

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 15 December, 2014

CARL ASKEW
Chief Executive Officer

22 December 2014

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:00 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor welcomed Doug Elkins who is the Town's new Manager Engineering Services. He joined the Town on 8 December 2014 after spending 6 years at the Shire of Manjimup.

The Mayor also mentioned the passing of the Town's previous Councillor, John Utting, on 27 November at the age of 93. He was a family man, an Engineer, a distinguished war service veteran, an environmentalist well before his time, a Councillor, and a man who was community minded. He served in WWII as a bomber pilot and undertook 77 missions in Japan and Papua New Guinea. He always attended the ANZAC day service and was active in the RSL Cottesloe branch. As an Engineer he spent some time on the snowy mountains project, he also built airfields for the UN in Iran. As a councillor he served the Town for 27 years. He had firm views, he spoke his mind, whether it was a popular view or not. He had an old fashion belief in honesty and remained true to himself. He was unswayed by those in public gallery or councillors who attempted to try to change his view. He was a true gentlemen. On behalf of the Town of Cottesloe, the Mayor conveyed her condolences to his wife Diana, his daughter Diana, and his sons John and David and their families.

The Mayor mentioned that Carols by Candlelight will be held on Sunday December 21 at 6:00pm, this event is known to be the most popular public event of the year.

Being the last Council meeting for 2014, the Mayor thanked all Senior staff, Carl, Mat, Andrew and Doug for the hard work they put into this year and to the Town's staff who work within the Administration as well as our Depot staff. The Mayor also extended her thanks to the Councillors for all their support this year, in addressing Council business matters. The Mayor also thanked the spouses, partners, family and friends who have been their support.

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

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Nil

6 ATTENDANCE**Present**

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Helen Burke
Cr Jay Birnbrauer
Cr Philip Angers
Cr Katrina Downes
Cr Sally Pyvis
Cr Robert Rowell

Officers Present

Mr Carl Askew
Mr Mat Humfrey
Mr Doug Elkins
Mr Andrew Jackson
Ms Lydia Giles

Chief Executive Officer
Manager Corporate & Community Services
Manager Engineering Services
Manager Development Services
Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Crs Walsh, Burke and Pyvis advised that, subject to recommendation 10.4.1 being adopted, they would be an apology for the Annual Electors Meeting on Wednesday 28 January 2015.

7 DECLARATION OF INTERESTS

Mayor Dawkins declared an proximity interest in item 10.3.1, 10.3.2, and 10.3.3 due to living adjacent to the proposed development.

Cr Burke declared an interest in items 10.3.1, 10.3.2, and 10.3.3 due to an ongoing commercial dealing with one of the objectors to the proposed development.

CEO declared an interest in the item 13.1.1 as it relates to his employment.

8 CONFIRMATION OF MINUTES

Moved Cr Rowell, seconded Cr Burke

[Minutes November 24 2014 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 24 November, 2014 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member advised that item 10.1.1 had been withdrawn from the Reports of Officers. Items 10.3.1, 10.3.2 and 10.3.3 had been withdrawn from the Development Services Committee, the remainder items were dealt with 'En Bloc'. Item 10.4.2 had been withdrawn from the Works and Corporate Services Committee and the remainder items were dealt with 'En Bloc'.

Cr Jeanes as presiding member for items 10.3.1, 10.3.2 and 10.3.3 referred to the additional information and plans provided by the officers and determined, as the items were related, to deal with all these items concurrently.

10 REPORTS**10.1 REPORTS OF OFFICERS****10.1.1 LOCAL GOVERNMENT REFORM - UPDATE**

File Ref: **SUB/1647**
Attachments: [Letter Local Government Advisory Board](#)
[Media Statement Funding Package for Reforming Local Government](#)
[Media Statements Landmark Reports Sets Out New Look for Metro Perth](#)
[Local Government Advisory Board Notice Right to Request A Poll](#)
[Information Sheet Proposed City of Riversea](#)

Responsible Officer: **Carl Askew**
Chief Executive Officer

Author: **Carl Askew**
Chief Executive Officer

Proposed Meeting Date: **15 December 2014**

Author Disclosure of Interest

SUMMARY

This report provides an update on matters related to metropolitan local government reform and specifically refers to correspondence from the Local Government Advisory Board. It recommends that Council note the report and attached information.

BACKGROUND

The background to the local government reform issue is well known to Council and it was last formally considered in May 2014.

In December 2013 Council resolved as follows:

THAT Council;

- 1. Not support the Minister for Local Government's single local government amalgamation proposal for the Councils of the western suburbs (G7).*
 - 2. Reaffirm Council's previously resolved position, including a preparedness to consider an amalgamation with the Towns of Claremont and Mosman Park and the Shire of Peppermint Grove (plus associated boundary adjustments) and subject to community endorsement.*
 - 3. Authorise the Mayor and CEO to continue to discuss and explore amalgamation options with the Councils of the western suburbs.*
 - 4. Provide in principle support for a "two Council" model for the western suburbs in preference to the Minister's G7 model, should the proposal for a G4 (preferred) not be accepted.*
 - 5. Notify the Minister for Local Government and Local Government Advisory Board of Council's position*
-

The Local Government Advisory Board (LGAB) advertised a Notice of Enquiry and between November 2013 and May 2014 received 38 proposals for boundary changes. It undertook concurrent inquiries into each proposal and called for public submissions at different times throughout the process. Almost 33,000 submissions were received.

The Board made its final report to the Minister in September 2014. A range of recommendations for local government reform, including both boundary adjustments and amalgamations, were made.

On 22 October the State Government announced its decision on reform including foreshadowing a City of Perth Act to recognise the State capital, as well as an intention to reduce the number of local governments from 30 to 16. The Premier and Minister briefed metropolitan Mayors and CEO's before releasing the full report.

The following changes have been proposed:

Boundary changes

- A boundary amendment to the City of Bayswater to include the Town of Bassendean and parts of the City of Stirling and City of Swan
- A boundary amendment to the City of Swan to include the Shire of Mundaring
- A boundary amendment to the City of Belmont to include the Shire of Kalamunda
- A boundary amendment to the City of Gosnells to include most of the City of Canning
- A boundary amendment to the City of Armadale to take in the northern part (from Mundijong Road) of the Shire of Serpentine Jarrahdale
- A boundary amendment to the Shire of Murray to take in the southern part (from Mundijong Road) of the Shire of Serpentine Jarrahdale
- A boundary amendment to the Town of Cambridge to include most of the City of Subiaco and parts of the City of Nedlands and City of Stirling in a new City of Subiaco
- A reduction in size of the City of Stirling with some areas on its borders transferring to the new City of Bayswater and the new City of Subiaco
- An increase in size of the City of Melville incorporating parts of the cities of Fremantle, Canning and Cockburn.

Amalgamations

- Amalgamation of the City of Fremantle and Town of East Fremantle
- Amalgamation of the cities of Cockburn and Kwinana to form the new City of Jervoise Bay
- Amalgamation of the City of South Perth and Town of Victoria Park and parts of the City of Canning to form the new City of South Park.

The Government rejected the Local Government Advisory Board's recommendation for an immediate merger of the City of Perth with the City of Vincent as well as five of the western suburbs councils including the Town of Cottesloe. It has expressed its intent in the future to achieve:

- A merger of the City of Perth and the Town of Vincent

- An amalgamation of the Towns of Cottesloe, Mosman Park and Claremont, the City of Nedlands (part) and the Shire of Peppermint Grove to form the proposed City of Riversea.

There is little or no change to the cities of Rockingham, Joondalup and Wanneroo.

The names of the new local governments are interim names that will be used in the early stages of their operations. Once the new councils are in place the new councils can decide to consult the community on whether to have another name.

STRATEGIC IMPLICATIONS

The potential strategic implications of local government reform for Council are significant.

The recommendations of the LGAB together with statements and determinations by both the Minister for Local Government and the Premier in relation to significant changes to existing boundaries or amalgamation of Councils will require the newly created entities to undertake a complete review of all strategic and financial plans and priorities.

POLICY IMPLICATIONS

Community Consultation Policy.

STATUTORY ENVIRONMENT

Local Government Act 1995 – particularly Section 2.1, Schedule 2.1 and Section 3.1 (2).

Division 1 — Districts and wards

2.1. State divided into districts

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
 - (a) *declaring an area of the State to be a district;*
 - (b) *changing the boundaries of a district;*
 - (c) *abolishing a district; or*
 - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

DIVISION 1 — GENERAL

3.1. General function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) *A liberal approach is to be taken to the construction of the scope of the general function of a local government.*

Much of the current thinking on structural reform has assumed that a change to existing boundaries would see a simple reduction in the number of local governments in the metropolitan area. However the amalgamation proposals impacting on Cottesloe should be open to challenge under the Poll Provisions of Schedule 2.1 of the *Local Government Act 1995* (known locally as the Dadour Amendment).

FINANCIAL IMPLICATIONS

The State Government has made allowance for the financial support of their metropolitan reform proposals, including \$5m in grants per annum for three (3) years plus up to \$45m in low interest loans and allocated based upon formulae determined by WA Treasury Corporation and subject to individual application via the Department of Local Government and Communities.

No recent work has been attempted on financial modelling for a new local government (proposed City of Riversea) and much of what transpires will depend upon;

- The size and composition of the new Council
- The level of Government funding to offset merger costs
- Decisions of an incoming Council
- Decisions by an incoming CEO regarding the new organisational structure to implement the Council's decisions.

Overall, the financial implications of the proposed changes (transition and implementation) associated with local government reform have the potential to be both significant and substantial and both the State Government and/or the respective Councils will need to meet these costs.

STAFFING IMPLICATIONS

The Local Government Act includes safeguards for most staff during amalgamations. This provides a guarantee of two years employment or relevant compensation. For contracted executive officers the payouts are in some cases limited e.g. the CEO will be limited to contract arrangements or a maximum of one year of salary package compensation. As indicated above, there are potentially significant changes in any reform/amalgamation process, with all staff impacted in some way. Officer time will increase as part of supporting a reform/implementation process and some redundancies will be likely.

SUSTAINABILITY IMPLICATIONS

The Minister's reform agenda indicate a potential impact upon Council's future sustainability objectives and plans however until decisions are made the exact impacts and implications are unknown.

CONSULTATION

Consultation has previously occurred with;

- Town of Claremont
- Town of Cambridge
- Town of Mosman Park
- City of Nedlands
- Shire of Peppermint Grove
- City of Subiaco
- WESROC
- Elected Members

The Mayor and CEO have also met with the Minister for Local Government and other metropolitan Mayors and CEOs in various forums that have discussed a range of responses to the Minister's/State Government's position on metropolitan local government reform.

STAFF COMMENT

The Town has been notified by the Local Government Advisory Board that their inquiry report recommended that the Towns of Cottesloe, Mosman Park and Claremont, the City of Nedlands (part) and the Shire of Peppermint Grove be abolished and amalgamated to form a new local government to be called the City of Riversea.

The Minister for Local Government has rejected the Board's recommendation and as such the amalgamation will not proceed at this stage. However, the Minister has stated that the Cities of Perth and Vincent will come under a new City of Perth Act which will include Kings Park, the University of WA and the QEII medical centre. Once these boundaries are formalised the State Government will take steps to create the City of Riversea.

It is disappointing that no timeframes have been set for the City of Perth Act or the proposed formation of the City of Riversea. It is unclear what process, including the opportunity for a poll, might be used to determine the City of Riversea. These unknowns will continue until the State Government determines its position with regard to the City of Perth.

Legal proceedings by some local governments and individuals were instigated to challenge the reform process however on 25 November 2014 Chief Justice Wayne Martin dismissed this legal challenge.

The Minister has indicated that Governor's Orders will be issued by December 2014 however this may well be only for those Councils involved in boundary adjustments. Councils involved in amalgamations are potentially subject to polls if called for. The Town of Cottesloe's future now appears linked to the new City of Perth Act and the timing of this legislation is unknown.

2015 is an election year for local government and the Minister's original plan was for changes to metropolitan Councils to commence in July 2015, with elections for new

Council's in October 2015. Under the circumstances the Town will now need to confirm with the Minister and Department of Local Government as to the status of the elections for the Town of Cottesloe.

VOTING

Simple Majority

COUNCIL COMMENT

Cr Walsh referred to the information provided by the Department in relation to the proposed City of Riversea and questioned the claims related to potential savings and greater accountability citing the benefits of smaller local government including better communication, consultation and representation. Cr Pyvis agreed with Cr Walsh and raised concerns over larger bureaucracies and their ability to be transparent and accountable. The Mayor confirmed that recent decisions by the Minister had left the Town in "no man's land" but that the reform process still had a way to go and that as part of our business for next year we would need to confirm our local elections for October 2015.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Pyvis, seconded Cr Jeanes

THAT Council note the officer report.

Carried 9/0

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 OCTOBER 2014**

Mayor Dawkins declared a proximity interest in items 10.3.1, 10.3.2, and 10.3.3 due to living adjacent to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

Due the Mayor declaring a proximity interest and leaving the Chambers, Deputy Mayor Cr Jeanes assume the chair and presided over the meeting for items 10.3.1, 10.3.2, and 10.3.3.

Cr Burke declared an interest in items 10.3.1, 10.3.2, and 10.3.3 due to an ongoing commercial dealing with one of the objectors to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

10.3.1 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: 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

COUNCIL DISCUSSION

Council discussed the report at length including the additional information provided by both officers and consultants specifically relating to survey plans and data. Overall Council remained concerned with the bulk and scale of the proposals and the assumed NGL for each lot, hence the proposed amendments to the officer alternative recommendation.

OFFICER ALTERNATIVE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Birnbrauer

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 the Town.

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. The finish and colour of the boundary walls shall be to the satisfaction of the Manager Development Services.
6. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:
 - (a) 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 not exceeding 2.1m in height, and overall fence height not exceeding 1.8m above the adjoining lower ground level in accordance with the Town's Fencing Local Law;
 - (b) the crossover being positioned a sufficient distance from the heritage-listed street trees to ensure their retention and protection, and showing the gradient to the garage, including the transition areas, being in accordance with Australian Standards, which shall be verified by an Engineer;
 - (c) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;
 - (d) all roof-top screen walls being no higher than 1m above the roof garden level, except where required to comply with the Building Code of Australia or Swimming Pool fencing regulations;
 - (e) the bi-fold glass doors to the first floor front balcony being deleted;
 - (f) the dwelling being redesigned to provide a minimum 1.2m setback from the southern boundary in front of the proposed lift shaft, or as otherwise agreed by the Town, in order to provide visual separation between the front of the dwelling and the adjoining southern lot;
 - (g) the gatehouse being deleted from the front setback area; and

- (h) the building heights being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors, or as otherwise agreed to by the Town based on advice from Whelans surveyors.
7. A separate application for construction of the new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Manager Engineering Services or an authorised officer.
 8. 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.
 9. 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 minimised to within permissible levels specified in the Environmental Protection (Noise) Regulations 1997.
 10. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
 11. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

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.

AMENDMENT

Moved Cr Walsh, seconded Cr Birnbrauer

That condition 6(h) in the alternate recommendation be amended to delete reference to Brown McAllister Surveyors and include the words "and NGL to be used in 21.95 as advised by Whelans".

Lost 6/1

AMENDMENT

Moved Cr Pyvis, seconded Cr Jeanes

That in condition 6(h) the words “, or as otherwise agreed to by the Town based on advice from” be deleted; and after the words “Brown McAllister Surveyors” the word “and” be added; and after the words “Whelans surveyors” the words “, whichever is lower” be added.

Carried 7/0

AMENDMENT

Moved Cr Walsh, seconded Cr Pyvis

That condition 6(d) in the body of the Alternative Recommendation be replaced with the option at the end of the Alternative recommendation, as follows:

The entire “roof garden” level being deleted from the design, including the lift protrusion.

Carried 7/0

COUNCIL RESOLUTION

THAT Council GRANT its approval to commence development for the proposed dwelling at 32 Avonmore Terrace, Cottlesloe (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 the Town.
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. The finish and colour of the boundary walls shall be to the satisfaction of the Manager Development Services.
6. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:
 - (a) 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 not exceeding 2.1m in height, and overall fence height not exceeding 1.8m above the adjoining lower ground level in accordance with the Town's Fencing Local Law;
- (b) the crossover being positioned a sufficient distance from the heritage-listed street trees to ensure their retention and protection, and showing the gradient to the garage, including the transition areas, being in accordance with Australian Standards, which shall be verified by an Engineer;
 - (c) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;
 - (d) The entire "roof garden" level being deleted from the design, including the lift protrusion;
 - (e) the bi-fold glass doors to the first floor front balcony being deleted;
 - (f) the dwelling being redesigned to provide a minimum 1.2m setback from the southern boundary in front of the proposed lift shaft, or as otherwise agreed by the Town, in order to provide visual separation between the front of the dwelling and the adjoining southern lot;
 - (g) the gatehouse being deleted from the front setback area; and
 - (h) the building heights being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors and Whelans surveyors, whichever is lower.
7. A separate application for construction of the new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Manager Engineering Services or an authorised officer.
8. 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.
- ~~9. 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 minimised to~~
-

~~within permissible levels specified in the Environmental Protection (Noise) Regulations 1997.~~

~~10. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.~~

~~11. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.~~

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.
3. As a consequence of Council resolving to amend clause 6(d) above, recommendations 9, 10 and 11 are no longer required but were not deleted by resolution hence are shown above as "strike through".

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/0

The Mayor and Cr Burke returned to the meeting at 8:15PM

Mayor Dawkins declared a proximity interest in items 10.3.1, 10.3.2, and 10.3.3 due to living adjacent to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

Cr Burke declared an interest in items 10.3.1, 10.3.2, and 10.3.3 due to an ongoing commercial dealing with one of the objectors to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

10.3.2 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 502) 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

OFFICER ALTERNATIVE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Birnbrauer

THAT Council GRANT its approval to commence development for the proposed dwelling at 34 Avonmore Terrace, Cottesloe (Lot 502), 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 the Town.
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. The finish and colour of the boundary walls shall be to the satisfaction of the Manager Development Services.
6. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:
 - (a) 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 not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level in accordance with the Town's Fencing Local Law;
 - (b) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;
 - (c) the ground and first floor eaves being setback a minimum 0.75m from Fig Tree Lane;
 - (d) the louvre privacy screen to the first floor boundary wall on the northern elevation being at least 75% obscure, permanently fixed, made of durable materials and designed to restrict views in the direction of overlooking into any adjoining property; and
 - (e) the building heights, and the finished floor level of the ground floor above the basement, being adjusted where necessary to

comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors, or as otherwise agreed by the Town based on submitted contour survey information and advice from Whelans surveyors.

7. A separate application for construction of the new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Manager Engineering Services or an authorised officer.
8. 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.

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.

AMENDMENT

Moved Cr Pyvis, seconded Cr Downes

That in item 6(e) the words "or as otherwise agreed by the Town based on submitted contour survey information and advice from" be deleted; and after the words "Brown McAllister Surveyors" the word "and" be added; and after the words "Whelans surveyors" the words ", whichever is lower" be added.

Carried 7/0

AMENDMENT

Moved Cr Jeanes, seconded Cr Birnbrauer

That a condition 9 as follows be added to the alternative recommendation:

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.

Carried 7/0

COUNCIL RESOLUTION

THAT Council GRANT its approval to commence development for the proposed dwelling at 34 Avonmore Terrace, Cottesloe (Lot 502), 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 the Town.**
- 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. The finish and colour of the boundary walls shall be to the satisfaction of the Manager Development Services.**
- 6. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:**
 - (a) 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 not exceeding 2.1m in height, and the overall fence height not exceeding 1.8m above the adjoining lower ground level in accordance with the Town’s Fencing Local Law;**
 - (b) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;**
 - (c) the ground and first floor eaves being setback a minimum 0.75m from Fig Tree Lane;**
 - (d) the louvre privacy screen to the first floor boundary wall on the northern elevation being at least 75% obscure, permanently fixed, made of durable materials and designed to restrict views in the direction of overlooking into any adjoining property; and**

- (e) the building heights, and the finished floor level of the ground floor above the basement, being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors and Whelans surveyors, whichever is lower.
7. A separate application for construction of the new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Manager Engineering Services or an authorised officer.
8. 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.
9. 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.

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.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/0

The Mayor and Cr Burke returned to the meeting at 8:15PM

Mayor Dawkins declared a proximity interest in items 10.3.1, 10.3.2, and 10.3.3 due to living adjacent to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

Cr Burke declared an interest in items 10.3.1, 10.3.2, and 10.3.3 due to an ongoing commercial dealing with one of the objectors to the proposed development, and stated that as a consequence there may be a perception that her impartiality may be affected and left the meeting at 7:15PM.

10.3.3 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)

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

OFFICER ALTERNATIVE RECOMMENDATION

Moved Cr Jeanes, seconded Cr Birnbrauer

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 the Town.**
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. The finish and colour of the proposed boundary walls shall be to the satisfaction of the Manager Development Services.
6. The gradient to the garage shall be in accordance with Australian Standards, including the transition areas, which shall be verified by an Engineer, and details shall be submitted at Building Permit stage for approval by the Manager Development Services.
7. 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.
8. 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.
9. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:
 - (a) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;
 - (b) the louvre privacy screen to the northern end of the ground floor raised courtyard being a minimum height of 1.6m, at least 75% obscure, permanently fixed, made of durable materials, and designed to restrict views in the direction of overlooking into any adjoining property;
 - (c) the design of the dwelling, including the aluminium louvres and chimney, being revised to provide a minimum 2.5m setback from Fig Tree Lane;
 - (d) the column on the north-western side of the first floor balcony being no higher than 7m above natural ground level; and
 - (e) the building heights, and the finished floor level of the ground floor above the basement, being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors, or as otherwise agreed by the Town based on submitted contour survey information and advice from Whelans surveyors.

10. 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 minimised to within permissible levels specified in the Environmental Protection (Noise) Regulations 1997.
11. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
12. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

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.

AMENDMENT

Moved Cr Pyvis, seconded Cr Downes

That in item 6(e) the words "or as otherwise agreed by the Town based on submitted contour survey information and advice from" be deleted; and after the words "Brown McAllister Surveyors" the word "and" be added; and after the words "Whelans surveyors" the words ", whichever is lower" be added.

Carried 7/0

COUNCIL RESOLUTION

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 the Town.

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. The finish and colour of the proposed boundary walls shall be to the satisfaction of the Manager Development Services.
 6. The gradient to the garage shall be in accordance with Australian Standards, including the transition areas, which shall be verified by an Engineer, and details shall be submitted at Building Permit stage for approval by the Manager Development Services.
 7. 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.
 8. 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.
 9. Revised plans shall be submitted at Building Permit stage for approval by the Manager Development Services, showing:
 - (a) all air-conditioning and other plant or equipment being located below roof-level and selected, designed, positioned and screened so as to be visually concealed and not to appear unattractive or unduly affect views, 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;
 - (b) the louvre privacy screen to the northern end of the ground floor raised courtyard being a minimum height of 1.6m, at least 75% obscure, permanently fixed, made of durable materials, and designed to restrict views in the direction of overlooking into any adjoining property;
 - (c) the design of the dwelling, including the aluminium louvres and chimney, being revised to provide a minimum 2.5m setback from Fig Tree Lane;
 - (d) the column on the north-western side of the first floor balcony being no higher than 7m above natural ground level; and
-

- (e) the building heights, and the finished floor level of the ground floor above the basement, being adjusted where necessary to comply with Local Planning Scheme No. 3 and to reflect the survey information provided by Brown McAllister Surveyors and Whelans surveyors, whichever is lower.
10. 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 minimised to within permissible levels specified in the Environmental Protection (Noise) Regulations 1997.
11. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
12. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.

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.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 7/0

The Mayor and Cr Burke returned to the meeting at 8:15PM

10.3.4 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 & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

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 9/0

**10.3.5 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 & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

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 9/0

**10.3.6 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 & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

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 9/0

10.3.7 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 & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

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 9/0

10.3.8 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 & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Downes

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 9/0

**10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21
OCTOBER 2014****10.4.1 ADOPTION OF THE 2013/2014 ANNUAL REPORT AND ANNUAL
GENERAL ELECTORS MEETING**

File Ref: SUB/19
Attachments: [Annual Report 2013 2014](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate and Community Services
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

A recommendation is made to accept the Annual Report for the 2013/14 financial year and to hold the Annual General Electors Meeting on Wednesday, 28 January 2015.

BACKGROUND

The Annual Report (see attached) is made up of a number of reports including those of the Mayor and CEO, an overview of the Strategic Community Plan, the annual financial statements, the auditor's report and other statutory and prescribed reports and information. The last General Meeting of Electors was held on Wednesday, 29 January 2014.

STRATEGIC IMPLICATIONS

The Town is now well placed to proceed with capital upgrades and improvements. The Town's reserves are sound and its assets are generally well maintained. This combination means that with well planned projects, the Town can move forward on some of the more pressing capital improvements required.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* read as follows:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving -*
- (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain -*
- (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - [(c), (d) deleted]
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report for the financial year;*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including -*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*
-

5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulations 15 and 19B of the *Local Government (Administration) Regulations, 1996* require that:

15. Matters for discussion at general electors' meetings s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

19B. Annual report to contain information on payments to employees s.5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information -

(a) *the number of employees of the local government entitled to an annual salary of \$100 000 or more;*

(b) *the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

FINANCIAL IMPLICATIONS

The higher than expected surplus at the end of the financial is a result of many factors, but the main factors are:

1. The timing of capital projects, most of which will progress to completion in the 2014/2015 financial year.
2. There were several revenue streams that recorded higher than budgeted income, in particular planning and building fees were higher than expected as were parking revenues.
3. Administration have focused on maintaining the lowest level of operational expenses possible, while ensuring that all possible revenue streams are maximized. This focus does result in operating improvements which allow funds to be reallocated to capital projects.

The cost to produce, print and distribute the Annual Report and report summary is approximately \$8,000 and is accommodated within the 2014/15 Budget.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

The Town has undertaken several sustainability projects in the 2013/2014 financial year, the most notable of which was the installation of the photovoltaic cells on the Cottesloe Civic Centre. This has dramatically reduced the Council's consumption of grid electricity, saving both money and emissions.

CONSULTATION

The Annual Report is presented to the Annual Electors Meeting for the community to be able to comment. At this stage, the Annual Electors Meeting is proposed for Wednesday 28 January 2015.

STAFF COMMENT

Overall, the 2013/2014 financial year was a very positive one. With rates increasing only 3.8%, the Town was still able to achieve a surplus and set funds aside for transfer to reserves for future capital projects. The 2013/2014 financial year provided the platform for the current financial year, where the rate increase was kept comparatively low while several new carparks have been constructed and funds set aside for capital improvements in the Town Centre.

There have been several changes to the requirements for the annual report, the most notable of which are the changes required to the ratios presented. The Town is now required to present a measure of the required capital works in its Asset Management Plans, against the budgeted works in the Long Term Financial Plan. Both of these plans span 10 years and represent a considerable amount of work to put in place.

One of the new ratio's provides an indication of how well Council is planning on maintaining its assets. The guidelines suggest a ratio of above 0.95 means that the Council's assets are being maintained. While the report shows a ratio of 1.05 (a very good result) the administration caution against simply relying on this ratio alone. While the Town's assets have been well maintained, simply comparing what is in two very long term plans should not be used to provide comfort and assets should continue to be regularly inspected.

A second new ratio requires the Town to compare its depreciation against its expenditure on asset upgrades and renewals. The Town's result in this ratio was lower than expected, although the ratio is deficient in one area. By simply comparing expenditure vs depreciation, the ratio discriminates against local governments who've recently renewed assets (such as the Town). As an example, the Town in recent years invested heavily in replacing many drainage sumps at its own expense. These new drainage works are depreciating, but the Town is not spending any funds on them as they are brand new. The ratio should be modified so that the net allocations to reserves for asset maintenance are included in the expenditure on asset replacement and renewal – if this were done the Town's ratio would look far more favourable.

Another significant change in this year's financials, but one that is much harder to see, is the change to the way the Town's assets are valued. Last year the Town was

required to revalue all plant and equipment at fair value. The Town was also required to recognise a value for the land on which Seaview Golf Course sits for the first time. These two changes had an impact on the Town's balance sheet and operating statement, but not a significant one.

This year, the Town was required to revalue all of its land and buildings to fair value. As the Town has some land assets, which were purchased decades ago, this change has had a material impact on the Town's balance sheet and operating statement. This is a one off and will not likely be repeated in any time soon. When looking at the statements, the operating statement in particular, it would be best to set aside the impact of these changes to see a more realistic result for the Town.

Fair Value accounting essentially involves assessing what an asset is actually worth to the Town, rather than simply looking at what the asset cost to acquire. While the shift is simple enough at a conceptual level, it does represent a change to the very basis of how assets are accounted for, a basis that has been in place since accounting began as a profession. As the shift is so significant, it is being introduced asset class at a time. In this year's report, all land and buildings have been revalued to fair value. Next year, the last asset class will be revalued – which is infrastructure. As the Town's infrastructure is routinely replaced, it is not expected to have the same impact as land and buildings.

While the change to fair value accounting will have no impact on the cash position of the Town, it will have an effect on significant non-cash items, such as depreciation, equity and profit/loss on the sale of assets.

Analysis of the ratios presented within the financial reports will show that several of the Town's ratios should be closely watched. The asset sustainability ratio, debt service cover ratio, operating surplus ratio and asset consumption ratio are all below the recommended guidelines. While this would normally be cause for concern, the Town does have a plan in place to correct all four ratios. The proceeds from the sale of depot will allow the Town to retire most of its debt. The interest and capital repayments will then be redirected to asset renewals. The reduced interest payments will create an operating surplus that will return that ratio to within the recommended guidelines, as well as all but eliminating debt servicing, hence also correcting that ratio. The increase in asset renewals each year will correct the asset sustainability ratio. However, the asset consumption ratio will remain at the lower end of the acceptable range even with this change, until some major assets are renewed. According to the recently adopted Depot Funds Strategy, this will occur in the next 2 to 3 years, at which point this ratio will also be well within the recommended guidelines.

Aside from these changes, the format and content of the annual financial reports is largely unchanged. There are no other apparent concerns or trends within the results and the Town can continue on this path, sustainably, for some time into the future.

There are many other reports that are required to be contained within the Annual Report, from reports on the Disability Access and Improvements Plan, statements on compliance with the National Competition Policy as well as reports from each of the managers and the Chief Executive Officer. There are no apparent concerns within any of these reports.

The second part to this agenda item is to consider when the Town will hold its Annual General Meeting of Electors. The meeting cannot be more than 56 days from the Council meeting at which the Annual Report is adopted. To comply with these requirements, it is proposed that the Annual General Meeting of Electors be held on Wednesday 28 of January 2015.

VOTING

Absolute Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Angers

THAT Council accept the Annual Report for 2013/14 as attached and set the Annual General Meeting of Electors for 7:00pm on Wednesday 28 January 2015.

Carried 9/0

10.4.2 TOWN OF COTTESLOE CORPORATE BUSINESS PLAN 2014 - 2018

File Ref: SUB/1688
Attachments: [Corporate Business Plan 2014 2018](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

Council is being presented the final draft of the Town's first Corporate Business Plan for consideration.

BACKGROUND

The State Government's Integrated Planning and Reporting Framework (IPRF) requires that the Town have two plans that effectively replace the previous requirement to have a Plan for the Future. The two plans are the Strategic Community Plan and the Corporate Business Plan.

Council adopted the Strategic Community Plan in December 2013. Since then two other plans have been developed and endorsed by Council, being the Long Term Financial Plan and the Work Force Plan. The Corporate Business Plan seeks to link the operation plans and the Strategic Community Plan, in essence, providing a pathway from where the Town currently is, to where the community aspires for it to be.

STRATEGIC IMPLICATIONS

The Corporate Business Plan sets out the projects and actions that are required for the Town to achieve the strategies set out in the Strategic Community Plan.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 at section 5.56 requires each local government to have a Plan for the Future.

Local Government (Administration) Regulations from regulation 19C to 19D outlines the requirements for local governments to consider in forming and adopting their Plan for the Future (Strategic Community Plan and Corporate Business Plan).

FINANCIAL IMPLICATIONS

The costs associated with the writing and advertising of this plan can be met with current operation budgets.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

The projects and actions outlined in this plan have been developed in consultation with senior staff and Council. A workshop was held in November at which a list of projects and actions were discussed.

If the recommendation below is adopted, the plan will be advertised during the remainder of December, January and early February. The plan will then be represented along with any submission received for final adoption.

The Strategic Community Plan, from which the strategies that form the basis of this plan come, was subject to extensive community consultation, prior to adoption.

STAFF COMMENT

The Corporate Business Plan (CBP) provides the framework for the Town to achieve the aspirations of the community, as set out in the Strategic Community Plan. It is informed by the Workforce Plan, Long Term Financial Plan and the rolling five year Works Plans.

The CBP will be reviewed on an annual basis as required by the *Local Government (Administration) Regulations 1996*. Every four years, when the Strategic Community Plan is fully reviewed, the Corporate Business Plan will also likely need a full review.

The Corporate Business Plan attached to this report has been formulated following several strategic achievements this year. They include finalising the sale of the former depot site and the Gazettal of Local Planning Scheme 3. Importantly, the reform process that was started by the State Government in 2012, has also concluded. The outcome of the process for Cottesloe was that the recommendation of the Local Government Advisory Board was rejected, meaning the process has effectively stalled for the Town. This moves the importance of the CBP ahead of any further reform preparation or planning.

The Corporate Business Plan contains a number of projects that will have a great benefit to the community. This includes major refurbishments and renovations at the beachfront, further enhancements and improvements within the Town Centre as well as putting together strategies to improve east connectivity and grade separation of level crossings.

While the Regulations do not specifically require advertising of the Corporate Business Plan, it is seen as appropriate under the Town's Community Consultation Policy to advertise the CBP and allow the community to make submissions on it before final adoption. As such the recommendation is to authorise the Chief Executive Officer to advertise the plan and to seek submissions on it.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Committee commended the Town's staff on their efforts in creating the Corporate Business Plan.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Angers

THAT Council authorise the Chief Executive Officer to advertise the draft Corporate Business Plan as attached to the Works and Corporate Services Committee Agenda of 9 December 2014 and to call for public submissions on it.

Carried 9/0

**10.4.3 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2014
TO 30 NOVEMBER 2014**

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present the Statutory Financial Statements and other supporting financial information to Council for the period 1 July 2014 to 30 November 2014.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the attached Financial Statements shows unfavourable operating revenue of \$7,910,949 or 88% less than year to date budget. All material variances are detailed in the Variance Analysis Report on pages 7 to 10 of the attached Financial Statements. Operating expenditure is \$951,943 or 19% less than year to date budget and Capital expenditure, which is detailed on pages 28 to 32, is \$324,350 or 39% more than year to date budget.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Statutory Financial Statements as submitted to the 9 December 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.4 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30 NOVEMBER 2014

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Schedule of Investments and the Schedule of Loans as at 30 November 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of investments on page 21 of the attached Financial Statements shows that \$5,636,633.05 was invested as at 30 November 2014. Approximately 32% of the funds were invested with National Australia Bank, 26% with Commonwealth bank of Australia, 25% with Bankwest and 17% with Westpac Bank.

The Schedule of Loans on page 22 of the attached Financial Statements shows a balance of \$5,326,361.52 as at 30 November 2014. Included in this balance is \$178,989.81 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 November 2014. These schedules are included in the attached Financial Statements as submitted to the meeting of the Works and Corporate Services Committee on 9 December 2014.

Carried 9/0

10.4.5 LIST OF ACCOUNTS FOR THE MONTH OF NOVEMBER 2014

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to council the list of accounts paid for the month of November 2014, as included in the attached Financial Statements as presented to the meeting of the Works and Corporate Services Committee on 9 December 2014.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid for the month of November 2014 is included on pages 11 to 17 of the attached Financial Statements. The following significant payments are brought to Council's attention;-

- \$133,391.45 to LGIS being insurance premiums
 - \$28,015.10 to Hartland Investments Pty Ltd being concrete repairs at Seaview Golf Club
 - \$162,658.10 to the Shire of Peppermint Grove for Council's quarterly contribution to the library
 - \$30,344.28 to Surf Life Saving WA for the monthly life saving contract
-

- \$86,027.61 to T-Quip for road sweeping vehicle
- \$53,019.02 to Roads 2000 for road construction works
- \$47,246.99 to Perthwaste Green Recycling for waste collection services
- \$105,667.47 & \$86,832.97 to the Town of Cottesloe staff for payroll
- \$200,000.00 to National Australia Bank being a transfer to the investment account

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the list of accounts paid for the month of November 2014 as included in the attached Financial Statements, as submitted to the 9 December 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.6 RATES AND SUNDRY DEBTORS REPORTS AS AT 30 NOVEMBER 2014

File Ref: SUB/1878
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager
Proposed Meeting Date: 09 December 2014
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to present to Council the Rates and Sundry Debtors Reports as at 30 November 2014, as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement under the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 23 to 25 of the attached Financial Statements shows a total balance outstanding of \$99,298.77 as at 30 November 2014. Of this amount, \$86,471.75 is less than sixty days old with the balance of aged debtors being \$12,827.02.

The Rates and Charges Analysis on page 26 of the attached Financial Statements shows a total balance outstanding of \$2,660,622.98 as at 30 November 2014 of which \$544,238.94 and \$193,791.70 relates to outstanding emergency services levies and deferred rates respectively. The Statement of Financial Position on page 4 of the attached Financial Statements shows total rates outstanding as a current asset of \$2,721,819 as compared to \$2,862,542 this time last year.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Downes

THAT Council receive the Rates and Charges Analysis Report and Sundry Debtors Report as at 30 November 2014 as submitted to the 9 December 2014 meeting of the Works and Corporate Services Committee.

Carried 9/0

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**

The CEO declared an interest in this matter as it directly relates to his contract of employment.

The Presiding Member sought clarification from Council if there was to be any debate on this item. The matter was not withdrawn and so the Presiding Member asked staff and media who were exiting the chambers to stay. The matter was subsequently moved, seconded and passed unanimously.

13.1.1 ANNUAL PERFORMANCE AND REMUNERATION REVIEW FOR THE CEO 2014

File Ref:	PER/94
Attachments:	CONFIDENTIAL Report - CEO Performance Review 2014
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	15 December 2014
Author Disclosure of Interest	The CEO declared an interest in this matter as it directly relates to his contract of employment.

SUMMARY

This report recommends that Council notes and endorses the recommendations of the CEO's Contract and Performance Review Panel as per the attached "confidential" report.

BACKGROUND

In August 2014 Council resolved as follows;

THAT Council

1. *Confirm the appointment of the Strategic Planning Committee as the CEO's Contract and Performance Review Panel with its role/responsibility being to;*
 - a. *Conduct the CEO's annual performance review based upon the performance objectives set for 2014 with the process to include the opportunity for elected members to meet with the facilitator to provide feedback.*
 - b. *Make recommendations to Council on the CEO's contract, remuneration and performance objectives for 2015.*
2. *Invite a consultant to join the panel to provide independent facilitation and professional advisory services.*

Carried 8/0

Council engaged the services of Mr John Phillips (JCP Consulting) to facilitate the 2014 CEO performance and remuneration review process. The Review Panel is appointed by Council and is comprised of the Mayor, Deputy Mayor (Cr Jeanes), the chairman of the Works & Corporate Services Committee (Cr Rowell) the Deputy Chairman of the Development Services Committee (Cr Downes).

The appraisal process included the use of a questionnaire based on the agreed Personal Attributes and Behaviours and the Key Result Areas (KRA's) adopted by Council in December 2013. All Elected members were provided with an assessment questionnaire and an opportunity to meet individually with Mr Phillips and provide feedback on Mr. Askew's performance. Mr. Askew also provided a detailed self assessment report. Ratings and comments were aggregated, summarised and presented in Mr Phillips' 'feedback report' for use at the formal appraisal meeting of the Review Panel on 18 November 2013. A subsequent meeting of the Panel with the CEO took place on Tuesday 9 December 2014 to consider the Feedback and Remuneration Reports prepared by Mr Phillips.

STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan and strategic priorities are directly related to the performance of the CEO.

POLICY IMPLICATIONS

None Known.

STATUTORY ENVIRONMENT

Local Government Act 1995.

The Review is to be conducted in accordance with sections 5.38 and 5.39(3) (b) and Regulation 18D of the Local Government Act 1995, which requires that:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*
- *A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

5.23. MEETINGS GENERALLY OPEN TO THE PUBLIC

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

FINANCIAL IMPLICATIONS

Any proposed increase in salary will have an impact on Council's budget. Provision has been made in the Council budget for performance related pay increases.

STAFFING IMPLICATIONS

Review of the CEO's performance, remuneration and employment is a function of Council in accordance with Local Government Act 1995.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

- CEO's Contract and Performance Review Panel
- Mr John Phillips (JCP Consulting)
- All Elected Members

STAFF COMMENT

Nil.

VOTING

Simple Majority

OFFICER RECOMMENDATION

THAT Council endorse the recommendations contained in the attached confidential report.

COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Walsh

That Council:

- 1. Notes that the Chief Executive Officer's annual appraisal for 2014 has been undertaken.**
- 2. Schedules the next review of the CEO's performance to be conducted by October 2015**
- 3. Endorses the Key Result Areas for the 2014/2015 appraisal period.**
- 4. Approves an increase in the Chief Executive Officer's annual total reward package to \$213,200 pa, effective from 5th January 2015.**

Carried 9/0

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8:23 PM.

CONFIRMED MINUTES OF 15 December 2014 PAGES 1 – 85 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /