TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE 109 BROOME STREET, COTTESLOE 6.00 PM, MONDAY, 3 DECEMBER 2012

CARL ASKEW
Chief Executive Officer

7 December 2012

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DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

4 PUBLIC QUESTION TIME

Nil

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Ms Ruth Greble re item 10.1.1 No. 48 Forrest Street

Ms Greble voiced concern regarding the footpath past Doscas Lane on Broome Street at the North-West corner of 48 Forrest Street. She outlined that traffic coming down Doscas Lane has difficulty seeing pedestrians and traffic due to the height of the existing parapet wall, and hoped that the proposal would improve visibility for all.

6 ATTENDANCE

Present

Cr Jack Walsh Presiding Member

Cr Greg Boland Cr Katrina Downes Cr Peter Jeanes Cr Yvonne Hart

Cr Rob Rowell Deputy

Officers Present

Mr Carl Askew Chief Executive Officer

Mr Andrew Jackson Manager Development Services

Mr Ed Drewett Senior Planning Officer

Mr Ronald Boswell Mrs Julie Ryan Ms Orla Traynor Planning Officer
Development Services Secretary
Administration Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Strzina.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Boland declared an impartiality interest in item 10.1.1, due to knowing the objector to the application.

Cr Walsh declared an impartiality interest in item 10.1.1, due to knowing the objector to the application.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Jeanes

Minutes November 19 2012 Development Services Committee.doc

The Minutes of the Ordinary meeting of the Development Services Committee, held on 19 November 2012 be confirmed.

Carried 6/0

9 PRESENTATIONS

Mr Paul Jones, re item 10.1.1 No. 48 Forrest Street

Mr Jones as one of the Architects for the proponent gave a visual presentation of the proposal. He outlined the design approach and showed before-and-after images of the streetscapes, as well as described the interfaces with neighbouring dwellings and discussed the integration and finished appearance of the existing dwelling and new extensions. In so doing he responded to specific queries from elected members.

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 **DEPUTATIONS**

Nil

10 REPORTS

10.1 PLANNING

Cr Boland declared an impartiality interest in item 10.4.1, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

Cr Walsh declared an impartiality interest in item 10.4.1, due knowing the objector to the application, and declared that as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.

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

File No: SUB/2539

Attachments: Aerial 48 Forrest Dec 12.pdf

Plans 48 Forrest Dec 12.pdf

Consultant Report Heritage Dec 12.pdf
Architectural Report 48 Forrest Dec 12.pdf
Consultant Report 48 Forrest Dec 12.pdf

Responsible Officer: Carl Askew

Chief Executive Officer

Author: Andrew Jackson

Manager Development Services

Proposed Meeting Date: 03 December 2012

Author Disclosure of Interest Nil

Property Owner: Angela Nasuti

Applicant: Rodrigues Bodycoat Architects

Date of Application: 23 October 2012 Zoning: Residential R20

Use: 'P" – permitted under the Scheme

Lot Area: 1275m² MRS Reservation: N/A

SUMMARY

The property is a prominent single-storey heritage residence and grounds on the north-eastern corner of Broome and Forrest Streets. There is a right-of-way (ROW – Doscas Lane) to the northern boundary, which is 2.7m wide, paved and well-used by properties along it, while the site has garage access off Broome Street.

The property comprises two lots: Lot 92 on the corner is larger and Lot 500 on Forrest Street is smaller. The development application proposes that the lots be amalgamated.

The main, historical, dwelling is located on Lot 92, with a more recent "apartment" building (granny flat) located in the north-eastern rear portion and straddling the lots. The apartment was built in the mid 1970s and mimics the period architecture of the dwelling, but is not in itself of heritage significance.

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

The current application on behalf of a prospective purchaser is for further evolution of the dwelling by substantial redevelopment of the northern end as a new two-storey element, together with other works as described below.

This report presents the normal assessment of applicable development requirements as well as evaluation of the heritage dimension. The recommendation is to approve the application subject to conditions.

BACKGROUND

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

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

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

In this context it is somewhat surprising that no conservation plan or heritage assessment has been undertaken in the past. In this respect it is positive that a heritage rationale for the current proposal has been provided, and bearing in mind the heritage dimension to the property, the Architects have liaised with officers in formulating the proposal. Beyond that, the Heritage Considerations section of this

report provides the necessary guidance to make a proper assessment of the proposal.

PROPOSAL

The present proposal entails:

- Excavation of the northern portion of the site to create a large basement comprising a four-car garage and several ancillary rooms, with vehicular access via the existing crossover from Broome Street. It is noted that Council approved the addition of a basement to *Le Fanu* in a similar fashion.
- Retention of the original dwelling and partial retention of the previous northern addition, with minor alterations to the original dwelling (a few internal and one external).
- Demolition of the remainder of the northern addition and redevelopment at a significantly smaller footprint, with increased setbacks and reduced boundary walls.
- Demolition of the apartment building.
- Introduction of a large second storey occupying the north-eastern quadrant, setback from all boundaries and partially set into the original roof.
- Complete re-roofing and new roofing, removing the existing tiles and introducing high quality (most likely zinc) metal sheeting.
- A large in-ground swimming pool in the north-eastern corner, with an associated retaining wall and terrace/deck areas.
- New retaining boundary walls to the north and east.
- Retention of the new fencing to the street frontages, with relocated gates as well as extension eastward on Forrest Street.
- New landscaping.

DOCUMENTATION SUBMITTED

In support of the proposal the applicant has submitted the following documents.

Heritage Assessment report

This is a heritage architect's study of the property's history and evaluation of its heritage worth. This research document provides an understanding of the heritage qualities and classifications ascribed to the property, as a basis for conservation works, designing any change proposed to the place and assessing its impact. It serves as an ongoing heritage reference and informs future proposals and assessments.

It finds that the cultural heritage significance of the place is of considerable value for a range of collective reasons, whereby the original dwelling should be conserved. The mid-1970s apartment, 2008 extension, boundary fences and landscaping are assessed as having no heritage value – although the setbacks from the streets to the original dwelling and how that curtilage is landscaped is assessed as contributing to the cultural heritage significance of the place.

Note that section 7.0 understates the TPS2-related heritage provisions, which are elaborated upon further below in this officer report.

Comprehensive plans

These include elevations, before-and-after streetscape perspectives, a north-eastern panorama and a northward cones-of-vision diagram. The plans are thorough and detailed, including colours and annotations to aid interpretation and assist technical assessment. They depict the proposal and demonstrate the design details plus technical compliance as described in the accompanying report.

DA Submission Architectural Report

This is the justification for the proposal, comprising an Architectural Statement, Site Development Criteria commentary and Heritage Impact Statement.

This document provides the rationale for the proposal (ie design approach), a self-assessment of the relevant development requirements (ie TPS2 and RDC controls), and assesses the impact of the proposal against its heritage values. It is a basis for assessment by the Town in appreciating the proposal and considering the degree of heritage suitability and planning acceptability.

The Architectural Statement explains the response to the client brief in terms of the layout, style, materials and landscaping proposed in relation to the heritage dwelling; ie integrating the new with the old.

The Site Development Criteria are assessed in the Application Assessment: Development Requirements section of this officer report.

The Heritage Impact Statement is a key tool to evaluate the development proposal against the Heritage Assessment of the characterisation and worth of the place. It adopts the methodology of the State Heritage Office guide for this purpose. It concludes that the proposal would have no negative impact on the heritage significance of the place. This finding rests on retention and restoration of the original dwelling, removal of non-heritage elements, heritage benefits to be gained and assessment of the compatibility of the new architectural design with the heritage values of the original dwelling.

The last point above is influenced by a wide framework of heritage and architectural discourse and guidance, which allows for debate, interpretation, judgement and opinion in reconciling heritage and development. It is here that the Heritage Impact Statement is noticeably favourable towards the proposal. The proposal is certainly an opportunity to evolve and conserve the heritage of the place.

The officer's comment is that the design of the proposal is large, complex and novel, displaying a dichotomy of architectural logic and aesthetic challenge. This is not necessarily to say that the conception does not succeed or would not be visually rewarding, but there is no doubt that it would be a transformation of the place from its current traditional vernacular to a bold and heavily embellished aggregation. How well that composition of form, function, legibility, scale, pattern, texture and beauty works is pivotal to the question of heritage integrity. It must be remembered that there are also ordinary planning, development and building requirements to be satisfied or assessed in weighing-up the proposal for overall determination.

The advice of the independent heritage architect will have a bearing in this regard.

Consultation Report

This records the Architect's liaison with neighbours and Councillors. It consolidates preliminary comments to facilitate consideration of the application. The plans were made available to the owners/residents of ten surrounding properties in order to inform them and identify any concerns.

This has led to some expressions of no objection and agreement to consider some design refinements, as well as minimised formal submissions made to the Town. It has also flagged some potential conditions or advice notes to reflect the commitments given, covering the eastern boundary wall (fence), privacy to the north, dilapidation reports and construction management (including lane access and worker parking).

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2 Residential Design Codes Various heritage listings and polices Fencing Local Law

POLICY IMPLICATIONS

TPS2 Policy No. 12 Places of Cultural Heritage Significance WAPC SPP 3.5 Historic Heritage Conservation

HERITAGE LISTING

Register of National Estate

State Register of Heritage Places
TPS2
TPS2 Policy 12
Municipal Inventory
National Trust

Listed
identified to consider
Schedule 1
N/A
Category 2
Listed

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

Internal

Building

The Principal Building Surveyor has advised that compliance with a pool isolation barrier will be required. The pool is to be at a raised terrace level whereby the

retaining wall will be non-scalable and of a height to meet this requirement, together with a pool gate.

The building permit will need to manage how works adjacent to the lane, are to be carried out in relation to the proposed retaining and screen walls along the boundary and any associated stabilisation.

Engineering

The Manager Engineering Services has viewed the plans and identified no particular concerns, noting that the existing crossover parallel to the lane is to be utilised for the basement.

External

State Heritage Office (for HCWA)
National Trust (previously)
Independent heritage architect

The Heritage Considerations section of this report outlines this input to assessment of the proposal.

Liaison by Architects

The Architects liaised with the Manager Development Services to discuss the initial concept and explore the considerations involved, including heritage, design, development requirements and process. Meetings have been ongoing as the design was finalised, the application was prepared and lodged, then assessment and consultation commenced.

The Architects undertook direct neighbour liaison of owners/residents surrounding the property, to explain the proposal, address any comments or concerns, refine the design and obtain indications of support. The Architects also contacted Councillors to preview the proposal.

All of this dialogue is recorded in the Consultation Report submitted (summary table attached) and has tended to satisfy neighbours ahead of being contacted by the Town.

Advertising and Liaison by Town

The Town as a matter of course sent advertising letters to the abutting landowners, inviting viewing of the plans and written submissions. The Town also liaised with landowners opposite who showed interest in the proposal. Two submissions have been received.

One, from Michael O'Connor of 46 Broome Street (Bramber House) opposite on the north-west corner of Forrest Street, comments that:

- The proposed second storey would overlook their courtyard, denying privacy.
- Its mass would be objectionable.
- A second storey and new metal roof would be contrary to heritage.

Officer comment

- The submittor's property being across the street is removed from direct overlooking well in excess of the separation distances prescribed by the RDC.
- Only one major window is proposed to the second storey facing Broome Street, which being to a walk-in robe and ensuite would not be a main outlook.
- The proposal would increase the mass of the current single-storey dwelling, yet on a large site and within the height limit, in the form of a two-storey extension and adjacent to Pine Court which is two-storey.
- The proposed second storey and reroofing are relevant heritage considerations.

The other, from Adrian Fini regarding his two-storey dwelling in Pine Court on the northern side of the lane, reiterates comment in the Consultation Report, being:

- A preference for privacy treatment to the proposed windows of bedrooms 2 and 3 on the second storey, ie obscure glazed to 1.6m from the floor.
- A request for a dilapidation report on Pine Court in relation to construction of the basement.

Officer comment

- The proposal complies with the privacy provisions of the RDC; however, the Architects have undertaken to address the northward privacy interrelationship with Pine Court and this could be conditioned.
- An advice note in the recommendation refers to the requirement for dilapidation reports as appropriate as part of the building phase.

APPLICATION ASSESSMENT – DEVELOPMENT REQUIREMENTS

Overall, the proposal is predominantly compliant with the development requirements of TPS2, the RDC and the Fencing Local Law, with some variations sought. Due to the site being large, bounded by two streets and a lane and having spacious grounds, the existing dwelling and proposed extension are generally well-separated from surrounding properties, whereby direct impacts are minimised. Hence the design and amenity requirements of the RDC are essentially satisfied; eg density, access/parking, open space, shadow and privacy standards are all readily met. This outcome is described in the DA Submission Architectural Report, together with other aspects, and is reflected in the small number of submissions received.

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

Building height

The proposal achieves compliance with the TPS2 building height standard of 8.5m for a two-storey dwelling by respecting the ridge height of the existing single storey dwelling, which although single-storey as a period dwelling has high foundations,

high ceilings and a high, steep roof pitch, hence equates to a two-storey building at its highest point.

The two-storey extension adopts the existing ridge height in order to be compliant as well as in basic balance with the existing dwelling; ie containing the extension within the roof envelope and not striving for views.

Basement

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

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

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

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

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

The basement comprises car parking and several service or ancillary rooms compatible with the definition of non-habitable. The intended gym (approx. 30sqm) is not an activity mentioned in the definition and in essence is a habitable private recreational space, albeit used part-time by the occupants, so is perhaps a hybrid

use. As a gym is not an entertainment room and would be used by for temporary periods solely for that purpose, it could be permitted with a condition preventing conversion to a habitable space (eg a study or guest room).

Therefore the basement as proposed is supported on this proviso.

Wall height

The proposed extension occupies the northern and eastern flanks of the dwelling within the existing maximum roof height envelope and sitting just below the TPS2 maximum building height standard of 8.5m. The design of the extension is based on an asymmetrical zig-zag roofline and a cantilevered section, with mixed, dispersed window shapes and sizes and clad to differentiate it from the street frontages and original dwelling. The visual result of this architectural treatment is to ameliorate the bulk and scale of the new walls, which while contained within the roof-scape exceed the two-storey 6m wall height standard under TPS2.

This unusual design means that the walls have a variety of calculated heights relative to natural ground level. Using the technique of a median point for each gable to measure wall height, the average is approximately 7m, which is one metre more than the standard and equal to the two-storey flat roof building height standard of the RDC. In practice, due to their gabled design the walls would perform as lower at the start of each gable and taller towards its apex, evening-out the effect of mass. As these walls are located away from the public realm they would not be highly visible, although the northern elevation could be viewed down the lane from Broome Street.

There is discretion in TPS2 to vary wall and roof heights for extensions to existing buildings. This recognises the design, construction and scale of existing buildings, and the common desire for extensions to have the same floor level, ceiling height or roof height as an often older building. Extensions to heritage buildings are obvious candidates to maintain existing levels and heights when integrating the old and new, and as observed the original single-storey dwelling is characteristically tall. The Architects have requested that this discretion be applied and it is assessed as appropriate to the proposal.

Setbacks

The proposal satisfies almost all setback requirements, including for the new second storey, with two first storey variations that are not an issue to adjacent properties.

The first is the entry porch referred to below, which would be setback 0.8m from the Broome Street boundary in lieu of the 1.5m standard under the RDC for a side street. Although the porch is a terrace (ie not a full-height wall and roof structure) the reduced setback would be intrusive to the streetscape and at odds with the original dwelling and existing extension. From discussion with the Architects this could be quite easily modified to still perform the entrance function whilst complying with the setback. Therefore this proposed element is conditioned to be redesigned.

The second is the pergola structure to the ground level terrace along the northern boundary behind a boundary wall. Under the RDC this constitutes a wall as a continuation of the wall built on the boundary for the powder room and study, although its physical and visual effect is not an issue. The normal setback for this overall wall size would be 1.6m, whereas 1.35m is proposed taking into account half the width of the ROW as permitted by the RDC. It is assessed that this technical setback variation of 0.25m is of no consequence in terms of the performance criteria of the RDC (ie sunlight, ventilation, bulk and privacy). The pergola structure is not a true wall so would not present a solid or massive surface to the lane.

Site levels

The proposal respects the existing site levels as important to the original dwelling and the basis for the replacement northern extension and basement. There are two areas of different levels for consideration.

The first is fill of 1.1m to form steps and an entry porch to the dwelling at the northern end on Broome Street, including a solid screen wall immediately behind the boundary fence to provide retaining and a balustrade. This is at the same level as the existing verahdah to the original dwelling. It exceeds the 0.5m fill standard under the RDC in relation to site works and would appear as an unusual, fairly massive and added-on feature. This should be reduced and simplified to a set of steps and landing adjacent to the house, which would also enable free passage at ground level around the building. This is conditioned for redesign.

The second is retaining, terracing and boundary walls to create the pool podium to the north-eastern portion of the site. This is designed to utilise the existing raised ground level of the apartment, to maintain retaining to the lane and to ameliorate the mass of the boundary walls whilst ensuring mutual privacy. This entails some alteration of the ground level, yet respects the flow of the curtilage to the original dwelling, assists privacy and would not be highly visible from the street or neighbouring properties. It also avoids a modern pool fence which would be visually divisive at odds with the setting of the original dwelling.

Beside the above variations, the following matters are assessed.

Privacy

The only privacy interrelationship between the proposed extension and a neighbouring property occurs along the lane opposite Pine Court to the north. As the second storey setbacks from the lane exceed the minimum cone of vision requirements there is no technical overlooking. As advised above, there has been dialogue between the Architect and the nearest owner in Pine Court to consider privacy treatment to two windows, which is supported by a condition.

Also, the submission regarding overlooking of a property across Broome Street cannot be sustained.

Fencing

The proposed boundary fencing to the two streets preserves that constructed as part of the previous improvements, extends that new fencing at the eastern end of the Forrest Street frontage, relocates the pedestrian gates, and modifies the pedestrian entry at the northern end of the Broome Street frontage. This enhances the open-aspect fencing to Forrest Street and is sympathetic to the dwelling and streetscapes

in keeping with the Fencing Local Law. The detailed treatment of the gates is not entirely clear at this stage.

A condition covers that the Forrest Street front fence extension conforms to the 0.9m maximum height solid plinth standard and that the gates be open-aspect.

Summary

Comparatively few variations are requested.

While building and wall height are fundamental considerations, in this case these specific variations are of no or little consequence to the proposal itself, neighbouring properties or the streetscapes, and are not perceptible when read as an extension to the proportions of the existing dwelling. Importantly, both the existing and proposed building (crown of roof) comply with the TPS2 standard of 8.5m by being slightly less. The basement variation is seen to be supportable.

Setbacks and site levels are assessed as suitable, subject to revision of the Broome street porch. Privacy and fencing are also acceptable, again with conditions for certain details.

APPLICATION ASSESSMENT – HERITAGE CONSIDERATIONS

Introduction

- A range of heritage considerations relate to the property and proposal, as set out below.
- There is an established framework for assessment of planning proposals from a heritage perspective, which is important in general and in this instance.
- Together with the ordinary planning technical assessment involved (ie development requirements or standards), the heritage values and classifications of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.
- This is an expected part of the development assessment process in the case of heritage-listed properties and those within recognised character or heritage areas.
- It is through this process that a balanced outcome can be achieved between the objectives of the proposal, the normal planning parameters and the heritage layer of consideration.
- It can be seen that a strong collection of heritage instruments and classifications relating to the place apply and that they provide clear guidance on how the assessment of proposals should be approached and the values of the place to take into account.

Town Planning Scheme No. 2

Clause 5.1.2 of TPS2 requires Council in considering a proposed development in relation to heritage to have regard to:

 The need for preservation of existing trees or areas or buildings of architectural or historical interest.

- o The choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.
- The property is also included in Schedule 1 of TPS2, which is the highest listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie affording statutory heritage protection.
- The Schedule lists the property as follows:
 - House No. 48, Lot 92 Forrest Street, Cottesloe, Brick and tile single-storey house constructed circa 1910.
 - Classified by the National Trust.
- This invokes Part 6 of the Scheme: Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest, requiring Council's written consent to proposals in addition to a planning approval under Part 7.
- Broadly, Part 6 requires virtually any change to such a place to receive Council's consent, and in practice the making of a development application enables that step to be addressed.
- Part 6 states that:
 The Council considers that the places of natural beauty, and historic buildings, and objects of historic or scientific interest listed in Schedule 1 should be conserved and preserved.
- The matters covered requiring Council's consent include: clear, excavate or fill any land; fell, remove, kill or irreparably damage any tree; erect any fence; commence or carry out any renovation, modification, refitting, decoration or demolition of any building; alter or remove any building or object or any part thereof.

TPS2 Policy 12: Places of Cultural Heritage Significance

- This planning policy made under the Scheme elaborates on the assessment process for properties falling within its ambit.
- It provides that the places identified in Schedule 1 of the Scheme and in Categories 1 and 2 of the Municipal Heritage Inventory as of cultural and heritage importance contribute significantly to the character of Cottesloe and Council is conscious that they form an integral part of the character, amenity and sense of place of the suburb.
- The Policy Objectives are to:
 - Protect existing places of cultural heritage significance and to maintain the character, amenity and sense of place of the suburb.
 - Ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building.
- The Policy Statements include:
 - Demolition of places covered by this policy will not be supported by Council, unless it is demonstrated to Council's satisfaction that the listed building is not of local cultural heritage significance.
 - Where discretion exists in relation to the provisions of the Town Planning Scheme and Residential Planning Codes, Council may be sympathetic to a request for the exercise of that discretion, if the conservation of heritage places covered by this policy are deemed to be sympathetic to the original place by Council or the Heritage Council of Western Australia.

Municipal Heritage Inventory

- The property was originally classified in the MHI as Category 1 in 1995. The 2003 McDougall and Vines MHI Review recommended that it remain as such, however, in 2004 staff recommended a reclassification to Category 2, which Council adopted and is defined as:
 - High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition.
- The MHI description of the place is:
 Of great historic and architectural interest in prominent heritage streetscape/precinct.
- Its significance is stated as:
 An unusual house in the Cottesloe context, in a prominent position and having associations with a prominent person after whom a nearby street was named.
- The property is described as: A large house on a prominent corner in Cottesloe flanked by avenues of Norfolk Island Pines. It was built in 1924 for Joseph Henry Barsden, a solicitor of some note in Cottesloe in the early days. The house of white rendered brick has a romanticised Ionic colonnade supporting an unusual entablature and balustrade to three sides. The splayed windows have bay windows within projecting bays of the verandah formed by the colonnade. Large windows and French doors lead onto the verandah. In the bay window the glass is stained to the six upper lights with plain below. The roof is gabled to the south with two small louvred sections for air. There is a porthole window by the front door. The door itself is panelled and glazed with a half light to the upper section, three small lights above and half length side lights all stained.

Register of National Estate (Australian Heritage Council)

• This national heritage listing is of note and provides the following information:

Barsdens House, 48 Forrest St, Cottesloe, WA, Australia

Photographs:



List: Register of the National Estate

Class: Historic

Legal Status: Registered (28/09/1982)

Place ID: 10269

Place File No: 5/11/008/0006 Statement of Significance:

This is significant as a large house built post 1910 / post World War One by a Mr Barsden. Barsden was a solicitor of note in Cottesloe, after whom the nearby Barsden Street was named. The house is of white rendered brick, with Doric columns

and balustrading around the wide verandahs. The verandahs on the western side are shaded by latticed infills.

Official Values: Not Available

Description:

This large house was built circa 1910 / Post World War I for a Mr Barsden. Barsden was a solicitor of note in the early days of Cottesloe, and nearby Barsden Street is named after him. The house is of white-rendered brick with Doric columns and balustrading surrounding its verandah roofline. It has large windows and French doors lead out onto the wide verandahs. The verandahs are shaded by latticed infills on the western side. The house is bounded on two sides by pine trees. It is now being enlarged by its present owners. It stands next to 52 Forrest Street, a Federation bungalow built before 1905.

History: Not Available Condition and Integrity:

The house is being enlarged by its present owners. One room has been enlarged by the construction of a bay window underneath the verandah. There is also a modern addition at the rear.

Location:

48 Forrest Street, corner Broome Street, Cottesloe.

Bibliography:

Ruth Marchant James, 'A Heritage of Pines', Town of Cottesloe, 1977. 'The Heritage of Western Australia: the Illustrated National Estate', Sun McMillan. Melbourne, 1989.

National Trust

 The National Trust was previously consulted and advised that it classified this residence in 1979 for its aesthetic value:

The building's use of Doric columns and balustrading is of architectural significance and is unmatched in the Town of Cottesloe. It's setting on high ground overlooking the ocean is of further significance.

The Trust supports the retention of these features in any works to the building.

State Heritage Office (for HCWA)

- The HCWA has identified Barsden's as worthy of assessment for consideration of being classified on the State Heritage Register, which acknowledges the number of other heritage listings already assigned to the place. That task remains to be done, however, which means that the property is not officially classified at State level at this juncture.
- Notwithstanding, the proposal was referred to the State Heritage Office (SHO) for information and any feedback, thereby providing the Heritage Assessment report and other material to the SHO as a resource.
- The SHO declined to provide advice given that the place is not a priority for its assessment, and suggested that the Town could engage an independent heritage architect to comment on the proposal (see below).

WAPC Heritage Policy

- The WAPC State Planning Policy (SPP) 3.5 Historic Heritage Conservation provides broad guidance to the consideration of heritage-based planning proposals.
- Its objectives are:
 - o To conserve places and areas of historic heritage significance.
 - To ensure that development does not adversely affect the significance of heritage places and areas.
 - o To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
 - To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.
- The Policy describes the existing statutory framework for heritage conservation and the relationship and responsibilities of the Heritage Council of WA (HCWA), the WAPC and local governments.
- It specifies policy measures and the means for their implementation.
- The policy requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval.
- Those matters relevant to the subject proposal include:
 - The conservation and protection of any place or area that is included in the heritage list under a scheme.
 - Whether the proposed development will adversely affect the significance of any heritage place including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.
 - The level of heritage significance of the place, based on a relevant heritage assessment.
 - Measures proposed to conserve the heritage significance of the place and its setting.
 - The structural condition of the place, and whether the place is reasonably capable of conservation.
- The Policy requires that: the following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.

Alterations, extensions or change of use affecting a heritage place:

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.
- In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return.
 Sympathetic adaptation and change of use should be supported in such cases.
- Development should be in accordance with any local planning policies relating to heritage.

• Implementation of the SPP is expected by local governments as follows: Local government has a role in support of the policy through ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

Independent Heritage Architect

The Town engaged Bernard Seeber Architects to provide an expert opinion on the proposal. This firm is experienced and respected in heritage architecture including in Cottesloe (eg Wanslea project, for the National Trust), Fremantle and around the state. Familiarity with the local built environment, character/heritage attributes and planning regime was seen as important.

This consultant's report once completed is to be circulated and commented upon in advance of the Development Services Committee meeting.

Summary

- A suite of heritage instruments and classifications apply to the Barsden's heritagelisted property.
- Collectively they provide direction, principles and criteria for the consideration of proposals from a heritage perspective and the basis for decision-making.
- Against this framework it is assessed that:
 - The heritage significance and contribution of the property should not be underestimated.
 - The proposal is supportable in terms of normal development requirements and essentially supportable in relation to heritage considerations, subject to some conditions.

CONCLUSION

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

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

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

VOTING

Simple Majority

COMMITTEE COMMENT

Committee expressed support for the proposal and noted improvements such as the removal of the existing garage, as well as ongoing conservation of the original dwelling. Committee noted that the State Heritage Office had declined to provided comment, but based on the officer report and input from Bernard Seeber Architects for the Town was satisfied that the proposal is acceptable, including variations to planning requirements, in the context of heritage.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Cr Walsh

That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pergola, pool, landscaping, retaining walls, fencing and demolition of the non-heritage apartment building, at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 8 November 2012, subject to the following conditions, all to the satisfaction of the Manager Development Services:

- Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
- 2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
- 3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
- 4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the applicant's Heritage Assessment report.
- 5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
- 6. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.

- 7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
 - a. The entry porch near the northern end of the Broome Street frontage shall be setback, reduced in size and simplified to a set of steps and landing adjacent to the dwelling with an open-aspect balustrade, which also provides passage at ground level around the building.
 - b. The windows to bedrooms 2 and 3 on the second storey northern elevation shall be treated to provide a sense of privacy to the bedrooms on the second storey of 96 Broome Street (Pine Court) on the other side of Doscas Lane, in consultation with that owner and the Town.
 - c. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for maximum height of the solid plinth and for open-aspect infill panels.
 - d. The gates to the boundary fence to Broome Street shall be of open-aspect design.
 - e. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
 - f. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
 - g. Clarification/confirmation of the cladding material, its colour and low reflectivity to be used for all new roofing or re-roofing as approved.
- 8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
- 9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
- 10. All boundary walls facing the eastern abutting lot and the northern rightof-way shall be properly finished-off.
- 11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.

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

- 21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
- 22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

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

Carried 6/0

10.1.2 CONFIDENTIAL - NO. 2 DEANE STREET - TWO-STOREY DWELLING WITH UNDERCROFT GARAGE, ROOF-SPACE (THIRD) LEVEL AND ELEVATED POOL

File No: SUB/2437 Responsible Officer: Carl Askew

Chief Executive Officer

Author: Andrew Jackson

Manager Development Services

Proposed Meeting Date: 03 December 2012

PURPOSE

This report recommends that Council note the information contained in the confidential officer report in relation to No 2 Deane Street – Two Storey Dwelling with Undercroft Garage, Roof Space (Third) Level and Elevated Pool and endorses the officer recommendation.

BACKGROUND

Refer to the confidential report attached.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – s5.23 – Closing a meeting to the public.

5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC

- (1) Subject to subsection (2), the following are to be open to members of the public
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

- (e) a matter that if disclosed, would reveal
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Refer to the confidential report attached.

VOTING

Simple Majority

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Walsh, seconded Cr Boland

In accordance with the Local Government Act s5.23: meetings generally open to the public; in (2): if a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting:

That council discuss the confidential report behind closed doors.

Carried 6/0

Members of the public and media were requested to leave the meeting at 6:45PM.

OFFICER RECOMMENDATION

Moved Cr Rowell, seconded Cr Downes

THAT Committee endorse the recommendation contained in the confidential report.

Carried 4/2

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Walsh, seconded Cr Boland

That the meeting be re-opened to members of the public and media.

Carried 6/0

The media returned to the meeting at 7:29PM

10.1.3 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2012-2013 HOLIDAY PERIOD RECESS OF COUNCIL

File No: SUB/39
Responsible Officer: Carl Askew

Chief Executive Officer

Author: Ed Drewett

Senior Planning Officer

Proposed Meeting Date: 03 December 2012

Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to delegate authority to the Manager Development Services (MDS), or the Senior Planning Officer in his absence, and the Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 11 December 2012 to Friday 15 February 2013 while the Council is in recess. This arrangement is presented in a report to Council each December for ratification.

BACKGROUND

The following resolution was passed by Council at its December 2011 meeting:

That Council:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services and the Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 13 December 2011 to Friday 17 February 2012.
- (2) The exercise of those powers referred to in (1) is granted subject to:
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and
 - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority Items that is:
 - (i) circulated on a weekly basis to all Councillors; and
 - (ii) subject to the current call-in arrangements for Delegated Authority Items.

STAFF COMMENT

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

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

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes THAT Council:

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

		FR		

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:
	Nil
12.1	ELECTED MEMBERS
	Nil
12.2	OFFICERS
	Nil
13	MEETING CLOSED TO PUBLIC
13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED
13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC
14	MEETING CLOSURE
The P	residing Member announced the closure of the meeting at 7:30PM.
CONF	FIRMED: PRESIDING MEMBER DATE:/