

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 16 MARCH 2015

**CARL ASKEW**  
Chief Executive Officer

18 March 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 6:03 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 Matthew Crawford, Matthew Crawford Architects, for item 10.1.1, 170 Little Marine Parade

Mr Crawford, the architect, represented the owner of the property and spoke to the proposal. He explained the design in relation to its built form and privacy controls, including images depicting certain aspects. He emphasised positive elements such as the full front setback and how the proposal suits the streetscape, and looked forward to Council's support.

**6 ATTENDANCE****Present**

Cr Peter Jeanes	Presiding Member
Mayor Jo Dawkins	Arrived at 6:37 PM
Cr Philip Angers	
Cr Helen Burke	
Cr Katrina Downes	
Cr Jack Walsh	

**Officers Present**

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

**6.1 APOLOGIES**

Nil.

**Officer Apologies**

Nil.

**6.2 APPROVED LEAVE OF ABSENCE**

Nil.

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Downes, seconded Cr Burke**

**That Cr Walsh's request for leave of absence from the April Development Services Committee Meeting be granted.**

**Carried 5/0**

**Moved Cr Walsh, seconded Cr Angers**

**That Cr Jeanes' request for leave of absence from the April Development Services Committee Meeting be granted.**

**Carried 5/0**

**7 DECLARATION OF INTERESTS**

Nil.

**8 CONFIRMATION OF MINUTES**

**Moved Cr Downes, seconded Cr Walsh**

[Minutes February 16 2015 Development Services Committee.docx](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 16 February 2015 be confirmed.**

**Carried 5/0**

**9 PRESENTATIONS****9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

**10 REPORTS****10.1 PLANNING****10.1.1 170 LITTLE MARINE PARADE – TWO-STOREY DWELLING WITH ROOF TERRACE AND FRONT BOUNDARY FENCE**

<b>File Ref:</b>	<b>2944</b>
<b>Attachments:</b>	<a href="#">170 Little Marine Aerial</a> <a href="#">170 Little Marine Applicant Submissions</a> <a href="#">170 Little Marine Neighbour Submissions</a> <a href="#">170 Little Marine Plans</a> <a href="#">170 Little Marine Privacy Screen</a> <a href="#">170 Little Marine Property Photos</a>
<b>Responsible Officer:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Andrew Jackson</b> <b>Manager Development Services &amp; Ronald Boswell</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>16 March 2015</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Haydn Ross Robinson</b>
<b>Applicant:</b>	<b>Matthew Crawford Architects</b>
<b>Date of Application:</b>	<b>28 May 2014</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Lot Area:</b>	<b>465m<sup>2</sup></b>
<b>MRS Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

This application essentially complies with LPS3, much of the RDC and the Fencing Local Law, but is seeking the following variations under the RDC:

- Setbacks from the north, east and south boundaries.
- Fill.
- Visual privacy.

These aspects are discussed in this report and refer to revised main plans received on 23 February 2015.

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

**PROPOSAL**

The proposed two-storey dwelling comprises:

- Four bedrooms, two bathrooms, WC, powder room and two living areas.
- Cantilevered dining area.
- Raised garden/courtyard on north side towards rear.

- Roof terrace with external staircase on south side.
- Four-car garage.
- Though-driveway between street and ROW.
- Open-aspect front fencing.

## BACKGROUND

Following the initial application in May 2014 and discussions with the applicant, the Town advised that the design be significantly amended to reduce building height, setbacks and to limit the number of boundary walls in order to satisfy building height under LPS3 and the RDC, thereby limiting the visual impact of the development on the street and adjoining properties.

Discussions ensued; however, the application remained pending revised plans. In Late 2014 the Town received notification that the application had been referred to the SAT for review due to non-determination.

Officers attended the first SAT mediation session on 26 November 2014. The owner and architect were advised that the Town and the SAT are required to approve development within the bounds of LPS3 and the RDC, and were encouraged to continue liaison with the Town to achieve a satisfactory design.

Additional mediation sessions have explored the planning parameters and potential design improvements to that end, as well as neighbour comments. This has culminated in revised plans which the SAT has now referred to the Town for consideration.

## STATUTORY ENVIRONMENT

- LPS3
- RDC
- Fencing Local Law

## APPLICATION ASSESMENT

### AREAS OF NON-COMPLIANCE

#### Residential Design Codes

<i>Design Element</i>	<i>Permitted</i>	<i>Proposed</i>	<i>Performance Criteria</i>
<b>5.1.3 Lot boundary setbacks</b>	1.1m	1m	Clause P3.1
	1.1m	1m	
	2.5m	1.77-2.03m	
	2m	1.5m (ROW)	
	1.2m	1m	
	2.8m	1.63m	
	1.1m	1m	
	1.5m	1m	
	1.9m	1.4m	
	3.3m	1.5m (ROW)	
	4.9m	4.1m	
	4.9m	4.4m	



	Height: maximum 3.5m, average 3m. Length: 9.1m (parapet wall)	Height: 6m, 4.95m. Length: 10.47m (parapet wall)	Clause P3.2
<b>5.3.7 Site works</b>	Fill to 0.5m from NGL	4.6m from NGL.	Clause P7.1 – P7.2
<b>5.4.1 Visual privacy</b>	7.5m cone of vision from roof terrace	4.2 and 4.5m cone of vision	Clause P1.1 – P1.2

## ADVERTISING OF PROPOSAL

The application was advertised by letter to six adjoining property owners. Three submissions were received from the northern and southern neighbours and the comments are summarised below:

### D & H Austin, 2 Grant St

- Objects to reduced setback on their northern boundary as the dwelling is 1m from it.
- Objects to the height and excessive bulk of the dwelling, which would have a detrimental effect on enjoyment of their ground-floor, north-facing living area, outdoor entertainment area and swimming pool.
- Objects to loss of privacy due to the open stairs and the roof terrace, which would overlook their outdoor area.

### M Slee, 4 Grant St

- Objects to the dwelling overshadowing their pool area.
- Objects to the reduced setback to their northern boundary.

### B Brine, 172 Little Marine Pde (three letters received)

- Objects to excessive bulk and reduced setback on their southern boundary – length and height that far exceeds building guidelines and would have an adverse affect on their property.
- Objects to the unscreened roof terrace that relies on horizontal screening.
- Concerned there would be a loss of natural light to the southern side of their dwelling and that due to the proximity of both homes a wind tunnel would be created.
- Concerned the roof terrace would overlook their own roof terrace and spa area. A visual privacy screen would assist here.
- The plans incorrectly present the proximity of both dwellings.
- Concerned about how the curved roof attached to the parapet wall will manage drainage.
- Concerned about overlooking from the west facing master bedroom window.

Officers have liaised with the submitters regarding their comments, in particular the owners of No. 172 Little Marine Parade, whose concerns are responded to by

specific conditions recommended to address privacy and roof drainage. In this respect the architect has provided a supplementary plan received on 12 March 2015 which indicates a privacy screen to the eastern end of the roof terrace as well as design provision for a box gutter to the northern boundary wall roof.

### **APPLICANT'S JUSTIFICATION**

The applicant has considered the Town's advice and the submissions, and in response provided justification in support of the latest revised plans. This is summarised below and elaborated upon in two illustrated letters from the architect attached to this report.

#### Setbacks

The setbacks of the dwelling from the southern boundary range from 1m to 3.6m. No. 2 Grant St benefits from the proposed 6m front setback, which decreases bulk and scale by 30% compared with the existing dwelling. The ground level of No. 2 Grant St sits significantly higher than No.170 Little Marine Pde, while the roof of the proposed dwelling curves away from the southern property to alleviate bulk.

A setback variation to the northern boundary is sought based on the RDC design principles. No. 172 Little Marine Pde has been built sufficiently close to the southern boundary such that no major openings have been included. The proposed dwelling also proposes no major openings facing this boundary.

Officer comment: The original plans had a longer northern boundary wall extending further to the east, but the design review process has resulted in the rear section of the dwelling being reconfigured to be setback from the northern boundary and otherwise reduce the bulk and scale of that section of the dwelling as it presents to the north and east. This is a substantial change and improvement.

#### Bulk and scale

The curved roof design will alleviate any imposing bulk and scale, while the dwelling occupies only two thirds of the No. 2 Grant St boundary.

#### Overshadow

Overshadow complies with the RDC deemed-to-comply requirement so is not an issue.

#### Fill

The raised garden/courtyard has been created because the main living areas of the dwelling are on the first-floor level. The garden/courtyard provides a valuable and meaningful outdoor living area with direct access from the main habitable rooms. Due to overshadowing by the northern dwelling (No. 172 Little Marine Pde), which exceeds 25% of the subject lot, the raised garden/courtyard is designed to maximise northern light for the outdoor living area.

Visual privacy

The roof terrace has been designed to provide privacy. The usable area is well set back from the perimeter on all sides. Owing to the height differences between the roof terrace and the rear of the adjacent dwellings, the curved roof provides horizontal screening to protect the privacy of their outdoor entertaining areas.

All overlooking from the roof terrace to the north falls onto the roof of No. 172 Little Marine Pde. The stairs to the roof terrace will be screened similarly to the screens on the stairs to the roof terrace of No. 172 Little Marine Pde, hence privacy will be provided.

Cantilever design

The proposed dwelling has been designed with a cantilevered element on the southern side, due to a Water Corporation easement directly below (subject to its approval for access). A structural engineer will be engaged for this aspect of the design, which adds interest to the dwelling.

**STAFF COMMENT**

The following technical assessment is made in respect of the proposal:

**Building height**

To comply with building height, the dwelling is a combined curved and a flat roof design with a roof terrace contained within the maximum. The street facade has a similar appearance to the dwelling on the north. Most dwellings in Little Marine Pde have been designed in optimise height to gain ocean views. As such the built form of the proposed dwelling also exhibits a degree of bulk and scale to the streetscape, including the cantilever and parapet wall elements.

By way of compliance, however, the wall height does not exceed 6m from NGL for a pitched roof, 7m from NGL for a flat roof and 8.5m from NGL overall, in accordance with LPS3.

**Setbacks**

The applicant is seeking setback variations as follows:

Side setbacks to northern boundary

	<b><i>Required Setback</i></b>	<b><i>Actual Setback</i></b>
Ground floor:		
Earth fill to bedroom 4	1.1m	1m
Northern boundary – First floor:		
Bedroom 1	Parapet wall	Parapet wall
Bedroom 3/garden	1.2m	1m
Total wall length	2.8m	1.63m
Northern boundary – Roof terrace:		
Roof terrace	4.9m	4.1m

Rear setback to eastern boundary

	<b>Required Setback</b>	<b>Actual Setback</b>
Ground floor:		
Stairs at rear	1.1m	1m
Courtyard to stairs	2.5m	1.77m to 2.03m
Eastern boundary – First floor:		
Stairs at rear	1.1m	1m

Side setback to southern boundary

	<b>Required Setback</b>	<b>Actual Setback</b>
Ground floor:		
Total	2m	1.5m (ROW)
First floor:		
Dining room to powder room	1.5m	1m
Dining room to stairs to roof terrace	1.9m	1.4m
Walkway/Total wall length	3.3m	1.5m (ROW)
Roof terrace:		
Roof terrace	4.9m	4.4m

The applicant requests that all of these setback variations be considered under the design principles of the RDC, which state:

*Buildings set back from lot boundaries so as to:*

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

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

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

It is assessed that the setback variations to the northern boundary are relatively minor in themselves and would not unduly affect the northern property, albeit that as a two-storey element the boundary wall does not meet the deemed-to-comply standard of the RDC (ie single storey). Nonetheless, only one boundary wall is

proposed and would not affect the northern property by way of shadow, reducing direct sunlight or creating overlooking.

As mentioned, the rear section of the dwelling has been redesigned to reduce the length of the northern boundary wall and to be set back from the adjacent property.

All eastern setback variations are also relatively minor and can be supported as not unduly affecting that property, while the proposed building sits below or at the fence level of the southern property. These setbacks do not affect privacy.

### Fill

The proposed dwelling has a raised courtyard/garden element towards the rear, which involves the following fill:

<i>Permitted</i>	<i>Proposed</i>
0.5 from NGL	4.6m from NGL

The applicant requests that this localised fill to a void be considered under the design principles of the RDC, which state:

- *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.*

The proposed dwelling will require an amount of fill to form a raised garden/courtyard at the first floor level. While it would create an oasis for the inhabitants, it would also impose a solid wall 1m from the northern boundary. However, the Town can support the proposed fill to create the raised garden/courtyard as it would not be seen from the street, it is a design feature of the dwelling and it allows for more natural light into the outdoor living area, which would otherwise be overshadowed by the northern dwelling. As mentioned, the main living areas of the dwelling are located on the first floor with all habitable rooms opening out onto the outdoor living area. If the garden/courtyard was at ground level it would be non-usable space.

### Visual privacy

The roof terrace has 4.2m and 4.5m cones of vision to the northern and southern boundaries respectively, in lieu of a 7.5m cone of vision required under the deemed-to-comply standards of the RDC. The applicant therefore requests that visual privacy be considered under the design principals of the RDC, which state:

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

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*

- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The dwelling design has created horizontal screening to prevent lines of sight into the outdoor living areas of adjacent dwellings. All overlooking at the horizontal level would be onto the roof of the northern dwelling and the wall of the southern dwelling, which exceeds the 7.5m cone of vision distance. On this basis there is no direct overlooking into habitable outdoor living spaces or rooms within the 7.5m cone of vision.

Despite this design and assessment, given the concern of the northern neighbour, Officers and the architect have discussed introducing opaque glass screens to the eastern end of the roof terrace where the outdoor kitchen is located. The screens would be to the standard height of 1.65m from the finished floor level, extending 3m along the northern edge, entirely along the eastern edge and over 1.5m along the southern edge to the stairway landing. This is shown on a supplementary plan received on 12 March 2015 and added to the attached plans. These screens would be well set back from all boundaries so as to not be a visible built form concern and may be treated as minor projections providing a desirable privacy function. A condition is recommended for this purpose.

The stairs to the roof terrace are a transition zone and under the RDC do not require screening; however, 1.6m high privacy screens are included to prevent overlooking to the south.

## **CONCLUSION**

The design of the dwelling has been significantly modified to ensure that it conforms to the LPS3 building heights, the RDC design principles and the character of the street. Although there are several setback variations these are generally of a minor amount and are assessed as acceptable.

The dwelling would be set back further from the front boundary than the existing dwelling and represents another unique addition to the streetscape – the dwellings along Little Marine Parade feature diverse architectural styles, which has created an eclectic enclave of dwellings in this locality.

## **COMMITTEE COMMENT**

Committee discussed the proposal in some detail. Initial queries were raised seeking clarification of the NGLs and closure of the former ROW pedestrian access, which officers undertook to advise upon.

Discussion focussed on the northern boundary wall and setbacks, with Officers explaining the RDC requirements, the extent of the section on the boundary and the variations involved, noting that the rear section had been revised to be setback as an improvement. Officers advised that privacy was provided along the northern side and by the roof terrace screening. Committee concluded that the upper-level of the boundary wall to the main bedroom should be setback, which could be achieved by revising the internal layout.

There was also brief discussion involving the southern neighbours, who arrived during the meeting, regarding the relationship of the proposed dwelling to their

property. Overall, Committee was supportive of the proposal subject to the above change.

The MDS advised that following Council's approval accordingly the SAT would be advised of the outcome and if the applicant is satisfied he would withdraw the appeal.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

### **Moved Cr Jeanes, seconded Cr Downes**

THAT Council GRANT its approval to Commence Development for the proposed two storey dwelling with roof terrace and a front boundary fence at 170 Little Marine Parade, COTTESLOE in accordance with the plans received 28 May 2014 (survey plan), 27 January 2015 (overshadow plan), 23 February 2015 (floor plans and elevations) and 12 March 2015 (roof terrace privacy screens), subject to the following conditions:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
6. The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.
7. In accordance with the Town's Fencing Local Law, fencing to the front boundary is to ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.
8. The adjoining right of way shall be paved and drained for the full width of the property abutting the eastern boundary at the applicant's expense and to the

satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the issue of a Building Permit.

9. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
10. The roof terrace shall incorporate privacy screens to its eastern end, being obscure glass to a height of 1.65m from the finished floor level, for the extents along the northern, eastern and southern edges as shown on the supplementary plan received on 12 March 2015; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
11. The west-facing window to the master bedroom shall be either:
  - i. of such size to be a minor opening in accordance with the Residential Design Codes; or
  - ii. obscure-glazed to a minimum height of 1.65m from the finished floor level; or
  - iii. screened on its northern and bottom edges to prevent overlooking of the northern property; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
12. The application for a Building Permit shall include detailed plans and information demonstrating to the satisfaction of the Town the design and construction of the northern boundary wall and roof in order to capture stormwater runoff from the building and to minimise stormwater runoff affecting the northern adjacent property.
13. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height standards of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Demolition Permit and to obtain approval prior to undertaking demolition of the existing development.
3. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
4. Any hazardous substances (i.e. asbestos removal) is to be undertaken in accordance with the relevant regulations.



**AMENDMENT**

Moved Cr Walsh, seconded Cr Angers

That a condition be added requiring the proposed northern boundary wall to Bedroom 1 on the upper level to be setback a minimum of 1.0m.

Carried 5/1

**COMMITTEE RECOMMENDATION**

**THAT Council GRANT its approval to Commence Development for the proposed two storey dwelling with roof terrace and a front boundary fence at 170 Little Marine Parade, COTTESLOE in accordance with the plans received 28 May 2014 (survey plan), 27 January 2015 (overshadow plan), 23 February 2015 (floor plans and elevations) and 12 March 2015 (roof terrace privacy screens), subject to the following conditions:**

- 1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. – Construction sites.**
- 2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- 3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.**
- 4. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 5. Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.**
- 6. The finish and colour of the boundary wall facing the northern neighbour shall be to the satisfaction of the Manager Development Services in consultation with the Town; the details of which shall be included in the application for a Building Permit.**
- 7. In accordance with the Town's Fencing Local Law, fencing to the front boundary is to ensure that the infill between the brick piers has a minimum space of 50mm and minimum open-aspect of 50%.**
- 8. The adjoining right of way shall be paved and drained for the full width of the property abutting the eastern boundary at the applicant's expense and to the satisfaction of the Manager Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the issue of a Building Permit.**

9. The applicant shall apply to the Town for approval to modify or reconstruct the crossover, in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
10. The roof terrace shall incorporate privacy screens to its eastern end, being obscure glass to a height of 1.65m from the finished floor level, for the extents along the northern, eastern and southern edges as shown on the supplementary plan received on 12 March 2015; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
11. The west-facing window to the master bedroom shall be either:
  - i. of such size to be a minor opening in accordance with the Residential Design Codes; or
  - ii. obscure-glazed to a minimum height of 1.65m from the finished floor level; or
  - iii. screened on its northern and bottom edges to prevent overlooking of the northern property; the details of which shall be included in the application for a Building Permit and to the satisfaction of the Manager Development Services.
12. The application for a Building Permit shall include detailed plans and information demonstrating to the satisfaction of the Town the design and construction of the northern boundary wall and roof in order to capture stormwater runoff from the building and to minimise stormwater runoff affecting the northern adjacent property.
13. The application for a Building Permit shall include detailed, dimensioned plans which demonstrate accurate compliance with the wall and building height standards of Local Planning Scheme No. 3, to the satisfaction of the Manager Development Services.
14. The proposed northern boundary wall to Bedroom 1 on the upper level shall be setback a minimum of 1.0m, which shall be shown in the Building Permit plans, including the detail of any revised internal layout.

**Advice Notes:**

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

4. Any hazardous substances (i.e. asbestos removal) is to be undertaken in accordance with the relevant regulations.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 6/0**

**10.1.2 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 3 - FINALISATION**

**File Ref:** SUB/1909  
**Attachments:** [Submissions](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 16 March 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

On 8 December 2014 Council received a report on this proposed Scheme Amendment and resolved to adopt the Amendment for the purpose of advertising and to undertake the statutory procedures accordingly.

Advertising has been completed and four submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission (WAPC) on the outcome of the Amendment, which this report addresses.

**BACKGROUND**

LPS3 was introduced with revised height controls evolved from former Town Planning Scheme No. 2 (TPS2) and is generally more restrictive. In this respect Council has recently adopted Amendment No. 1 for final approval, to restore a degree of guided discretion for extensions to existing dwellings and heritage buildings.

In TPS2 the maximum building height prescription for single storey development was simply *Roof Height: 6m*, which allowed for wall heights up to 6m depending on the design. This facilitated design flexibility whilst managing bulk and scale, as a tall single storey would still be significantly under the heights for two or three storeys.

LPS3 is more definitive about single storey heights:

- *Building Height – 6.0 metres maximum height;*
- *Wall Height (to level of roof) – 3.0 metres maximum height;*
- *Wall Height (to top of a parapet) – 4.0 metres maximum height;*

with the intent being to distinguish between walls in relation to pitched or flat roofs, similar to how heights are specified for two or more storeys.

However, it is apparent that this is unintentionally restrictive to a range of design possibilities and varying circumstances, whether for extensions or new development, such as:

- Sloping sites where a single storey wall element exceeds 3m.
  - Combined one and two storey buildings where the transition requires greater single storey wall height.
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- Single storey spaces with higher ceilings, such as atrium-style rooms, voids and sometimes mezzanines.
- Design features such as porticos, high patios, indoor/outdoor rooms, garages with overhead storage, etc.

While modest project homes on flat sites may be able to achieve a single storey 3m wall height, larger and more complex architect-designed dwellings on sloping sites tend to have many elements and often seek single storey walls over 3m high. Also, for non-residential development, including commercial premises and public buildings, a 3m single storey wall height can be insufficient.

The TPS2 measure of 6m worked effectively, affording scope for design and catering to diverse situations, and in view of the above was recommended to be reinstated, with refinement, via this Amendment, as an appropriate and practical maximum wall height for single storey buildings.

### **AMENDMENT PROPOSAL**

The maximum building and wall height prescription for single storey development is proposed to be amended to overcome the current restriction and to incorporate an improved version of the TPS2 standard consistent with the expression of the LPS3 text.

This provides the desired design flexibility yet retains the overall maximum building height, within which wall heights and built form can respond to development needs and site conditions.

The change is technically straightforward and desirable for the operation of the Scheme to readily accommodate today's designs and developments.

### **STRATEGIC IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **STATUTORY ENVIRONMENT**

Planning & Development Act.  
Town Planning Regulations.  
LPS3.

### **FINANCIAL IMPLICATIONS**

Nil.

### **SUSTAINABILITY IMPLICATIONS**

Nil.

## CONSULTATION

Following environmental clearance and notifying the WAPC as required, the Amendment was advertised for public comment for a period of 42 days by:

- placing a copy of the notice in the *Post* newspaper, on the Town's noticeboard/s and website, and at the Library; and
- placing a copy of the proposed amendment on display at the Town's office, on the Town's website and at the Library.

The four submissions received are similar and are from owners looking to undertake single storey development, which is dependent upon the proposed change for single storey dwellings to be dealt with as under former TPS2. As such the submissions do not suggest any modification.

## PROCEDURE

Following the advertising period, the Regulations require Council to:

- consider any submissions and resolve to adopt the Amendment, with any modifications;
- execute the Amendment documents by signing and affixing the Town's seal; and
- lodge the Amendment documents with the WAPC.

The WAPC then assesses the Amendment and submits it to the Minister for Planning for final approval. After that the Town is notified and final approval of the Amendment is published in the Government Gazette whence it comes into effect.

## CONCLUSION

Amendment of the Scheme is required in order to ensure that single storey design and development is not unduly constrained, by providing a building/wall height maximum of 6m. This will reflect how TPS2 functioned successfully.

The Amendment has attracted support and is in order for final approval.

## COMMITTEE COMMENT

Committee supported finalisation of the Scheme Amendment.

## VOTING

Simple Majority

## OFFICER AND COMMITTEE RECOMMENDATION

**Moved Cr Walsh, seconded Cr Jeanes**

**THAT Council**

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3 in respect of maximum wall heights for single storey buildings, by**

amending the Scheme Text to delete clause 5.7.2 (a) (i) to (iii) as written and replace clause 5.7.2 (a) with:

- (a) 1 storey                      (i) *Building Height (inclusive of wall and roof height; including to top of a parapet) – 6.0 metres maximum height.*

2. Adopt the Amendment, without modification.
3. Authorise the Mayor and Chief Executive Officer to sign the Amendment documents and affix the Town's seal thereto.
4. Forward the Amendment documents, together with a copy of Council's resolution on final approval and particulars of the steps taken to advertise the Amendment, to the Western Australian Planning Commission for presentation to the Minister for Planning for final approval of the Amendment.

Carried 6/0

**10.1.3 PLANNING INSTITUTE OF AUSTRALIA 2015 NATIONAL CONGRESS - GREAT PLACES**

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

**Proposed Meeting Date:** 16 March 2015  
**Author Disclosure of Interest:** Author is nominee to attend conference

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**SUMMARY**

Every year a major national congress is arranged by the Planning Institute of Australia (PIA). For the 2015 congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners and planning. The conference will be held in Melbourne from 13 - 15 May 2015.

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

**STATUTORY ENVIRONMENT**

Relates to the global town planning system.

**POLICY IMPLICATIONS**

Council's *Conferences Policy* applies.

**STRATEGIC IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The estimated cost of registration, accommodation, meals and travel for the congress is \$2900 (including 'early bird' savings) and can be met by the current budget for training and conferences for Planning staff.

**BACKGROUND**

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

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

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

- Planning from the community's perspective;
  - Public transport – integrating public spaces with light rail;
-



- Global trends in mixed-use developments;
- Metropolitan thinking – case studies;
- Local town centre ‘place-making’;
- Planning and design for health; and
- Building the New Melbourne.

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

### **STAFF COMMENT**

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high-quality, practicing experts working in the industry, from both Australia and overseas.

In addition, new ideas are acquired from these presentations, as trends occurring become obvious and new ways of thinking or techniques are presented.

The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture.

Another advantage for Cottesloe is that the development areas and projects in the district will be assisted by broader exposure to industry knowledge. This includes reporting on complex mixed-use and non-residential developments, multiple dwellings, foreshore redevelopment proposals and town centre design initiatives.

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

### **COMMITTEE COMMENT**

Committee supported this peak professional development opportunity.

### **VOTING**

Simple Majority

### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Angers, seconded Mayor Dawkins**

**THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2015 National Congress in Melbourne from 13-15 May 2015, and request that a report on the congress be provided within two months of attending the event.**

**Carried 6/0**

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

Nil.

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

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 6:56 PM.

CONFIRMED MINUTES OF 16 March 2015 PAGES 1 - 24 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

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