

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 8 DECEMBER 2014

CARL ASKEW
Chief Executive Officer

11 December 2014

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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 6:04 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4.2 PUBLIC QUESTIONS

Nil.

5 PUBLIC STATEMENT TIME

Mr Trevor Pizzi of Brown McAllister Surveyors – for Items 10.1.1, 10.1.2 and 10.1.3 – 32, 34 and 34A Avonmore Terrace

Mr Pizzi, on behalf of Brown McAllister Surveyors for the applicant, explained that they had derived ground levels from Water Corporation data sheets and referred to the Residential Design Codes in relation to natural ground level. He acknowledged the differences in levels produced by separate surveying companies and stated that the natural ground surface should be as prior to any development (ie the dune contours), but in the absence of this information, using the levels at Fig Tree Lane, Deane Street and Avonmore Terrace was the best data available to estimate natural ground levels, unless the Town could provide more material.

Mr Andrew Kalotay of Automated Surveys – for Items 10.1.1, 10.1.2 and 10.1.3 – 32, 34 and 34A Avonmore Terrace

Mr Kalotay, whose firm was also engaged by the applicant, stated that they had arrived at very similar levels to the Brown McAllister survey, and that their contours were based on data from the Water Corporation, road reserves, existing ground levels and heights of the centre points of the lots.

Mr Philip Jonath of Whelans (surveyors) – for Items 10.1.1, 10.1.2 and 10.1.3 – 32, 34 and 34A Avonmore Terrace

Mr Jonath, from Whelans as independent surveyors for the Town, advised that they had attended the site and undertaken additional perimeter surveying,

checked existing data from the Water Corporation (which showed only post-development levels) and historical material (ie a 1954 aerial) and considered information from the Town. Having regard to all this and the plans produced by the other surveyors, Whelans formulated a contour plan which indicated some significant differences or discrepancies from the others. He also noted the retaining done to the subject site and the eastern neighbouring site, and advised that if additional historical information could be found the original natural ground levels would become clearer.

6 ATTENDANCE

Present

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

Officers Present

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

6.1 APOLOGIES

Nil.

Officer Apologies

Nil.

6.2 APPROVED LEAVE OF ABSENCE

Nil.

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 DECLARATION OF INTERESTS

Mayor Dawkins declared a proximity interest in Items 10.1.1, 10.1.2 and 10.1.3 due to owning the property opposite the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

Cr Burke declared an interest in Items 10.1.1, 10.1.2 and 10.1.3 due to an ongoing business dealing with an objector to the proposed developments, and stated that as a

consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

8 CONFIRMATION OF MINUTES

Moved Cr Walsh, seconded Cr Angers

[Minutes November 17 2014 Development Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 17 November 2014 be confirmed.

9 PRESENTATIONS

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

10 REPORTS

10.1 PLANNING

Mayor Dawkins declared a proximity interest in Items 10.1.1, 10.1.2 and 10.1.3 due to owning the property opposite the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

Cr Burke declared an interest in Items 10.1.1, 10.1.2 and 10.1.3 due to an ongoing business dealing with the objector to the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

10.1.1 NO. 32 AVONMORE TERRACE (LOT 501) - PROPOSED DWELLING - FURTHER REPORT

File Ref: 2951
Attachments: [32 Avonmore Aerial](#)
[32 Avonmore Applicant Survey Plan](#)
[32 Avonmore Council Survey Plan](#)
[32 Avonmore Revised Plans Nov 2014](#)
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer / Andrew Jackson
Manager Development Services
Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil
Property Owner: John Dunlea
Applicant: Russell Stewart
Date of Application: 6 June 2014
Zoning: Residential R30
Lot Area: 289m²
M.R.S. Reservation: Not applicable

BACKGROUND

On 17 November 2014 the Development Services Committee considered this application and amended the Officer recommendation with additional conditions as follows:

- The rooftop air-conditioners or other equipment shall be suitably screened from view.
- The shade canopy on the third level shall be deleted.
- The third storey roof garden shall be deleted.

The next day Officers met with the applicant to explain and discuss Committee's deliberations, including the amendments to the recommendation as well as other aspects identified by Officers, as follows:

- Rooftop air-conditioners or other equipment to be screened.
- Shade canopy and roof garden to be deleted (ie the entire third level, including lift extension).
- Crossover to be relocated to preserve heritage-listed street tree; plus to comply with Australian Standard.
- Guarantee required that street trees will be protected.
- Retractable roof over balcony to be deleted, to reduce building bulk.
- Fencing in front setback to be open-aspect.

Revised plans were received on 20 November 2014 and copies were provided to Elected Members ahead of the Council meeting, with revisions indicated by red and blue annotations. The Manager Development Services advised that the revisions responded to the aspects raised by both Committee and Officers, albeit not entirely. A description, then assessment by Officers in respect to each of the items (shown in *Italics*), is as follows:

- Rooftop air-conditioners or other equipment to be screened.
Vertical screen 1.2m high proposed, which at RL:30.23 above NGL complies; and may be even better if possible to recess below roofline.
Shade canopy and roof garden to be deleted (ie the entire third level, including lift shaft extension).
Shade canopy deleted but roof garden remains. Note that its deletion would reduce open space by 32m², which would have to be provided otherwise, as mentioned below regarding the balconies.
- Crossover to be relocated to preserve heritage-listed street tree; plus to comply with Australian Standard.
Crossover relocated 2m from street tree. Gradient appears to be 1:5, which complies, while transition areas should be checked by an engineer. As a result the pool in the front yard has been deleted.
- Guarantee required that street trees will be protected.
Protective temporary fence 2m x 2m proposed.
- Retractable roof over balcony to be deleted, to reduce building bulk.
Deleted, but bi-fold glass doors now shown across whole of first floor front balcony (although front elevation plan still shows shutters). The front/side balconies need to be unroofed except for eaves and the bi-fold doors deleted so the balconies can be included as open space to offset deletion of the roof garden.
- Fencing in front setback to be open-aspect.
Side fencing detail deleted. Front fencing indicates 40mm gaps, which should be increased to 50mm.

In subsequently considering the matter on 24 November 2014 Council resolved:

That Council defer its determination of the application pending the Town obtaining an independent land survey of the lot and overall site in order to ensure accurate building heights in relation to natural ground levels, with a view to reporting back to the December round of meetings.

A copy of the Officer's previous report to Council is attached for information, and the plans previously provided should be referred to.

ADDITIONAL INFORMATION

Applicant's additional survey plan information

Additional survey information was requested from the applicant for the previous Council meeting but was not forthcoming. Following the deferral, on 28 November 2014 the applicant submitted a plan showing contours across the site as interpolated by Brown McAllister Surveyors (BMS) and levels apparently derived from Water Corporation (WC) information sheets which were used by Automated Surveys. The centre points of each lot have also been provided.

The applicant has suggested that based on the levels provided by BMS two of the dwellings could be raised. However, for Lot 501 the levels do not appear to support this, as the centre point of the site has been calculated by BMS as being 0.01m below that calculated by Automated Surveys, and differences in permitted wall heights would only be marginal. As the applicant's proposed finished floor level above the basement is at RL: 22.13, no alteration of the basement is required as it does not constitute a separate storey given this survey information.

Town's independent survey plan information

The Town identified an experienced and available surveying consultancy, Whelans, then briefed them on the task, providing the applicant's original surveys and supporting background information. This firm reviewed the material, researched historical data and undertook a wider survey in order to understand the most likely topographical profile of the land prior to its previous development. This has achieved an appropriate degree of accuracy of the contours and levels, as discussed below.

Whelans attended the site and obtained independent checks of all the levels along the Deane Street verge, Avonmore Terrace and Fig Tree Lane surrounding the subject site. They also extended the survey further east up the hill to make sure the road and laneway were still at the same constant gradient.

On 2 December 2014 the Town received two survey plans from Whelans showing the findings.

A contour interpolation plan was produced using the surveyed levels around the perimeter of the site, with contours shown at 0.2m intervals. A second plan was also provided showing surveyed surface level height differences to the interpolated plan, which confirms that the existing surface levels for Lots 501-503 are not dissimilar to the survey plan produced.

STAFF COMMENT

A comparison of the interpolated survey plans submitted by the applicant and produced for the Town reveals the following level differences (highlighted).

Lot 501		
	Applicant's (Automated Surveys) submitted survey plan.	Town's (Whelans) survey plan.
NW corner	19.75	19.85 (+ 0.1)
SW corner	20.50	20.20 (- 0.3m)
NE corner	24.50	23.80 (- 0.7m)
SE corner	25.25	24.40 (- 0.85)
Approx. level at centre of lot (based on 4 corners).	22.50 (22.47 at actual centre).	22.06 (- 0.44m)

The differences between the two interpolated plans are significant and would necessitate the proposed finished floor level above the basement on Lot 501 to be reduced to below RL: 22.06, and for the wall heights to be amended so as to not exceed 7m above the NGL based on the Whelans survey plan.

In view of the extent of the anomalies between the two survey plans it is recommended that Council should adopt the lower levels produced by Whelans, unless evidence is produced as to why the applicant's survey plan should be relied upon.

Furthermore, following the concerns raised by the Development Services Committee in November regarding the design of the proposal (together with the proposed dwellings for Lots 502 and 503), it is recommended that the application could be referred to the Design Advisory Panel prior to Council if possible, to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is a relevant planning consideration and the applicant was encouraged to provide built form and streetscape profile information to assist assessment but has only submitted one image of the Avonmore Terrace facades. Council is to be informed of the Panel's feedback, any further information and any amendments made in reconsidering the proposal.

Alternatively, Council could approve the development subject to conditions, including that the building heights and storeys be adjusted to conform to the interpolated survey plan produced by Whelans and ensuring that the aspects identified following assessment of the revised plans are addressed.

Both recommendations are provided for consideration.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried details of the survey approaches and results, noting the variations and considered that more information was desirable to define the natural contours of the land. Committee queried particular design aspects of the No. 32 dwelling, namely whether stairs are required to the roof terrace and the screen wall shown on the plans, which Officers undertook to clarify.

Cr Jeanes then proceeded to summarise Council's concerns that the proposals for six dwellings represented comparatively massive development appearing out of context with the setting and locality. He pointed out that the applicants should have been well aware of new Local Planning Scheme No. 3, and the Town usually receives good quality proposals and Officers worked hard to achieve acceptable outcomes, thereby minimising appeals; however, every so often proposals demanded specific conditions in order to be made compliant and compatible. He considered that with the benefit of further survey advice and the Design Advisory Panel's comments, the applications ought to be determined at the coming Council meeting, bearing in mind that Council acts in the interests of the community.

In conclusion Committee supported the option one recommendation for all three proposals, being to obtain advice from the Design Advisory Panel and that a final survey Plan from Whelans be used to determine the ground levels hence building heights.

OFFICER RECOMMENDATION**Moved Cr Walsh, seconded Cr Downes**

THAT Committee:

1. REFER the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. RECOMMEND that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

OR

THAT Council GRANT its approval to commence development for the proposed dwelling at 32 Avonmore Terrace COTTESLOE (Lot 501) as shown on the revised plans received on 20 November 2014, subject to the following conditions:

1. All construction work shall be 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 shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where

climatic and soil conditions allow for the effective retention of stormwater on-site.

4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the 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 specified in the Environment Protection (Noise) Regulations 1997.
6. The finish and colour of the proposed boundary walls shall be to the satisfaction of the Manager Development Services. (5)
7. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing the fencing in the front setback area being 'open-aspect' above 0.9m, with the palings spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from natural ground level.
8. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services showing the crossover being positioned a sufficient distance from the heritage-listed Melaleuca trees to ensure their retention and protection, and showing the gradient, including the transition areas, to the garage being in accordance with Australian Standards, which shall be verified by an Engineer.
9. A separate application for construction of the new crossover meeting Council's specifications shall be submitted for approval by the Manager Engineering Services or an authorised officer.
10. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
11. All air-conditioning and other plant or equipment to the rooftop/s of the dwelling shall be selected, designed, positioned and screened so as to be visually concealed and not appear unattractive or unduly affect views, to the satisfaction of the Manager Development Services; the details of which shall be shown in the plans submitted for a Building Permit.
12. The entire "roof garden" level of the proposal is not approved as part of the development and shall be deleted from the design, including the lift protrusion, to the satisfaction of the Manager Development Services; whereby revised plans showing such shall be submitted for a Building Permit.

13. To reduce building bulk and satisfy the open space requirement (given deletion of the roof garden) the bi-fold doors shown to the front balcony on the first floor shall be deleted.

Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services showing the building height and ground floor level above the basement being adjusted based on the interpolated survey plan submitted by Whelans and complying with Local Planning Scheme No. 3.

Advice Notes:

1. 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.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Committee:

1. **REFER** the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. **RECOMMEND** that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

Carried 4/0

The Mayor and Cr Burke returned to the meeting at 6:40 PM.

Mayor Dawkins declared a proximity interest in Items 10.1.1, 10.1.2 and 10.1.3 due to owning the property opposite the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

Cr Burke declared an interest in Items 10.1.1, 10.1.2 and 10.1.3 due to an ongoing business dealing with the objector to the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

10.1.2 NO. 34 AVONMORE TERRACE (LOT 502) - PROPOSED DWELLING - FURTHER REPORT

File Ref: 2950
Attachments: [34 Avonmore Aerial](#)
[34 Avonmore Applicant Survey Plan](#)
[34 Avonmore - Council Survey Plan.pdf](#)
[34 Avonmore Revised Plans Nov 2014](#)

Responsible Officer: Andrew Jackson
Manager Development Services

Author: Ed Drewett
Senior Planning Officer / Andrew Jackson
Manager Development Services

Proposed Meeting Date: 08 December 2014

Author Disclosure of Interest: Nil

Property Owner: Clark Brannin

Applicant: Russell Stewart

Date of Application: 6 June 2014

Zoning: Residential R30

Lot Area: 289m²

M.R.S. Reservation: Not applicable

BACKGROUND

On 17 November 2014 the Development Services Committee considered this application and it was recommended to Council without amendment.

However, the next day Officers met with the applicant to explain and discuss Committee's deliberations, as well as other aspects identified by Officers, as follows:

- Wall/eave along ROW to be setback 1.5m on first floor (ie second storey) to reduce building bulk.
- Basement level to be lowered (as recommended) to not be counted as a storey.
- Fencing in front setback to be open-aspect.
- Any rooftop air-conditioners or other equipment to be identified and screened.

Revised plans were received on 20 November 2014 and copies were provided to Elected Members ahead of the Council meeting, with revisions indicated by red and

blue annotations. The Manager Development Services advised that the revisions responded to the aspects raised by Officers, albeit not entirely. A description, then assessment by Officers in respect to each of the items (shown in *Italics*), is as follows:

- Wall/eave along ROW to be setback 1.5m on first floor (ie second storey) to reduce building bulk.
Upright on first floor slab has been deleted along front section of the ROW to create eave with zero setback, which is desired for shade, but deletion would reduce building bulk – this would result in setbacks from the widened ROW of 1-1.3m on the ground floor and 2-3.3m on first floor. The rear section along the ROW has a zero setback, while to reduce building bulk the solid wall on the boundary at the first floor level has been reduced in height, with a 1m high louvre screen above. Details of the privacy screen should be submitted at building permit stage.
- Basement level to be lowered (as recommended) to not be counted as a storey.
Not revised. Still should be reduced to RL:22.25, as conditioned.
- Fencing in front setback to be open-aspect.
Revisions made, but fencing shown as 2m rather than 1.8m high and solid section on southern elevation still appears too high – can be conditioned.
- Any rooftop air-conditioners or other equipment to be identified and screened.
Note on plan stating no services on roof – can condition.

In subsequently considering the matter on 24 November 2014 Council resolved:

That Council defer its determination of the application pending the Town obtaining an independent land survey of the lot and overall site in order to ensure accurate building heights in relation to natural ground levels, with a view to reporting back to the December round of meetings.

A copy of the Officer's report to Council is attached for information, and the plans previously provided should be referred to.

ADDITIONAL INFORMATION

Applicant's additional survey plan information

Additional survey information was requested from the applicant for the previous Council meeting but was not forthcoming. Following the deferral, on 28 November 2014 the applicant submitted a plan showing contours across the site as interpolated by Brown McAllister Surveyors (BMS) and levels apparently derived from Water Corporation (WC) information sheets. The centre points of each lot have also been provided.

The applicant has suggested that based on the levels provided by BMS two of the dwellings could be raised. However, for Lot 502 the levels do not appear to support this, as the centre point of the site has been calculated by BMS as being 0.27m below that calculated by Automated Surveys, thereby requiring the proposed finished floor level of the ground floor above the basement level to be lowered if this method

was used. However, as the Town used the BMS levels in the ROW to establish the permitted level of the basement in accordance with LPS 3, there is no advantage to the applicant in terms of calculating storeys and differences in permitted wall heights would only be marginal.

Town's independent survey plan information

The Town identified an experienced and available surveying consultancy, Whelans, then briefed them on the task, providing the applicant's original surveys and supporting background information. This surveying firm reviewed the material, researched historical data and undertook a wider survey in order to understand the most likely topographical profile of the land prior to its previous development. This has achieved an appropriate degree of accuracy of the contours and levels, as discussed below.

Whelans attended the site and obtained independent checks of all the levels along the Deane Street verge, Avonmore Terrace and Fig Tree Lane surrounding the subject site. They also extended the survey further east up the hill to make sure the road and laneway were still at the same constant gradient.

On 2 December 2014 the Town received two survey plans from Whelans showing the findings.

A contour interpolation plan was produced using the surveyed levels around the perimeter of the site, with contours shown at 0.2m intervals. A second plan was also provided showing surveyed surface level height differences to the interpolated plan, which confirms that the existing surface levels for Lots 501-503 are not dissimilar to the survey plan produced.

STAFF COMMENT

A comparison of the interpolated survey plans submitted by the applicant and that produced for the Town reveals the following level differences (highlighted).

Lot 502		
	Applicant's (Automated Surveys) submitted survey plan.	Town's (Whelans) survey plan.
NW corner	19.70	19.60 (- 0.1m)
SW corner	19.75	19.85 (+ 0.1m)
NE corner	23.80	23.20 (- 0.6m)
SE corner	24.50	23.80 (- 0.7m)
Approx. level at centre of lot (based on 4 corners).	21.9 (22.10 at actual centre).	21.61 (- 0.29m)

The differences between the two interpolated plans are significant and would necessitate the proposed finished floor level above the basement on Lot 502 to still be reduced to below RL: 22.25, as previously recommended based on survey levels in the ROW, and for the wall heights to be amended so as to not exceed 7m above the NGL based on the Whelans survey plan.

In view of the extent of the anomalies between the two survey plans it is recommended that Council should adopt the lower levels produced by Whelans, unless evidence is produced as to why the applicant's survey plan should be relied upon.

Furthermore, following the concerns raised by the Development Services Committee in November regarding the design of the proposal (together with the proposed dwellings for Lots 502 and 503), it is recommended that the application could be referred to the Design Advisory Panel prior to Council if possible to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is a relevant planning consideration and the applicant was encouraged to provide built form and streetscape profile information to assist assessment but has only submitted one image of the Avonmore Terrace facades. Council is to be informed of the Panel's feedback, any further information and any amendments made in reconsidering the proposal.

Alternatively, Council could approve the development subject to conditions, including that the building heights and storeys be adjusted to conform to the interpolated survey plan produced by Whelans and ensuring that the aspects identified following assessment of the revised plans are addressed.

Both recommendations are provided for consideration.

VOTING

Simple majority

COMMITTEE COMMENT

Committee queried details of the survey approaches and results, noting the variations and considered that more information was desirable to define the natural contours of the land.

Cr Jeanes then proceeded to summarise Council's concerns that the proposals for six dwellings represented comparatively massive development appearing out of context with the setting and locality. He pointed out that the applicants should have been well aware of new Local Planning Scheme No. 3, and the Town usually receives good quality proposals and Officers worked hard to achieve acceptable outcomes, thereby minimising appeals; however, every so often proposals demanded specific conditions in order to be made compliant and compatible. He considered that with the benefit of the further survey advice and the Design Advisory Panel's comments, the applications ought to be determined at the coming Council meeting, bearing in mind that Council acts in the interests of the community.

In conclusion Committee supported the option one recommendation for all three proposals, being to obtain advice from the Design Advisory Panel and that a final survey Plan from Whelans be used to determine the ground levels hence building heights.

OFFICER RECOMMENDATION**Moved Cr Walsh, seconded Cr Downes**

THAT Committee:

1. REFER the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. RECOMMEND that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

OR

THAT Council GRANT its approval to commence development for the proposed dwelling at 34 Avonmore Terrace COTTESLOE (Lot 501) as shown on the revised plans received on 20 November 2014, subject to the following conditions:

1. All construction work shall be 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 shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the 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 specified in the Environment Protection (Noise) Regulations 1997.
6. The finish and colour of the boundary walls shall be to the satisfaction of the Manager Development Services.
7. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing the fencing in the front setback area being 'open-aspect' above 0.9m, with the palings spaced to ensure that the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, the piers not exceeding 2.1m in height from Natural Ground Level, and the infill panels not exceeding 1.8m from Natural Ground Level.

8. A separate application for construction of the new crossover meeting Council's specifications and Australian Standards shall be submitted for approval by the Manager Engineering Services or an authorised officer.
9. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
10. At Building Permit stage full details of the louvre privacy screen to the first floor boundary wall on the northern elevation shall be submitted to the satisfaction of the Manager Development Services.
11. All air-conditioning and other plant or equipment to the rooftop/s of the dwelling shall be selected, designed, positioned and screened so as to be visually concealed and not appear unattractive or unduly affect views, to the satisfaction of the Manager Development Services; the details of which shall be shown in the plans submitted for a Building Permit.
12. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services showing the building height and ground floor level above the basement being adjusted based on the interpolated survey plan submitted by Whelans and complying with Local Planning Scheme No. 3.

Advice Notes:

1. 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.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Committee:

1. **REFER** the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. **RECOMMEND** that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

Carried 4/0

The Mayor and Cr Burke returned to the meeting at 6:40 PM.

Mayor Dawkins declared a proximity interest in Items 10.1.1, 10.1.2 and 10.1.3 due to owning the property opposite the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

Cr Burke declared an interest in Items 10.1.1, 10.1.2 and 10.1.3 due to an ongoing business dealing with the objector to the proposed developments, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 6:26 PM.

10.1.3 NO. 34A AVONMORE TERRACE - PROPOSED DWELLING - FURTHER REPORT

File Ref: 2949
Attachments: [34A Avonmore Aerial](#)
[34A Avonmore Applicant Survey Plan](#)
[34A Avonmore Council Survey Plan](#)
[34A Avonmore Revised Plans Nov 2014](#)

Responsible Officer: Andrew Jackson
Manager Development Services

Author: Ed Drewett
Senior Planning Officer / Andrew Jackson
Manager Development Services

Proposed Meeting Date: 08 December 2014

Author Disclosure of Interest: Nil

Property Owner: Colin Herdman

Applicant: Russell Stewart

Date of Application: 6 June 2014

Zoning: Residential R30

Lot Area: 289m²

M.R.S. Reservation: Not applicable

BACKGROUND

On 17 November 2014 the Development Services Committee considered this application and amended the Officer recommendation with an additional condition as follows:

- A 2.5m setback shall be provided to Fig Tree Lane.

The next day Officers met with the applicant to explain and discuss Committee's deliberations, including the amendment to the recommendation as well as other aspects identified by Officers, as follows:

- Dwelling to be setback 2.5m from widened ROW – it was considered that the courtyard wall and louvre screen would be satisfactory setback 1.5m.
 - Basement level to be lowered (as recommended) to not be counted as a storey.
-

- Crossover gradient to comply with Australian Standard.
- Any rooftop air-conditioners or other equipment to be identified and screened.
- Plan notation referring to “potential rooftop garden” to be deleted.

Revised plans were received on 20 November 2014 and copies were provided to Elected Members ahead of the Council meeting, with revisions indicated by red and blue annotations. The Manager Development Services advised that the revisions responded to the aspects raised by both Committee and Officers, albeit not entirely. A description, then assessment by Officers in respect to each of the items (shown in *Italics*), is as follows:

- Dwelling to be setback 2.5m from widened ROW – it was considered that the courtyard wall and louvre screen would be satisfactory setback 1.5m.
Dwelling setback increased to 2.5m and external privacy louvres added. Louvres and chimney setback 2m from the widened ROW. Raised ground floor courtyard setback 1.5m from the widened ROW. Eaves setback 1.5m. Larger windows introduced to north elevation with 6.6m setback to opposite side of ROW, which satisfies visual privacy.
- Basement level to be lowered (as recommended) to not be counted as a storey.
Not revised and still should be lowered to RL:25.96, as conditioned.
- Crossover gradient to comply with Australian Standard.
Gradient appears to be 1:4, which complies, while transition areas should be checked by an engineer.
- Any rooftop air-conditioners or other equipment to be identified and screened.
Not shown – can be conditioned.
- Plan notation referring to “potential rooftop garden” to be deleted.
Done.
- In addition, it is noted that the height of the column on the NW side of the first floor balcony has been slightly increased to RL:32.0, making it some 7.1m above NGL.
This is slightly over-height and should be revised to comply.

In subsequently considering the matter on 24 November 2014 Council resolved:

That Council defer its determination of the application pending the Town obtaining an independent land survey of the lot and overall site in order to ensure accurate building heights in relation to natural ground levels, with a view to reporting back to the December round of meetings.

A copy of the Officer’s report to Council is attached for information, and the plans previously provided should be referred to.

ADDITIONAL PLANNING INFORMATION

Applicant’s additional survey plan information

Additional survey information was requested from the applicant for the previous Council meeting but was not forthcoming. Following the deferral, on 28 November 2014 the applicant submitted a plan showing contours across the site as interpolated by Brown McAllister Surveyors (BMS) and levels apparently derived from Water Corporation (WC) information sheets. The centre points of each lot have also been provided.

The applicant has suggested that based on the levels provided by BMS two of the dwellings could be raised. However, for Lot 503 the levels do not appear to support this, as the centre point of the site has been calculated by BMS as being 0.56m below that calculated by Automated Surveys, thereby requiring the proposed finished floor level of the ground floor above the basement level to be lowered to below RL: 25.40 if this method was used.

Town's independent survey plan information

The Town identified an experienced and available surveying consultancy, Whelans, then briefed them on the task, providing the applicant's original surveys and supporting background information. This surveying firm reviewed the material, researched historical data and undertook a wider survey in order to understand the most likely topographical profile of the land prior to its previous development. This has achieved an appropriate degree of accuracy of the contours and levels, as discussed below.

Whelans attended the site and obtained independent checks of all the levels along the Deane Street verge, Avonmore Terrace and Fig Tree Lane surrounding the subject site. They also extended the survey further east up the hill to make sure the road and laneway were still at the same constant gradient.

On 2 December 2014 the Town received two survey plans from Whelans showing the results.

A contour interpolation plan was produced using the surveyed levels around the perimeter of the site, with contours shown at 0.2m intervals. A second plan was also provided to show surveyed surface level height differences to the interpolated plan, which confirms that the existing surface levels for Lots 501-503 are not dissimilar to the survey plan produced.

STAFF COMMENT

A comparison of the interpolated survey plans submitted by the applicant and that produced for the Town reveals the following level differences (highlighted).

Lot 503		
	Applicant's (Automated Surveys) submitted survey plan.	Town's (Whelans) survey plan.
NW corner	23.80	23.20 (-0.6m)
SW corner	25.25	24.40 (-0.85m)
NE corner	26.60	25.40 (-1.2m)
SE corner	27.80	26.58 (-1.22m)

Approx. level at centre of lot (based on 4 corners)	25.86 (25.96 at actual centre).	24.90 (-0.96m)
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The differences between the two interpolated plans are significant and would necessitate the proposed finished floor level above the basement on Lot 503 to be reduced to below RL: 25.30 based on survey levels in the ROW, and for the wall heights to be amended so as to not exceed 7m above the NGL based on the Whelans survey plan.

In view of the extent of the anomalies between the two survey plans it is recommended that Council should adopt the lower levels produced by Whelans, unless evidence is produced as to why the applicant's survey plan should be relied upon.

Furthermore, following the concerns raised by the Development Services Committee in November regarding the design of the proposal (together with the proposed dwellings for Lots 502 and 503), it is recommended that the application could be referred to the Design Advisory Panel prior to Council if possible, to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is a relevant planning consideration and the applicant was encouraged to provide built form and streetscape profile information to assist assessment but has only submitted one image of the Avonmore Terrace facades. Council is to be informed of the Panel's feedback, any further information and any amendments made in reconsidering the proposal.

Alternatively, Council could approve the development subject to conditions, including that the building heights and storeys be adjusted to conform to the interpolated survey plan produced by Whelans and ensuring that the aspects identified following assessment of the revised plans are addressed.

Both recommendations are provided for consideration.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee queried details of the survey approaches and results, noting the variations and considered that more information was desirable to define the natural contours of the land.

Cr Jeanes then proceeded to summarise Council's concerns that the proposals for six dwellings represented comparatively massive development appearing out of context with the setting and locality. He pointed out that the applicants should have been well aware of new Local Planning Scheme No. 3, and the Town usually receives good quality proposals and Officers worked hard to achieve acceptable outcomes, thereby minimising appeals; however, every so often proposals demanded specific conditions in order to be made compliant and compatible. He considered that with the benefit of the further survey advice and the Design Advisory Panel's

comments, the applications ought to be determined at the coming Council meeting, bearing in mind that Council acts in the interests of the community.

In conclusion Committee supported the option one recommendation for all three proposals, being to obtain advice from the Design Advisory Panel and that a final survey Plan from Whelans be used to determine the ground levels hence building heights.

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Committee:

1. REFER the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. RECOMMEND that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

OR

THAT Council GRANT its approval to commence development for the proposed dwelling at 34A Avonmore Terrace COTTESLOE (Lot 503) as shown on the revised plans received on 20 November 2014, subject to the following conditions:

1. All construction work shall be 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 shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. The roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours, following completion of the development.
5. Air-conditioning plant and equipment shall be located closer to the proposed dwelling than adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
6. The finish and colour of the proposed boundary walls shall be to the satisfaction of the Manager Development Services.

7. The gradient to the garage shall be in accordance with Australian Standard, including the transition areas, which shall be verified by an Engineer. Details shall be submitted at Building Permit stage for approval by the Manager Development Services.
8. The owner/applicant shall contribute to the Town a sum of money equal to the cost of sealing and draining the full length and width of the sealed right of way for its extent abutting the northern boundary of the property, prior to the issue of a Building Permit.
9. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
10. The northern end of the ground floor raised courtyard shall be screened with angled louvres to a minimum height of 1.6m, to the satisfaction of the Manager Development Services. Details shall be submitted at Building Permit stage.
11. The pool pump and filter shall be located closer to the proposed dwelling than 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 minimized to within permissible levels specified in the Environmental Protection (Noise) Regulations 1997.
12. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary.
14. The column on the north-west side of the first floor balcony shall not exceed 7m in height above Natural Ground Level, the detail of which shall be shown in the plans submitted for a Building Permit.
15. To address building bulk and scale, the design of the dwelling shall be altered to provide a 2.5m setback from Fig Tree Lane, with details to be shown in revised plans submitted at Building Permit stage to the satisfaction of the Manager Development Services.
16. All air-conditioning and other plant or equipment to the rooftop of the dwelling shall be selected, designed, positioned and screened so as to be visually concealed and not appear unattractive or unduly affect views, to the satisfaction of the Manager Development Services; the details of which shall be shown in the plans submitted for a Building Permit.

17. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services showing the building height and ground floor level above the basement being adjusted based on the interpolated survey plan submitted by Whelans and complying with Local Planning Scheme No. 3.

Advice Notes:

1. 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.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Downes

THAT Committee:

1. **REFER** the application to the Design Advisory Panel prior to Council to seek further advice regarding the relationship of the proposal(s) to the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
2. **RECOMMEND** that the application be amended to ensure that the building heights and storeys conform to the interpolated survey plan produced by Whelans and are in accordance with Local Planning Scheme No. 3.

Carried 4/0

The Mayor and Cr Burke returned to the meeting at 6:40 PM.

10.1.4 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 1 - FINALISATION

File Ref: SUB/1877
Attachments: [Report Council Minutes 22 September 2014](#)
[Amendment No 1 Document](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil

SUMMARY

On 22 September 2014 Council received a report on this proposed Scheme Amendment and resolved to adopt the Amendment for the purpose of advertising and to undertake the statutory procedures accordingly.

Advertising has been completed and no submissions were received. Council is now required to make a recommendation to the Western Australian Planning Commission (WAPC) on the outcome of the Amendment, which this report addresses.

BACKGROUND

The proposed Amendment is to enable changes to existing dwellings (ie, alterations, additions, extensions) to be approved above the height limits for residential development. The Amendment is specifically focussed and provides carefully guided discretion. It:

- Relates only to existing dwellings in the Residential and other relevant zones.
- Does not relate to new residential development in those zones.
- Relates to specified classes of heritage places or areas in the district.
- Does not relate to non-residential development throughout the district.
- Does not alter height limits and measures for the beachfront zones under Special Control Area 2 or for the Development Zone under the structure plan provisions of the Scheme.

Copies of the previous report to Council explaining the need for and details of the Amendment and the formal documentation are attached for reference.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

The *Planning & Development Act 2005* empowers amendment of town planning schemes and the *Town Planning Regulations* govern the procedure for this.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

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

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

There was also local newspaper coverage of the matter. The absence of submissions (typically expressing concerns) indicates the positive nature of the proposal as supported by property owners who are dependent upon the changes to enable extensions to existing dwellings to be dealt with similar to as under former Town Planning Scheme No. 2. This has been borne out in discussions between Officers and prospective applicants in considering their concept proposals.

PROCEDURE

Following the advertising period, and if there are no submissions, the Regulations require Council to:

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

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

CONCLUSION

Amendment of the Scheme is required to cater for development proposals involving existing dwellings, allowing a reasonable degree of carefully-guided discretion. Whilst only a few changes are necessary, they are significant in facilitating dealing with alterations, additions or extensions to existing dwellings, as well as heritage buildings.

The Amendment is in order for final approval, which will facilitate proposals being formulated consistent with the Scheme and able to be considered by Council.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported finalisation of the Scheme Amendment.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Mayor Dawkins

THAT Council:

- (1) In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3 text, to provide for height variations in relation to existing dwellings and heritage buildings, by:

(A) Adding new clause 5.7.5 as follows:

In the case of proposed alterations, additions or extensions to existing dwellings in the Residential, Residential Office, Town Centre, Local Centre, Foreshore Centre and Restricted Foreshore Centre zones, the local government may vary the maximum heights specified in Table 2 and clause 5.7.2, where in its opinion warranted due the circumstances and merits of the proposal, having regard to:

- (a) *The existing heights of the dwelling;*
- (b) *Any relevant Local Planning Policy or Design Guidelines;*
- (c) *Any heritage considerations relating to the dwelling;*
- (d) *Relevant planning considerations identified in clause 10.2;*
- (e) *Adequate direct sun into buildings and appurtenant open spaces;*
- (f) *Adequate daylight to major openings into habitable rooms;*
- (g) *Access to views of significance;*
- (h) *Building design to ameliorate the visual effects of height; and*
- (i) *The amenity of adjoining properties, including road and public open space reserves, and the character of the streetscape;*

and subject to the development:

- (a) *Not exceeding the existing number of storeys;*
- (b) *Not exceeding the height of the existing dwelling, unless the Council is satisfied with the design and its implications having regard to the above criteria; and*
- (c) *In the Foreshore Centre Zone, the development not exceeding the requirements of clause 6.4.3.1 (a) and (b).*

An application for planning approval requiring the exercise of the discretion under this clause is to be advertised in accordance with clause 9.4 and the notice of the application is to include such reference to the variation sought to any height standard or requirement as the local government thinks fit.

(B) Adding to clause 6.3.6 as shown underlined:

In this special control area, the height of all development for any use shall conform to the requirements for single-storey or two-storey development as set out in clause 5.7.2, except that in the case of any

development to either of the existing heritage dwellings, the local government may apply its discretion in accordance with clause 5.7.5.

(C) In clause 7.5, Variations to Scheme provisions for a heritage place or heritage area, deleting words as shown and adding words as underlined:

7.5.1 *The local government may grant, by way of planning approval, a variation to any site or development standard or requirement, ~~with the exception of any height standard or requirement, specified in the Scheme or the Residential Design Codes if, in the opinion of the local government, the variation is necessary in order to —~~*

(a) *conserve a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990, listed in the Heritage List under clause 7.1.1 or classified in the municipal inventory; or*

(b) *enhance or preserve heritage values in a heritage area designated under clause 7.2.1;*

which is the subject of the proposed development.

7.5.4 *An application for planning approval requiring the exercise of the discretion under clause 7.5.1 above is to be advertised in accordance with clause 9.4 and the notice of the application is to include such reference to the variation sought to any standard or requirement as the local government thinks fit.*

7.5.5 *In considering an application for planning approval under this clause, the local government is to have regard to any submissions received in accordance with the advertising of the application under clause 9.4.*

(D) In Schedule 13, adding reference to clauses as shown underlined:

3. *Height (clause 5.7, Table 2)*

3.1 *To avoid any uncertainty, the provisions of clause 5.7 are excluded from the operation of the discretion provided in clause 5.5.1.*

3.2 *To avoid any uncertainty, for residential development in the Residential Zone, the maximum height set out in Table 2 may only be varied in accordance with clause 5.7.4, 5.7.5 or 6.3.6, and the provisions of clause 5.7.4 are excluded from the operation of the discretion provided in clause 5.5.1.*

3.3 *To avoid any uncertainty, the maximum height provisions set out in Table 2 for development in the zones listed are excluded from the operation of the discretion in clause 5.5.1.*

(2) Adopt the Amendment, without modification.

- (3) Authorise the Mayor and Chief Executive Officer to sign the Amendment documents and affix the Town's seal thereto.**
- (4) Forward the Amendment documents, together with a copy of Council's resolution on final approval and particulars of the steps taken to advertise the Amendment, to the Western Australian Planning Commission for presentation to the Minister for Planning for final approval of the Amendment.**

Carried 6/0

**10.1.5 LOCAL PLANNING SCHEME NO. 3 PARKING MATTERS POLICY -
REPORT FOLLOWING ADVERTISING**

File Ref: SUB/1867
Attachments: [Parking Policy Report Council Minutes 27 Oct 2014](#)
[Proposed Parking Matters Policy](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil

SUMMARY

Council at its 27 October 2014 meeting received a report on a proposed Parking Matters Policy under Local Planning Scheme No. 3 (LPS3) and resolved to adopt the draft for the purpose of advertising as follows:

That Council note the proposed Local Planning Policy on Parking Matters and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.

No submissions were received and Council can now determine the Parking Matters Policy, which this report addresses.

BACKGROUND

The previous report is attached and explains that the Scheme contains some particular parking provisions that involve discretion and require a policy to become operative, to which the Policy responds, copy also attached.

LPS3 in clause 5.8.3 specifies two particular discretions to be guided by policy, being a parking credit and cash in lieu in certain circumstances, while there is also provision for prescribed parking reductions.

CONSULTATION

The Scheme procedure for creating the Policy was initiated by a Council resolution, followed by advertising of the proposal inviting submissions, which entailed public notices in *The Post* newspaper and a minimum 21-day period plus exposure on the Town's website. No submissions were received.

PROCEDURE

After considering any submissions, Council is to resolve whether to adopt a policy and any modifications. Upon Council adopting a policy, the Town is to:

- Publish a notice of such in a local newspaper, whence the policy becomes effective.

- Forward a copy of the policy to the WAPC if its interests are considered to be affected – which does not apply in this instance.
- Keep a copy of the policy available for public inspection.

Policies may also be amended from time-to-time, replaced or revoked as needs evolve.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Scheme Local Planning Policies are to be had regard to in Council assessing and determining planning proposals.

STATUTORY ENVIRONMENT

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONCLUSION

The proposed Policy is required by the Scheme in order to operate particular provisions. Advertising did not attract any submissions. Council can now finalise the Local Planning Policy instrument under the Scheme.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported finalisation of the Policy to facilitate the Scheme provisions.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Angers

THAT Council:

1. **Note this report on finalisation of the Parking Matters Policy pursuant to Local Planning Scheme No. 3.**
2. **Adopt the Policy without modification.**
3. **Determine that the interests of the Western Australian Planning Commission are not affected by the Policy.**
4. **Request the Administration to attend to the relevant statutory procedures to complete the policy-finalisation process.**

Carried 6/0

**10.1.6 LOCAL PLANNING SCHEME NO. 3 CENTRES DESIGN GUIDELINES -
REPORT FOLLOWING ADVERTISING.**

File Ref: SUB/335
Attachments: [Report Council Minutes 27 October 2014](#)
[Design Guidelines Advertised](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil

SUMMARY

Council at its 27 October 2014 meeting received a report on proposed Design Guidelines for the commercial centres under Local Planning Scheme No. 3 (LPS3) and resolved to adopt the draft for the purpose of advertising as follows:

THAT Council note the revised proposed Design Guidelines for the Town Centre and Local Centres and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.

One submission was received for consideration and determination of the Design Guidelines, which this report addresses.

BACKGROUND

The Design Guidelines relate to the main Town Centre, the Eric Street Local Centre and the Railway Street Local Centre zones.

In September 2014 Council considered a report on the proposed Design Guidelines and resolved: *That the item be deferred for a workshop of Councillors and Officers to discuss further details of the proposed Design Guidelines and report back to Council prior to initiating advertising.*

The workshop was held on 9 October 2014 and resulted in a number of agreed revisions to the proposal. Copies of the report and draft Design Guidelines are attached.

CONSULTATION

The Scheme procedure for creating the Design Guidelines was initiated by a Council resolution, followed by advertising of the proposal inviting submissions, which entailed public notices in *The Post* newspaper and a minimum 21-day period plus exposure on the Town's website. One submission was received from a local homeowner and resident, following discussion with the Officer, and is summarised below:

- *Comments are made regarding the format and intent of the Design Guidelines.*

- *The document's introduction refers to the role and purpose of the Design Guidelines and some points appear to require further detail or explanation.*
- *The document includes a vision statement and development parameters for the three commercial centres and refers to the need to augment the Scheme provisions with more detail to guide the planning and design of development proposals.*
- *Given this thrust, additional information over-and-above the vision statement and development parameters should be supplied to the reader or developer, which could include more comprehensive detail for each area as relevant, such as:*
 - *Building design, including built form, architectural character, materials, colours and finishes and an environmental management plan.*
 - *Public art and landscape.*
 - *Signage and external displays.*
 - *Other special controls.*
- *The proposed local planning policy has a strong bearing on development outcomes. If it can't in itself be expanded then formulating more in-depth design guidelines that will influence building design standards within these areas is recommended, to ensure quality development.*
- *Other councils and development projects have been more definitive in their policies, to encourage appropriate development with high quality buildings and assist decision-making.*

OFFICER COMMENT

The observations made in the submission can be appreciated, and are understood to reflect the content of more design-based guidelines, which may include the public domain, for broad development guidance and urban design.

In comparison, the Town's proposed Scheme-related Design Guidelines are more closely aligned with the Scheme provisions setting out development requirements, and in effect fill in the blanks of the Scheme for particular parameters. On this basis they are quite specific and prescriptive whilst affording some flexibility. Nonetheless the vision statement and descriptive parts of the Design Guidelines provide a context within which to apply the parameters, together with the framework of the zone objectives and have-regard-to clause of the Scheme to guide assessment and decisions, including managing built form/aesthetics and amenity.

The Design Guidelines are grounded in development control rather than being an urban design or building design instrument, which would result from a more detailed study as another exercise and a different type of document. The Design Guidelines as written address the essential aspects required by the Scheme and in this respect no modification arising from the submission is considered necessary.

PROCEDURE

Under LPS3 design guidelines are made as Local Planning Policy in accordance with that procedure.

After considering any submissions, Council is to resolve whether to adopt the design guidelines and any modifications. Upon Council adopting design guidelines, the Town is to:

- Publish a notice of such in a local newspaper, whence the design guidelines become effective.
- Forward a copy of the design guidelines to the WAPC if its interests are considered to be affected – which does not apply in this instance.
- Keep a copy of the design guidelines available for public inspection.

Design guidelines may also be amended from time-to-time, replaced or revoked as needs evolve.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Scheme Local Planning Policy Design Guidelines are to be had regard to in Council assessing and determining planning proposals.

STATUTORY ENVIRONMENT

LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONCLUSION

The Design Guidelines are required by the Scheme and will assist with development proposals in the Town Centre and Local Centres. Advertising of the revised proposed Design Guidelines has attracted one submission which does not necessitate any modification. Council can now finalise the Design Guidelines Local Planning Policy instrument under the Scheme.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the comments in the submission regarding the nature and extent of design guidelines in relation to quality development and the public domain. The Manager Development Services explained that the subject guidelines are closely linked to the Scheme provisions and are necessary to manage planning proposals, whilst other aspects required more work in order to create any additional design guidelines. Committee supported proceeding with the current design guidelines.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Angers

That Council:

- 1. Note this report on finalisation of the Town and Local Centres Design Guidelines pursuant to Local Planning Scheme No. 3.**
- 2. Note the submission received and the Officer comment.**
- 3. Adopt the Design Guidelines without modification.**
- 4. Determine that the interests of the Western Australian Planning Commission are not affected by the Design Guidelines.**
- 5. Request the Administration to attend to the relevant statutory procedures to complete the Design Guidelines process.**

Carried 6/0

10.1.7 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 3 (BUILDING HEIGHT REFINEMENTS)

File Ref: SUB/1909
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil

SUMMARY

This report presents a proposed amendment to Local Planning Scheme No. 3 (LPS3) regarding wall height for single storey buildings, so that design is not unduly constrained.

The recommendation is to proceed to prepare and advertise the proposed Scheme amendment documentation.

BACKGROUND

LPS3 was introduced with revised height controls evolved from former Town Planning Scheme No. 2 (TPS2) and is generally more restrictive. In this respect Council has initiated Amendment No. 1 to restore a degree of guided discretion for extensions to existing dwellings and heritage buildings, now recommended to be finalised (separate report refers).

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

LPS3 is more definitive about single storey heights:

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

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

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

- Sloping sites where a single storey wall element exceeds 3m.
 - Combined one and two storey buildings where the transition requires greater single storey wall height.
-

- Single storey spaces with higher ceilings, such as atrium-style rooms, voids and sometimes mezzanines.
- Design features such as porticos, high patios, indoor/outdoor rooms, garages with overhead storage, etc.

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

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

Buildings of two or more storeys are usually able to satisfy their maximum height specifications due to the greater overall wall and roof dimensions.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

- Planning & Development Act.
- Town Planning Regulations.
- LPS3.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONSULTATION

The scheme amendment process includes public advertising and consideration of submissions.

AMENDMENT PROPOSAL

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

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

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

PROCEDURE

The Scheme amendment procedure is initiated by a Council resolution, followed by preparation of official documents and any environmental clearance prior to advertising for submissions. After considering any submissions Council resolves whether to adopt the amendment and any modifications, for forwarding to the Western Australian Planning Commission (WAPC) for assessment then the Minister for Planning for approval. Given approval, upon publication in the Government Gazette the amendment becomes incorporated into the Scheme and those provisions apply.

CONCLUSION

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

VOTING

Simple Majority

COMMITTEE COMMENT

The Manager Development Services provided an overview of the proposed Scheme Amendment, which Committee supported for advertising.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Mayor Dawkins

THAT Council:

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3 in respect of maximum wall heights for single storey buildings, by amending the Scheme Text to delete clause 5.7.2 (a) (i) to (iii) as written and replace clause 5.7.2 (a) with:**

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

- 2. Request the Manager Development Services to prepare the amendment documents, upon which the Chief Executive Officer shall adopt and endorse the amendment documents on behalf of Council.**

3. Pursuant to section 81 of the Planning and Development Act 2005, refer the proposed amendment to the Department of Environment for clearance prior to advertising.
4. Advertise the proposed amendment for public comment for a period of 42 days by:
 - a. placing a copy of the notice in a newspaper circulating in the district, on the Town's noticeboard/s and website, and at the Library; and
 - b. placing a copy of the proposed amendment on display for inspection at the Town's Office, on the Town's website and at the Library.
5. Provide the Western Australian Planning Commission with a copy of the proposed amendment.

Carried 6/0

10.1.8 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2014-2015 HOLIDAY PERIOD RECESS OF COUNCIL

File Ref: SUB/39
Responsible Officer: Andrew Jackson
Manager Development Services
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 08 December 2014
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to delegate authority to the Chief Executive Officer and the Manager Development Services, or the Senior Planning Officer in his absence, to make determinations on those applications for planning consent that are assessed during the period from Tuesday 16 December 2014 to Friday 13 February 2015 while 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 2013 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 17 December 2013 to Friday 14 February 2014.*
- (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 special delegation being identified and included in the weekly list of Delegated Authority, that is:*
 - (i) *circulated to all Councillors; and*
 - (ii) *subject to the current call-in arrangements for Delegated Authority items.*

OFFICER COMMENT

Local Planning Scheme No. 3 commenced on 1 August 2014, replacing TPS2, and the delegation was perpetuated under similar provisions, as well as reviewed and streamlined by Council in September 2014 consistent with the new Scheme and the revised Residential Design Codes.

As approved by Council in 2013, it is now requested that the Chief Executive Officer, Manager Development Services and Senior Planning Officer be granted the annual additional delegated authority to determine planning applications beyond their current delegation powers, subject to consultation with the Development Services Chairperson or Deputy, during the 2014-2015 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). Further, 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 usually that due to the industry also being in recess the special delegation is either not called upon or if so for no more than a few applications.

This special delegation is only applicable if the Chair and/or Deputy are available during the holiday period to be consulted and satisfied with delegated decisions.

VOTING

Absolute Majority

COMMITTEE COMMENT

Committee supported the annual recess special delegation arrangement.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Downes, seconded Cr Angers

THAT Council:

- (1) In addition to the existing delegated authority for determination of development and subdivision applications and other planning matters, and subject to (2) below, hereby further delegates to the Chief Executive Officer, the Manager Development Services and the Senior Planning Officer in the absence of the Manager Development Services, pursuant to Clause 11.3 of Local Planning Scheme No. 3, authority to determine applications that are beyond their current delegated authority, for the period from Tuesday 16 December 2014 to Friday 13 February 2015.**
- (2) Stipulates that the exercise of the delegated authority referred to in (1) above is granted subject to:**
 - (a) The relevant Officer discussing each application that falls within the extended delegated authority with the Chairperson or Deputy of the Development Services Committee prior to a decision being made on the application; and**
 - (b) A list of items intended to be dealt with under this special delegation being included and identified in the weekly Delegation Notice which is:**

- (i) circulated to all Councillors; and
- (ii) subject to the normal call-in arrangements for Delegated Authority items.

Carried 6/0

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

Nil.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil.

14 MEETING CLOSURE

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

CONFIRMED MINUTES OF 8 December 2014 PAGES 1 – 45 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /