining property which is also proposing a similar upper floor addition.

Visual privacy

The proposed balcony/deck, whilst being screened along its northern side, will only have a 1.2m high glass balustrade above its floor level along its western elevation.

This variation may be considered under the design principles of the RDC, which state:

Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The proposed balcony/deck will be located next to the roof of the adjoining dwelling and will avoid any active habitable spaces and outdoor living areas due to the proximity of the existing parapet wall along the common boundary. The adjoining western owner is also proposing a similar upper floor on their dwelling and has raised no objection to this proposal.

Special Development Zone

Clause 3.4.9 of TPS 2 sets out specific requirements for the Special Development Zone. This encourages the upgrading of existing premises as well as allowing redevelopment in an appropriate form, providing a wide range of land opportunities.

The proposed upper floor addition complies with the Scheme requirements including satisfying the maximum building height provisions which permits a height of 12m measured between any point adjacent to the area occupied by the building and the top most vertical point, excluding minor vertical projections such as chimneys and vent pipes (Clause 3.4.9 b-iii). There is no reference to 'storeys' in this zone in TPS 2 and the proposed additional storey is supported.

Under LPS3 a similar height regime is proposed. This comprises of a 12m (albeit three-storey) height standard for the Marine Parade, Eric Street and Eileen Street frontages, with zero setbacks, plus a six to eight storey (maximum 32m) building envelope at greater setbacks from the streets. Assuming that future redevelopment of the OBH site takes advantage of such height, it would form a significantly taller and more massive backdrop to the subject dwelling as existing and proposed.

CONCLUSION

The proposed addition complies with the TPS2 height limit and seeks some permissible variation under the RDC as discussed in this report.

Although Council's general policy for development within the district favours low rise development of no more than two-storeys to maintain privacy, views and general amenity, the specific Clause in the Scheme that refers to the Special Development Zone prevails in this case.

It is assessed that the increased height will not appear visually intrusive in the streetscape as it will remain lower than the existing OBH motel building immediately behind and the building heights proposed under LPS3.

COMMITTEE COMMENT

Committee considered that the proposal was appropriate in the context of the zoning and adjacent development having regard to the existing building envelope in compliance with the Scheme height limit provision.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Angers, seconded Cr Jeanes

That Council GRANT its approval to commence development for an upper floor addition at 2A (Lot 103) Eileen Street, Cottesloe, in accordance with the plans received 28 April 2014 subject to the following conditions:

- 1. The maximum height of the dwelling shall not exceed 12m measured between any point adjacent to the area occupied by the building and the top most vertical point, excluding minor vertical projections such as chimneys and vent pipes. Details shall be submitted at Building Permit stage.**
- 2. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- 3. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- 4. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development**

site where climatic and soil conditions allow for the effective retention of stormwater on-site.

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. Air-conditioning plant and equipment shall be located closer to the existing 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.

ADVICE NOTES:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Carried 5/0

10.1.5 PLANNING INSTITUTE OF AUSTRALIA 2014 NATIONAL CONGRESS - UPDATE

File Ref: SUB/38
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 19 May 2014
Author Disclosure of Interest: Subject relates to conference attended by author

SUMMARY

On 16 December 2013 Council resolved to:

APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2014 National Congress in Sydney from 16-19 March 2014, 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 PIA is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference was the major annual local government planners' event and it attracted a variety of overseas representatives and speakers.

The program included such topics as:

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

COMMENT

Key presentations are summarised as follows:

Dr Alfonso Vegara, President Fundacion Metropoli (Spain)

This presentation considered the future of planning and development towards a sustainable environment and indicated that a new 'scale of thinking' was necessary for cities of the future. He based his comments on research that had been undertaken which showed that clusters of cities, or mega-city regions, will be the future drivers of the global economy. Examples discussed where mega-city regions are evolving included in Europe and Asia where high speed rail networks were being used to connect large cities effectively making them into single super cities, eg: Lisbon, Marseille and Milan; Singapore and Kuala Lumpur.

Jane Henley, CEO, World Green Building Council

This was an interesting presentation on the future of 'green' buildings and emphasised the importance that everybody lives, learns and works in a healthy environment. She reviewed the term 'Eco-Cities' and emphasised the importance of looking not at single buildings but at cities as that is where the real opportunities lie: to manage the transport, energy generation, liveability and public infrastructure.

Bob Perry, Director, Place Leaders Association

This speaker discussed 'place-making' and considered urban design and the forces that shape cities and neighbourhoods. In particular, he gave examples where public interaction can now be sought easily using social media such as You Tube, Vimeo and Splash Adelaide, the latter which 'partners and co-creates with the community to bring streets and public spaces to life through a series of attractions, events and projects. Splash Adelaide takes a lighter, cheaper approach to trial new ideas and see what works in the cities spaces'.

Alan Hart, Founding Principal, VIA (USA)

Via Architecture has offices in Vancouver, Seattle and San Francisco. The firm provides on-going resources to many transit and government agencies and offers the viewpoint of the urban designer and planner that comes from the detailed synthesis of a community's needs with the demands of large infrastructure work such as the development of light rail transit systems.

Andy Inch, Lecturer, Dept. of Town and Regional Planning, University of Sheffield, UK

This presentation suggested that planners in the UK needed a 'culture change' to accompany the many reform initiatives taking place. He questioned whether knowledge and practices were matched with social relations and made reference to three systems which describe planning process:

- *The Efficient System* – not much public involvement in decision-making.
- *The Inclusive System* – involving the community in decision-making.
- *The Integrative System* – one that looks at 'place-shaping'.

Trudi Elliott, CEO, Royal Town Planning Institute (RTPI), UK

This presentation celebrated 100 years of the RTPI. It also considered the significant population growth that we are experiencing globally and gave the example of population growth in the UK being equivalent of one new London suburb being created every 5 years, and also the massive population growth expected in China by 2050. This growth must be managed by better health and public transport as well as sustainable and equitable growth.

Bill Anderson, President, American Planning Association

This was an interesting presentation that highlighted the need for the planning system to respond to climate change, water use, improved transportation, etc, and made comment of a Climate Action Plan that had been developed in California. He also advised that more analysis was required on sea level changes and suggested that cities should be considered as 'green generators' with healthier solutions being implemented.

Sarah Reilly and Meg Wray, Cred Community Planning

In this presentation the speakers explored the economic benefits and risks of planning, or not planning, for people. It emphasised the importance of carrying out cost-benefit analysis when making policies to determine whether the benefits of social planning are a good investment. The speakers also discussed giving more scope for communities to contribute to the 'greening' of their City without relying on government assistance and they emphasised the need for planning for children eg: better childcare = good returns, better social skills and generally better education. Libraries, parks and cycleways are also a big cost-benefit and should be encouraged in the community. Short term costs often results in long term benefits.

In addition to the key speakers, there were various discussion groups which further contributed to the theme of the conference as well as a guided walk through the City Centre which highlighted many recent innovative developments and identified various cultural and heritage issues from Chinatown to the Rocks.

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 relevant to better planning in our community.

COMMITTEE COMMENT

Committee noted the report on this officer's professional development event.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

THAT Council receive this report on the 2014 Planning Institute of Australia National Congress.

Carried 5/0

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

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil.

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:20 PM.

CONFIRMED MINUTES OF 19 May 2014 PAGES 1 – 39 INCLUSIVE.

PRESIDING MEMBER:
 POSITION:

DATE: / /

