

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 21 MAY 2012

CARL ASKEW
Chief Executive Officer

25 May 2012

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

Cr Jack Walsh	Presiding Member
Cr Katrina Downes	
Cr Greg Boland	
Cr Peter Jeanes	
Cr Vic Strzina	
Cr Yvonne Hart	

Officers Present

Mr Carl Askew	Chief Executive Officer
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

Nil

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

Mr Sam Jeleric, Level 3 – 369 Newcastle Street, Northbridge – Re Item 101.2 – 164 Marine Parade – Variations to approval for two storey dwelling

Mr Jeleric, from Greg Rowe & Associates planning consultants, represented the owner of 166 Marine Parade and reiterated the objection to the proposal;

including that variations need to be controlled and undesirable precedents should be avoided; and supported the recommended reasons for refusal.

Mr Eric Phillips, 60 Marine Parade – Re Item 10.1.2 – 164 Marine Parade – Variations to approval for two-storey dwelling

Mr Phillips, the proponent, referred to liaison with the Town including his designer and outlined his reasons for seeking additional space and the reduced setback. He handed-out a 3D image of the variation proposal viewed from Marine Parade and expressed his opinion that it would be suitable for the area.

Mr Ben McCarthy, 22 Maritime Avenue, Kardinya – Re Item 10.1.2 – 164 Marine Parade – Variations to approval for two-storey dwelling

Mr McCarthy, planning consultant for the owner, referred to the general compliance of the overall dwelling and how the varied design would appear in the streetscape; as well as mentioned the accommodation needs of the occupants; and in closing sought approval to the proposal.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Hart

[Minutes April 16 2012 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee held on 16 April 2012 be confirmed.

Carried 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Note: For the benefit of the members of the public present, the Presiding Member determined to consider item 10.1.2 re 164 Marine Parade first, then returned to the published order of the agenda.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 PLANNING

Cr Downes declared an impartiality interest in Item 10.1.1 due to knowing one of the owners and stated that there may be a perception that her impartiality on the matter may be affected and declared that she would consider the matter on its merits and vote accordingly.

10.1.1 NO. 1 ALEXANDRA AVENUE - GROUND FLOOR EXTENSIONS AND UPPER FLOOR ADDITION

File No:	2370
Attachments:	1 Alexandra May 12.pdf 1 Alexandra Plans May 12.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	21 May 2012
Author Disclosure of Interest:	Nil
Property Owner:	D Reynolds
Applicant:	Dale Alcock Home Improvement
Date of Application:	1 March 2012 (Amended 1/5/12)
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	720m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2) and its policy for Garages and Carports in the Front Setback (TPSP 003):

- Building height;
- Front setback to garage

Both of these aspects are discussed in this report and refer to plans received on 1 May 2012. The proposal otherwise complies with TPS 2 and the Residential Design Codes (RDC).

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

PROPOSAL

The application is for a 10.3m² ground-floor addition to the existing family room, new colorbond roofing, retrofitting two ground floor windows in the eastern elevation, a

new garage and store (to replace an existing carport) and an upper-floor addition accommodating 3 bedrooms, a bathroom and an activity room.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes
- Garages and Carports in Front Setback

PROPOSED LOCAL PLANNING SCHEME NO. 3:

No changes are proposed to the zoning of this lot.

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2 / Policy

	Permitted	Provided
Building height	Max. wall height: 6m Max. ridge height: 8.5m	Wall height: 6.94m (6.49m above existing floor level); Ridge height: 8.94m (8.49m above existing floor level)
Garages & Carports in Front Setback	6m (may be reduced where relevant criteria are satisfied)	Front setback to garage: 4.5m

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to six neighbouring properties. It closes on 22 May 2012.

No submissions have been received to date. Any submissions received prior to the closing date shall be forwarded to Council for consideration.

APPLICANT'S JUSTIFICATION

The applicant has provided the following comments in support of the proposal:

Roof pitch

Amended plans have been submitted reducing the proposed roof pitch from 27° to 25° to lower the height of the ridge. Reducing the pitch further would make the upper floor look squashed and not match the existing character of the home.

Ceiling height

In order to maintain the character and building fabric of the existing home the existing floor to ceiling heights are being kept rather than being demolished.

Depth of floor frame

A 0.6m high floor frame is necessary to support the proposed upper floor above the existing ceiling frame and supporting hanging beams. It allows sufficient space for new plumbing and ducted air-conditioning to be installed without lowering the existing ceilings or having to completely re-build. Structural Engineering details have been supplied to assist with the understanding of the chosen floor system.

STAFF COMMENT

Building height

This application is similar to a proposal for alterations and additions to the existing dwelling that was approved by the Manager Development Services under delegated authority on 1 July 2011. However, although the previous proposal complied with TPS 2 requirements in terms of its wall and ridge heights, the height of the existing ceilings shown on the submitted plans were 0.36m lower than their actual height (ie: 2.924m in lieu of actual ceiling height of 3.285m). The plans also did not allow for ducted air-conditioning or plumbing to be installed above the existing ceilings and therefore the proposal was not possible to be constructed in its approved form without substantial alterations being necessary to the dwelling.

The calculation of building height stems from Council's determination of natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height. Variations may be permitted in the case of extensions to existing buildings, recognising the need or desire to match existing levels and built form.

The NGL in this case has been determined to be RL: 46.0 which has been derived from a site survey plan and is consistent with the NGL used in the assessment of the previous planning approval.

The wall and ridge heights for the proposed upper floor addition exceed the normal permitted height by 0.94m and 0.44m respectively above the NGL at the centre of the lot (refer table above). However, if these heights were measured from the existing ground floor then only a 0.49m concession (8% increase) to the wall height would be required, as the ridge height of the proposed addition would be compliant with the Scheme (ie: 8.5m).

The applicant has submitted a Structural Engineer's report which justifies the need for the 0.6m high floor frame to support the upper floor addition, and has also reduced the proposed roof pitch from 27° to 25° to reduce the visual impact of the proposal. The height of proposed upper floor has been kept to a minimum 2.44m to satisfy BCA requirements.

The proposed upper floor will have a significant 9m setback from the front boundary (ie: setback behind the existing front verandah) and will have side and rear setbacks that are much greater than are required under the RDC. These greater setbacks will assist in reducing the visual impact of the proposed height variation on the streetscape and adjoining properties and further ensure that the upper-floor addition appears consistent with the desired height of buildings in the locality.

Setback to garage

The previous approval included a new double garage with a 4.5m front setback which is similar to the current proposal, while the width of the garage has now been reduced so that more of the existing dwelling will be visible from the street. The garage will replace an existing double carport which has a reduced front setback of only 1.2m and a greater visual impact on the streetscape than that proposed.

The location of the new garage in the front setback satisfies Council's criteria for allowing a reduced setback as it will not affect view lines of adjacent properties (it is adjoining a right-of-way), it will maintain adequate manoeuvring space having access perpendicular to the street, it complies with the acceptable development standards of the RDC, it will not effect the amenity or future development potential of adjoining lots and there are other similar garages in the area with reduced setbacks (in this instance including one adjoining on the western side with a zero setback to the street).

The removal of a street tree to allow construction of a new crossover was approved by the Manager Engineering Design for the previous application and is still necessary for the current application. Two mature street trees will remain in front of the lot.

CONCLUSION

The design of the proposed alterations and additions have been carefully articulated to ensure that the character of the existing dwelling is largely preserved including its high ground floor ceilings which are an important feature enjoyed by the owners.

The height variation sought has been kept to a minimum and ensures that the existing dwelling can be retained rather than demolished. The location and orientation of the proposed garage, replacing the existing carport, will also assist in enhancing the visual appearance of the dwelling.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the design aspects of the renovations noting that the character of the existing dwelling was being kept even though there were additions and changes. Officers advised that the proposal was assessed as in keeping with the streetscape and the front garage an improvement over the current forward carport, while the basic footprint of the building was respected.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Council GRANT its approval to Commence Development for the proposed ground floor extensions and upper floor addition at 1 Alexandra Avenue, Cottesloe in accordance with the plans received 1 May 2012, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (4) The finish and colour of the boundary wall facing the right-of-way shall be to the satisfaction of the Manager Development Services.**
- (5) Any proposed fencing in the front setback area shall be of an “Open Aspect” design in accordance with Council’s Local Law and the subject of a separate application to Council.**
- (6) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
- (7) The applicant complying with the Town’s Policies and Procedures for Street Trees where development requires the removal, replacement, protection or pruning of street trees for development.**
- (8) The proposed removal of the street tree, as identified on the approved plans, shall be carried out to the satisfaction of the Town’s Works Supervisor at the applicant’s cost.**

Advice Note:

The applicant/owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner’s property.

Carried 4/2

Cr Boland declared an impartiality interest in Item 10.1.2 due to knowing one of the objecting neighbours (Mr A Wilson) and stated that there may be a perception that his impartiality on the matter may be affected and declared that he would consider the matter on its merits and vote accordingly.

10.1.2 NO. 164 MARINE PARADE - VARIATIONS TO APPROVAL FOR TWO-STOREY DWELLING

File No: 2396
Attachments: [NeighbourComments164Marine.pdf](#)
[Plans164Marine.pdf](#)
[AerialandSitePhotos164Marine.pdf](#)
[ApplicantJustification164Marine.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: William Schaefer
Planning Officer
Proposed Meeting Date: 21 May 2012
Author Disclosure of Interest: Nil
Property Owner: Eric and Tetanya Phillips
Applicant: Private Horizons Planning Solutions
Date of Application: 29 March 2012
Zoning: Residential R30/50
Use: P - A use that is permitted under this Scheme
Lot Area: 708m²
M.R.S. Reservation: Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme and the Residential Design Codes:

- Front setback to dwelling;
- Front setback to balcony.

Each of these aspects is discussed in this report and refers to plans received on 29 March 2012.

The proposal has been discussed at length by officers with owners and designers.

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

BACKGROUND

In May 2011 approval for a two-storey dwelling with undercroft and swimming pool on the above property was granted under delegated authority.

The proposal complied with Council's preferred front setback resolution TP128a, with the dwelling situated entirely behind the 6.0m setback line. A limited area of balcony was permitted in the front setback area in accordance with the Residential Design Codes. One written objection to the original application was received.

The approved dwelling is currently under construction.

PROPOSAL

On 29 March 2012 Council received an application proposing a reduced front setback of 4.595m to the upper floor face/front wall of the dwelling and 3.144m to the upper floor balcony.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No. 2;
- Town of Cottesloe Resolution TP128a October 2002;
- 2010 Residential Design Codes.

PROPOSED LOCAL PLANNING SCHEME NO 3

The density coding of the property would change from R30/50 to R50.

VARIATIONS

Reduced setback to dwelling

It is proposed to have a reduced front setback of 4.595m to the upper floor of the dwelling, whereas Council Resolution TP128a (October 2002) stipulates a preferred front setback of 6.0m, notwithstanding the 4.0m front setback that is permitted under the RDC in areas with density codes of R30 or R50.

Reduced setback to balcony

It is also proposed to have a front setback of 3.144m to the upper floor balcony. Under the RDC a balcony would be limited to 20% of the frontage, but more substantial intrusions can be considered under performance criteria provided that the character of the streetscape remains intact.

MUNICIPAL INVENTORY

Not applicable.

ADVERTISING

The proposal was advertised by letter to all affected neighbours as per Town of Cottesloe Town Planning Scheme No. 2. Six responses from five owners were received by letter, email and fax. The main points of each submission are as follows:

Greg Rowe & Associates, on behalf of M New, Owner 166 Marine Parade

- Reduced setback would be inconsistent with Town of Cottesloe Council Resolution TP128a, made October 2002, which states that the Town is to generally insist on 6.0m front setbacks that are not averaged;

- Approving the reduced setback would be inconsistent with principles of orderly and proper planning and create precedents for similar variations throughout the Scheme area;
- Council insisted on a firm 6.0m front setback for the dwelling at 166 Marine Parade. As 166 Marine Parade and 164 Marine Parade share the same zoning and density code it would be inconsistent with the principles of orderly and proper planning to not insist on the same 6.0m firm setback for 164 Marine Parade;
- The 1.4m setback intrusion variation sought for the balcony is not consistent with RDC Acceptable Development Standard 6.2.2 A2, which states that balconies/verandahs may project up to 1.0m into the front setback area;
- The reduced setback would have an undesirable impact on the streetscape, where dwelling are generally set back 6.0m or more from the street;
- Resolution TP128a was concerned with firm 6.0m setbacks in the interests of preserving streetscapes, view corridors and amenity. The reduced setback would simultaneously disrupt the streetscape, affect views from 166 Marine Parade, and potentially jeopardise the amenity of 166 Marine Parade in express contradiction of Council's Resolution;
- The owner of 166 Marine Parade accommodated a number of small-scale variations to the RDC Acceptable Development Standards during the original approval. However a request for favourable consideration to a front setback variation in addition to the previous variations is considered excessive;
- The size of the subject lot is 708m², which is large for an R30 area and thus not likely to enforce the need for variations on the design. The previous approval was compliant with regard to the front setback and given the large size of the subject lot the justification for a variation is insufficient.

L Agnello, owner 5/162 Marine Parade

- Strong objection;
- Westward extension of building will directly overshadow the entertaining areas, north-facing balcony, kitchen and living room of 5/162 Marine Parade;
- The approved design for the dwelling at 164 Marine Parade is already of significant proportions. From the perspective of neighbours to the south, the profile of the dwelling with the proposed reduced front setback would be overwhelming.

Ooranya Pty Ltd, owner 6/162 Marine Parade

- Strong objection;
- Northern light and views from apartment would be further compromised by westwards extension of building;
- Height and bulk of approved building already imposing.

CTI Couriers Pty Ltd, owner 1/162 Marine Parade

- Setback of 3144mm is inconsistent with Council's preferred setback of 6.0m. Approving the smaller setback would be inconsistent with the setbacks in the area and unfair to other property owners;
- Reduced setback would affect views and introduce more building bulk;
- Proposed reduced setback would make activity on the balcony more obvious to neighbours and provide owners with clear view into family room of 1/162 Marine Parade.

A Wilson, owner 3/162 Marine Parade (in two separate submissions).

- Reduced setback would affect view lines to north of 3/162 Marine Parade;
- Presence of balcony with reduced setback would increase shadow and bulk impacts on amenity of balcony/bedroom in north west corner of 3/162 Marine Parade;
- Dimensions of originally approved building at 164 Marine Parade are already generous and are almost boundary to boundary.

APPLICANT'S JUSTIFICATION

Two letters of justification have been provided by the applicant. The main points are as follows:

- The facade of the neighbouring building at 162 Marine Parade is an unattractive 3 storey wall. The reduced front setback to the balcony/dwelling at 164 Marine Parade would reduced the visual impact of the neighbours' wall and improve the ocean views of the subject lot owners;
- The reduced front setback of the balcony/dwelling will soften the transition from Grant Marine Park to 166 Marine Parade to 162 Marine Parade;
- The apartments at 162 Marine Parade are 3-storeys in height and situated well forward of the 6.0m front setback setback line;
- The proposed reduced setback would soften the visual impact of the northern wall of the apartment block at 162 Marine Parade by providing deeper visual articulation;
- The undercroft, ground floor and first floor front setbacks average out at 6.0m. For example, the undercroft is setback 6.0m and the ground floor a minimum of 7.7. There is much open space behind the setback line on the ground floor to offset the intrusion above;
- The curved nature of the proposed balcony and the extensive use of glass would reduce the effects of building bulk on the streetscape;
- The impact of the proposed reduced setback on the dwelling at 166 Marine Parade would be minimal as the building mass is concentrated to the south;
- Two of the proposed home's inhabitants have mobility impairments and require generous floor space for manoeuvrability;

- The proposed increase in floor area is only 3.4% of the upper floor area;
- No significant privacy issues will result from the incursion;
- Neighbours' views will be partially, rather than fully, interrupted by the incursion;
- The effects of the reduced setback will be softened by the presence of vegetation in the front yard of 166 Marine Parade;
- The setback variation will have a negligible effect on overshadowing of neighbours;
- The proposed front elevation is consistent with the square profile, height and bulk of the dwelling at 166 Marine Parade and is smaller than the block of apartments at 162 Marine Parade.

PLANNING COMMENT

There are approximately nine planning issues which have been identified by officers and discussed at length with the applicant. These are:

- Principles of orderly and proper planning/precedents.
- Justification for the variation/scale of originally approved plans.
- Rules regarding front setbacks to dwellings.
- Rules regarding front setbacks to balconies.
- Impact of variation on streetscape.
- Impact of variation on views.
- Impact of variation on shadow.
- Impact of variation on visual privacy.

Principles of orderly and proper planning

Principles of orderly and proper planning are associated with the need for authorities to be consistent with earlier decisions and consistent with the zoning/density code requirements set out in the Scheme and RDC or by resolutions.

The block of apartments at 162 Marine Parade was built prior to TPS 2 and is not a valid precedent. The building at 162 Marine Parade represents exactly the form of development that Council is actively trying to prevent.

There is no precedent for a new two-storey dwelling being constructed forward of the 6.0m front setback line along this section of Marine Parade since the introduction of Resolution TP128a in 2002. Approving the current proposal would be unfair to the many parties who have been recently been required to comply with Council's 6.0m requirement. Approving the current proposal would also set an undesirable precedent.

In the interests of orderly and proper planning it is strongly recommended that the practice of 6.0m setbacks to new dwellings along Marine Parade be upheld.

Justification for the variations/scale of originally approved plans

The applicant has submitted that the variation comprises a small percentage increase (3.4%) in the total of upper storey floor space. Whilst technically true, this must be balanced against the overall scale of the originally-approved dwelling, which has undercroft extending over almost the entire 708m² lot, and in profile already covers 39.6m of the 45.6m property length.

The original design was approved with numerous concessions on side setback, wall-on-boundary and overlooking standards. The subsequent proposal for encroachment of the dwelling into the critical front setback area when the remainder of the dwelling is so extensive indicates that the design is inappropriate for the 708m² property.

Relatively unobstructed, panoramic views from the property are already possible from the approved balcony and living room.

Previous approvals for the site – including a two-storey dwelling with undercroft and pool designed by architects for the previous owner in 2009 – achieved views, privacy, desired heights and floor spaces whilst remaining compliant.

Overall there appears no valid justification for the proposed projection.

Rules regarding front setbacks to dwellings

It is proposed to have a front setback of 4.595m to the upper floor of the dwelling, whereas Council Resolution TP128a (October 2002) stipulates a preferred front setback of 6.0m, notwithstanding the 4.0m front setback that is permitted under the RDC in areas with density codes of R30.

The Resolution was effected to preserve view corridors, streetscapes and amenity. All of the above are negatively affected by the proposal.

Under RDC Performance Criterion 6.2.1 P1 it is possible to seek a variation to front setback requirements on the following grounds:

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.*

Whilst the third bullet point is not relevant due to the absence of easements on the property, the effects of the proposal on the streetscape and privacy/open space for dwellings are relevant considerations which covered in a section below.

Rules regarding front setbacks to balconies

The setback to the balcony is proposed to be 3.144m in parts, which constitutes a projection of up to 2.856m into the 6.0m front setback area. Under RDC Acceptable Development Standard 6.2.2 A2 (i), projections such as balconies are permitted to be up to 1.0m into the front setback area and up to 20% of the frontage width.

It is possible under RDC Performance Criterion 6.2.2 P1 to seek variations to the above standard, providing that “minor incursions do not detract from the character of the streetscape”. It is assessed below that the criterion is not satisfied.

Impact of variations on streetscape

As mentioned, since the introduction of Resolution TP128a in October 2002 there have been no precedents of new dwellings being built forward of the 6.0m front setback line along this section of Marine Parade. The proposed variation would be inconsistent with the built form at 166 Marine Parade (set back 8.489m), as well as the existing pattern of residential development found almost everywhere else along the streetscape.

The balcony would also project more than 4.0m from the ground floor wall. An overhang of these proportions would appear excessive and top-heavy, rather than elegant and unobtrusive.

The apartment building at 162 Marine Parade epitomises the type of development that Resolution TP128a was designed to address. It is contended by the applicant that the reduced setback of this building would ameliorate the impact of the setback variations at 164 Marine Parade, but the effect would be one of additional bulk, which would be worse for the streetscape.

It is considered that the proposal would have a significantly detrimental effect on the streetscape in a prominent area of Cottesloe.

Impact of variation on views, shadow and visual privacy

The above three items have been grouped together as they form a category that covers the effects of the proposal on the amenity of surrounding properties.

The six submissions from neighbours all mention loss of views, increased building bulk, additional loss of privacy and increased shadow as concerns.

In response, the applicant has submitted that the percentage increase in building mass will result in small impacts on these amenity areas.

Notwithstanding the above, the building is large enough as-is, and neighbours are already expecting a degree of amenity loss from a structure of such size. There will also be new issues - for example, from the proposed balcony it would be possible to see into the front windows of the building at 162 Marine Parade, which was not possible under the original approval.

Important planning principles such as decision-consistency, avoiding undesirable precedent, and the minimisation of intrusions into front setback areas along Marine Parade should be respected and reinforced.

It is recommended that the application for reduced front setbacks to the dwelling and balcony be refused on these grounds.

CONCLUSION

The proposed reduced front setbacks to the dwelling and balcony seek extra floor space for a dwelling that already maximises its presence on the lot.

The current approval, the previous owner's approval and the majority of dwellings in the vicinity all demonstrate that complying, site-appropriate development is achievable.

The justification is not considered sufficient to warrant approval for the variations, especially as they are sought for a dwelling under construction, as though afterthoughts contrary to the original application and approval. Justification is also focussed on architectural design rather than fundamental planning considerations or a supportable rationale. It has also been opposed in five submissions received.

Therefore, refusal is recommended as the correct course of action in these circumstances.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the proposal, noting the objections and officer assessment, and the approach to setbacks whereby variations are sometimes approved for renovations to existing dwellings rather than to new dwellings, and all things considered concurred with the findings and recommendation (as amended).

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Boland

THAT Council:

1. REFUSE the application for variations (reduced front setbacks to dwelling and balcony) to the approval for the two-storey dwelling with undercroft and swimming pool at No. 164 Marine Parade, Cottesloe, as per the plans dated 29 March 2012, on the grounds that approval would:
 - a) be contrary to Council's Resolution TP128a for a 6m setback and inconsistent with Council's decisions to apply that development standard;
 - b) create an undesirable precedent for departure from that resolution and development standard;
 - c) depart from the preferred and predominant pattern of residential setbacks for such land in the locality to the detriment of the streetscape;
 - d) disregard the five submissions of objection to the proposal lodged by the owners/occupiers of nearby properties; and

- e) be contrary to orderly and proper planning and the preservation of the amenity of the locality.

2 ADVISE the submitters of this decision.

AMENDMENT

Moved Cr Boland, seconded Cr Strzina

That point a) is amended as follows:

- a) **be contrary to Council's Resolution TP128a for a 6m setback and inconsistent with Council's decisions to apply that development standard; as supported by clause 5.3.7 of proposed Local Planning Scheme No. 3 which has been lodged for final approval;**

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Wash, seconded Cr Strzina

- a) **be contrary to Council's Resolution TP128a for a 6m setback and inconsistent with Council's decisions to apply that development standard; as supported by clause 5.3.7 of proposed Local Planning Scheme No. 3 which has been lodged for final approval;**
- b) **create an undesirable precedent for departure from that resolution and development standard;**
- c) **depart from the preferred and predominant pattern of residential setbacks for such land in the locality to the detriment of the streetscape;**
- d) **disregard the five submissions of objection to the proposal lodged by the owners/occupiers of nearby properties; and**
- e) **be contrary to orderly and proper planning and the preservation of the amenity of the locality.**

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/0

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

Prior to the closure of the meeting, Cr Jeanes raised the matter of construction parking problems experienced with building projects, especially in confined areas, which he has discussed with the Manager Development Services, who described the Town's approach to managing the situation. The MDS undertook to review the matter and provide advice to Elected Members regarding appropriate controls.

The Presiding Member announced the closure of the meeting at 6:45 pm.

CONFIRMED: PRESIDING MEMBER _____ DATE: .../.../...