

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 17 AUGUST 2015

MAT HUMFREY
Chief Executive Officer

21 August 2015

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DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:02 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 Tim Wright, Wright Feldhusen Architects, for item 10.1.3, 48 Forrest Street

Mr Wright, for the owner, expressed eagerness that the development finally occur and acknowledged the place's historical significance. The residence had undergone a number of changes over time and this was another stage, which would be high quality including landscaping. He also referred to realigning the original front door.

Mr Laurie Scanlan, Scanlan Architects, for item 10.1.1, 1 Rosser Street

Mr Scanlan, for the owners, contended that the proposal was practical and acceptable to the site and street, and noted that Council had exercised discretion in other situations. In acknowledging that the issues raised could be addressed by redesign, he hoped that a revised proposal could subsequently be approved under delegation.

Ms Kate Moore, owner, for item 10.1.2, 21 Deane Street

Ms Moore, as co-owner of 21 Deane Street, tabled photographs of the location and comments on the Agenda report. She outlined her views on the access, parking and traffic aspects involved in the proposal

Mr Adrian Moore, owner, for item 10.1.2, 21 Deane Street

Mr Moore, as co-owner of the property, discussed the design, ground levels, engineering aspects and his desire to gain access from Deane Street. He also

referred to liaison with the neighbours and considered that design revisions could be achieved. He was keen to progress the matter.

Mr Horst Schmidt, owner of 27 Deane Street, for item 10.1.2, 21 Deane Street

Mr Schmidt, as a long-term resident, expressed concern about building a driveway under a footpath. He did not see a traffic problem in the street and considered that the lanes should be used for access.

Ms Barbara Pascoe, owner of 17 Deane Street, for item 10.1.2, 21 Deane Street

Ms Pascoe, whose property is adjacent, referred to her historical access and was concerned that it would be affected by the proposed driveway; which would also impact on the stability of the cliff and pedestrian safety, as well as create an undesirable precedent.

Ms Prue Bermingham, owner of 33 Deane Street, for item 10.1.2, 21 Deane Street

Ms Bermingham urged preserving Deane Street as-is and not affecting its attractiveness and amenity, which should not be compromised or have a precedent set, especially given that the lanes are available for access.

Mr Howard Read, owner of 1/24 Avonmore Terrace, for item 10.1.2, 21 Deane Street

Mr Read, for the owners of 24 Avonmore Terrace, expressed support subject to the natural ground levels as determined by the Town and reduction of the boundary wall as agreed with the applicant, whilst noting that a driveway from Dean Street would not affect their property.

6 ATTENDANCE

Present

Cr Peter Jeanes	Presiding Member
Mayor Jo Dawkins	
Cr Philip Angers	
Cr Helen Burke	
Cr Jack Walsh	
Cr Katrina Downes	

Officers Present

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

6.1 APOLOGIES

Nil.

Officer Apologies

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in Item 10.1.2 due to being acquainted with the applicant and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merit and vote accordingly.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Burke

[Minutes July 20 2015 Development Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 20 July 2015 be confirmed.

Carried 6/0

9 PRESENTATIONS**9.1 PETITIONS**

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

For the benefit of the members of the public present, the Presiding Member determined to consider item 10.1.2 (21 Deane Street) first, and then return to the published order of the agenda.

10 REPORTS**10.1 PLANNING****10.1.1 NO. 1 (LOT 19) ROSSER STREET - ADDITION OF FRONT GARAGE WITH ROOF DECK AND REAR SHED**

File Ref:	3115
Attachments:	1 Rosser Aerial 1 Rosser Property Photo 1 Rosser Applicant Submissions 1 Rosser Street View 1 Rosser Neighbour Submissions 1 Rosser Plans
Responsible Officer:	Andrew Jackson Manager Development Services
Author:	Ronald Boswell Planning Officer
Proposed Meeting Date:	17 August 2015
Author Disclosure of Interest:	Nil
Property Owner:	GL & FM Holman
Applicant:	Scanlan Architects
Date of Application:	2 February 2015
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Lot Area:	886m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Local Planning Scheme No.3 (LPS3) and the Residential Design Codes (RDC):

- Reduced front setback;
- Lot boundary setback; and
- Visual privacy.

Revised plans submitted on 7 and 24 July 2015 following liaison with Officers were assessed in this report. However, due to the concerns identified by Officers and a neighbour objection, the recommendation is to defer the application.

PROPOSAL

A summary of the proposed development is as follows:

- Garage at the front with rooftop deck; and
- Shed at the rear.

The proposed garage with a rooftop deck is located in the setback area at the front of the dwelling parallel to the street, and is intended to provide formalised parking and the novelty of deck on top. The proposed shed is located at the rear and is out of sight and does not affect the neighbours.

STRATEGIC IMPLICATIONS

Nil.

STRATUTORY ENVIRONMENT

LPS 3 & RDC.

POLICY IMPLICATIONS

Nil.

APPLICATION ASSESSMENT

Areas of non-compliance

Local Planning Scheme No.3:

	Permitted	Proposed
Matters to be considered by Council	A proposal that satisfies the aims and provisions of LPS3, including matter to have due regard to under Part 10.	The bulk and scale of the proposed development in the front setback area appears excessive and would not preserve the amenity of the locality or represent orderly and proper planning, including having due regard to the character of the dwelling and the streetscape.

Residential Design Codes:

Design Element	Deemed-to-comply	Proposed	Design Principles
Street setback	6m setback; or corresponding to the average setback on adjacent properties fronting the same street; or minimum 3m, averaging 6m.	1m to garage/rooftop deck.	Clause 5.1.2 – P2.1 & P2.2
Lot boundary setback (boundary walls)	Not higher than 3.5m, with an average of 3m or less, up to the maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback (11.97m), to one side boundary only.	15.6m, on two boundaries.	Clause 5.1.3 – P3.2
Visual privacy	7.5m cone of vision from unenclosed outdoor active habitable spaces.	2.3m from western boundary.	Clause 5.4.1 – P1.1 & P1.2

CONSULTATION

The Town advertised the proposal to six neighbouring property owners, including three opposite in Rosser Street. Two submissions were received; one of objection from the neighbour opposite, while the western neighbour supported the proposed development and signed the plans.

The main comments are summarised below:

L & P Walsh, 2 Rosser Street

- Concerned about the limited setback from the front boundary, as it establishes precedent in the streetscape that could affect properties in the street.
- The proposed structure would be domineering in the streetscape and is inconsistent with current standards.
- The deck could affect privacy, being open in the front setback area.

APPLICANT'S JUSTIFICATION

A summary of the applicant's comments regarding the amended plans and response to the objecting neighbour's comments is as follows:

North-facing wall

- The north-facing wall is already below the height of the balustrade and will be further softened by foliage cascading down the front and plants growing up the face from below.

Garage door

- The gate will be designed to be 50% permeable and to also be 'softened' as much as possible to avoid resembling a 'standard' garage door.

Front setback

- There are many examples of retaining walls, garages/buildings, screen walls that are in the immediate vicinity and are:
 - Closer to the street boundary;
 - Higher than that proposed; and
 - Make up a larger percentage on the street boundary.

Rooftop deck

- The trafficable deck is 1.7m from the front boundary and there are many examples of balconies that are closer and higher to the street. With soft landscaping at the deck level this will impact on amenity and has the immediate neighbour's support.

PLANNING ASSESSMENT

In addition to the comments above, the following technical assessment is made.

Garage/rooftop deck

The double garage with the rooftop deck is proposed to be constructed in the front setback area. The Town has had similar proposals for garages/carports in front

setback areas. The proposed garage would be parallel to the street and the applicant has provided a turning circle diagram showing that vehicle manoeuvres can be achieved in the proposed location.

The garage and rooftop deck affect visual privacy and streetscape amenity.

The garage and rooftop deck on the north-western corner of the lot would supplement the undercroft single garage to the dwelling and paved open-air parking on site. Following an initial discussion with Officers and consideration of the neighbour objection, revised plans were received; however, the proposal still does not satisfy the deemed-to-comply requirements of the RDC, as it is located within the primary street setback area, with only a 1m setback.

The RDC define the Primary Street as:

“Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling”.

Therefore, to approve the garage and rooftop deck within the primary street setback, Council should be satisfied that the proposal meets the design principles of the RDC, which state:

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

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing development context and streetscape.*

The relevant explanatory guidelines in the RDC state:

Other than carports and garages (subject to clause 5.2.1) of the R-Codes, no substantial structures are allowed in street setback areas. Structures that may be allowed are:

- *low fences or walls, which are the subject of separate considerations;*
- *landscape or sculptural structures, ornamental features designed to enhance the relationship between street and dwelling; and*
- *appropriately-scaled archways or gateways, provided they are in character with the streetscape.*

It is assessed that the proposed garage with rooftop deck in the front setback area does not satisfy the design principles of the RDC, as it would be a substantial structure that would result in an expanse of a wall facing the street (including the garage door), and would not positively contribute to the prevailing streetscape. The development could also be seen to detract from the existing dwelling due to its bulk and scale. Furthermore, it could set an undesirable precedent for similar substantial structures in the front setback area of other dwellings, which would have a detrimental impact on the streetscape.

The rooftop deck primarily overlooks the front setback area. It also overlooks the rear of the western adjacent property; however, that neighbour has signed the plans and not objected to the overlooking.

The proposed garage and rooftop deck in the front setback is not recommended for approval. However, a light-weight carport may be a suitable alternative to provide adequate shade for vehicles and not detract from the character of the dwelling and streetscape. The applicant provided an indicative outline of a carport with a pitched roof in a revised plan submitted on 24 July 2015. That design, or a suitable skillion or flat roof design, would be the preferred planning outcome to provide parking on the lot. It would deliver a structure that presents less bulk and scale on the streetscape and would match the character of the dwelling.

Comment

In detail, the difficulty with the proposed garage and rooftop deck is not only its forward position occupying the front setback area that would otherwise be open space visually and physically, but also that the nature and extent of the design is excessive.

The combination of the transverse garage presenting a blank wall, its continuation with the wide gates, the supporting beam structure and the deck balustrade and planter boxes, constitutes a substantial building inserted between the dwelling and the street, being over 11m wide (more than half the width of the frontage), over 3.8m high, setback only 1m from the street boundary, and having a footprint of some 75sqm (the equivalent of ancillary accommodation).

This has the effect of a wide, high solid front wall, and substantially restricts the view into and out of the property. In comparison, a typical double-carport or garage facing the street and with no or open-aspect gates is visually permeable, only 6-7m wide and located to one side of the lot; overall having less area (eg 35-40sqm), bulk and scale or visual impact.

The applicant has submitted examples of other forward-type developments in the street and elsewhere, which are not considered directly comparable. Whilst there are other less-than-desirable results, as then approved, the two new dwellings to the east are integrated designs, while the older flats dwelling to the west has its row of garages in line with the side street setback of the main building.

The subject dwelling is a quite grand character building with generous proportions in a prominent position, and already has built-up limestone walls occupying the front setback area. The proposal would add to this bulk and scale and detract from the

streetscape by further compromising the degree to which the front setback area is open-aspect.

The proposed rooftop deck is also problematic in terms of overlooking and sense of privacy. Its use as private open space so close to the street in an elevated position is unlikely to be comfortable for either the occupants or neighbours. Neither is it necessary as a viewing platform to the ocean, as the dwelling already enjoys excellent views.

As a viable alternative, the raised nature of the dwelling with undercroft garage and high foundations favours a slimline, open-aspect carport nestled in the north-western portion of the front setback area. Such a design solution would read as logical, subtle and sensitive, being far less intrusive and allowing the dwelling attractive and functional on-site covered parking without detracting from the dwelling, its setting and the streetscape.

Shed

The proposed shed at the rear of the dwelling on the south-western side of the lot complies with LPS3 and satisfies the RDC design principles for the additional boundary walls. The shed would not be seen from the street and the neighbours have not objected to the boundary walls.

CONCLUSION

The proposed garage and rooftop deck represents a substantial structure in the front setback area which is not readily supported under the RDC, and does not easily satisfy the requirements of LPS3 due to its bulk, scale and visual impact on the existing dwelling and streetscape. The shed at the rear of the dwelling can be supported.

The Town recommends a design amendment to exclude the garage and rooftop deck to include a light-weight carport structure that is harmonious with the character of the dwelling and presents less bulk and mass, so as to minimise the visual impact on the dwelling and improve its relationship to the streetscape.

Therefore, deferral of the proposal is in order towards that end.

COMMITTEE COMMENT

Committee, whilst acknowledging the objective to provide covered parking on site, considered that the proposal required revision for a better outcome.

VOTING

Simple Majority

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Angers

THAT Council defer determination of the development application for a front garage with rooftop deck and a rear shed at No. 1 (Lot 19) Rosser Street, Cottesloe, based on the plans received on 2 February, 5 June and 7 July 2015,

to enable the applicant to liaise with the Town towards a more acceptable design solution taking into account relevant planning considerations as outlined in this report.

Carried 5/1

Cr Downes declared an impartiality interest in Item 10.1.2 due to being acquainted with the applicant and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merit and vote accordingly.

10.1.2 NO. 21 (LOT 18) DEANE STREET - TWO-STOREY DWELLING AND POOL

File Ref: 3112
Attachments: [21 Deane Aerial](#)
[21 Deane Neighbour Submissions](#)
[21 Deane Property Photos](#)
[21 Deane Plans](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 17 August 2015
Author Disclosure of Interest: Nil
Property Owner: Adrian & Katherine Moore
Applicant: As above
Date of Application: 29 January 2015
Zoning: Residential
Use: P - A use that is permitted under this Scheme
Lot Area: 925m²
MRS Reservation: Not applicable.

SUMMARY

This application is seeking the following variations to Council's Local Planning Scheme No. 3 (LPS 3) and/or the deemed-to-comply requirements of the Residential Design Codes (RDC):

- Building height and natural ground levels
- Side setbacks
- Fill and retaining walls
- Visual privacy
- Vehicle access.

Each of these aspects is discussed in this report and refers to revised plans received on 14 July 2015.

Given the assessment that has been undertaken, the recommendation is to defer determination of the application.

PROPOSAL

This application is for a two-storey dwelling and pool on a vacant lot which comprises of the following:

Basement level:

- parking for five cars
- two storerooms
- cellar
- lift shaft.

Ground floor:

- three bedrooms with ensuites
- living-dining-kitchen area
- games room
- laundry
- pantry
- lift shaft
- pool
- front alfresco area
- outdoor shower
- separate building at rear of lot comprising a spare room, study, children's retreat, bathroom and double carport.

Upper floor:

- master bedroom with ensuite, WIR and balcony
- living area
- nursery
- linen area
- powder-room
- front and side balcony
- lift shaft.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 3
- Residential Design Codes
- Fencing Local Law.

LOCAL PLANNING SCHEME NO. 3

The aims of the Scheme include to:

- *sustain the amenity, character and streetscape quality of the Scheme area;*

The relevant objective of the Residential Zone is to:

- *encourage residential development only which is compatible with the scale and amenity of the locality.*

In considering an application for planning approval Council is to have due regard to the following relevant matters:

- *the aims and provisions of the Scheme;*
- *orderly and proper planning;*

- *the compatibility of development with its setting;*
- *the preservation of the amenity of the locality;*
- *the comments or submissions received during advertising of the proposal;*
- *the relationship of the proposal to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the manoeuvring and parking of vehicles;*
- *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- *the suitability, durability, quality and aesthetic appeal of building materials, finishes and colours in relation to the development and locality; and*
- *any other planning consideration the local government considers relevant.*

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Deemed-to-comply	Proposed	Design Principles
5.1 – Lot boundary setbacks	Walls not higher than 3.5m, with an average of 3m for 2/3 the length of the balance of the lot boundary behind the front setback, to one side boundary only. Minimum 3.3m setback from recessed section of the upper-floor to the eastern boundary.	Walls on the western boundary that exceed 3.5m, with an average of 3m above existing ground levels. 2.65m setback.	Clause 5.1.3 P3.2 Clause 5.1.3 P3.1
5.3 – Fill/retaining walls	To be setback in accordance with Table 1, or less than 0.5m in height if within 1m of a boundary.	Over 0.5m above the existing ground level within 1m of the side boundaries.	Clause 5.3.8 P8
5.4 – Visual privacy	7.5m cone-of-vision to boundaries from outdoor active	0.5m from rear deck/active outdoor area to western boundary.	Clause 5.4.1 P1.1 & P1.2

	habitable spaces.		
5.3 – Vehicular access	Access to be provided from a right-of-way available for lawful use to access the lot and which is adequately paved and drained from the property boundary to a constructed street.	Access proposed from Deane Street to undercroft garage, in addition to ROW access.	Clause 5.3.5 P5

ADVERTISING OF PROPOSAL

The application was advertised to the 13 adjoining owners. Five submissions from three parties were received and are summarised as follows:

Howard Read, 1/24 Avonmore Terrace (on behalf of the owners of 24 Avonmore Terrace) – two submissions.

- Objects to proposed development, primarily in relation to proposed height and setbacks of walls along the western boundary.
- There is no evidence that the original NGL along the western boundary is higher than the current level and the existing retaining wall on the boundary suggests the NGL was actually lower than the current levels.
- The impact of the proposed NGL and boundary walls along the western boundary will create significant overshadowing and increase the height and bulk of the proposal.
- Raises privacy concerns if on-site fill was allowed.
- Owners are prepared to accept a revised plan that addresses the concerns raised.
- The survey plan (and photos) of 24 Avonmore Terrace show that the levels on the boundary with 21 Deane Street were slightly lower than current levels.

EG & G Budd, owners of 23 Deane Street (currently living in UK) – two submissions.

- Objects to proposed development, as have been unable to make an informed decision as plans have not been made available. (Note: applicant did not allow permission for Council to forward copy of plans to neighbours).
- Concerned about potential noise from air-conditioning units.

Barb Pascoe, 17 Deane Street

- Objects to the proposed higher ground levels as these are not reflective of levels actually seen on the site;
- Accepts proposed parapet walls providing ground levels are not raised as proposed. However, would prefer a greater setback along the western boundary;

- Objects to proposed access from Deane Street as the road is already narrow and at times dangerous, the access could become a haunt for undesirables at night, it could affect safety from the current driveway, and could set a precedent for Nos. 20 to 30 Deane Street which would not be safe.

PLANNING COMMENT

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

Building height and NGL

LPS 3 permits a maximum 7m building height to the top of a two-storey parapet (flat roof) measured vertically above any point of natural ground level (NGL). A single storey development is permitted to a maximum 6m building height.

The RDC define natural ground level as:

The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

The applicant has submitted an interpolated contour survey plan of the lot based on former Town Planning Scheme No.1 (TPS1) contour information and has requested that these levels be taken as NGL. If these levels are used then the proposed dwelling does not exceed 7m in height and complies with LPS 3. Furthermore, the proposed walls on the western boundary satisfy the deemed-to-comply requirements of the RDC.

The difference in the height of the NGL based on TPS 1 would elevate the existing ground levels at the boundaries by approximately 1m, which is a significant difference and would result in the proposed development having a greater impact on the amenity of adjoining owners, most of whom have raised concerns.

The Town's geographic information system (GIS) map shows contours that appear to more closely match the existing ground levels at the boundaries of the lot.

A comparison of the interpolated survey plan submitted by the applicant and that from the Town's GIS map reveals the following approximate level differences (highlighted):

LOT 18			
	<i>Applicant's submitted survey plan (Brown McAllister) based on TPS 1</i>	<i>Town's GIS map data (approx.)</i>	<i>Town's on-site survey assessment (approx.)</i>
<i>NW corner</i>	RL: 29.43	RL: 28.70 (- 0.73m)	RL: 28.78 (- 0.65m)
<i>SW corner</i>	RL: 27.89	RL: 26.72 (- 1.17m)	RL: 26.70 (- 1.19m)
<i>NE corner</i>	RL: 30.48	RL: 29.30 (- 1.18m)	RL: 29.78 (- 0.70m)
<i>SE corner</i>	RL: 27.80	RL: 26.50 (- 1.30m)	RL: 26.66 (- 1.14m)
<i>Approx. level</i>	RL: 28.92	RL: 27.60 (- 1.32m)	Average of 4 corners

at centre of lot		RL: 27.98 (- 0.94m)
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The applicant has requested that Council adopt the TPS 1 NGL as this method was used for the development at 28 Avonmore Terrace, and he considers that the contours reflect the most accurate measurement of NGL following demolition of the original dwelling on the lot.

Although Council did adopt TPS 1 contour levels for the development on the north-eastern corner of Deane Street and Avonmore Terrace due to the difficulty in determining pre-existing ground levels, it did not resolve to adopt TPS 1 contours for other development within the Town and therefore it should not automatically be relied upon.

TPS 1 contours may be problematic for some development sites due to a lack of contour information actually shown on the original Scheme Map. Lot 18, for example, only has two contour lines shown on or in close proximity to the lot and so an interpolation plan based on this limited information may not be accurate. Furthermore, the levels have been contested by adjoining neighbours, some of whom have been living in the area for some considerable time.

For these reasons, and the significant difference to existing ground levels at the lot boundaries, using TPS 1 to determine the NGL for Lot 18 is not supported and the applicant should provide a contour survey plan based on existing levels on the lot; unless other historical documentation is submitted to substantiate that the higher levels are an accurate representation of NGL. It should also be noted that existing levels across the middle of the lot cannot be relied upon as unauthorised fill was placed on the lot following demolition of the original dwelling.

Storeys

The proposed basement level does not constitute a storey under LPS 3 as it is not higher than 1m above the footpath level measured at the centre of the land along the boundary to which the space has frontage and it does not contain any habitable rooms. This will remain compliant regardless of which NGLs are determined by Council.

Setbacks

The proposed dwelling has front setbacks ranging from 6.32m to 7.58m at ground-floor level (4m to a proposed front pergola), and 5.825m to 7.72m to the front balconies on the upper-floor.

Clause 5.3.7 of LPS 3 states:

Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied, for the preservation of streetscape, view corridors and amenity.

The RDC permit a front setback of 4m in an R30 zone, which may be reduced by up to 50% provided an average of 4m is achieved.

The proposed setbacks exceed the RDC requirement, while even in R20 coded areas residential development may be approved with a minimum 3m, average 6m front setback. This provides more flexibility for development on smaller lots (although this is a large lot) and for architectural designs to be considered that provide good articulation to street frontages. Front setbacks of less than 6m are also fairly common in the R30 coded areas, as approved in a number of instances. As such, the proposed front setback is supported.

The proposed side and rear setbacks comply with the deemed-to-comply requirements of the RDC based on existing ground levels along the boundaries, except for the proposed upper-floor recessed section of the eastern elevation, which has a 2.65m setback from the eastern boundary, in lieu of 3.3m and the proposed walls along the western boundary.

The setback required under the deemed-to-comply requirements of the RDC for the proposed rear building and games room to the western boundary is 1.5m. The proposed pergola also proposes a zero setback from the western boundary. However, a pergola is not defined as a building under the RDC and so may not be required to be setback from the boundary, although its eaves would still require a minimum 0.75m setback.

The proposed reduced side setbacks can be considered under 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 proposed reduced setback from the eastern boundary could impact on building bulk and on the amenity of the adjoining eastern neighbour, particularly as the adjoining two-storey dwelling has a lower existing ground floor level than that proposed. However, the adjoining owners have not objected to the proposal and their upper-floor, west-facing windows, opposite the proposed recessed section, are obscured, and the ground floor is partially covered, so they will not be impacted as

much as if they had clear windows to habitable rooms and an unroofed ground floor area. As such, the reduced setback could be supported in this instance.

The western walls to the proposed rear building and for a section of the proposed games room would be along the western boundary adjoining the eastern courtyards of two of the four units located at 24 Avonmore Terrace. Furthermore, based on the western neighbours' submissions, the two ground floor units' courtyards are approximately 1.8m lower than the existing eastern ground level at the boundary and approximately 3.6m below the top of the fence line.

The proposed single-storey walls on the western boundary would range in height from approximately 2.9m to 4.5m above the existing ground levels and be visible above the existing fenceline.

The walls would exacerbate the building bulk of the proposed development, would impact on natural light to the neighbours' outdoor living areas, may result in a loss of privacy from the proposed raised deck at the rear of the games room, and would impact on the amenity of the adjoining neighbours. For these reasons, the proposed walls on the boundary are not considered to adequately satisfy the design principles of the RDC and would be contrary to the objectives of LPS 3. As such, it is recommended that the walls be setback from the western boundary in accordance with the deemed-to-comply requirements of the RDC.

The front portion of the games-room wall and the pergola have less height above the existing ground levels than the rear section of the games room wall, due to the rising topography from the rear of the lot to Deane Street. Furthermore, the adjoining property has a predominantly western orientation, so its eastern boundary abuts the rear of the property, which does not have major openings or an uncovered outdoor living area that would be significantly affected by the proposal. It is therefore possible to support these structures along this section of the boundary provided that the ground levels are reduced to current levels. Otherwise, it is considered that they should not be supported as they would not reduce the building bulk of the development, would not preserve the amenity of the area, would not satisfy the design principles of the RDC, and do not have the support of the adjoining owner.

Site works and retaining walls

Fill and retaining walls up to approximately 1.3m in height above existing ground levels are proposed along the side boundaries and exceed the deemed-to-comply requirements of the RDC (unless Council adopts the TPS 1 NGL). These site works and retaining walls therefore need to be assessed 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 ground levels at the rear of the units at 24 Avonmore Terrace and 25 Deane Street are lower than the existing ground levels on Lot 18, so any increases in fill and the height of retaining walls along the side boundaries would be likely to have a detrimental effect on adjoining properties. The height of the proposed fill and retaining walls have been based on the assumption that TPS 1 levels would be adopted by Council. If that is not the case and existing ground levels are maintained, then the additional fill and retaining walls along the side boundaries are considered to not satisfy the relevant design principles of the RDC and should not be supported.

Visual Privacy

Visual privacy from the proposed ground floor windows and outdoor active habitable spaces do not satisfy the deemed-to-comply requirements of the RDC, unless the TPS 1 NGL is adopted or the proposed fill and retaining walls along the side boundaries are approved. However, even if the higher ground levels are approved, there would still be potential overlooking from the proposed rear deck on the southern side of the games room and the adjoining outdoor area, as the height of the proposed fencing along the western boundary is only shown on the plans as being 1.252m in this location, rather than being the standard height of 1.8m, and this could result in overlooking of the neighbours' rear courtyards and active habitable spaces, which is not supported.

Crossover from Deane Street

The development proposes a crossover from Deane Street to an undercroft garage, as well as a separate crossover off the rear right-of-way (ROW) to a double carport adjoining the proposed rear building that is ancillary to the main dwelling.

The deemed-to-comply requirements of the RDC require preferred vehicular access to be provided from a ROW that is available for lawful use to access the relevant lot, and which is adequately paved and drained from the property boundary to a constructed street.

The existing privately-owned ROW (No. 63) at the rear of the lot has a width of 3.3m, is predominantly sealed, and is well-used by other residents accessing their properties.

On 2 February 2015 the applicant was advised by the Town that:

The proposed vehicle access from Deane Street to the basement is not supported as all vehicle access should be from the rear ROW. A redesign showing revised vehicle access therefore is considered necessary.

On 29 June 2015, following the submission of revised plans, the Town further advised the applicant that:

This has still not been addressed and is required to satisfy Clause 5.3.5 C5.1 of the RDC. It is considered that access off Deane Street as proposed cannot

be supported as, in addition to the comments already provided by the Manager Engineering Services, such access would be unlikely to satisfy the relevant design principles of the Codes. You will appreciate that using alternative access in constrained street situations is a sound and sensible planning principle. Rather than confusing this with proposals across the road as you say, the Town is considering your proposal in the context of those proposals and the road overall.

On 17 July 2015, in response to the Town's emails, the applicant advised:

As you know, the topography of the Eastern section of Deane Street presents a unique challenge when designing safe vehicle access to properties. Our proposed crossover design is for a creative, safe and attractive response to that challenge.

Because the streetscape is so unique and our proposed design is therefore also unique, we ask that the design be considered for approval based on its positive design principles and its potential to enhance the amenity of the street, not on the basis of strict adherence to Residential Design Codes.

The Eastern section of Deane Street is extremely narrow, and, outside our property, is fronted by an old retaining wall and a flight of cement steps.

Despite the fact that the street is too narrow for cars to park on both sides of the road, and that there is no proper street parking, residents and/or visitors do park on the kerbs, often blocking the street. There is no room for safe access for service or emergency vehicles.

Our proposal will ensure that a minimum of five cars could park in our garage and up to two visitor vehicles will be off the street, thus reducing the impact of access points on the streetscape. All of our vehicles will be able to enter the street forwards, rather than reversing onto the street, thus ensuring the safety of vehicle access.

These features serve to render the street far safer for other vehicles – passenger, service and emergency – than it is in its present condition.

The footpath in this section of Deane Street runs across the top of the defile and pedestrians are protected only by an unenclosed handrail. The verge is planted with Oleander and over-run with weeds.

Our design will result in greater pedestrian safety because it incorporates footpath fencing that is not open between the handrail and the ground, as it is presently. Pedestrians will be able to walk safely above the crossover, without passing across vehicle ingress/egress.

Our proposal will eliminate the very unsightly retaining wall, steps, rubble and scrub and we will remove all non-indigenous and poisonous plants. Consulting with a landscape architect, we will landscape the crossover with water-wise indigenous plants at our expense.

Our unusual crossover design is preferable to us over access solely via ROW 62 not only because it is necessary in order for us to achieve the design of the house itself, but also because it will render the streetscape far safer than it is in its present condition. We have consulted with Main Roads and have been advised that they have no objection to our proposal. The neighbours we have canvassed about our proposal have also indicated their support for the design.

We believe that our proposed crossover constitutes an architectural feature, which will also make the street far more attractive than it is now. For the purposes of comparison have attached photographs of the street and verge, along with the images of our proposed design.

The Manager Engineering Services has previously advised that reasons for his lack of support for the proposal are that it will result in the destruction of a geological feature and that it will result in increased liability for the Town. As you can see, the verge does not encompass any geological feature. Our proposal will render the street and footpath safer than they are in their present state, thus (if liability is in fact at issue) decreasing the Town's liability. Our proposal will be engineered to far higher safety standards than those presently adhered to.

Although our proposal for vehicle access is unorthodox, we request that Planning and Council consider it in the context of the unique challenges it addresses and the potential benefits it could bring to the street as a whole.

We would like Planning and Council to consider the inevitable increase in demand for parking as a result of increased development and increasing visitor numbers. Avonmore Terrace street parking is already at capacity and there is no safe street parking in Deane Street.

Our property is zoned R30 and is a triplex site. We do not presently intend to develop the property to its maximum potential. We plan to build a single, family home on our property, with the option to do a duplex development in the future, to live in when we downsize. Access via Deane Street as well as the ROW is therefore desirable because a common driveway would otherwise be required. Because parking is not permitted in common driveways or ROWs, a greater burden would be placed on the limited street parking available. We are in effect trying to "Future Proof" parking by anticipating and addressing future requirements.

If we are granted approval for access via both Deane Street and ROW 62, both future properties will have adequate parking for residents and visitors. If access is only granted via ROW 62, we will be unable to achieve the positive outcomes we are attempting for the benefit of the street as well as for ourselves, and we will consider maximizing the property's development potential.

We are long-term residents of Cottesloe and plan to remain so. We take the amenity of the town very seriously and ask the Council and the Planning department to use their discretion to approve our cross over design on the basis of its advantages to the street as a whole.

As the proposed crossover from Deane Street does not satisfy the deemed-to-comply requirements of the RDC, Council needs to consider whether it can be supported under the design principles, which state:

Vehicular access provided for each development site to provide:

- *vehicle access safety;*
- *reduced impact of access points on the streetscape;*
- *legible access;*
- *pedestrian safety;*
- *minimal crossovers; and*
- *high quality landscaping features.*

To further assist in this assessment, the explanatory guidelines of the RDC with respect to vehicle access advise, inter alia:

The advantage of not having vehicle access from the primary street include:

- *the streetscape will be less dominated by carports, garages and parked vehicles;*
- *there will be fewer driveways and so more useable space for street trees and kerbside parking for visitors; and*
- *there will be fewer conflicting movements of vehicles, pedestrians and cyclists.*

Access to on-site parking is encouraged to be from a ROW, where available for lawful use...access is to be provided from the primary street only where there is no secondary street or ROW, and...the location of the crossover should be in response to the nature of the street onto which the development fronts.

In this case, the lot is adjoining a sealed ROW which is currently used by many other properties in the area. Although access to and from the ROW is proposed for the rear building, there is sufficient area at the rear of the lot to also accommodate a separate access to the proposed undercroft garage.

The proposed access to Deane Street would not improve vehicle safety as it would have the same access point to the street as the existing historical crossover serving 17 Deane Street and this may result in a safety hazard between vehicles using the two access driveways. Furthermore, the proposed crossover would necessitate the removal of part of the road cutting to enable a tunnel entrance to the undercroft garage and would necessitate the construction of a footpath bridge to be created over the crossover, together with a loss of vegetation.

The proposed construction of a new footbridge within the Council verge (ie road reserve land) would require a separate planning application, as the development is outside the private lot. Also, the application needs to be signed by the Town as the vested owner of the road reserve. Furthermore, a footbridge constructed by a private developer in the road reserve would mean that following completion the Town would have to accept responsibility for its on-going maintenance and public liability. It could also set an undesirable precedent for other similar proposals in the district.

CONCLUSION

The proposed development requires Council to consider a number of matters that do not satisfy the requirements of LPS 3 or the design principles of the RDC, including determination of the NGL, building height, side setbacks, fill and retaining walls, visual privacy and vehicle access. It is therefore recommended that the application be deferred to enable the applicant to address the issues raised in this report.

COMMITTEE COMMENT

Committee considered that due to several significant issues deferral of the proposal for redesign was warranted.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Mayor Dawkins

That Council DEFER determination of the application for a two-storey dwelling and pool at 21 (Lot 18) Deane Street, Cottesloe, as shown on the plans received on 14 July 2015, in order to enable the applicant in liaison with the Town to submit revised plans showing the proposed natural ground level being lowered to reflect existing ground levels at the lot boundaries, deletion of the proposed crossover from Deane Street and all vehicle access being from the rear right-of-way, and satisfactorily addressing the other matters raised in this report.

Carried 6/0

10.1.3 NO. 48 FORREST STREET (LOTS 92 & 500) - TWO STOREY ADDITION TO HERITAGE PLACE (BARSDEN)

File Ref: 3202
Attachments: [48 Forrest Aerial](#)
[48 Forrest Applicant Heritage Report](#)
[48 Forrest Council Heritage Report](#)
[48 Forrest Plans](#)

Responsible Officer: **Mat Humfrey**
Chief Executive Officer

Author: **Andrew Jackson**
Manager Development Services

Proposed Meeting Date: 17 August 2015

Author Disclosure of Interest: Nil

Property Owner: Denby Roberts & John Georgiades

Applicant: Wright Feldhusen Architects

Date of Application: 30 June 2015

Zoning: Residential R20

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

Lot Area: 1275 m² total

MRS Reservation: Not applicable

SUMMARY

This report presents a modified design for the proposed addition to and restoration of the existing heritage-classified dwelling known as *Barsden*. The latest application follows a series of previous approvals and demolition of the former single-storey modern extension to the heritage place that remains.

The current design is basically similar in terms of composition and layout, but with certain differences requiring consideration. This report presents the technical assessment of the revised design and again considers the heritage dimension. Approval with conditions is recommended.

BACKGROUND

In 2008 Council approved a large single-storey addition to the heritage dwelling, occupying the northern portion of the site, which was built.

The property changed hands and in December 2012 Council approved a large two-storey addition intended to replace the single-storey addition, however this second addition did not proceed. Instead, a new architect was engaged, and in May 2013 Council approved another design for the two-storey addition. A demolition permit was subsequently issued and demolition undertaken. Two further applications followed for relatively minor modifications and were approved as variations to the theme. Rather than proceed with development, however, the owner wished to review the design of the proposed addition and alterations, so the site was fenced-off and the building secured in the meantime.

Since then, Local Planning Scheme (LPS3) has commenced and the Residential Design Codes (RDC) have evolved. Also, Council has approved major additions and alterations to the adjacent heritage dwellings to the east (completed) and north (*Pine Court*, underway).

Recently the owner and architect have liaised with the Town to achieve a revised design and progress the development.

PROPOSAL

The current proposal echoes the previous designs in terms of location and footprint, including:

- Semi-basement four-car garage and ancillary rooms, with vehicular access from the existing point on Broome Street.
- Retention of the original dwelling with substantial reconfiguration internally, some external alterations and thorough conservation works.
- Large first storey (ground floor) extension on the north, with entry from Broome Street.
- Large second storey, setback from all boundaries and set into the original roof.
- Re-roofing of the original roof in slate, and concealed flat concrete roofs to the addition.
- A large pool, spa and pool deck.
- Retention and adaptation of the existing fencing to the street frontages.
- Indicative high quality landscaping, with details to follow.

The layout of the addition is similar, with some adjusted setbacks and floorspace amounts (slightly reduced first storey and slightly increased second storey). The aesthetic of the addition is still contemporary, but with simplified flat roofs and subtler proportions.

STATUTORY ENVIRONMENT

- LPS3
- RDC
- Heritage listings and policy
- Fencing Local Law

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation

HERITAGE LISTINGS

- Register of National Estate
- State Register of Heritage Places – identified to consider
- LPS3 Heritage List
- Municipal Inventory Category 2
- National Trust

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.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION**State Heritage Office (SHO)**

The application was referred to the SHO due to being adjacent to the State Registered Place *Pine Court* at 96-98 Broome Street. The SHO has advised that the proposal would not affect the significance of *Pine Court* making a strong contribution to the streetscape.

Liaison by Architect

As previously, the architect has liaised with the immediately adjacent owners to the north and east to discuss the new design.

Advertising by Town

The Town advertised to three adjacent properties. Two submissions were received as summarised and commented upon below:

A Fini – 96-98 Broome St (*Pine Court*)

Expressed in-principle support and requested feedback or clarification on several aspects. This submission was based on the initial plans viewed, which the Town has clarified, whilst the architect has made design revisions addressing aspects raised by the neighbour and the Town. In brief: heritage status confirmed; Broome Street setback complies; second-storey northern windows modified; northern eave complies; second storey green roof over garage will not be an accessible roof terrace; northern boundary wall, fencing and landscaping clarified.

M O'Connor – 46 Broome St

Whilst previously the Town had advertised to properties across Broome Street, given the series of similar proposals the latest version was not. However, this owner made enquiries and viewed the current plans and reiterated his earlier comments.

Building

As previously advised, 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

As previously advised, the crossover to the basement is acceptable subject to its gradients satisfying the Australian Standards.

HERITAGE CONTEXT

The heritage context and classifications of the place have been documented in previous reports to Council on proposals for the property.

The application approved in December 2012 was supported by a heritage assessment report by heritage architect Mr Ronald Bodycoat. That, together with the heritage classifications of the place, has provided a basis for considering the successive proposals.

The current application includes a supporting letter from the same heritage architect (attached), which references the heritage assessment and impact statement he prepared. It identifies the elements of the original dwelling having cultural heritage significance, comprising its external form including the door and window details, other features, the chimneys, verandah and setbacks. The letter informs that the current proposal is to retain and restore these elements, which constitute the distinctive character of the original dwelling. It also comments that the contemporary design of the addition is compatible, re-roofing in slate is appropriate and the treatment of the original front door is sensitive – although the latter comment seems inconsistent with the value of the heritage elements described.

The Town obtained comment on the current proposal from another heritage architect, Mr Stephen Carrick, having regard to the background of designs/approvals and particular details.

His advice (attached) is that whilst the proposed addition is aesthetically acceptable overall, there are important details to consider from the heritage perspective. This includes retaining rather than altering or diminishing the original front door detailing, avoiding direct impacts on the chimneys by design adjustments, and whether the junction of the addition with the original dwelling could be better expressed.

These aspects have been discussed with the applicant architect, who has suggested that they may be addressed through design refinement to be resolved in detailed plans submitted at building permit stage, and conditions are recommended accordingly.

DEVELOPMENT REQUIREMENTS

Under the heritage provisions of former Town Planning Scheme No. 2, the previous approvals all involved discretion to vary certain development requirements, as is often the case with heritage places. Likewise, LPS3 contains discretion to facilitate proposals for heritage places and the current application relies on that discretion.

The proposal is permissible under the development requirements of LPS3, the RDC and the Fencing Local Law. As the addition is well-separated from surrounding properties, direct impacts are minimised.

The design and amenity requirements of the RDC are essentially satisfied; eg density, access/parking, open space, shadow, privacy, etc. As an extension to an existing dwelling and heritage building, the proposal involves some variations as discussed below.

Building height

The original period dwelling although single-storey has high foundations, high ceilings and a high, steep roof, hence equates to a two-storey building at its highest point – the ridge height is 8m or 0.5m less than the LPS3 two-storey standard of 8.5m.

The previously-approved addition had a shallow-pitch roof with a ridge height to match the existing. The current flat-roof design sits just below the existing ridge height and the taller chimney, while the wider flat eaves are slightly lower again. The roof ridge of *Pine Court* on the north is over 3m higher, while the roof ridge of the eastern adjacent dwelling (recently extended) is also higher. Despite the building height of the proposed addition, its proportions and rhythm ameliorate the effect of height and its mass adjacent to *Pine Court* is transitional.

LPS3 enables Council to vary development requirements of the Scheme or RDC in order to help conserve a heritage-listed place, which is considered appropriate in this case.

Basement

Under LPS3 a basement is defined in relation to building height and non-habitable space, if it is to not be regarded as a storey. Compliance with the height standard relative to natural ground level 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 level of the original dwelling. It is also constrained by excavation in relation to the lane and dwelling, plus the verge with the heritage-listed pine trees. Whilst technically the basement does not satisfy the height formula and qualifies as a storey, it is a partially sunken element which appears as a single storey and does not increase the height of the addition.

A variation is considered appropriate in this case.

Wall height

Wall height due to the existing dwelling and flat-roof design of the addition exceeds the 7m standard under LPS3. The maximum wall height is felt mainly to Broome Street, where it approximates 7.5-7.8m depending on the roof features. To the other elevations wall heights are less.

As described above, the design of the addition serves to ameliorate the bulk of the walls and overall building height, while boundary fencing will also obscure the scale.

The ability to vary wall height recognises existing heritage buildings and extensions designed to have compatible floor, ceiling or roof heights when integrating the old

with the new, and as observed the original single-storey dwelling is characteristically tall. Such variation is considered appropriate in this case.

Setbacks

The proposal satisfies almost all setback requirements, including for the new second storey, which is an improvement. It has increased setbacks from the northern boundary and reduced the length of the garage boundary wall. The garage wall is the only setback variation but is supportable under the design principles of the RDC, as it has limited implications and replicates the former garage wall and solid fencing along the lane.

Privacy

Following liaison with the northern neighbour, the architect has revised the plans to delete a north-facing window from the north-eastern corner of the second-storey playroom. The playroom still has a north-facing window to the north-western corner; however, as the northward cone-of-vision falls onto the lane and vehicle ramp it is not a privacy concern.

The roof garden to Broome Street on the western face of the playroom is a green-roof feature only, rather than looking upon a blank roof. It is non-trafficable, with no access from the playroom, hence it is not a roof terrace or privacy concern.

Site levels

The proposal adopts existing site levels as important to the original dwelling and the replacement extension and basement. The grounds involve less retaining or fill than previous designs and there is no longer a porch raised 1m to Broome Street. There will be some terracing of the garden and pool area levels in relation to landscaping, side boundary/fence interfaces, away from the street frontages.

Fencing

The existing street frontages fences are to be kept and upgraded with new open-aspect infill panels.

CONCLUSION

Over the past few years this heritage-classified place has received several approvals for a contemporary addition, but the project has been deferred for redesign. The current application is an opportunity to complete the development and preserve the heritage attributes of the place for the benefit of the property and locality.

The latest design is conceptually similar and assessed as an acceptable proposal which is less complex. Whilst some discretion is required with regard to the height parameters and one setback dimension, the streetscape and amenity outcomes are considered to be appropriate from a planning point of view.

COMMITTEE COMMENT

Committee was supportive of the proposal and of an amendment in relation to the treatment of the original front door.

VOTING

Simple Majority

OFFICER RECOMMENDATION**Moved Mayor Dawkins, seconded Cr Burke**

That Council GRANT planning approval for the two-storey addition and alterations, including basement level, pool, spa, deck, fencing and re-roofing plus restoration/conservation works to the heritage dwelling at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans received on 14 July 2015, subject to the following conditions:

1. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
2. 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.
3. 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 application approved by Council on 10 December 2012.
4. 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.
5. 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 Town.
6. Revised plans shall be submitted for approval at Building Permit stage addressing the following development and heritage requirements by way of design details and revisions, to the satisfaction of the Town:
 - a. The position and fabric of the front door and surround panels to the heritage dwelling shall be retained and restored as required.
 - b. The chimneys of the heritage dwelling shall be retained and restored as required and the detailed design of the addition shall be modified to reveal rather than obscure them.
 - c. The junction of the addition with the heritage dwelling shall give consideration to the treatment of the transition between the new and the old fabric of the development.
 - d. The fencing and person-gate to the Broome Street entrance to the dwelling shall be of open-aspect design to match the rest of the fence.
 - e. Detailed design of any eastern boundary wall (dividing fence) and retaining 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.

- f. a comprehensive landscaping plan for the entire site, for the Town's approval, 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.
7. The boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off, to the satisfaction of the Town.
8. Adequate stormwater 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.
9. Wastewater or backwash water from the swimming pool and spa filtration systems 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.
10. The pool and spa pumps and filters shall be located closer to the 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.
11. Any air-conditioning plant and equipment shall be located closer to the 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.
12. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including any 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, to the satisfaction of the Town.
13. If required, additional dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be prepared to the satisfaction of the Town, and copies provided to those owners and the Town, prior to the issue of a Building Permit.
14. A comprehensive 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.

15. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
16. All street trees (which comprise heritage-listed Norfolk Island pine trees) shall be protected at all times from construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
17. The applicant shall apply to the Town for separate approval to reconstruct the Broome Street crossover in accordance with the Town's specifications; which is to be approved by the Town. The design shall maximise the distance from the trunk of the heritage-listed Norfolk Island pine tree; the works shall avoid damage to the tree's roots, trunk or branches; and the works shall include making-good the verge, curb and all surfaces as required by the Town.
18. Any works to the existing visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
19. Any damage within the road reserve occasioned by construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
20. 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. This approval is to the proposed 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 local planning scheme 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.

AMENDMENT

Moved Cr Jeanes, seconded Cr Angers

That the words "...position and..." be deleted from the first line of condition 6a.

Carried 6/0

OFFICER & COMMITTEE RECOMMENDATION

That Council GRANT planning approval for the two-storey addition and alterations, including basement level, pool, spa, deck, fencing and re-roofing

plus restoration/conservation works to the heritage dwelling at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans received on 14 July 2015, subject to the following conditions:

1. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
 2. 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.
 3. 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 application approved by Council on 10 December 2012.
 4. 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.
 5. 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 Town.
 6. Revised plans shall be submitted for approval at Building Permit stage addressing the following development and heritage requirements by way of design details and revisions, to the satisfaction of the Town:
 - a. The fabric of the front door and surround panels to the heritage dwelling shall be retained and restored as required.
 - b. The chimneys of the heritage dwelling shall be retained and restored as required and the detailed design of the addition shall be modified to reveal rather than obscure them.
 - c. The junction of the addition with the heritage dwelling shall give consideration to the treatment of the transition between the new and the old fabric of the development.
 - d. The fencing and person-gate to the Broome Street entrance to the dwelling shall be of open-aspect design to match the rest of the fence.
 - e. Detailed design of any eastern boundary wall (dividing fence) and retaining 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.
 - f. a comprehensive landscaping plan for the entire site, for the Town's approval, 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.
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7. The boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off, to the satisfaction of the Town.
8. Adequate stormwater 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.
9. Wastewater or backwash water from the swimming pool and spa filtration systems 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.
10. The pool and spa pumps and filters shall be located closer to the 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.
11. Any air-conditioning plant and equipment shall be located closer to the 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.
12. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including any 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, to the satisfaction of the Town.
13. If required, additional dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be prepared to the satisfaction of the Town, and copies provided to those owners and the Town, prior to the issue of a Building Permit.
14. A comprehensive 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.

15. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
16. All street trees (which comprise heritage-listed Norfolk Island pine trees) shall be protected at all times from construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
17. The applicant shall apply to the Town for separate approval to reconstruct the Broome Street crossover in accordance with the Town's specifications; which is to be approved by the Town. The design shall maximise the distance from the trunk of the heritage-listed Norfolk Island pine tree; the works shall avoid damage to the tree's roots, trunk or branches; and the works shall include making-good the verge, curb and all surfaces as required by the Town.
18. Any works to the existing visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
19. Any damage within the road reserve occasioned by construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
20. 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. This approval is to the proposed 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 local planning scheme 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.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/0

10.1.4 REQUEST FOR RESIDENTIAL DENSITY INCREASE - CURTIN AVENUE - SECOND REPORT

File Ref: SUB/334-02
Attachments: [Curtin Density Aerial](#)
[Curtin Density Properties](#)
Responsible Officer: Mat Humfrey
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 17 August 2015
Author Disclosure of Interest: Nil

SUMMARY

In June 2015 Council considered an initial report on a request that a number of lots along Curtin Avenue in north-east Cottesloe have their residential density code increased from R20 to R30, and resolved:

THAT Council consider the request from landowners that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30 and requests staff to report-back on the matter with detailed information, including the preferred approach to managing subdivision and redevelopment.

Council discussed whether a Scheme Amendment would include controls over land redevelopment, and was concerned that the proposed density increase would not result in orderly and proper planning and that there would be traffic, parking and amenity impacts; whilst the existing dwellings were in good condition.

This second report responds to the above for Council to decide whether or how best to proceed with the matter.

BACKGROUND

In February 2015 the Town received a request from the owners of twelve residential properties along Curtin Avenue between Florence and Grant Streets for a density increase from R20 to R30. One lot in the middle on the corner of Curtin Avenue and Hawkstone Street has not signed the letter. Another owner has withdrawn unconditional support due to concern about redevelopment consequences and recommends design controls to avoid an arbitrary approach.

The letter offered the following rationale for the request:

- Impacts from Curtin Avenue traffic, especially heavy vehicles, and trains.
- Proximity to bus and train transport.
- Ageing dwellings and the cost of upgrading them, including to address road and rail impacts.

- Increased subdivision potential would encourage redevelopment to take advantage of public transport and provide better residential amenity.
- Other areas along Curtin Avenue have R30 or R35 density coding.

In April 2015 Development Services Committee discussed and indicated broad support for the proposal, being cognisant of the amenity impacts of main roads and of regional planning objectives for infill housing. It considered that properties along Curtin Avenue could be included in a proposed density increase, but that this should not extend significantly along side streets into the established and quieter residential area.

In June 2015 a further justification letter was received and commented as follows:

- The density increase would facilitate redevelopment with single or grouped dwellings, orientated to the lanes for frontage and access rather than to Curtin Avenue.
- Similar development has occurred nearby and elsewhere in Cottesloe.
- Such redevelopment would be compatible with the locality.
- Vehicular and pedestrian access would be coordinated and the Curtin Avenue verge could be landscaped.
- There is landowner support for the request and no objection from nearby owners (to date).
- Redevelopment could occur individually or be coordinated between owners, via progressive development applications and owner arrangements.
- The Residential zoning favours that use and the Scheme, policies, etc manage development requirements and standards.
- Advocates up-coding areas of smaller lots with alternative access and close to public transport along Curtin Avenue generally.

Preliminary Assessment

A preliminary assessment outlined the matter as below.

Planning context

LPS3 deals with zoning, land use and development throughout the district. The broad aims of the Scheme are linked to regional planning, the Local Planning Strategy, supporting transport, sustaining population, providing housing variety (subject to community identity and amenity), sustaining character and streetscape, and a convenient, pleasant public domain. The objectives of the Residential zone include encouraging residential development only which is compatible with the scale and amenity of the locality and providing the opportunity for a variety and choice in housing in specified residential areas.

Development implications

This is a starting point for considering proposals, which may warrant assessment in their particular contexts having regard to detailed planning aspects and methods.

Typical considerations include the degree and extent of up-coding; resultant lot sizes, subdivision pattern, built form and streetscape; access (side streets and rear lanes are available); traffic generation and circulation; infrastructure and services; possible public open space, plus landscaping; special development controls (Local Development Plan or Special Control Area) or Policy/Design Guidelines. Heritage or character can also be relevant. Denser development areas usually invite overall plans and controls rather than leaving things to chance.

Site areas (lot sizes) and dwelling types

The current lot sizes range from 426sqm to 765sqm, the most common being 606sqm and 640sqm. Under the Residential Design Codes (RDC) density codes lot size requirements are:

	R20	R30	sqm reduction
Minimum site area (sqm)	350	260	90
Average site area (sqm)	450	300	150
Multiple dwelling	450	Density currently based on design; to be 300sqm under RDC changes from 23 October 2015.	150

Single or grouped dwellings would be suitable in this locality. Multiple dwellings would be denser, but limited to two-storey. Note that in lieu of subdivision at R20, lots of 450sqm may add ancillary accommodation (a granny flat) subject to meeting development requirements.

Planning approach

This is a strategic planning proposal that needs to be carefully considered in relation to LPS3 and ongoing requests for up-coding or rezoning. When LPS3 was prepared Council considered a number of requests for up-coding but did not agree to them all, generally adhering to R20 in north Cottesloe. Council mainly supported density increases to reflect existing lot density rather than to trigger widespread subdivision, demolition and development, or supported selective up-coding in intensive nodes.

An up-coding in this area may prompt further requests. Current density codes along Curtin Avenue on the west are predominantly R20, with some R30 areas (Millers Court, Bird Street and south of Pearse Street).

At R30 density coding the approximate potential lot yield (subject to detailed design) based on the total existing area of 8096 sqm is 23 lots, or almost double the existing number of properties. The ultimate lot and dwelling yield would depend upon the subdivision pattern and form of development.

There are two approaches to land development embracing density increases:

- Increase density coding and leave subdivision and redevelopment to the property owners. This is likely to be a gradual, ad hoc method with mixed results and limited coordination. It applies where owners wish to gain their individual subdivision/redevelopment benefits.
- Prepare a Local Development Plan to guide subdivision layout and control development standards; eg similar to as for the former depot site. This would achieve more coordinated and cohesive subdivision, access and development. The difficulty can be in getting owners to agree to arrangements for joint subdivision and redevelopment. As mentioned, a Scheme Policy or Design Guidelines, or Special Control Area provisions, may be called-for where the circumstances demand detailed governance.

In terms of overall planning the latter would be preferable, albeit more complex.

Conclusion

Given that transport corridors cause amenity impacts, the notion of increasing density to expose more dwellings and people to them may seem at odds with orderly and proper planning. Whilst the amenity impacts are acknowledged, they could be addressed by other means by each property and within the public domain corridor.

Nevertheless, as urban areas evolve historical layouts and built form can become ripe for improvement, older dwellings can become outmoded and amenity may deteriorate.

The current request has some basic merit, but requires more detailed examination. The justification is fairly superficial and is founded on stage-of-life and property asset realisation aspirations. It assumes that quality outcomes will materialise from market forces and lacks prescriptive controls.

There is a risk in allowing unmanaged subdivision and denser redevelopment should take the opportunity to improve amenity and streetscape, including avoiding impacts on adjoining areas.

STRATEGIC IMPLICATIONS

Relates to residential density, development and types in connection with local and regional planning objectives and mechanisms.

Changing density coding requires a Scheme Amendment, a process which is initiated by the local government and involves public advertising, consideration of submissions, evaluation by the Western Australian Planning Commission (WAPC), and determination by the Minister for Planning.

POLICY IMPLICATIONS

A Scheme Policy, Design Guidelines or Local Development Plan may be appropriate.

STATUTORY ENVIRONMENT

- Planning & Development Act 2005
- Local Planning Strategy

- Local Planning Scheme No. 3 (LPS3)
- Residential Design Codes (RDC)

FINANCIAL IMPLICATIONS

Cost-recovery of Scheme Amendment preparation.

STAFFING IMPLICATIONS

Sometimes Scheme Amendment requests are made by planning consultants who submit a comprehensive proposal at the proponent's expense. Alternatively, for a request from local landowners, the Town can prepare the Amendment documentation and charge a fee for the service, to cover assessment, reporting and administration.

SUSTAINABILITY IMPLICATIONS

Increased density has a nexus with sustainability.

CONSULTATION

To date liaison has occurred with the proponents. A Scheme Amendment process would entail community and agency consultation for information and feedback.

Following initiation and advertising, Council considers any submissions and the proposal and decides whether to adopt the Amendment, adopt a modified version or not proceed. Council then forwards the submissions and its resolution to the WAPC for review and advice to the Minister, who makes the final decision to approve the Amendment or a modified version, or to refuse it.

FURTHER EXAMINATION

Information from proponents

The proponents have liaised with officers and provided the following table of their ideas on how future R30 development could be accommodated on their lots, having regard to development considerations discussed at the Development Services Committee.

Development matter discussed	Risks	Opportunities	Potential planning tool to facilitate desired outcome
Setbacks	The side lot boundary setbacks permitted for the R30 code under the Residential Design Codes 2013 (R Codes) could potentially result in bulky two-storey development that obstruct natural breezeways and inhibits solar passive development on these east-west oriented	Strategically-located building envelopes and increased second storey side setbacks could provide staggered two-storey built form that will maximise solar access and avoid overshadowing of neighbouring properties. Solar access for adjoining sites (i.e. cl 5.4.2)	Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes. The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development

	blocks.	deemed-to-comply C2.1) to remain per R20 standards of the R Codes.	Requirement similar to cl 5.3.4.
	There's a potential for a reduction of amenity on neighbouring properties due to bulk of 3.5m high parapet walls and overlooking from second storeys developed at the R30 code.	Restrictions to parapet walls should remain as per R20 standards of the R Codes (i.e. cl 5.1.3 deemed-to-comply C3.2 (ii)). Major openings (per R Codes) prohibited on southern face of second storeys.	
	Current 6m front setback restrictions under the Town's planning Scheme result in open space being provided in areas at the front of the properties which are the most noise-affected. Outdoor living areas towards rear of properties tend to be protected from the traffic noise.	Generous verge depths compliment a potential reduction of the front setbacks to 2 metres that would enable built form towards the front of the lots which mitigates noise transference from Curtin Avenue to outdoor living areas.	
Open Space	Smaller lots reduce private open space in the locality.	Potential to reduce (or limit) second storey floor area in exchange for greater building site coverage on the ground floor – this would also prevent sheer-bulky two-storey dwellings and provide greater focus on delivering individual outdoor living areas that are of sizes and configurations that are functional and well-located. Private open space also to be strategically configured to permit solar access and cross-flow ventilation between neighbouring properties.	LPS3 definition for "green roof" etc. Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes. The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.

		Permeable fencing and landscaping in front setback for new lots fronting the right of way.	
Parking	Parking on rights-of-way will lead to congestion.	<p>Rights-of-way provide for limited vehicle movements and naturally provide for slower vehicle speeds.</p> <p>Council by-laws and regulation can prohibit parking in rights-of-way to maintain sight-lines for pedestrian safety and unfettered vehicle access to residences.</p> <p>Construction of right-of-way at expense of developers as condition of subdivision approval will have a flow-on effect of improving access to other surrounding properties.</p>	<p>Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.</p> <p>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.</p>

Comment

This analysis is useful in identifying some aspects to be addressed in setting development parameters for the subject land and suggesting how the Scheme may apply the controls, with a focus on RDC requirements. It does not consider how subdivision may be managed, which Council also seeks to address.

The suggestion of requiring certain RDC parameters to be at R20 standard for the R30 area seems at odds with allowing increased density and may restrict development on smaller lots. One approach, however, would be to require the deemed-to-comply standards only, to avoid discretion under the design principles allowing concessions with undue impacts.

In this respect, the table below shows the different RDC requirements for single or grouped dwellings at R20 and R30 density. At R30 the setback, open space and outdoor living area reductions compensate for the smaller lots yet result in denser, closer development. Further reductions using discretion could be prevented by special controls.

Minimum standard:	R20 single or grouped dwelling	R30 single or grouped dwelling
Lot frontage width	10m	n/a
Open space proportion	50%	45%
Outdoor living area size	30sqm	24sqm

Main setbacks	6m primary street; 1.5m secondary street	4m primary street; 1.5m secondary street
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Scheme mechanisms

Scheme Provisions

The most effective way to control development would be by specific Scheme provisions as part of the Scheme Amendment process necessary to designate the R30 density coding. Scheme provisions have statutory force and effect, whether mandatory or discretionary, with greater bearing than a Scheme Policy or Design Guidelines. A Local Development Plan and/or particular provisions contained in Schedules 12 or 13 or in a new schedule of the Scheme may be appropriate. Variations to the RDC for the subject land or to other Scheme provisions may be appropriate, including for limitations.

Special Control Area

Creating a Special Control Area (SCA) for the subject land would allow for objectives and special controls applicable to the area to be set out and highlight that the area is to be treated specially. The SCA may involve variations to the RDC or to other Scheme provisions. This mechanism would entail the Scheme Amendment process, which includes consultation.

Local Planning Policy

A Policy and/or Design Guidelines made pursuant to the Scheme is a more discretionary and less mandatory mechanism, which Council is to have due regard to but is not absolutely binding and is open to review. It may contain a Local Development Plan or other tools to manage subdivision and development. This mechanism would entail the policy-making process, which includes consultation.

Subdivision considerations

Subdivision is a statutory approval process separate from local planning schemes but which may be linked to a scheme for some measure of control. In LPS3 a degree of subdivision control is contained in the structure plan provisions for the Development zones and in the Special Control Area provisions for the beachfront.

For the subject area, the RDC would govern lots sizes at R30 as above. Relevant additional subdivision controls via the Scheme may relate to the orientation and configuration of lots, vehicular and pedestrian access, widening of lanes, positioning/rationalisation of crossovers, public open space or cash-in-lieu thereof, verge treatments, corner truncations, coordinated perimeter fencing, protection of verge trees and preservation of on-site trees, etc.

Right-of-way (ROW) 12 running north-south between Grant and Hawkstone Streets is owned by the Town, is 5m wide and contains a sewer main. ROW 20C running north-south, south of Hawkstone Street, is owned by the Town, is 5m wide and contains a sewer main. ROW 20B running north-south, continuing southward, is owned by the Town and is 3m wide. These ROW feature vehicular access, are trafficable and are

partially unmade (sand) and partially upgraded (paved and drained). The subdivision and denser development envisaged would necessitate widening of the lanes to 6m (by the land being ceded free of cost from the lots) and upgrading upon subdivision or development.

In summary, the chief controls influencing subdivision could be:

- Define the R30 area to limit its extent and manage the interface with the R20 area.
- Require the legal widening of the rights-of-way by the ceding of land from the lots free of cost.
- Designate vehicular and pedestrian access points.
- Guide the subdivision pattern and lot parameters, including any public open space and landscaping.
- Define building envelopes.

Development considerations

Development control for dwellings at R30 density on the land would ordinarily be guided broadly by LPS3 and governed in detail by the RDC. As under the Scheme there is some scope for variations and under the RDC there is considerable scope for discretion, it may be appropriate to prescribe specific limitations or requirements for the subject area to manage particular development aspects. Relevant aspects include setbacks (including boundary walls), privacy, solar access, site cover/open, space, vehicular access and parking, pedestrian access, streetscape (including fencing and landscaping), building design/appearance, etc.

In summary, the chief controls influencing development could be:

- Exempt multiple dwellings, as they would have more extensive floorspace, balconies and windows on the second storey.
- Designate dwelling orientation, primary and secondary frontages and the positions for open space, outdoor living areas, parking and access.
- Address streetscape aspects including fencing, landscaping and ancillary structures; to Curtin Avenue, the side streets and the lanes.
- Exempt the RDC design principles for particular aspects, ie adhere to the deemed-to-comply standards.
- For the second storey, limit size, specify setbacks and control privacy.
- Maximise solar access and cross-ventilation, and minimise overshadowing.
- Require developer contributions to upgrade the rights-of-way.
- Prohibit parking in the rights-of-way.

CONCLUSION

The proposed density increase from R20 to R30 may be seen as merited given infill housing targets, proximity to the train station and bus routes and the amenity impacts of Curtin Avenue traffic. However, the differences in lot sizes and development requirements between R20 and R30 standards are significant and can create impacts on adjoining properties and streetscapes.

This report has identified subdivision and development considerations and outlined scheme mechanisms to manage such for the proposed R30 area in relation to the surrounding locality, should the request be supported by Council.

If Council wishes to further examine the matter towards a possible Scheme Amendment, detailed work on the appropriate provisions to control subdivision and development would be undertaken, then reported-back with a draft Amendment, for Council to decide whether to initiate an Amendment and gauge community reaction to the proposal and continue with that process, or to decline to initiate an Amendment.

COMMITTEE COMMENT

Committee supported further work towards a possible Scheme Amendment on the matter.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Downes

THAT Council:

- 1. Note this second report on the request from landowners “that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30”, including the preferred approach to managing subdivision and redevelopment.**
- 2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and development, including consideration of the aspects identified in this report and any other aspects that come to light.**

Carried 5/1

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 7:21 PM.

CONFIRMED MINUTES OF 18 August 2015 PAGES 1 – 48 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /