

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 21 JUNE 2010

**CARL ASKEW**  
Chief Executive Officer

25 June 2010



## DEVELOPMENT SERVICES COMMITTEE

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

The Presiding Officer announced the meeting opened at 6:03 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)****Present**

Cr Jack Walsh	Presiding Member
Cr Jo Dawkins	
Cr Patricia Carmichael	
Cr Davina Goldthorpe	
Cr Jay Birnbrauer	
Cr Victor Strzina	Arrived 6:25 PM
Cr Ian Woodhill	

**Officers Present**

Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer
Mrs Julie Ryan	Development Services Secretary

**Apologies**

Nil

**Officer Apologies**

Mr Carl Askew

**Leave of Absence (previously approved)**

Nil

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Helen Talyforth re Item 10.1.1 – 16 Edward Street – two-storey dwelling

Ms Talyforth spoke for the owners and commented that the report seemed to make some broad statements. She went on to explain the applicant's justification for the proposed turret in relation to the form of nearby buildings and the fact that it is less than the overall building height. Ms Talyforth also

discussed the proposed varied front setbacks as responding to the clients' brief as well as design features, and she considered that Council's resolution on the preferred setback had no real bearing. In closing she requested that conditions (i) and (h) be deleted.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Birnbrauer, seconded Cr Dawkins

[Minutes May 17 2010 Development Services Committee.doc](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 17 May 2010 be confirmed.**

Carried 7/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Cr Walsh introduced the new Development Services Secretary, Mrs Julie Ryan.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 PLANNING

#### 10.1.1 16 EDWARD STREET - TWO STOREY DWELLING

<b>Attachments:</b>	<a href="#">16EdwardAerialphoto.pdf</a> <a href="#">16EdwardSitePhotos.pdf</a> <a href="#">16EdwardPlans.pdf</a> <a href="#">16EdwardApplicantJustif.pdf</a>
<b>File No:</b>	1868
<b>Responsible Officer:</b>	Carl Askew Chief Executive Officer
<b>Author:</b>	William Schaefer Planning Officer
<b>Proposed Meeting Date:</b>	21 June 2010
<b>Author Disclosure of Interest:</b>	Nil
<b>Property Owner:</b>	Mrs F Kibblewhite
<b>Applicant:</b>	Peter Stannard Homes
<b>Date of Application:</b>	07 January 2010
<b>Zoning:</b>	Metropolitan Region Scheme Reserve – Primary Regional Road and Residential R20/
<b>Use:</b>	P – A use that is permitted under this Scheme
<b>Lot Area:</b>	559 m <sup>2</sup>

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### SUMMARY

This application is seeking the following variations to Council's Scheme and Resolution:

- Front setback;
- Building height (height of tower walls).

These issues are discussed in this report, which refers to plans received on 7 January 2010.

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

### PROPOSAL

It is proposed to demolish the existing building and construct a two-storey, brick and tile dwelling with a limestone-clad feature tower.

Most of the lot is reserved under the Metropolitan Region Scheme - Primary Regional Road (MRS – PRR). However a very small portion of the lot is zoned for Residential use at R20 density under Town Planning Scheme No. 2 (TPS 2).

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

- TPSP 005 - Building Height;
- Resolution TP128a October 2002 – Front Setbacks.

**STATUTORY ENVIRONMENT**

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

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**VARIATIONS**

<b>Scheme Clause/ Council Resolution</b>	<b>Requirement</b>	<b>Proposed</b>
TPS2 Clause 5.1.1 (c)	6.0m maximum wall height	Max height of turret walls 6.44m
Resolution TP128a October 2002	6.0m front setback for residential development in the district	4.6m

**APPLICANT'S JUSTIFICATION**

The applicant submitted a detailed response to the preliminary assessment feedback of Council's Planning Staff. A copy of the response is attached.

A summary of the items that are particularly relevant is as follows:

- If true Geographical Centre of Site NGL (30.08m) is used instead of the Four Corner Averaging NGL (29.8m), the overheight walls of the proposed turret are only 0.16m above the standards of TPS2;
- The proposed overheight turret reflects the overheight turrets and steep roof pitch of the old church opposite the subject lot and enhances the streetscape;
- The proposed overheight turret occupies a small proportion of the streetscape, with the rest of the dwelling height complying with the standards of TPS2;



- The impact of the proposed overheight turret will be minimal;
- Despite being forward of the 6.0m setback line, the ground floor verandah and upper floor balcony are proposed to be of open construction and will not significantly detract from the streetscape;
- Under the averaging method normally permitted by the R-Codes, the dwelling is actually setback 6.25m, which is greater than the standard 6.0m requirement;
- The impact of the projections of the dwelling (as opposed to verandah/balcony) into the streetscape will be insignificant as they are single storey;
- The existing Gordon Street and Edward Street streetscapes are considerably more eclectic than for other parts of Cottesloe, comprising a mixture of the church, modern homes, grouped dwellings (on Edward Street), traditional homes and homes with secondary street setbacks (1.5m) from Gordon Street. The pattern of development is such that the reduced setback to the dwelling would be difficult to detect;
- Four of the six homes opposite and adjacent to the subject lot appear to have reduced setbacks. More specifically, the old church is set back 3.7m from Gordon Street, with the vestibule being set back approximately 1.0m. A portion of the large wall abutting the rear of the church is set back 1.5m. The grouped dwellings on Edward Street are setback 5.0m. Several solid walls may be found in the front setback areas of other dwellings in the vicinity;
- There are numerous examples of reduced secondary street setbacks further up Gordon Street. In one instance a carport appears to be set back 0.15m from the secondary street boundary;
- It appears that the subject lot was created by subdivision of the adjacent property facing Stirling Highway. The RDC permit a reduced setback to the original secondary street in situations where a lot has been subdivided. It could be argued that Gordon Street is the original secondary street for the parent lot;
- The owners wish to “age-in-place”, remaining in the same home for many years. The anticipated future reduction in client mobility has produced a large area of ground floor relative to upper floor, which has led to the front setback variation being sought.

## CONSULTATION

As much of the lot is reserved under the MRS, the Western Australian Planning Commission (WAPC) was advised of the application and invited to comment. Officers have received advice that, owing to corporate changes within the Department of Planning, longer than usual delays are to be expected. Thus, at the time of writing this report, the WAPC has not yet formally provided the Town with its advice.

Nevertheless, it is considered unlikely that the WAPC will raise any objection and it is recommended that the approval be conditioned so that it may become valid once the WAPC advises its acceptance of the proposal.

### **Advertising**

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2;
- The advertising consisted of Letters to Adjoining Property Owners;
- No written response was received.

### **PLANNING COMMENT**

The application was received on 7 January 2010. After lengthy consultation with the owner, the applicant has provided justification for the proposal and requested that it be presented to Council as originally submitted.

### **Front Setback**

It is proposed to construct the ground floor verandah/upper floor balcony with a setback of 4.6m, which incurs 1.4m into the Gordon Street front setback area. Under Acceptable Development Standard 6.2.2 A2 (i) of the RDC, verandahs and balconies may project up to 1.0m into the front setback area.

It is also proposed to construct two portions of the dwelling forward of the 6.0m front setback line. The setback to the office is proposed to be 5.1m, and the setback of bedroom 1 is intended to be 4.995m.

Under the normal averaging arrangements permitted under Acceptable Development Standard 6.2.1 A1.1 (i) of the RDC, the proposal would achieve an average of 6.25m and would comply. However, by resolution, Council prefers not to utilise the averaging method of setback calculation. The variation must therefore be assessed under the RDC Performance Criterion 6.2.1 P1, which contemplates:

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

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors.*

In this instance, as observed by the applicant, the diverse pattern of development along Gordon Street is such that the variation is unlikely to create disruption. The old church across the road is set back 3.7m from Gordon Street, with the vestibule being set back approximately 1.0m. A portion of the large wall between the church and 14 Gordon Street is set back 1.5m. The grouped dwellings at 1-3/15 Edward Street are setback 5.0m. Several solid walls may be found in the front setback areas of other dwellings in the vicinity.

The office is only 2.89m wide and the Bedroom is 4.33m wide. The total length of dwelling proposed to be forward of the front setback line is thus 7.22m, which comprises 30.7% of the 23.54m Gordon Street frontage.

No privacy issues or open space concerns have been generated by the variations, and it does not appear that they will compromise any easements for essential service corridors.

Nevertheless, whilst it appears that the proposed reduced front setback would blend in relatively well with the streetscape, the design of the dwelling does not appear to have responded to the site. From this perspective, the need for rooms and features of the arrangement and dimensions proposed may be questioned, especially as they do not seem essential to the dwelling and as spaces could be designed more efficiently.

Recently, Council has been prepared to approve some variations for front setbacks in south Cottesloe. However, this area generally has a density coding of R30 and thus an RDC setback of 4.0m, with the result being that variations to Council's 6.0m setback preference typically comply with the lesser requirements of the RDC. There are very few instances of recent approvals for reduced front setbacks in R20 areas, especially on the basis of averaging for the often feature-driven design of project homes with a staggered layout rather than a more streamlined and site-sensitive approach. The corner, right angled lot should facilitate rather than hinder compliant design.

In conclusion, although the varied setbacks along Gordon Street and in the vicinity suggest that the proposed reduced front setbacks to the dwelling may suffice, as the proposal has not responded so well to the site the design could be modified without compromising the dwelling. It is also difficult to cite precedents for reduced front setbacks in R20 areas of Cottesloe. In accordance with Resolution TP128a it is recommended that a condition requiring a 6.0m front setback be applied in this instance.

### **Height of Turret Walls**

It is proposed to construct a turret feature with a wall height (ie height to underside of eaves) of 6.44m, whereas Clause 5.1.1 (c) of TPS 2 sets a wall height standard of 6.0m. It is noted that the maximum height of the turret roof is within the maximum building height standards of the Scheme.

The applicant has argued that the overheight component matches the turrets/spires and steep roof pitch of the old church across the road. It is further submitted that the turret wall occupies a relatively narrow proportion of the streetscape and is unlikely to have any effect on the amenity of the area.

Clause 5.1.1 (c) of TPS 2 allows for variations to the 6.0m wall height maximum in the case of extensions to existing buildings and in situations where topography has rendered compliant design more difficult.

In view of the relatively flat site and the fact that it is a new dwelling that has been proposed, there is not a basis available under the provisions of TPS 2 to support the variation to the 6.0m wall height maximum. Whilst it is true that the overall roof height of the turret is compliant, and it is likely that the overheight walls would perform without undue disruption to the amenity of the area, approving a variation that is not in accordance with the Scheme would be inconsistent with previous Council decisions and the principles of orderly and proper planning.

It is therefore recommended that a condition be applied to the approval, to the effect that the maximum height of the turret walls be lowered to comply with Clause 5.1.1 (c) of TPS 2.

## **CONCLUSION**

The proposal seeks variations to wall height and front setback standards. It is concluded that there are insufficient grounds to allow the variations, especially considering that the proposal is for a new-build rather than alterations/additions to an existing dwelling.

Approval with conditions to this effect is recommended.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee expressed support for the proposed turret as a design element, noting that it was lower than the main roof height, and felt that condition (i) could be deleted. Mr Jackson acknowledged this design appreciation but cautioned that the report informed of the limits of discretion available to Council under the Scheme, whereby there was insufficient basis to support a height variation by reason of topography (as explained by officers in relation to the natural ground level). Mr Jackson suggested that were Committee still inclined to recommend this amendment, he could provide further advice in this regard to Council to guide its decision, and Committee agreed with this approach.

Committee also discussed the setbacks situation and considered that there was scope for the design to be improved to comply with Council's preferred 6m primary street setback. Committee formed this view in the interest of streetscape, while noting the points raised by the applicant about the pattern of setbacks.

## **OFFICER RECOMMENDATION**

Moved Cr Walsh, seconded Cr Dawkins

THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 22 (No 16) Edward Street in accordance with the plans received 7 January 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.

- (b) Stormwater runoff from the driveway of any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (d) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings and housed or treated to ensure that sound emissions do not exceed the limits prescribed by the Environmental Protection (Noise) Regulations 1997.
- (e) Any future fencing to the front setback area of the site shall be of "Open Aspect" design in accordance with Council's Fencing Local Law and the subject of a separate application to the Town.
- (f) The property owner shall liaise with Council's Rates Department to formally change the street address of the property to a Gordon Street address prior to completion of the development.
- (g) Prior to the issue of a Building Licence, the WAPC shall formally advise the Town that it has no objections to the proposal.
- (h) At Building Licence stage, revised plans shall be submitted showing the front setback to the dwelling being increased to a minimum of 6.0m, in accordance with the Residential Design Codes and Council Resolution TP128a – October 2002.
- (i) At Building Licence stage, revised plans shall be submitted showing the maximum height of the turret walls being lowered to 6.0m above the calculated NGL, in accordance with Clause 5.1.1 (c) of Town Planning Scheme No. 2.

### **AMENDMENT**

Moved Cr Walsh, seconded Cr Dawkins

That condition (i) be deleted from the recommendation.

Carried 6/1

### **COMMITTEE RECOMMENDATION**

Moved Cr Dawkins, seconded Cr Birnbrauer

**THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling on Lot 22 ( No 16) Edward Street in accordance with the plans received 7 January 2010, subject to the following conditions:**

- (a) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- (b) **Stormwater runoff from the driveway of any other paved portion of the site shall not be discharged onto the street reserve or adjoining**

- properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
  - (d) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings and housed or treated to ensure that sound emissions do not exceed the limits prescribed by the Environmental Protection (Noise) Regulations 1997.
  - (e) Any future fencing to the front setback area of the site shall be of “Open Aspect” design in accordance with Council’s Fencing Local Law and the subject of a separate application to the Town.
  - (f) The property owner shall liaise with Council’s Rates Department to formally change the street address of the property to a Gordon Street address prior to completion of the development.
  - (g) Prior to the issue of a Building Licence, the WAPC shall formally advise the Town that it has no objections to the proposal.
  - (h) At Building Licence stage, revised plans shall be submitted showing the front setback to the dwelling being increased to a minimum of 6.0m, in accordance with the Residential Design Codes and Council Resolution TP128a – October 2002.

Carried 5/2

**10.1.2 2A GEORGE STREET - TWO STOREY DWELLING WITH SWIMMING POOL**

<b>File No:</b>	<b>1949</b>
<b>Attachments:</b>	<a href="#">2AGeorgeAerialPhoto.pdf</a> <a href="#">2AGeorgeSitePhotos.pdf</a> <a href="#">2AGeorgePlans.pdf</a> <a href="#">2AGeorgeApplicantJustif.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>William Schaefer</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2010</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>Dr J and Mrs V Yap</b>
<b>Applicant:</b>	<b>Brooking Design Practice</b>
<b>Date of Application:</b>	<b>5 May 2010</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>458m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

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

- Front and rear setback

This variation is discussed in this report which refers to plans received on 5 May 2010.

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

**PROPOSAL**

It is proposed to demolish the existing dwelling and construct a new two storey dwelling with a small swimming pool at the above address.

The front boundary of the lot runs at an angle to the side boundaries and thus a compliant design has been difficult to achieve.

It is intended to maintain the primary street relationship to Curtin Avenue. The proposed dwelling will be mostly single storey, but will present a two storey element to the Curtin Avenue streetscape.

Portions of the existing dwelling appear old but the rear of the dwelling has been significantly altered at some stage in the past. Overall the dwelling is in poor

condition. The dwelling also occupies the entire width of the lot, with practically no setbacks from the side boundaries (refer photographs), which is undesirable from a planning perspective. As the building is not listed on the Municipal Inventory, there are no heritage issues associated with its demolition.

Vehicular access to the site will be from George Street.

### STRATEGIC IMPLICATIONS

Nil

### POLICY IMPLICATIONS

Resolution TP128a October 2002 – Front Setbacks

### FINANCIAL IMPLICATIONS

Nil

### STATUTORY ENVIRONMENT

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

### SUSTAINABILITY IMPLICATIONS

Nil

### CONSULTATION

#### Advertising

- The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2;
- The advertising consisted of Letters to Adjoining Property Owners
- No written response was received.

### HERITAGE LISTING

N/A

### VARIATIONS

Council Resolution	Requirement	Proposal
Resolution TP128a – October 2002	6.0m front setback for residential development in the district	4.7m

### MUNICIPAL INVENTORY

N/A



**NATIONAL TRUST**

N/A

**APPLICANT'S JUSTIFICATION**

The applicant submitted a substantial report in support of the application. A summary of the main issues is as follows:

- The angled front boundary of the lot has generated a difficult-to-design-for front setback area;
- The proposed setback meets the averaging requirements of the RDC;
- The ample Curtin Avenue verge and service road space is 24 metres wide, which preserves the sense of openness in front of the proposed dwelling;
- The proposed reduced front setback will not have a negative effect on the privacy of other dwellings;
- The proposed reduced setback will not jeopardize easements or essential service corridors;
- The proposed dwelling will be finished to a high standard and will enhance the immediate neighbourhood;
- Many of the buildings along the Curtin Avenue service road have been constructed well forward of the 6.0m setback line – including the immediately adjacent garage that has been built right up to the front boundary;
- Density-code changes awaiting Gazettal as part of Proposed Local Planning Scheme No. 3 will see future development at R30 standards instead of R20. Development to R30 standards would render the reduced setback difficult to detect;
- Council's Resolution TP128A appears concerned with the potential abuse of the RDC averaging allowances, with the primary concern being the possibility of setbacks as small as 2.0m in R30 areas. The proposed reduced setback, however, is minor, and will actually be further back from the street than many of the setbacks that exist for dwellings along the same streetscape.
- The reduced secondary street setback to the garage will match the setback of the neighbouring garage and will not negatively impact the neighbours' amenity.

**PLANNING COMMENT****Front Setback**

It is proposed to have a minimum front setback of approximately 4.7m, whereas by Resolution TP128A, Council prefers front setbacks of 6.0m as the R20 standard. The proposal does not seek a variation for the bulk of the dwelling, but rather for the south-east corner of the building. The majority of the dwelling is intended to be setback behind the 6.0m line, with the north-eastern corner of the building setback 7.2m.

The predominant pattern of dwelling construction along this section of Curtin Avenue shows squared designs that are inconsistent with the angled front boundary, although there is some exception such as the angled garage façade on the property immediately to the south. Similar situations prevail along other parts of Curtin Avenue, Railway Street, Stirling Highway and Marine Parade at its southern end.

The applicant has supplied a justification for the partially reduced front setback, demonstrating that the proposal complies with the averaging allowance under the RDC, is consistent with the pattern of reduced front setbacks along the street and does not create other amenity issues for the surrounding area.

The variation may be considered relatively minor and in keeping with the spirit of the Town's Resolution, which is to prevent extreme setback reductions, particularly when alternative, less-disruptive design is feasible.

The difficulty of designing for narrow, obliquely-fronted lots that are orientated from east to west tends to result in a number of small variations being sought for certain elements of a proposal. In this case it is the need to reduce shadow impact on the southern adjacent dwelling, by keeping the small two-storey element away from the living areas and habitable rooms of that dwelling, which has seen the front of the proposed dwelling pushed further towards Curtin Avenue.

Notwithstanding the above, if Council saw fit, it would be possible to condition the approval so that the dwelling is pushed back entirely behind the 6m setback line, or that the façade of the dwelling is angled parallel to the front boundary.

A field inspection has revealed that reduced primary street setbacks to dwellings occur at 91 Curtin Avenue, 4 George Street (the dwelling of which is orientated to Curtin Avenue), 103 Curtin Avenue, 105 Curtin Avenue, 107 Curtin Avenue, 109 Curtin Avenue, 111 Curtin Avenue and 19 Reginald Street (the dwelling of which is also orientated to Curtin Avenue). In this context, the proposed reduced setback for the dwelling at 2A George Street would probably be the furthest back from Curtin Avenue, whereby the variation would be unlikely to disrupt the pattern of existing development along the street.

No written objection was received. It is considered that the variation can be supported in these circumstances and because the widening of the setback along the angled boundary exceeds the 6m mark and creates the visual impression of an overall generous setback for a well-conceived design. The narrowness of the front of the dwelling at only 5.2m also assists this compromise.

### **Secondary Street Setback**

It is intended to set the garage 1.0m back from the George Street (the secondary street), whereas the RDC require a setback of 1.5m. It is therefore necessary to consider the variation under RDC Performance Criterion 6.2.1 P, which contemplates:

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

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors.*

The applicant has provided a justified for the variation, noting that the reduced setback to the garage matches that of the adjacent garage and thus contributes continuity to the George Street streetscape. The applicant also states that a setback of 1.0m is no worse for neighbours with regard to privacy, ventilation, shadowfall or building bulk.

In general, the justification is considered acceptable. The variation has resulted from a dwelling design that has maximised areas of ground floor so as to minimise the impact on neighbours. The alignment of the two garages makes good sense, will not unduly disrupt the streetscape and it appears that no easements will be compromised by the variation. No privacy or open space issues are expected to be generated by the reduced setback. Moreover, George Street in this area functions as the back of properties facing Curtin Avenue, with garages and fences forming the character of the streetscape, which the proposal would fit-in with.

## **CONCLUSION**

The proposal is compliant with the requirements of TPS 2 and the RDC and seeks a variation to the 6.0m setback standard for only a portion of the dwelling, in accordance with what has occurred in this particular locality. It has been adequately demonstrated that the proposed variation would have minimal impact on the streetscape, which is already comprised of dwellings that are setback substantially less than 6.0m. Approval is recommended.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee supported the design as suitable for the property and noted that the proposal involves partial front and rear setback variations, which Mr Jackson explained were assessed as acceptable in the context of the angled front boundary and rear street usage, as elaborated in the report.

## **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Dawkins, seconded Cr Woodhill

**THAT Council GRANT its Approval to Commence Development for the proposed two storey dwelling with swimming pool on Lot 99 (No. 2A) George Street, Cottesloe, as per the plans dated 5 May 2010, subject to the following conditions:**

- (a) **All construction work shall be carried out in accordance with the Environmental Protections (Noise) Regulations 1997, Regulation 13 – Construction Sites.**

- (b) The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (c) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings.**
- (d) 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.**
- (e) Air conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the Environmental Protection (Noise) Regulations 1997.**
- (f) The pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the Environmental Protection (Noise) Regulations 1997.**
- (g) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.**
- (h) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.**
- (i) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.**

Carried 7/0

**10.1.3 NO.4 HAMERSLEY STREET - PROPOSED FRONT ADDITION, CARPORT AND ROOF DECK**

<b>File No:</b>	<b>1938</b>
<b>Attachments:</b>	<a href="#">4HamersleyAerialPhoto.pdf</a> <a href="#">4HamersleyPlans.pdf</a> <a href="#">4HamersleyApplicantJustif.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett</b> <b>Senior Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 June 2010</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>
<b>Property Owner</b>	<b>E &amp; M Owen</b>
<b>Applicant</b>	<b>Rodrigues Bodycoat Architects</b>
<b>Date of Application</b>	<b>9 April 2010 (Amended 28/5/10)</b>
<b>Zoning:</b>	<b>Residential R30</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>574m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable.</b>

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**SUMMARY**

This application is seeking the following variations to Council's Town Planning Scheme No.2, the Residential Design Codes and Council's preferred front setback requirement:

- Front and side setbacks
- Visual Privacy

These aspects are discussed in this report and refer to amended plans received on 28 May 2010.

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

**PROPOSAL**

This application is for alterations and additions to an existing two-bedroom single-storey dwelling. It comprises:

- Partial demolition of a single garage and removal of a raised front garden area;
- Construction of a triple carport/bin area with a living/dining area and front balcony above; and
- A roof-deck over the front portion of the existing dwelling.

**STATUTORY ENVIRONMENT**

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

**PROPOSED LOCAL PLANNING SCHEME NO 3**

No changes are proposed to the zoning of this lot.

**MUNICIPAL INVENTORY**

Not applicable.

**AREAS OF NON-COMPLIANCE**

<b>Council resolution</b>	<b>Provided</b>
6m front setback	4m to front balcony (3m to eaves)

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
6.3 – Boundary setback	Setback to southern boundary 2.3m from front balcony and 1.2m from roof deck	1m	Clause 6.3.1 – P1
6.8 – Privacy	7.5m cone of vision from accessible rooftop and front balcony	Cone of vision to north & south boundaries - 3.2m & 2.5m from proposed roof deck and 1.9m & 1m from front balcony	Clause 6.8.1 – P1

**Advertising**

- The Application was advertised as per Town Planning Scheme No 2. The advertising consisted of a letter to the owners of the adjoining properties. No submissions were received.

**APPLICANT'S JUSTIFICATION**

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

- The proposed addition is to allow the owners to take full advantage of the ocean aspect and to maximise their living space;
- A new kitchen, living area and balcony at the existing floor level will provide improved interaction with the street and surrounding beach amenities;

- A new roof-deck on an existing concrete roof slab takes advantage of coastal views;
- The use of lightweight building materials, recycled timber flooring and aluminium louvres represent an efficient, well-resolved solution to the growing needs of a family home. The design also allows for undercroft parking and improved storage facilities for beach-related activities;
- The new addition allows adequate direct sun/ventilation to both the building and adjoining properties and will not detract from their amenity due to its location next to walkways, a garage, front garden and an enclosed balcony. It will also assist in improving the impact of building bulk on adjoining properties as it is a lightweight addition with the proposed front balcony being open and having minimal impact on neighbouring dwellings in terms of streetscape. The southern adjoining building is a 2-storey art deco apartment building with a heavy, robust street presence consisting of enclosed balconies and small openings. The proposed new addition will enliven it with a contemporary lightweight structure;
- The proposed front balcony will assist in street surveillance and offers an opportunity for improved interaction with residents on the street; and
- There will be no direct overlooking of active habitable spaces or outdoor living areas on adjoining properties as to the south the new addition will overlook a garage, enclosed balconies and walkway and to the north will overlook a front garden and indirectly over a balcony which is screened by trees and other built structures. The proposed balcony does not permit direct views into habitable indoor or outdoor living spaces.

## PLANNING COMMENT

Following the submission of amended plans on 28 May 2010 there are three variations being sought by the applicant to Council's Town Planning Scheme No 2, the Residential Design Codes and Council preferred front setback resolution. These are discussed below:

### Front setback

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

The applicant is proposing an open-sided front balcony (2m wide x 12.39m long) at 4m from the front boundary with a roof extending to 3m from the boundary, albeit that the enclosed part of the new additions will be setback at 6 metres.

The balcony and eaves comply with the acceptable development requirements of the Residential Design Codes pertaining to front setbacks in a R30 zone, and the proposed addition will have a similar juxtaposition to an existing raised garden area on the adjoining lot to the north and setback behind an existing garage located to the front of the building to the south.

Both adjoining properties comprise of 2-storey multiple dwellings with ground floor levels that are raised well above Hamersley Street, whereas the subject property is only single-storey and will remain of relatively small-scale in comparison, even with the proposed additions. Furthermore, although the proposed balcony, eaves and lower carport will protrude in front of the existing building line of the adjoining properties, its light-weight open design will assist in reducing its visual impact on the streetscape.

The location of existing vegetation and a solid fence along the northern boundary also will ensure that it will not significantly affect existing views from these adjoining units and the units on the southern side are predominantly orientated towards Eric Street with views to the south-west which will equally not be significantly affected by the proposed additions.

The proposal in itself is an intelligent and sustainable design, making good use of the lot topography, dwelling spaces, outlook and climate. In terms of bulk, scale and built form, the proposal will still be dominated by the larger multiple dwellings either side, although the front additions will fill-in the gap and create better balance. The visual amenity of the dwelling will be significantly improved, in which the simple, parallel design assists.

In conclusion, the facts of the R30 zoning which has a standard 4m front setback requirement, the actual main enclosed portion of the building addition being setback the full 6m, the suspended and lightweight looking effect of the balcony and eave, plus the ability to consider the eave as a legitimate incursion, as well as the urban design appreciation, combine to make the proposal supportable.

#### Side setbacks

The proposed front balcony and roof-deck both have a 1 metre setback from the southern boundary, in lieu of 2.3m and 1.2m respectively, as required under the acceptable development standards of the Residential Design Codes. However, the applicant has requested this setback be considered under performance criteria of the Codes which state:

*Buildings set back from boundaries other than street boundaries so as to:*

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.*

The proposed balcony is only 2m wide and the proposed privacy screen to the roof-deck facing the southern boundary has a length of only 2.8m so the impact of both structures on the adjoining property will be limited by virtue of their size. Furthermore, under the Residential Design Codes the wall length is rounded up to 9m (that being the minimum wall length allowed for) and so the setbacks required under the acceptable development standards are taking account of larger structures than that actually proposed.



Furthermore, as the proposed structures will be adjoining the rear of the multiple dwellings to the south it will not affect major openings or appurtenant open space and will have a negligible impact to residents in terms of light, ventilation, additional building bulk or privacy.

It is concluded that the side setback suit the existing dwelling and proposed design, are compatible with the adjacent dwellings and do not impact on the front open spaces.

### Visual Privacy

The proposed development complies with the majority of visual privacy requirements under the acceptable development standards of the Residential Design Codes due to the inclusion of 1.9m high solid screens proposed at each end of the new roof-deck and the provision of a high-level north-facing window to the new living area. However, the proposed front balcony and a portion of the west-facing roof-deck still needs to be assessed under performance criteria of the Codes which state:

*Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.*

*Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.*

*Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.*

*Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.*

The positioning of an existing wall and vegetation along the front section of the northern boundary and the raised level of the front courtyard area on the adjoining lot to the north will assist in ameliorating any loss of privacy to that property and the majority of overlooking from the proposed roof-deck will be over the street setback area due to proposed solid screening at each end. Overlooking to the south will be restricted to the rear of the adjoining units and an existing garage so again will have minimal impact on the adjoining residents or their amenity.

### **CONCLUSION**

The proposal can be supported with the variations sought as it satisfies the performance criteria of the Residential Design Codes. Furthermore, the proposed front setback to the balcony, eaves and carport is compliant with the R-Codes, has raised no objections from neighbours, and provides better articulation to the front of the dwelling and surveillance to the street without significantly impacting on the amenity of adjoining residents or the streetscape

### **VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr Walsh, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for the proposed front addition, carport and roof-deck at 4 (Lot 2) Hamersley Street, Cottesloe, in accordance with the plans submitted on 28 May 2010, subject to the following conditions:**

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.**
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (d) The applicant applying to the Town of Cottesloe for approval to construct a new crossover, if required, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
- (e) The carport shall not have any garage-type solid door.**
- (f) The applicant complying with the Town of Cottesloe Policy for Street Trees, February 2005, where development requires the protection or pruning of the existing street tree which is required to be retained.**

Carried 7/0

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

Nil.

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

Nil

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 6:40 PM.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../.../...*