

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL
HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
7.00 PM, MONDAY, 18 DECEMBER, 2006**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.00pm.

1.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE**BACKGROUND**

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

Members to Rise

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

Suspension of Standing Orders

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Walsh

That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.

Carried 11/0

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**Elected Members In Attendance**

Mayor Kevin Morgan
Cr Patricia Carmichael
Cr Daniel Cunningham
Cr Jo Dawkins
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh
Cr Ian Woodhill

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Graham Pattrick	Manager Corporate Services/Deputy CEO
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Mrs Jodie Peers	Executive Assistant

Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Woodhill, seconded Cr Strzina

The Minutes of the Ordinary Meeting of Council held on Monday, 27 November, 2006 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.1 It has been a year in which the draft Town Planning Scheme No. 3 has been developed. The Mayor thanked the Councillors, Mr Jackson and Mrs Neglie for getting the scheme documentation to the Minister by the deadline. As yet no feedback has been received from the Minister.

7.2 The Mayor wished everyone a Merry Christmas.

7.3 In 2007 Cottesloe celebrates its centenary, with suitable celebrations being held.

8 PUBLIC STATEMENT TIMEMr J Davies, 43 Curtin Avenue, Cottesloe – Item 12.1.1, No. 43 Curtin Avenue – Additions to a Two Storey Residence Including Third Level Loft, Plus New Carport

This property is unlike any other property that has applied for a living area within the loft in the past. Concessions have been made to ensure that the loft area is not seen from the street. There is no residence behind this property so it doesn't block anyone's view. One objection from a neighbour regarding overshadowing has been resolved and owner has withdrawn the objection. The Development Services Committee has approved the application. Mr Davies requested the Council to support the application.

Mr M Best, 24 North Street, Cottesloe – Item 12.1.2, No. 25 Grant Street – Two Storey Residence & Below-Ground Swimming Pool

Mr Best addressed Council in relation to the height of the building. He tabled a plan showing that the building is no higher than 6.8 metres height at its highest point. The maximum height allowable in the Rcodes is 7 metres. This residence will be a wonderful addition to the street. Mr Best thanked the Development Services Committee for supporting the application twice.

Mrs S Woodhill, 23A Grant Street - Item 12.1.2, No. 25 Grant Street – Two Storey Residence & Below-Ground Swimming Pool

Mrs Woodhill has no problem with the design, however objects to the height of the building. The front of the building will be 7.7 metres high.

Mr R Shan, Mann Street, Cottesloe – Item 12.1.3, No. 9 Grant Street – Proposed Loft Addition and Balcony Extension to Existing Two-Storey Residence – Further Report

Mr Shan stated that Council staff and the Design Advisory Panel have been consulted in the re-design. A wall has been inserted to prevent overlooking into neighbours. The loft is a flat roofed enclosure in a U shape. It is currently possible to view the neighbours from this roof. An alternative roof form is provided. The gable on the west is a west facing window, recessed to soften the visual effect. Mr Shan requested that Council favourable consider the application. Mr Shan thanked the Council staff and members of the Design Advisory Panel for their time involved in this project.

Mr T Locke, 20 Princes Street – Item 13.1.2, Proposed Lap Pool – Cottesloe Beach

Mr Locke said that the project has come a long way since presenting it to Council in 2000. A positive needs analysis has been provided to Council. A SWOT analysis was also undertaken. In 2005 Council resolved that an in-house feasibility study be undertaken. Mr Locke stated that this matter has gone on too long, it is overdue for community consultation. He requested Councillors to closely consider the proposal of a lap pool.

Ms B Ockerby, 11 Andrews Place, Cottesloe – Item 13.2.1, Business Plan, Sale of No. 45, Lot 8 Lyons Street, Cottesloe

Ms Ockerby stated that it Ockerby Real Estate is a well established local business and she gave a history of the Ockerby family in Cottesloe. Ockerby Real Estate would like to be given the opportunity to undertake the sale and would be honoured to be chosen.

Mr J Bahen, 12 Loma Street, Cottesloe – Item 13.2.1, Business Plan, Sale of No. 45, Lot 8 Lyons Street, Cottesloe

Mr Bahen addressed the Council as the Director of Ollifent Real Estate. He believes that they are qualified to provide a good level of service to Council for the sale and he would personally be handling the sale. Mr Bahen stated that he expects the process of selection of the real estate agent to be objective. Ollifents' most recent auction was 1 Margaret Street, which sold for \$1.7m.

Mr F Torre, 35 Gugerri Street – Item 13.2.1, Business Plan, Sale of No. 45, Lot 8 Lyons Street, Cottesloe

Mr Torre addressed Council as the Director of Mack Hall & Associates. The agency fee is competitive within the industry. The agency has set recent price records for land in Cottesloe and Western Australia. Mack Hall deals within the upper end of the marketplace. Mr Torre advised that he received the award of the Real Estate Industry WA Best Auctioneer in 2006. Mack Hall & Associates will obtain the highest price for the property.

Mr W Monks, 24 Bushey Road, Wembley Downs – Formation of Western Region Environment Network

Mr Monks addressed Council in relation to the formation of the Western Region Environment Network (WREN) to preserve all parklands and open spaces in the western region. Cottesloe CoastCare are interested in joining. WREN are currently implementing strategies for Councils and the Government to be more transparent and accountable in preserving the bushland, natural heritage and green spaces and to support environmental groups. WREN encourages all Councils to implement these objectives.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**11 CEO'S REPORT****11.1 ANNUAL ELECTORS MEETING HELD ON WEDNESDAY 13 DECEMBER 2006****11.1.1 ANNUAL ELECTORS MEETING - CONFLICT BETWEEN BEACH USERS**

File No: E2.2
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 14 December, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to correspond with both surf life saving clubs on:

- (1) The need to ensure that club members are aware of and comply with local laws in relation to the use of surf skis; and
- (2) The potential to work with both surf clubs in properly delineating the surf ski area with buoys or markers.

STATUTORY ENVIRONMENT

Section 5.33 of the *Local Government Act 1995* reads as follows:

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:-

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Clause 10 of the Town of Cottesloe's *Beaches and Beach Reserves Local Law No.3* reads as follows (with emphasis added):

10. Watercraft

The following restrictions apply to the use of watercraft:

- 10.1 Surf life saving craft, used in their capacity as training and competition Boats of a Life Saving Club, are permitted at both Cottesloe Beach and North Cottesloe Beach within areas set by the council from time to time.

- 10.2 Motorised surf life saving boats being used for water rescue by a Surf Life Saving Club or authorised person are permitted in the defined Area.
- 10.3 Subject to Local Law 10.4 below surf skis may be used at all beaches.
- 10.4 **Surf skis may only be used at Cottesloe Beach and North Cottesloe Beach within an area from time to time designated by the council and only for the purposes of entering and leaving the beach to a distance of one hundred metres seaward from the low water mark as measured at ordinary spring tides.**
- 10.5 Sailing craft and sail boards are not permitted within two hundred metres from the low tide mark at any point between the Cottesloe Groyne and the northern boundary of the North Cottesloe Surf Life Saving Club building and may only be launched south of the Cottesloe groyne or north of the North Cottesloe Surf Life Saving Club building.
- 10.6 Other than as provided in Local Laws 10.1-10.5 inclusive, all sail and motor craft, including personal water craft, are not permitted within a distance of two hundred metres from the low tide mark as measured at ordinary spring tides, except with the written approval of Council.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

One of Council's objectives is:

A clean, safe beach precinct which is sustainably managed with no new development west of Marine Parade and proactive conservation of the dune and marine environs.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the Annual Electors Meeting held on 14 December 2006 concerns were raised about a conflict between the swimmers and paddlers moving between Cottesloe Beach and North Cottesloe Beach. With the onset of summer and the channel swim coming up, it was put to the meeting that Council needs to clearly delineate between the swimmers and paddlers so that swimmers have a clear and safe channel to swim in.

The following decision was carried 4/0 at the meeting.

That Council consider providing clear separation between swimmers and paddlers moving between Cottesloe Beach and North Cottesloe Beach.

CONSULTATION

The CEO has spoken to the Rangers on the matter.

STAFF COMMENT

The Senior Ranger has advised that conflict does occur from time to time and that it is not just confined to swimmers and paddlers. Fishermen also compete for space as well.

As is typical in most situations where people are competing for access to a 'free' resource, some individuals can become belligerent in protecting their perceived rights to the point of deliberately interfering with the legitimate activities of others

On a number of occasions the Senior Ranger has had discussions with representatives of both surf life saving clubs and Surf Life Saving WA with a view to them reminding their club members of their obligations in complying with local laws.

By and large most people behave responsibly.

One of the difficulties in enforcing the local law is actually determining where the 100m exclusion zone starts and finishes for surf skis. There are no markers to delineate the boundary.

It may be worthwhile entering into discussions with both surf life saving clubs to see if a practical solution can be found in terms of delineating the eastern boundary of the surf ski area.

A delineated area would ensure that there is no room for disputation as to where the surf skis should be at any point in time.

VOTING

Simple Majority

11.1.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Carmichael

That Council correspond with both surf life saving clubs on:

- (1) The need to ensure that club members are aware of and comply with local laws in relation to the use of surf skis; and**
- (2) The potential to work with both surf clubs in properly delineating the surf ski area with buoys or markers.**

Carried 11/0

11.1.2 ANNUAL ELECTORS MEETING - COASTAL DEVELOPMENT HEIGHT LIMITS

File No: D2.5
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 14 December, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to note the decision made at the Annual Electors Meeting and the proposed amendment to Policy No. 2.6 State Coastal Planning Policy.

STATUTORY ENVIRONMENT

Section 5.33 of the *Local Government Act 1995* reads as follows:

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:-

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

A proposed amendment to the *Policy No. 2.6 State Coastal Planning Policy* reads as follows:

5.3 Building Height Limits

The provision of this part of this policy applies to all development within 300 metres of the horizontal setback datum except industry, infrastructure and other developments which, in the opinion of the Commission, are of a similar nature to industry and infrastructure.

The height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Town planning schemes may specify lower maximum height limits in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.

Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:

- (a) there is broad community support for the higher buildings following a process of full consultation;
 - (b) the proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;
-

- (c) the location is part of a major tourist or activity node;
- (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
- (e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

In considering proposals for medium and high density developments on the coast consideration should be given to any other relevant policies and guidelines adopted by the Commission.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At the Annual Electors Meeting held on 14 December 2006 concerns were raised about the Premier's reported recent statement at a Cottesloe Surf Life Saving Club event that he would be in support of 8 storey development, if that is what the community wanted, along the Cottesloe beachfront.

The following decision was made at the meeting two votes to nil.

That Council respond to the Premier's comment that he would be in support of 8 storey development, if that is what the community wanted, by writing to the Premier to clarify that community consultation has taken place and that there is opposition to development higher than 12 metres on the beachfront.

CONSULTATION

Nil.

STAFF COMMENT

It is believed that the Premier's reported statement was grounded in the proposed amendment to *State Coastal Planning Policy No. 2.6*.

It is also believed that the Premier's statement does not reflect a State Government position on what should be happening in Cottesloe but rather what may be possible if the community expressed a certain view.

While it is true that community consultation has taken place and there is certainly strong opposition to development higher than 12 metres on the beachfront, it is

equally true that within the community there is support for development higher than 12 metres.

It is a fine point but Council has yet to formally test the community's views on beachfront height limits by way of the formal advertisement of proposed Town Planning Scheme No.3 and receiving and considering submissions on same.

To write to the Premier advising that community consultation has taken place and that there is opposition to development higher than 12 metres on the beachfront might be seen in some quarters as something of a biased and pre-emptive strike.

Rather than open old wounds relating to the height debate, it is recommended that Council simply note the decision made at the Annual Electors Meeting and the proposed amendment to *State Coastal Planning Policy No. 2.6*.

VOTING

Simple Majority

11.1.2 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Cr Strzina

That Council note the decision made at the Annual Electors Meeting and the proposed amendment to *Policy No. 2.6 State Coastal Planning Policy*.

Carried 7/4

12 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 11 DECEMBER 2006

Moved Cr Furlong, seconded Cr Strzina

That items 12.1.1, 12.1.2, 12.1.3, 12.1.6 be withdrawn from en-bloc voting.

Carried 11/0

The above items were dealt with first before the remaining items were dealt with en-bloc.

12.1 PLANNING**12.1.1 NO. 43 (LOT 49) CURTIN AVENUE – ADDITIONS TO A TWO STOREY RESIDENCE INCLUDING THIRD LEVEL LOFT, PLUS NEW CARPORT**

File No:	43 Curtin Avenue
Author:	Mr Lance Collison / Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Correspondence from applicant (2) Submission (1) Photo Plans
Report Date:	5 December 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Justin Davies & Angela Quin
Applicant:	as above
Date of Application:	26 September, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	372m²
M.R.S. Reservation:	N/A

SUMMARY

This application was deferred at Council's meeting on 27 November 2006, following a request from the applicant to hold-over consideration of the proposal to allow more time for the applicant to address concerns raised.

This report is an updated version of the report presented to the Development Services Committee on 20 November 2006 and includes revised plans and additional information provided by the applicant.

The initial proposal is first re-presented, followed by the revised plans provided in response to the aspects discussed by the southern neighbour and at Committee. The basic considerations and relevant Scheme provisions remain applicable, which

the revised design improves upon in order to achieve greater compliance and minimise impacts.

Council is in receipt of an application for additions to a two storey residence including a third level loft within the roof space as well as a new carport on the subject site.

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

INITIAL PROPOSAL

On the ground floor internal alterations and a bedroom addition are proposed. Externally on the ground floor a double carport, an ornamental pond and a 2.2m side boundary screen wall are also proposed. The rear garage is to be removed.

On the first floor, internal alterations as well as two new balconies, a pergola and an open kitchen/living/dining area is proposed.

On the new roof space level a study, ensuite, master bedroom and balcony are proposed. Two staircases are proposed to link the three levels.

URBAN DESIGN CONTEXT

The site is at the southern end of Cottesloe in an area characterised by small lots and narrow dwellings, including some unique architectural expressions of generally modernist aesthetic featuring curved, angular and flat roof forms. The dwellings are accessed by a service road alongside Curtin Avenue so do not present as a conventional streetscape opposite other dwellings, but rather their interrelationship is confined to adjacent dwellings.

Also in this case, the built-up lots, solid high fences and closeness of dwellings create a dense urban environment where there are more mutual amenity impacts between dwellings than on larger lots. Several new dwellings and major renovations are underway, with ageing housing stock being replaced or refreshed. The opportunity afforded by the older, basic dwellings to be transformed into contemporary homes of today's standards and to take advantage of views can be appreciated, as with this proposal. How this design approach is assessed against the relevant planning parameters is set out below.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

- | | |
|-------------------------------------|-----|
| • State Register of Heritage Places | N/A |
| • TPS No 2 | N/A |
| • Town Planning Scheme Policy No 12 | N/A |
| • Draft Heritage Strategy Report | N/A |
-

- Municipal Inventory N/A
- National Trust N/A

INITIAL APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 – Text

Clause	Required	Provided
5.1.1 Building Height	Maximum 6m wall height and 8.5m roof height.	7m effective wall height southern elevation; 8.5m effective wall and roof height, north, west and east elevations.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	1.5m setback, ground north wall	1m setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	1m setback Carport side boundary	nil	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	2.7m setback Upper north wall	1m setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	4.7m setback Balcony to stair	0.8m to 0.95m setback	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	4.7m setback, North loft level wall	3m setback	Clause 3.3.1 – P1
No 8 – Privacy	4.5m setback for a bedroom	1m setback	Clause 3.8.1 – P1
No 8 – Privacy	6m from a kitchen	1m setback	Clause 3.8.1 – P1
No 8 – Privacy	6m from a study	3m setback	Clause 3.8.1 – P1
No 8 – Privacy	7.5m from a balcony	1.8m setback	Clause 3.8.1 – P1
No 8 – Privacy	7.5m from a balcony	4.3m setback	Clause 3.8.1 – P1
No 8 – Privacy	7.5m from a balcony	2m setback	Clause 3.8.1 – P1
No 8 – Privacy	7.5m from a balcony	4.4m setback	Clause 3.8.1 – P1
No 9 – Design for Climate	Maximum of 35% overshadowing	47% overshadowing	Clause 3.9.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There was 1 submission received, which was an objection. Details of the submission received are set out below:

Paulla & Gavin Abrahams of 41 Curtin Avenue

- *Objects to overshadowing not complying with Council regulations*
- *Their entry on the northern boundary requires light to prevent moss/ mould on pavers*
- *Says a clothesline would be affected by overshadowing*
- *Concerned that a loss of heat and light into their rooms on northern side will mean lighting and heating needed*
- *Concerned house will tower over all other houses*
- *Requests the roof to look like a roof*
- *Requests roof comply with regulations*
- *Requests that overlooking is not possible into the rear swimming pool area and that existing overlooking should not be allowed to increase*
- *Objects to 2.2 metre wall on northern boundary*

BACKGROUND

An existing 1960s two storey residence exists on the residence. The residence is elevated above street level. A driveway leads to the house but currently offers no undercover parking.

The intention is to recycle this existing dwelling stock by renovation, which is a noticeable trend in this part of Cottesloe where older cottages or rudimentary beachside houses warrant upgrading. The proposal seeks to optimise the new home in the context of the neighbourhood and locality.

STAFF COMMENTBuilding Heights

Clause 5.1.1 of TPS2 guides height control and the core provisions applicable to this proposal are as follows:

(b) *Specific Policy* (ii) *Residential Zone*

The maximum building height shall be two storeys except that Council may permit a third storey to be located within the roof space of a dwelling provided that the development complies with the maximum wall and roof height provisions stipulated at paragraph (c) of this clause and also provided that in, Council's opinion, the dwelling will retain the appearance of a two storey dwelling and will not adversely affect local amenity. (etc)

(c) *Measurement of Building Height*

The maximum building height shall be measured from the natural ground level at the centre of the site as determined by Council to the crown of the roof and shall be –

<i>Single Storey</i>	<i>- Roof Height: 6.0 metres</i>
<i>Two Storey</i>	<i>- Wall Height: 6.0 metres</i>
	<i>- Roof Height: 8.5 metres</i>

(etc)

Variations may be permitted in the case of extension to existing buildings.

The key aspects here are:

- A true third storey or level may be allowed (it does not have to be a mezzanine, loft or attic, which are not mentioned) but must be located within the roof space.
- The provisos are that the maximum wall and roof heights stipulated for two-storey development must apply; that Council considers the dwelling will look like a two-storey dwelling; and that Council considers local amenity will not be adversely affected.
- Variations may be permitted for extensions to existing buildings.
- The Council discretions in these provisions are: the permission to have a third storey; the appearance of the roof; the assessment of amenity; and the flexibility for extensions.
- The non-discretionary aspects are the requirement for the third storey to be in the roof and the height limits.
- The Scheme does not elaborate on any detail of or criteria for these discretions, such as the roof shapes, so there may be a variety of design approaches.
- The Scheme does not explain in what way discretion may be allowed for extensions, so this is also open to various design solutions.
- Note that the Scheme also allows discretion in height by reason of topography, but that is not applicable in this case.

Over the years Council has aimed to apply these height provisions reasonably and has been able to accommodate a small number of dwellings with third levels contained within their roof spaces, while the roof forms have varied. Examples are: 174 Little Marine Parade (French chateau mansard-style roof); 184 and 186 Little

Marine Parade (curved roofs); 244 Marine Parade (barn-type roof). At the same time, emerging contemporary architecture around Cottesloe includes a number of other curved roofs (eg: 16 Margaret Street, dwellings on western side of Hamersley Street, and 3 Curtin Avenue not far from the proposal), while some lofts have been allowed in conventional roofs (eg: 9 Geraldine Street). A further example of this theme is the current proposal for 9 Grant Street.

In terms of the wall and roof height measures, it is apparent that the crown of the roof can be easily determined for a range of roof forms, whereby a third level can be achieved. Experience is that wall height, however, has had to incorporate some design freedom. Most commonly, any gable-ended roof equates to a greater wall height to the apex, which is a typical residential design feature and is generally not an issue or disputed as allowable. In other words, it would be unduly restrictive to accept only pitched roofs with no gables as satisfying the wall height, so that all dwellings looked the same with hat-like roofs. Moreover, in considering parapet wall / flat roof designs greater wall heights have been allowed in accordance with the RD Codes provision. Therefore, with respect to the range of roof designs put forward, the differentiation or transition between the walls and the roof of a dwelling has required some judgement in relation to form, function, appearance and amenity.

Turning to the proposal, the wall heights do not automatically conform to the 6m standard, as they are designed with a curved roof, however, the applicant and designer have conceived the design to house the third level within the roof space. The south elevation wall starts to curve at a height of 7m above natural ground level on the boundary. The effective maximum wall heights for the remaining three elevations are 8.5m from natural ground level where they meet the crown of the roof, and that height complies with TPS2.

To help assess this proposal, in addition to the properties identified above, comparison may be made with more recent planning applications for two storey dwellings with third levels in their roof spaces. In May 2005 Council approved a third level of 49sqm atop a two storey dwelling for 2/1 Pearse Street, which had walls slanted to appear as part of the overall roof structure. In February 2002 Council approved greater wall heights for a dwelling with a third level in the roof space at 186 Little Marine Parade. Like the proposal, this is an east-west lot which overshadows the southern neighbouring property and the curve of the roof for the third level on one elevation is very similar to this proposal.

Given all of this analysis, it is assessed that the southern elevation wall height be limited to a maximum of 6m (RL of 30.77), from which point the roof shall begin curving to a maximum height of 8.5m (RL of 33.27). This will comply with the Scheme standards and mean that the dwelling appears as a two storey dwelling from the neighbouring southern property.

The remaining walls to the other elevations are setback further from the boundaries and are vertical. To begin with, the eastern wall for the roof space level is setback further from the northern boundary than the ground and second floor levels, which have setbacks of 3m and 1m respectively. To the eastern (street) elevation the roof space level is setback an additional 7.3m behind the ground and second floor levels, amounting to a large setback of some 20m from the front boundary. In this way the effect of the third level is not only to be contained in the roof space but also to recede

from the boundaries and to be the lesser element of the overall building bulk and scale.

On the western elevation the roof space level wall is setback in line with the second floor level (apart from the second level balcony which is closer to the western boundary). The setback from this boundary is 6.7m to the roof space level balcony and the immediate adjacent property is a Right of Way rather than a residential neighbour. The effect of these walls in themselves is assessed as insignificant, however, if they are considered to appear more like a third storey, then they could be sloped slightly inwards to create the impression of a roof form, and perhaps even clad so as to represent the roof structure to the building.

Regarding the criterion that the roof space level will not adversely affect local amenity, as the roof space contains a study, bedroom, balcony and bathroom its use can be considered low-key. The balcony is not considered to be an entertaining area due to its small size and remote location as it can be accessed only through the master bedroom. As the rooms at this level are non-entertaining rooms noise will not be an issue. Overall privacy is further assessed in a separate section below.

Regarding other amenity aspects, the overshadowing does not meet the Acceptable Development provisions of the RDC, as discussed in a separate section below. However, by limiting the southern elevation wall height to 6m then curving the roof, it is considered that the overshadowing effect of the proposed roof form will be not too dissimilar from a dwelling with ordinary walls 6m high and a traditional pitched roof 8.5m high.

Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the Acceptable Development standards of the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground North Wall	All except carport	3m	15.5m	Yes	1.5m	1m
Ground north wall	Carport	3m	6m	N/A	1m	Nil
Upper north wall	All	6.5m	21m	No	2.7m	1m
Upper South Wall	Balcony 2 stair	6m	19m	Yes	4.7m	0.8-0.95m
Roof space North Wall	All	8.5m	12m	Yes	4.7m	3m

Therefore, the setback variations are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) of the RDC, which are:

3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*

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

This proposal is to have a nil setback to the side boundary for a carport. This is usually required to be setback 1m from the boundary. The carport setback meets the Performance Criteria of the RDC as it makes an effective use of space and does not have an adverse effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

This proposal is to have a 1m setback for the ground north wall to the side boundary. This is usually required to be setback 1.5m from the boundary. The setback meets the Performance Criteria of the RDC as it makes an effective use of space. There are no adverse impacts and the proposal simply extends the existing wall.

The upper north wall is proposed to be setback 1m where 2.7m is required under the Acceptable Development Provisions of the RDC. The proposal will still allow direct sun and ventilation to the building and adjoining properties. The criterion regarding *Provide adequate direct sun to the building and appurtenant open spaces* is not applicable as the wall abuts an open walkway. The proposal does not impact the direct sun on the neighbouring northern property. It can be argued that the proposal does not ameliorate the impacts of building bulk on adjoining properties however as there are no major openings in this wall, it assists in protecting privacy between adjoining properties. The setback variation generally meets the Performance Criteria of the RDC.

The upper south wall is proposed to be setback from 0.8 to 0.95m, whereas 4.7m is required under the Acceptable Development Provisions of the RDC. The proposal will reduce direct sun to the southern adjoining property. However, several of these windows on that property are obscure glazed and already receive reduced light. The proposal will provide adequate ventilation to the property and its neighbours. The criterion regarding *Provide adequate direct sun to the building and appurtenant open spaces* is not applicable as the wall abuts an open walkway.

It can be argued that the proposal does not ameliorate the impacts of building bulk on adjoining properties, nevertheless the neighbouring southern neighbour has a long two storey wall on their northern boundary. The plans show that the kitchen window overlooks the neighbouring property. A proposed condition requiring this window to be a minor opening will assist in protecting privacy between adjoining properties and the wall would then be considered a wall with no major openings and require a lesser setback of 2.2m from the boundary. The setback variation partially meets the Performance Criteria of the RDC and is supported providing for overlooking being negated from the kitchen.

The north loft level wall is setback 4.7m from the northern boundary whereas the Acceptable Development provisions of the RDC. The proposal will still allow direct sun and ventilation to the building and adjoining properties. The criterion regarding *Provide adequate direct sun to the building and appurtenant open spaces* is not applicable as the wall abuts an open walkway. The proposal does not impact the direct

sun on the neighbouring northern property. It can be argued that the proposal partially ameliorates the impacts of building bulk on adjoining properties. It is argued there are major openings in this wall; these windows appear to be 1.5m above floor level whereas they are required to be a minimum 1.65m above finished floor levels to be considered minor openings. A condition requiring this will then allow the proposal to meet the criterion in *protecting privacy between adjoining properties*. The setback variation generally meets the Performance Criteria of the RDC.

Privacy

The following privacy (cone of vision) setbacks of the proposed residence don't comply with the Acceptable Development standards of the RDC:

Room	Required	Provided
Master Bedroom	4.5m setback	0.95m setback
Master Bedroom	4.5m setback	3.3m setback
Kitchen	6m setback	0.95m setback
Study	6m setback	3.3m setback
Upper floor balcony	7.5m setback	1.8m setback
Upper floor balcony	7.5m setback	1.5m setback
Roof space balcony	7.5m setback	1.8m setback
Roof space balcony	7.5m setback	4.3m setback

Therefore, the setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which are:

Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- the positioning of windows to habitable rooms on the development site and the adjoining property;*
- the provision of effective screening; and*
- the lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street.*

The proposal asks for a variation to the master bedroom's cone of vision setbacks. The RDC do not specify any provisions for windows in a roof, however, the windows still present a privacy issue. The window is only 1.3 wide by 0.5m high and therefore is not a major opening by size, however, another window in this roof on this elevation results in this being considered a major opening as per the RDC as the combined aggregate of windows on this elevation at this level is larger than 1m². The proposal does not comply with the Performance Criteria of the RDC, as it provides an opportunity to overlook the southern neighbour. The window is recommended to be obscured.

The master bedroom western elevation window also does not comply with the Acceptable Development provisions of the RDC. This window which opens out to the balcony is setback 3.3m on a 45 degree angle to the southern neighbour where the requirement is a 4.5m setback. This window does meet the Performance Criteria of the RDC, as possible overlooking to the southern neighbour will be negated by the balcony which will reduce downward overlooking. Proposed screening measures

which are described later in this section will further reduce possible overlooking to the south.

The kitchen requires a 6m cone of vision setback whereas 1m is provided. The kitchen window does allow direct overlooking to the neighbouring property. Windows on the southern neighbouring property are generally obscure on the upper floor and clear on the ground floor. Due to the small setback, it is recommended this window be a minimum height of 1650mm above finished floor level or obscure to alleviate any privacy concern.

The study within the roof space is facing east whereas the potential cone of vision is toward the southern neighbour. The study window is approximately 1.2m wide by 600mm high and is 1.2m above finished floor level. Due to the low head heights from this area where the roof curves and that the window is not positioned to directly look at any major openings on the neighbouring southern property, this window is considered to meet the Performance Criteria for privacy.

The upper floor rear balcony requires a 7.5m cone of vision setback under the Acceptable Development Provisions of the RDC. To the southern neighbour a 1.8m cone of vision setback is provided and to the north it is 1.5m. Whilst the existing residence already overlooks the yards of both neighbours, the RDC do not encourage "new" overlooking to occur. Screening is proposed on the northern boundary of the balcony and is seen as an acceptable measure to reduce overlooking to the north. Due to the shape of the blocks and existing vegetation, any overlooking to the north is limited and no additional screening is recommended.

To the southern neighbour, overlooking will occur. This could possibly extend into the pool area, however a 1.65m screen is a condition of approval on the neighbouring southern property being built which will restrict this view (attached photos refer). Nevertheless, additional screening is recommended to this neighbour in accordance with the RDC. Due to the odd shape of the balcony the applicant has requested consideration of mature tree planting along the southern boundary within the 7.5m cone of vision will satisfy the privacy requirement. Planting treatment is included in the RD Codes as one potential way of addressing privacy and has been applied effectively elsewhere by Council. In this instance, however, it is considered that the narrow lots with limited side setbacks and smaller yard spaces would mean that planting would be problematic, and there is always the factor that the permanency of planting is uncertain. Moreover, while planting may work well at lower levels, it is less likely to be satisfactory for a second and third storey balcony. Therefore, fixed screening at the point of overlooking is the preferred solution.

The roof space level balcony can be considered a variation as it constitutes an active habitable space. While at 0.8m deep it is less than the threshold of 1m deep to require privacy assessment, because its total area is greater than 3sqm it is required to be assessed for privacy. The setback to the northern boundary is 4.3m and to the southern boundary is 1.8m. Due to the shape of the lots and existing vegetation, any overlooking to the north is limited and no additional screening is recommended. To the southern property tree planting is recommended as a solution to reduce overlooking concerns to the southern neighbouring property.

In regards to the first floor deck on the northern elevation, the proposed screening satisfies the Performance Criteria of the RDC.

Overshadowing

As the overshadowing of the proposed residence on a neighbouring residence doesn't comply with the Acceptable Development standards of the RDC, the variation is required to be assessed under the Performance Criteria of Clause 3.9.1 (P1) of the RDC, which are:

P1 Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:

- *outdoor living areas;*
- *major openings to habitable rooms;*
- *solar heating devices; or*
- *balconies or verandahs.*

The Acceptable Development provisions allow a maximum 35% overshadowing on a neighbouring property in an R30 coded area. The proposal asks for 47% overshadowing, inclusive of possible overshadowing from the proposed double carport. This calculation is based on the shadow cast at midday June 21 when the maximum shadow can be expected for the year. The application proposes 172m² of overshadowing out of the 365m² southern neighbouring lot at 41 Curtin Avenue at that time. The area of new shadow caused by the proposed dwelling extensions is some 84sqm and falls roughly to the central portion of the adjacent lot, plus some 16sqm for the proposed carport which affects the front.

The proposal does not readily meet the Performance Criteria of the RDC. There is current considerable overshadowing generated by the existing dwelling, and the additions will overshadow the northern windows of the neighbouring property, however, some of those windows are actually obscure glazed to comply with their overlooking requirements.

Although this amount of overshadowing is generally not acceptable, discretion could be applied here as all two storey developments in this area on the western side of Curtin Avenue are unlikely to easily satisfy the Performance Criteria. This is because of small lot sizes and the east-west orientation. The width between the north and south boundaries is only 8.8m and inevitably any development greater than single storey will cause significant overshadowing.

Council has generally recognised these constraints in other such situations and noted that when a westerly exposure and outlook to the ocean are the main aims, that solar access predominates whereby virtually unavoidable overshadowing is tolerated to a greater degree.

Front Fence

The applicant has indicated that they wish to modify the existing solid front fence to a fence with an open aspect. Whilst no elevations have been received this is commended and encouraged. A new planning application will be needed for this alteration, via a condition of planning approval.

Double carport

An existing single driveway allows cars to be parked in the front setback area. However, a double carport is proposed in the front setback and if the applicant wishes to alter the crossover, a condition of approval requiring an application for a new crossover is proposed. The carport will not require a change in levels and meets front setback requirements.

Rear garage

This is proposed to be removed. The application would still meet open space requirements if not removed.

Water Feature

A water feature is proposed along the southern boundary. Council has no requirements in relation to these features however the neighbour did oppose the new wall being 2.2m height. Whilst overshadowing is more likely to occur from the proposed additions to the residence than the boundary fence abutting the water feature, it is recommended the fence be reduced to the standard 1.8m boundary fence height.

ADDITIONAL INFORMATION AND REVISED PLANS

- The applicant has liaised with officers to review the proposal in light of aspects raised at the DSC, and has submitted a revised design which aims to address the main concerns.
- The applicant has also undertaken to liaise with the neighbour to the south who made a submission, as well as the neighbour to the north who made no submission, about the revised proposal. It is understood that these neighbours are more satisfied with the revised plans and confirmation of this is being sought in time for Council.
- The revised plans include improvements as described and assessed below.
- The third (roof space) level has been shifted approximately 1.465m to the north. This increases the southern setback from 0.95m to 2.415m and decreases the northern setback from 3m to 1.57m, with a privacy screen setback 0.95m from the boundary. Provided that the window sill height on the northern elevation is 1.65m above finished floor level, then the Acceptable Development standard for that side setback would be 1.8m. While this setback is under by 0.23m, it is a minor variation which complies with the Performance Criteria. A screen is also proposed to 1.65m high above the roof space floor level on the northern boundary; however, this is no longer seen as necessary as the windows on the roof space are now to be highlight or skylight-type. Also, the screen would add bulk towards the northern boundary. Hence it is recommended to be removed. In terms of overshadowing, privacy and bulk, the revised design now has a reduced impact on the neighbour to the south and is not considered to affect the neighbour to the north. The new setbacks are supported subject to a condition for the windows on the third level northern elevation to be "minor openings".
- Importantly, overshadowing of the southern property is reduced from 47% to 36.6% (or 40% if overshadowing from the separate carport is included). The

Acceptable Development standard for overshadowing in this instance is 35%, with the additional amount representing an excess of only 5.82m² (or 21.82m² with the carport), which can be supported as a minor variation of limited consequence.

- Otherwise, the design is essentially unchanged and complies with the basic requirement of overall building height.
- It is emphasised that the appearance of the third level is now more in keeping with the Scheme provision for containment within a recognisable roof space, and is similar to a number of other curved-roof dwellings found around Cottesloe.
- In conclusion, officers recommend the revised plans, which are referenced in the resolution with amended / additional wording as appropriate – some slight re-wording of the previous conditions retains those controls in relation to the revised plans.

CONCLUSION

Design-wise the proposal is considered logical and creative in relation to the existing property. The additions, while relatively extensive, are also fairly modest and sustainable in design terms in respect of the setting and streetscape. The Cottesloe coastal style is reflective of similar modern dwellings in the district and this locality.

Nonetheless, assessment against the Scheme height controls and RD Code amenity measures suggests design amendments to ensure appropriate compliance and reasonable management of impacts, with relevant conditions to address the concerns raised in the single submission. In this regard it should be appreciated that the site is constrained by its size and orientation whereby almost any proposal is going to have some degree of impact. In this instance, with the design refinements and conditions as presented, the resultant amenity and built form are considered to be acceptable.

On balance, having regard to the applicable planning parameters, other examples and the Council's approach to dwellings with a third level in the roof space, it is concluded that the application can be supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the merits of the proposal and whether it constitutes a three-storey dwelling, as well as the streetscape appreciation. It was also noted that the neighbours have reviewed the revised plans and made no comments on them. Overall the proposal was considered to be a significant improvement and more compliant in terms of the Scheme and amenity impacts.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for additions to a two-storey residence, including a third level in the roof space and a new carport, at No. 43 (Lot 49) Curtin Avenue, Cottesloe, in accordance with the revised plans dated 5 December 2006 showing changes to the third level, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) If the existing front fence is proposed to be modified a separate planning application will be required and the fence should comply with Council's Fencing Local Law which favours open-aspect fencing. The applicant should liaise with Officers in this regard.
- (g) If the crossover is proposed to be altered, the applicant shall apply to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (h) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:
 - (i) The maximum building height shall not exceed 8.5m (RL 33.27), the maximum wall height for the first and second storeys combined shall not exceed 6m (RL 30.77), and the roof form containing the third level shall commence from no higher than that 6m wall height.
 - (ii) The kitchen window being modified to prevent overlooking into the adjoining property, by either having a minimum sill height of 1650mm above the finished floor level or having fixed and obscure glazing to a minimum height of 1650mm above the finished floor level.
 - (iii) The third-level southern-elevation windows being modified to prevent overlooking into the adjoining property, by either having a minimum sill height of 1650mm above the finished floor level or

having fixed and obscure glazing to a minimum height of 1650mm above the finished floor level.

- (iv) The third-level northern-elevation windows being modified to prevent overlooking into the adjoining property, by having a minimum sill height of 1650mm above the finished floor level.
- (v) The 1650mm high screen setback 950mm from the northern boundary being deleted as it is not longer required for privacy and would create unnecessary bulk.
- (vi) The rear balconies to the second and third levels being modified to reduce overlooking into the adjoining southern property, by redesign of their layout and construction including the following options: the provision of solid wing walls to the side elevations; and/or the provision of fixed screening to the side elevations at a minimum height of 1650mm above the finished floor levels; and/or the provision of vertical, horizontal or angled screens projecting beyond the balconies; all sufficient so as to limit sideways views but to allow westward views. The applicant should liaise with Officers to satisfy this condition.
- (vii) The proposed fencing along the southern boundary shall be limited to 1.8m in height.

(2) Advise submitters of the decision.

AMENDMENT

Moved Cr Walsh, seconded Cr Carmichael

That condition (e) be amended to read:

- (e) Air-conditioning plant and equipment is to be installed closest to the proposed dwelling or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

Carried 8/3

12.1.1 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its Approval to Commence Development for additions to a two-storey residence, including a third level in the roof space and a new carport, at No. 43 (Lot 49) Curtin Avenue, Cottesloe, in accordance with the revised plans dated 5 December 2006 showing changes to the third level, subject to the following conditions:**

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) Air-conditioning plant and equipment is to be installed closest to the proposed dwelling or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) If the existing front fence is proposed to be modified a separate planning application will be required and the fence should comply with Council's Fencing Local Law which favours open-aspect fencing. The applicant should liaise with Officers in this regard.
- (g) If the crossover is proposed to be altered, the applicant shall apply to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (h) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:
 - (i) The maximum building height shall not exceed 8.5m (RL 33.27), the maximum wall height for the first and second storeys combined shall not exceed 6m (RL 30.77), and the roof form containing the third level shall commence from no higher than that 6m wall height.
 - (ii) The kitchen window being modified to prevent overlooking into the adjoining property, by either having a minimum sill height of 1650mm above the finished floor level or having fixed and obscure glazing to a minimum height of 1650mm above the finished floor level.
 - (iii) The third-level southern-elevation windows being modified to prevent overlooking into the adjoining property, by either having a minimum sill height of 1650mm above the finished

floor level or having fixed and obscure glazing to a minimum height of 1650mm above the finished floor level.

- (iv) The third-level northern-elevation windows being modified to prevent overlooking into the adjoining property, by having a minimum sill height of 1650mm above the finished floor level.
- (v) The 1650mm high screen setback 950mm from the northern boundary being deleted as it is not longer required for privacy and would create unnecessary bulk.
- (vi) The rear balconies to the second and third levels being modified to reduce overlooking into the adjoining southern property, by redesign of their layout and construction including the following options: the provision of solid wing walls to the side elevations; and/or the provision of fixed screening to the side elevations at a minimum height of 1650mm above the finished floor levels; and/or the provision of vertical, horizontal or angled screens projecting beyond the balconies; all sufficient so as to limit sideways views but to allow westward views. The applicant should liaise with Officers to satisfy this condition.
- (vii) The proposed fencing along the southern boundary shall be limited to 1.8m in height.

(2) Advise submitters of the decision.

Carried 6/5

The vote was recorded:

<i>For:</i>	<i>Against</i>
Mayor Morgan	Cr Carmichael
Cr Cunningham	Cr Strzina
Cr Dawkins	Cr Utting
Cr Furlong	Cr Walsh
Cr Jeanes	Cr Woodhill
Cr Miller	

12.1.2 NO. 25 (LOT 847) GRANT STREET – TWO-STOREY RESIDENCE & BELOW-GROUND SWIMMING POOL

File No:	25 Grant Street
Author:	Mrs Stacey Towne / Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photos Plans
Report Date:	28 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Deidre Best
Applicant:	Sharp and Van Rhyn Architects
Date of Application:	25 September, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	572m²
M.R.S. Reservation:	N/A

SUMMARY

This application was deferred at Council's meeting held on 27 November 2006, following a request from the applicant to hold-over consideration of the proposal to allow more time for the applicant to address concerns raised.

This report is an updated version of the report presented to the Development Services Committee on 20 November 2006 and also includes proposed revised plans and additional information provided by the applicant.

This application involves demolition of the existing two storey render and tile residence and construction of a new two storey render and skillion roofed residence with below-ground swimming pool at 25 Grant Street.

Original plans showed some variations with regard to height, setbacks and landfill to which neighbours objected on the basis of the privacy, bulk and scale impacts.

Following liaison with the applicant, revised plans were submitted addressing most of the concerns raised. Following the meeting of the Development Services Committee on 20 November 2006, the applicant has again revised the plans to show a reduced height of the residence as viewed from the street, as well as an overall reduction of roof height.

A small portion of the building still exceeds Council's height limit, however, the building has a staggered alignment (not a box design) and falls in height in relation to the slope of the land, being stepped down the lot. It is recognised that there is some degree of difficulty complying with height requirements due to the levels of the

subject site, and that in some ways the proposed design would have a lesser impact than a complying house with a 6m wall height and an 8.5m pitched roof design.

Given the assessment that has been undertaken and the submission of revised plans, the recommendation is to approve the application.

PROPOSAL

The proposal includes:

- Demolition of the existing two storey residence and high masonry front fence.
- A ramp down to a basement garage, store and cellar.
- Ground level comprising of a sitting room, dining room, kitchen, lounge, bathroom, laundry and alfresco area.
- Upper level comprising of front and rear balconies, main bedroom with ensuite, study, three other bedrooms, bathroom, toilet and activity room.
- Below-ground swimming pool.
- Landfill at the rear of the site at approximately 0.5m, with a minor portion at 0.6m maximum.
- New open aspect front fence.

URBAN DESIGN CONTEXT

Comparatively, the proposal is a quality architectural design which responds fairly well to the constraints of the site and the surrounds and has the following attributes:

- True two storeys.
- Does not force the garage onto the street.
- Simple lines echo the existing square dwelling and reflect the geometric form and mass of the adjacent *Bel Air* landmark.
- Layout makes effective use of the odd-shaped lot.
- Setbacks are essentially respectful of neighbouring dwellings and allow breathing space between buildings with only one parapet wall.
- Sustainable design utilises northern orientation and cross-ventilation.
- Slim-line roof and indented side and rear elevations ameliorate bulk to the neighbours.

Nonetheless, the proposal must undergo assessment against the planning parameters and any neighbour comments before being determined, as set out in this report.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- | | |
|-------------------------------------|-----|
| • State Register of Heritage Places | N/A |
| • TPS No 2 | N/A |
| • Town Planning Scheme Policy No 12 | N/A |
| • Draft Heritage Strategy Report | N/A |

- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 Building Height	7m wall height (parapet with skillion roof)	6.17-7.77m as agreed (only a small portion near the front of the house behind the front balcony is over 7m) 32.4m AHD max

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	Setback from the ground floor parapet to the western side boundary – 1m	Nil	Clause 3.3.2 – P1
No 3 – Boundary Setbacks	Setback from the upper floor study/ensuite/balcony to the western side boundary – 1.8m	1.5-2.5m	Clause 3.3.2 – P1
No 3 – Boundary Setbacks	Setback from the upper floor 2 beds/bath to the eastern side boundary – 1.7-1.9m	1.8m	Clause 3.3.2 – P1
No. 6 – Site Works	Filling behind the front setback and within 1m of a common boundary not exceed 0.5m above natural ground level.	Small section on west side up to 0.6m.	Clause 3.6.1 – P1
No. 6 – Site Works	Retaining wall more than 0.5m high to be set back 1m from boundary.	Small section (less than 1m long) on west side up to 0.6m high with nil setback.	Clause 3.6.1 – P2

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 8 – Visual Privacy	Setback from the bedroom window to the west side 4.5m	2.7m to the west side	Clause 3.8.1 – P1 (Please note: Obscure glazing is now proposed to ensure that privacy complies)
No 8 – Visual Privacy	Setback from the bedroom window to the east side 4.5m	2.7m to the east side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the rear balcony to the east side 7.5m	5m to the east side	Clause 3.8.1 – P1
No 8 – Visual Privacy	Setback from the rear balcony to the west side 7.5m	5m to the west side	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of a letter to Adjoining Property Owners

Submissions

There were 7 letters sent out. There was one submission received, which was an objection. (Please note the objection relates to the original plans submitted, which have now been revised twice). Details of the submission are set out below:

Submission 1 - No. 23A Grant Street - Woodhill

- *The building appears to be 1.32m above what is permitted under the Codes. How was NGL calculated?*
- *Retaining walls exceed 0.5m within 1m of the common boundary.*
- *Landfill is proposed greater than 0.5m (0.60-0.65m).*
- *Privacy setbacks from front and rear balconies do not comply (3m to east and 3.5m to west shown, 7.5m required) which affects our garden and outdoor entertainment area.*
- *Privacy setback from upper bedroom on the western side does not comply (2.7m shown, 4.5m required).*
- *Privacy setback from study on the western side does not comply (1.7m shown, 6m required) and will overlook our dining area and outdoor entertainment area.*
- *Due to the additional height due to infill and design, the window to the stairs on the western side will overlook our dining room. The plans show a 3.1m set back whilst 6m is required.*
- *Setbacks lower floor on the western side should be 1.5m, however, the plans only scale the setback at 1.2m.*
- *The bulk of the building will have great impact on our property. The bulk is noticeable because our block is narrow and most of our natural light source comes from the east, much of our living/entertainment areas are on the east side of our house where we spend most time; and is exacerbated by the level of land fill proposed which increases height.*
- *The height and length of the parapet wall is unnecessary and overwhelming.*
- *Our amenity will be severely affected by the number of variations being sought.*
- *We request that the architect for 25 Grant Street submit elevations (to scale) from the west, north and south of the proposal showing the relative heights of 25 Grant Street and our home at 23A Grant Street.*
- *Our architect's advice on this matter is to object to overall height (clarification of NGL required); the height of the parapet wall, landfill and overlooking issues that arise from this; upper storey overlooking and overlooking from the stairs window (could be overcome by blinds, obscure glass, landscaping or similar).*

In response to the submission and following Officer liaison, the applicant provided amended plans which addressed many of the issues raised. The applicant also wrote as follows (summarised):

- *Calculating natural ground level at the centre of the site by using the four corner method, results in a level of 24.63m. This is approximately 1m below footpath level as the site slopes away from the street (i.e. underground on the site). We therefore propose that building heights be measured from NGL directly related to the wall or roof above, as per R Codes. We have attempted to design a building where floor levels are stepped down the site and the roof line follows the contours in order to minimise building height.*
 - *Basement garaging has been proposed to avoid imposing garage doors on the narrow frontage. Our revised submission has reduced the main floor level and associated fill thus reducing the height of boundary retaining walls and avoiding overlooking from ground floor windows. The main floor level is now close to natural ground level and only 100mm higher than the floor level of the existing house.*
 - *Front balcony - Privacy screens and translucent glass now provided.*
 - *Rear balcony – Privacy screens reduce overlooking and large mature trees to the east prevent views.*
-

- *Bedroom 4 – We seek a variation for this privacy setback from this minor room.*
- *Study – Revised plans now show translucent glass to prevent overlooking.*
- *Lower Living Room – Revised plans now show a reduced finished floor level, therefore the privacy setback is no longer required.*
- *The front fence is to be 900mm solid with open steel railing above. Some solid sections at the side are proposed.*
- *We have reduced the building height and floor levels with associated fill which will reduce the impact of the building on the neighbours. The stepping down of floor levels and the roof line following the site contours is a conscious design decision to reduce the impact of the building on neighbours and comply with the town planning scheme requirements. A traditional roof pitch would result in an even higher building. (The applicant has provided a sketch showing the greater impact from a pitched roof. This is attached to the agenda).*
- *The west parapet wall has been reduced in length to match the existing garage parapet adjoining.*
- *The courtyard has been positioned to the east to take advantage of climatic elements, as have the neighbours adjoining. This means that the courtyards are further away from each other.*
- *We propose to plant screen trees to reduce overlooking from the stairs window.*

Subsequently, the neighbours at No. 23A Grant Street viewed the revised plans and in discussion with officers requested further clarification and consideration on a number of matters including levels/height, the proposed western parapet wall and privacy.

Following further Officer liaison, the applicant agreed to the following additional changes:

- Provide obscure glazing to the stairs window instead of landscaping to improve privacy (Note: this is a goodwill gesture as it is not a requirement of the RDCs as Privacy from this window currently complies).
- Provide obscure glazing to 1.65m to the widow to the bedroom on the upper west side.
- Rationalisation of the parapet wall on the western boundary so that, for the most part, the height corresponds with the existing wall on the adjoining neighbours' property and is only higher where the entrance is located.
- The finished level for the ground floor being lowered approximately 100mm to equate to the finished floor level of the residence currently existing on the property. This would also reduce the overall height of the building by 100mm (to between 6.17-7.87m).

Following the Development Services Committee meeting held on 20 November 2006, the applicant has again provided revised plans showing a reduced roof height over the balcony at the front of the house and consequently reduction of the overall height of the remaining portion of the roof by a further 100mm (6.17-7.77m) to address bulk and scale issues.

It is considered that the above changes will assist the adjoining neighbours and addresses the impacts previously identified as well as assist streetscape.

BACKGROUND

No. 25 Grant Street is 572m² and zoned Residential R20 (a single residential property). The lot is an irregular shape as it narrows at the rear on the western side.

The land is basically flat at the front, however, it slopes down by approximately 1.5m from the middle of the site to the rear.

A two storey residence currently exists on the site. A two storey block of 4 units is located to the east (Bel Air) and a two storey single residence is located to the west.

STAFF COMMENT

Side Setbacks

The following setback variations from the Acceptable Development Standards of the Codes are being sought:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
East Upper Level	2 bedrooms and bathroom	6.5-7.2m	13m	Nil	1.7-1.9m	1.8m
West Ground Level	Parapet	3.5-3.6m	6.7m	Nil	1m	Nil
West Upper Level	Study/ensuite/balcony	6.5m	12.5m	Nil	1.7m	1.5 – 2.5m

(Note that as some of the above wall heights have now been reduced by the revised plans, the setbacks will achieve greater compliance than previously assessed.)

As the proposed side boundary setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.3.1 of the RDC states the following:

“P1 Buildings set back from boundaries other than street boundaries so as to:

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

Due to the north-south orientation of the lot, the setback variations do not affect adjoining properties in terms of access to sunlight. The reduced setbacks proposed all involve minor variations and are not considered to affect adjoining properties in terms of bulk. No direct overlooking of active habitable spaces will occur as a result of the reduced setbacks.

In most instances the departures are small and in some instances the minimum setback is actually partially exceeded. The proposed setback variations, therefore, comply with the Performance Criteria of the Codes and are supported.

Privacy

The following privacy (cone of vision) setbacks of the proposed additions seek variation from the Acceptable Development standards of the Codes:

Room	Required	Provided
Bedroom	4.5m to west side	2.7m to west side Please note: Variation for this is no longer sought as it is now proposed to provide obscure glazing to this window. Privacy will then fully comply.
Bedroom	4.5m to east side	2.7m to east side
Balcony (Upper Rear)	7.5m to east and west sides	5m to east and west sides

As the proposed privacy setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.8.1 of the RDC states the following:

- “P1 Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:*
- The positioning of windows to habitable rooms on the development site and the adjoining property.*
 - The provision of effective screening.*
 - The lesser need to prevent overlooking of extensive back gardens, front gardens or*
 - Areas visible from the street.”*

Overlooking from the upper bedroom windows to the east and west is minor. As both of these windows face south, overlooking is not direct and the small areas affected by the overlooking are not active habitable spaces or windows to habitable rooms. Screening of the east and west sides of the balcony as well as a portion of the south side greatly restricts viewing.

The neighbours to the west, however, have expressed concerns regarding privacy from the south-facing window of the upper bedroom on the west side. Following Officer liaison, the applicant has now agreed to provide obscure glazing to this window to a height of 1.65m. This is recommended to be imposed as a condition.

The overlooking from the rear balcony and bedroom windows comply with Performance Criteria of the Codes and are supported as proposed. In these ways the proposal avoids serious overlooking and applies appropriate screening in accordance with the requirements of the Codes. In addition, the neighbours to the west are satisfied that the screening will provide sufficient privacy in this instance as no balcony and a large window would be more exposed.

Bulk

Concerns raised by the neighbours in terms of overall general building bulk are considered to be satisfactorily addressed by the changes to the original and revised plans.

The residence has been designed such that the building line is staggered along the boundaries, rather than being constructed as a square box. By having indents along the boundaries for courtyards and open space, the impact of bulk is greatly reduced. The building is also designed at varying levels to correspond with the natural lay of the land. This results in the height of the building also varying along the length of the lot, rather than it being a single horizontal form.

The neighbours to the west have expressed concerns regarding the bulk of the proposed residence on several occasions.

The main living area of the neighbours' residence is at single storey level at the rear of the house. It is likely that any new two storey development at No. 25 Grant Street would be likely to create a sense of "bulk", particularly after being able to enjoy the feeling of space currently experienced.

Amended plans show the length of western parapet wall on the common boundary reduced to match the length of the parapet wall on the property adjoining at No. 23A Grant Street. Following further Officer liaison, the applicant has also agreed to rationalise this wall such that it is lowered to match the height of the neighbours' parapet wall for the most part and that it only be raised higher in one smaller section to accommodate the new entrance area. This will result in an improved streetscape presentation as well as lessening the impact of bulk on the neighbours. It is recommended that a condition be imposed to address this.

The setback of the lower storey on the western side has also been increased, retaining walls and landfill have been reduced and the overall height of the building has been lowered together with the lowering of the roof over the front balcony by 1m.

These changes have reduced the impact of bulk on the neighbouring properties to an acceptable standard. These are worthwhile improvements to lessen the effect of introducing a new dwelling into an established area.

Height

The building is designed with a skillion roof and parapet walls. While the Scheme is not specific for height of such walls, the Residential Design Codes are a guide to Council, which provide a 7.0m standard for two-storey parapet walls, and Council has applied this in practice.

Clause 5.5.1(a) of Town Planning Scheme No. 2 states that Council will not regard as a storey, undercroft space where (amongst other things) that space is not higher than 1m above the footpath level. The proposal includes cutting into the front of the site to provide access to basement car parking, store and cellar. The height of the undercroft complies with requirements of Clause 5.5.1(a).

There are some difficulties involved with determining a figure for natural ground level from which to measure general building height.

Clause 5.5.1(c) of Town Planning Scheme No. 2 generally states that natural ground level should be measured at the centre of the site. It is difficult to calculate the natural ground level at the centre of the site because of the presence of existing development. Averaging the existing levels of the four corners of the site, however, results in a measurement of 24.63m AHD. This approach is supported by Council guidelines.

If a 7m height limit is applied to the natural ground level as determined by Council, the maximum wall height permitted is 31.63m AHD.

It is noted that the neighbours to the west expressed concerns in relation to the original plans in relation to height, and as a result of Officer liaison revised plans were received on 19 October 2006 showing the overall height of the building at 32.6m AHD.

Concern from neighbours was still expressed and following further Officer liaison the applicant agreed to further reduce the finished level of the ground floor by 100mm, to equate with the finished ground floor level of the existing residence on the site, which would also reduce the overall height of the residence to a maximum of 32.5m AHD (i.e. 0.87m over-height in the one section).

It is emphasised that the actual height of the building measured at the front was agreed to be revised to 6.9m above ground level at that particular point, which is less than the 7m standard and lower than an 8.5m-high pitched roof. These plans were shown to the neighbours at 23A Grant Street, however, they have continued to express concern regarding height.

Subsequent to the Development Services Committee meeting, officers were approached by the applicant and architect to review the scale of the front of the proposed dwelling. This liaison has achieved a further design revision to reduce the bulk and scale by cutting-back the roofline and breaking-up the visual impact with a lower-roofed balcony (plans received 22 November 2006 attached).

Effectively, the roof projection has been lowered by 1m from an agreed height datum of 32.5m AHD to 31.5m AHD, while the vertical surface which continues beyond this lowered roof portion and is setback from it, consists of highlight windows for northern light and to create interest in the street façade. This means that the mathematical height at the front of the dwelling (i.e. measured from natural ground level at the centre of the site) is reduced from 7.87m to 6.77m.

While a smaller section of the roof remains at 7.77m above the centre-of-site NGL, in fact no wall would be higher than 6.8m from the *actual* ground level adjacent to the

wall, and significantly less than this at the rear of the dwelling. In this respect the as-built wall heights would be less than the 7m Acceptable Development standard of the RD Codes and the maximum height datum of the dwelling overall will be reduced by 0.1m.

Because of the style of the house and the desire to have an undercroft garage rather than a garage at the front of the residence, it is not possible to further drop the finished levels and maintain acceptable access gradients to the undercroft area.

The parapet wall / hidden roof has been designed to have a lesser impact than a pitched roof development and, as previously mentioned, the applicant has provided a sketch showing the greater impact from a pitched roof (attached to the agenda).

There is discretion within TPS2 in terms of the height provisions being expressed as a general policy and that Council may consider the circumstances and merits of each case. Variations may be considered in relation to topography and extensions to buildings. Specifically, Clause 5.1.1(c) states that Council can consider granting a variation to building height requirements in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished. The test of height is tied to privacy, views and amenity. The scheme also refers to overshadowing and air flows.

It is considered that the height variations would not adversely impact on the streetscape or the amenity of adjoining neighbours. Furthermore, flat or skillion roof forms exist nearby in new approved dwellings in Grant Street as well as to Bel Air which has a bold parapet facade.

It is assessed that the most recent design revision significantly improves the effect of the dwelling in terms of height measures and appearance. The perception of scale will be ameliorated by the broken-up or staggered treatment of the façade and front portion of the dwelling. This articulation softens the visual impression of the building and enhances its contribution to the streetscape.

Officers have provided and explained the revised plans to the western neighbours for information and any further feedback.

Given that only a small section of the residence does not comply with the height requirements of the Scheme, that the majority of the residence does comply, and that amenity is not adversely affected, the height of the building as shown in the revised plans dated 23 November 2006 is supported, subject to conditions being imposed limiting finished floor levels and the maximum overall roof height.

Front Fence

The existing fence within the front setback is of solid construction to height of approximately 1.8m along the front boundary and on the east and west sides.

Council's Local Law generally requires fences in the front setback to be of open aspect construction where it is above 0.9m, to a maximum height of 1.8m.

This application proposes to improve the existing front fence and increase visual permeability by bringing it into line with Council's Local Law requirements. The front

fence will generally be solid to 0.9m with open aspect railing above to 1.8m and is supported as proposed. This is a positive contribution to the streetscape.

Open Space

The proposal complies with the Acceptable Development Standards of the Residential Design Codes with regard to open space provision.

Land Fill

Where the land slopes down at the rear of the property, it is proposed to provide fill to raise the ground level by up to approximately 0.5m. There is a small section where fill is proposed at 0.6m. The Acceptable Development Standards of the codes only allows for fill up to 0.5m above natural ground level.

As the proposed landfill does not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.6.1 of the RDC states the following:

“Development that retains the visual impression of the natural level of the site, as seen from the street or other public place, or from an adjoining property.”

Most of the landfill proposed complies with the Acceptable Development Standards of the Codes, however, the small section where the fill is proposed at up to 0.6m maximum is minor and can not be seen from the street or from the adjoining property. The original plans have been amended to show the reduced landfill as proposed.

The proposed fill complies with the Performance Criteria of the Codes and is supported.

Retaining Walls

Walls to retain the proposed landfill are shown with nil setback constructed on the east, west and south boundaries. The setbacks for these retaining walls comply with the Acceptable Development Standards setback requirements of the Codes with the exception of a small section (less than 1m length) of wall on the western side boundary.

Acceptable Development Standards of the Codes allow for retaining walls of up to 0.5m to be situated on the boundary. The proposal shows a section of the wall being up to 0.6m high on the boundary.

As the proposed retaining wall setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.6.2 of the RDC states the following:

“Retaining walls designed or set back to minimise the impact on adjoining property.”

The retaining wall of the height proposed is to allow for raising of the ground level of the approach to the entrance to the new residence. A common boundary fence of 1.8m over the retaining will ensure that privacy is maintained between the two properties.

Given that the variation is minor and no adverse impacts will be made on the adjoining property to the west, the retaining wall is supported as proposed.

CONCLUSION

The proposal involves some relatively minor variations to the Acceptable Development Standards of the RD Codes in relation to setbacks, privacy, landfill and retaining walls. All variations are considered to be quite minor with minimal impacts on amenity and as they are considered to comply with the Performance Criteria of the Codes, are supported.

The proposal does not fully comply with the overall height requirement of the Scheme. The skillion roof which is highest at the front of the building exceeds the 7m height limitation by up to 0.87m from natural ground level in a small section. The excess of height in this location is not considered to be detrimental to the streetscape or the adjoining neighbours and is an integral part of the contemporary design of the residence. Given that a pitched roof may have a greater impact than what is proposed and given that the height variation is only for a section of the building, the height as proposed is supported in this instance.

A number of aspects initially raised by Council Officers and neighbours have been addressed by the submission of amended plans and further information. Officer liaison with the neighbours and architects has achieved a number of design revisions to address neighbour concerns in particular and the planning parameters generally. Specifically the revised front portion reduces both actual height and also the sense of the bulk and scale of the dwelling.

Therefore, on this overall basis it is assessed that the design suits the context of the locality and that the technical and amenity aspects of the Scheme and Codes have been satisfied through the revisions, and for these reasons the proposal is supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee commented on the difficulty with the topography of the site and felt that the design was good for this site and could be supported, being under the 8.5m overall building height standard, although the relative size of the dwelling and its setbacks were still queried.

The Manager Development Services confirmed that the natural ground level at the centre of the site formula generates a calculated maximum height of 7.7m for the proposed dwelling, but that the actual wall / flat roof heights as to be constructed, when measured at various points from the ground adjacent, will not exceed the 7m standard allowed for this type of design in accordance with the RDC and will progressively reduce towards the rear of the dwelling. The Manager Development Services also explained that as reported the side setback variations were quite minor and the boundary wall would abut that to the neighbours' dwelling.

DECLARATION OF INTEREST

Cr Ian Woodhill declared a proximity interest as he resides at 23A Grant Street and left the meeting at 7.54pm and did not participate in the debate or vote.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Two-Storey Residence and Below-Ground Swimming Pool at No. 25 (Lot 847) Grant Street, Cottesloe, in accordance with the revised plans submitted on 19 October 2006, and further revised plans dated 22 November 2006 in respect of the changes to the front of the dwelling only, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (f) The existing redundant crossover in Grant Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
 - (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (h) Air-conditioning plant and equipment is to be located away from the boundary with adjoining properties and closest to the proposed dwelling, and suitably housed or treated, so as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

- (i) The screens to the upper-level front and rear balconies being a minimum of 1.65m high from the finished floor levels and visually obscure in accordance with the Residential Design Codes and to the satisfaction of the Manager Development Services.
 - (j) Revised plans being submitted for approval by ant to the satisfaction of the Manager Development Services, showing:
 - (i) The south-facing window to the upper-level single bedroom being modified to prevent overlooking into the adjoining property by being constructed of fixed and obscure glazing or screening to a height of at least 1650mm above the finished floor level, or converted to a highlight window with a sill height at least 1650mm above the finished floor level.
 - (ii) The finished floor levels and the height of the overall dwelling being reduced a further 100mm from those shown on the plans received on 19 October 2006 (as amended).
 - (iii) The maximum roof height of the overall dwelling not exceeding 32.4m AHD.
 - (iv) The parapet wall to the western boundary shall not exceed the height of the adjacent parapet wall to No. 23A Grant Street, except for a section forming part of the entry hall to the dwelling. The redesign of the entry hall should limit the extent of the higher parapet wall sufficient for the structure of the dwelling, and should optimise the extent of the lower parapet wall flanking the entry hall to the front and rear.
 - (k) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
 - (l) The pool pump and filter are to be located away from the boundary with adjoining properties and closest to the proposed dwelling, and suitably housed or treated, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 - (m) 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.
 - (n) 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 1.8 metres away from any building or boundary.
 - (o) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation
- (2) Advise the submitters of this decision.
-

AMENDMENT

Moved Cr Walsh, seconded Cr Furlong

That conditions (h) and (l) be amended so that the plant and equipment are located on the eastern side of the block.

Lost 4/6

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That the height of the building be reduced to 7 metres.

Carried on the casting vote of the Mayor 6/5

12.1.2 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

That Council:

- (1) GRANT its Approval to Commence Development for the Two-Storey Residence and Below-Ground Swimming Pool at No. 25 (Lot 847) Grant Street, Cottesloe, in accordance with the revised plans submitted on 19 October 2006, and further revised plans dated 22 November 2006 in respect of the changes to the front of the dwelling only, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
 - (f) The existing redundant crossover in Grant Street being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.**

- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) Air-conditioning plant and equipment is to be located away from the boundary with adjoining properties and closest to the proposed dwelling, and suitably housed or treated, so as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (i) The screens to the upper-level front and rear balconies being a minimum of 1.65m high from the finished floor levels and visually obscure in accordance with the Residential Design Codes and to the satisfaction of the Manager Development Services.
- (j) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:

 - (i) The south-facing window to the upper-level single bedroom being modified to prevent overlooking into the adjoining property by being constructed of fixed and obscure glazing or screening to a height of at least 1650mm above the finished floor level, or converted to a highlight window with a sill height at least 1650mm above the finished floor level.
 - (ii) The finished floor levels of the overall dwelling being reduced a further 100mm from those shown on the plans received on 19 October 2006 (as amended).
 - (iii) The height of the building being reduced to 7 metres.
 - (iv) The parapet wall to the western boundary shall not exceed the height of the adjacent parapet wall to No. 23A Grant Street, except for a section forming part of the entry hall to the dwelling. The redesign of the entry hall should limit the extent of the higher parapet wall sufficient for the structure of the dwelling, and should optimise the extent of the lower parapet wall flanking the entry hall to the front and rear.
- (k) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
- (l) The pool pump and filter are to be located away from the boundary with adjoining properties and closest to the proposed dwelling, and suitably housed or treated, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (m) 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.

- (n) 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 1.8 metres away from any building or boundary.
 - (o) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation.
- (2) Advise the submitters of this decision.

Carried 7/3

The vote was recorded:

<i>For</i>	<i>Against</i>
Mayor Morgan	Cr Dawkins
Cr Carmichael	Cr Furlong
Cr Cunningham	Cr Jeanes
Cr Miller	
Cr Strzina	
Cr Utting	
Cr Walsh	

Cr Woodhill returned to the meeting at 8.18pm.

12.1.3 NO. 9 (LOT 24) GRANT STREET– PROPOSED LOFT ADDITION AND BALCONY EXTENSION TO EXISTING TWO-STOREY RESIDENCE – FURTHER REPORT

File No:	9 Grant Street
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Report to August Council Meeting Minutes from Design Advisory Panel Correspondence from applicant (2) Plans
Report Date:	30 November 2006
Senior Officer:	Mr Stephen Tindale
Property Owner:	Mr Peter Rattigan
Applicant:	Robert Shand Architect
Date of Application:	29 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	370m²
M.R.S. Reservation:	N/A

SUMMARY

- In August 2006 Council deferred consideration of this proposal pending a redesign and taking into account:
 - (1) *Input from the Design Advisory Panel;*
 - (2) *Compliance with the two -storey height limits of the Scheme;*
 - (3) *Design within the existing building envelope so as not to represent a third storey; and*
 - (4) *Review of the proposed entry, stair and balcony addition to result in a suitable entry for the dwelling that avoids privacy impacts.*
- This follow-up report presents the actions and revised design towards satisfying the above.
- The revised plans are attached.
- Given the assessment that has been undertaken, the recommendation is to approve the application.

BACKGROUND

- Council will be familiar with the previous report on the proposal, which is attached and should be read in conjunction with this further report.
 - In respect of the loft component, the key points from the initial assessment regarding height control are that:
 - The loft did not qualify to be assessed as a third storey within the roof space.
-

- The loft could be considered on the basis of discretion in the Scheme for extensions to existing buildings and on merit in the context of the particular circumstances.
 - The officer conclusion was that in terms of urban design and amenity the dwelling and setting could accommodate the proposal.
 - At the same time, officer advice gave two alternative ways to view the matter: (i) that the loft could be reduced in height in keeping with the spirit of the third-storey-loft-within-a-roof-space provision; or (ii) that this component could be conditioned to comply, or be refused.
- Council opted for the deferral, which invites a revised proposal responding to those criteria.
- Within this framework the applicant is at liberty to evolve a solution or to justify any departure.

DESIGN ADVISORY PANEL

- The Design Advisory Panel considered the proposal on 24 October 2006.
- The previous report and plans were provided to members in advance and some members mentioned they had inspected the site.
- The applicant and architect made a presentation to the panel, entered into discussion with the panel, and then the panel held its own discussion.
- Attached is a copy of the panel minutes, to be read in conjunction with this report.
- In summary, the panel expressed mixed views on the proposal, acknowledging the desirability to improve the appearance of the dwelling, albeit balanced with amenity and privacy considerations.

REVISED PLANS

- Since the deferral, officers have liaised with the applicant and architect to discuss the approach to those criteria, including the feedback from the Design Advisory Panel.
- Officers agreed in-principle that it would seem fair to determine the entry/stair/balcony component separately from the loft component, rather than unnecessarily encumber one with the other.
- Attached is the architect's letter of 22 November 2006 explaining the revised plans submitted for the proposal as follows:

Loft:

- A mansard-style roof to create a continuous roof form.
- Corresponding reduced roof (building) height, yet still above the 8.5m standard (by 0.45m) in order to meet the bare-minimum ceiling height for a habitable room under the BCA.
- Roof-light windows which provide light and ventilation but do not allow overlooking.
- The west-facing window is indented to break-up that façade and does not overlook private property.

New access:

- Recognition of two-way privacy impacts between the subject property and neighbouring properties.
- Screening to the stairway/balcony component to improve privacy for both the property and neighbours.

- Supplementary screening from trees already planted but requiring time to mature.

ASSESSMENT

Design response

- The bearing of the deferral criteria is that a revised proposal as follows may be considered acceptable:
 - *A roof form which treats the dwelling as fundamentally two-storey.*
 - *Containment of the third level within that roof form so as to retain the appearance of a two-storey dwelling and not adversely affect local amenity.*
 - *Compliance with the wall and roof height limits for two-storey buildings.*
 - *Redesign of the entry/stair/balcony component to maximise the management of privacy impacts introduced thereby.*
- With this in mind, the architect in an earlier letter dated 13 October (attached), analysed the proposal against these criteria.
- It elaborates on factors to be considered when assessing the loft and access components, including possible options for a third level and the privacy dimension.
- It comments on the difficulties of achieving compliance with height, as well as the objective to improve the aesthetics of the dwelling.
- As a result of subsequent liaison with officers, the architect has produced the latest revised plans in an attempt to sufficiently and satisfactorily address the matters of concern to Council and neighbours.

Officer comment

Loft:

- Had the current revised design been submitted originally, conceivably it may have been considered more acceptable by Council, being approvable as a third level.
- The mansard roof form can be seen as a more deliberate attempt to respect the predominantly two-storey dwelling and contain the subsidiary loft room within that space.
- This is not dissimilar to a typical third level loft, attic or mezzanine within a pitched roof design, and can be compared to a number of other unusually-shaped roofs with third levels in Cottesloe.
- This design solution is assessed as a significant improvement over the previous pop-top of pagoda-type treatment, because it creates a continuous roof form or hat to the dwelling to disguise the third level; which is consistent with the intent of the roof-space provision, reduces bulk and scale, and rounds-out the asymmetrical building to give it balance and completeness.
- As a result, the appearance of the dwelling with loft from the street and surrounding properties is subtler, and its presentation to the park is less dominant.
- The only compromise is the height of the ridgeline in the centre of the roof at 8.950m.

Indented western window:

- The proposed indented window to the western façade of the loft is assessed as an ingenious design technique to soften the visual effect of the loft.

- Firstly, the inset / angled roof and window planes serve to break-up the mass of the building by punctuating the façade and accentuating the roof structure containing the loft.
- Secondly, as the roof form starts atop the existing two-storey / 6m walls, the façade avoids a gabled wall extending beyond the 6m standard to the ridgeline – by definition, the wall is interrupted as a vertical surface so ceases at the 6m mark and therefore complies (while Council has often approved walls to gable-ended roofs extending beyond the basic 6m height standard).
- Thirdly, it adds architectural interest to a building which has been described as awkward, and it may even be observed that this window form has a nautical reference to the design of such angled windows on the bridge of a ship.
- However, should Council feel that preferably the western window to the loft façade ought not be angled downwards, the indented roof portion could remain but the window could be setback and vertical – which would also enable the roof canopy to provide shade.

New access:

- The proposed addition of full-height, solid brick screens to the stairway structure will ensure superior privacy at the source rather than relying on any boundary fence semi-open screening.
- However, it is considered that the height should be increased to 1.8m to ensure complete privacy as the stairs are traversed.

CONCLUSION

- The application was submitted in May 2006 and (with the cooperation of the applicant and architect) has undergone thorough assessment including guidance from Council and the Design Advisory Panel, whereby it now deserves to be determined.
- It is apparent that the applicant and architect have endeavoured to justify the proposal as well as respond to the direction given by Council to take into account the deferral criteria.
- The loft has now been modified as far as possible to retain a habitable space within the roof, while complying with the height parameters if taken as an extension to an existing building (rather than a new dwelling which might be able to achieve the basic height limits).
- Overall, it is concluded that the mansard roof proposal has merit as a logical extension to fill in the void and generate a roof form which is sensitive to the urban design context, together with the ridge height restricted as far as is practicable.
- The new access is now afforded privacy by the proposed full-height solid screens to prevent view from the staircase and landings, for the benefit of both neighbours and the owners.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee noted that the proposed loft now properly appears to form part of the existing residence and roof-scape, and is only 0.45m over-height in that section. At the same time there was concern about the presentation to and overlooking of the park. Clarification about the extent of screening to the stairway etc was sought and

the Manager Development Services was able to demonstrate the effectiveness of the extra-height screening by reference to the large plans.

Cr Cunningham left the meeting from 8.18pm to 8.20pm.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Development Application for the Proposed Mansard Roof Loft Addition and New Access with Stairs and Balcony Extension to the existing residence at No. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the revised plans dated November 2006, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing the screening along the entire eastern edge of the proposed first floor balcony at a height of 1.8m above the relevant stairway, landing and balcony floor levels.
 - (g) The height of the mansard roof to the loft addition, being the maximum height of the building, shall not exceed 8.95m above the natural ground level at the centre of the site, which shall be no higher than 20.516m AHD.
- (2) Advise submitters of Council's decision.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That condition (g) be amended to read:

- (g) The height of the mansard roof to the loft addition, being the maximum height of the building, shall not exceed 8.5m above the natural ground level at the centre of the site, which shall be no higher than 20.066m AHD.

Carried 6/5

12.1.3 COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **GRANT its Approval to Commence Development for the Development Application for the Proposed Mansard Roof Loft Addition and New Access with Stairs and Balcony Extension to the existing residence at No. 9 (Lot 24) Grant Street, Cottesloe, in accordance with the revised plans dated November 2006, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings submitted for a building licence.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (f) Revised plans being submitted at building licence stage for approval by the Manager Development Services showing the screening along

the entire eastern edge of the proposed first floor balcony at a height of 1.8m above the relevant stairway, landing and balcony floor levels.

- (g) The height of the mansard roof to the loft addition, being the maximum height of the building, shall not exceed 8.5m above the natural ground level at the centre of the site, which shall be no higher than 20.066m AHD.

- (2) Advise submitters of Council's decision.

Carried 7/4

12.1.4 NO. 1 STATION STREET - OFFICE DEVELOPMENT

File No:	1 Station Street
Author:	Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Report Date:	4 December, 2006
Senior Officer:	Mr Stephen Tindale
Property Owner:	The Lapping Family Trust & The Hudson Family Trust
Applicant:	Robert Allan Architect
Date of Application:	10 November 2006
Zoning:	Town Centre
Use:	AA - A use that is not permitted unless special approval is granted by the Council
Density:	R100
Lot Area:	417m²
M.R.S. Reservation:	N/A

SUMMARY

- An application has been made for a new office development at 1 Station Street in the Town Centre, comprising a two-storey building with a nine-bay basement car park.
- The proposal has been evolved over many months including liaison with officers, a Design Advisory Panel session and input from consultants.
- The site characteristics and Scheme requirements constitute constraints to the development project and the ability to contribute to rejuvenation of the Town Centre, however, within these limitations it is the applicants' objective to deliver a quality building which maximises compliance and minimises impacts.
- The initial proposal for a combined retail / office development was more ambitious and could not achieve plot ratio compliance or provide sufficient parking, which the revised proposal essentially overcomes.
- To illustrate the proposal, the architect has produced a folio of images depicting the building and in its Town Centre setting / urban design context. This is a useful indicative reference to gain an appreciation of the proposal and should be read in addition to the scale plans. (It is pointed out that the building would appear in reality smaller and softer than the perspectives and sharp computer graphics convey).
- Given the assessment that has been undertaken, the recommendation is to approve the application subject to conditions.

BACKGROUND & PROPOSAL

- The subject lot is zoned Town Centre (R100).
- It is 10.3m wide to Station Street, 15.4m wide to the Right of Way, 33.7m long to Railway Street and is 33.3m long on the eastern boundary.

- The existing single-storey building is a former dwelling and is leased as a children's clothing shop known as *Bubblegum Kids Factory* and before that *Tinkerbelle*.
- In 1979 extensions were approved with a condition requiring two extra bays for customer parking or cash in lieu, but this predates TPS2 which commenced in 1988. The current parking situation is that small paved areas to the front and rear of the property accommodate up to four cars. These are difficult to access off Station Street and the laneway respectively, and are understood to be used for staff parking. The proposal is to provide more and more accessible parking.
- The existing adapted dwelling reflects neither traditional main-street shop premises such as in Napoleon Street, nor the more recent retail and office buildings in Station Street, and does not have the street-front presence of a purpose-built Town Centre commercial development.
- The proposal seeks to demolish the old building and replace it with a modern building which at two storeys will be a contemporary statement to define the corner position. yet a sustainable and relatively low-key design to fit in with the backdrop of the Town Centre to the east and the infrastructure of the railway station to the west.
- The proposed building comprises as follows:

Basement	Ramp down from / up to Station Street, nine parking bays including one handicapped, lift, stairs, storeroom.
Ground Floor	Uncovered ramp, single tenancy floorspace, building entry from Station Street to lobby with lift and stairs, public entries from Railway Street, box awning over footpaths to both street frontages, bin store to lane.
First Floor	Stairs, lift, lobby, toilets, kitchen, single tenancy floorspace over a smaller portion, roof deck at first floor level.
Public domain	Re-paving footpaths / crossover and upgrading verge and face to lane; as well as protective box-awnings over the footpaths.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2.

POLICY IMPLICATIONS

- Vehicle Parking Requirements Policy No. 001

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No. 2 N/A
- Town Planning Scheme Policy No. 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

COMPLIANCE

Scheme

<i>Clause</i>	<i>Required</i>	<i>Provided</i>
5.5.2 Vehicle Parking	13 bays on-site or otherwise.	9 bays on-site, balance otherwise.

Policies

<i>Policy</i>	<i>Required</i>	<i>Provided</i>
001 Vehicle Parking	Min. 50% required parking to be on-site or adjacent, plus arrange with Council for balance of parking as off-street in vicinity. Any cash in lieu to be paid prior to building licence.	69.2% on-site, nil adjacent or nearby at present; cash in lieu acknowledged; credit suggested.

STRATEGIC IMPLICATIONS

- The proposal is an opportunity to improve an under-developed site in a prominent Town Centre location, with a building suitably compatible with its surrounds and setting the scene for further redevelopment in the area.

FINANCIAL IMPLICATIONS

- The proposal has no direct financial implications for Council.
- Developer contributions to the footpaths, as offered, would be a bonus.

CONSULTATION**Internal**

- Building, Engineering and Health – advice as reported further herein and conditions as appropriate.

External

- The application was advertised pursuant to the Scheme with four letters sent to neighbouring property owners and no submissions were received.
- The neighbouring Station Street property owner viewed and discussed the plans with the Manager Development Services, and has verbally stated no objection on the basis that the basement car parking is to be provided; otherwise, he has expressed concern that developments which do not provide sufficient parking would increase pressure on existing private and public parking in the Town Centre.

Design Advisory Panel

- A Design Advisory Panel Meeting / Council Briefing Session was held on Tuesday 8 August 2006.
- This was based on the previous retail / office concept for a larger building, however, the design considerations are essentially the same and the following summary of discussion assists consideration of the revised proposal.
 - *Robert Allan, the architect, explained the proposal and design approach in detail.*

- *Paul Rossen commented that a lift would assist access and facilitate basement parking; that the quality of the deck materials is important given visibility from the station etc; and that the upper level could be residential – in these respects the proponents advised that they have a long-term outlook to potential redevelopment with the future growth of the town centre (as they had attended the study workshop). He felt that the concept plans requires more detail and accuracy, as it addresses the site rather than the surrounds as well.*
- *Cr Arthur Furlong queried the box awning height, size and overhang, in comparison with elsewhere in the town centre – Wayne Dodd echoed this.*
- *Tony Brand also commented on the awning height and screening techniques, advocating attention to detail and durability; as well as advised that the western sun and trains would have impacts. He elaborated on the character of the town centre and principle of compatible development as part of the streetscapes; whereby care in the design of new buildings is important, including rooflines, views from the car park and station, and views to landmarks.*
- *Cr Dan Cunningham commented that the site was somewhat exposed to view and noise and that the corner element needed to be well-designed. He also suggested retractable canopies.*
- *Cr Jo Dawkins queried the wide shopfront floor space arrangement and the type of retail envisaged – the proponents advised they are seeking a single up-market retail tenant.*
- *Parking was raised by the group as a general issue where little or no on-site parking is proposed or feasible. Cr Arthur Furlong felt that flexibility is required and Wayne Dodd supported this prospect as well as queried the status of the lane. It was noted that this aspect needed further consideration.*
- *Overall, it was considered that this prominent site warrants careful design for a building which will be a visible statement as part of the town centre and the rejuvenation of the Station St / Railway St sector.*
- Taking into account this feedback, through ongoing liaison with officers and further designs by the architect, the applicants have revised the proposal as follows:
 - Limitation of the use to office/professional office, with a consequential decreased parking requirement.
 - Provision of a full-sized basement to supply nine parking bays on site.
 - Reduction in the extent of the upper floor in order to comply with plot ratio, which creates a smaller second storey for a lower-key design, while still defining a corner element.
 - Lowering the height of the building to comply and hence of the box awnings to be more in keeping with the streetscape.
 - Sun protection by the box awning, wide eaves and upper-level screens.

DEVELOPMENT REQUIREMENTS

Specific provisions

- The Scheme contains limited specific provisions for the Town Centre Zone.
- The parts relevant to this proposal are summarised below:

3.4.2 Town Centre Zone

- (a) *The Council intends to direct and control development within this zone in a manner which will promote the centre's function as the commercial and administration centre serving Cottesloe, Peppermint Grove and Mosman Park. In considering development applications, Council shall have regard to how a proposal would affect the amenity of the zone, including such matters as staging of development, integration of buildings, access, parking, pedestrian movement, services and landscaping; and shall have regard to the Town Centre Zone Development Policy at Appendix 1.*
- (b) *The maximum plot ratio within the Town Centre Zone shall be 1.0, ...etc*
- (c) *New development shall be provided with parking in accordance with the provisions of Table 2 - Vehicle Parking Requirements, with the following exceptions.*
 - (i) *...change to a use (ie not relevant to this proposal); and*
 - (ii) *...multiple uses (ie not relevant to this proposal).*

General provisions

- The general provisions of the Scheme as relevant apply to the Town Centre Zone, including the height, parking and general amenity clauses.
- The parts relevant to this proposal are summarised below:

Land Use

- For the Town Centre Zone the Zoning Table lists *Office* and *Professional Office* as AA uses, ie requiring Council's special approval – this is not meant to imply that they are considered undesirable, but rather that they warrant careful consideration and individual approval; although it stands that they may not be approved.
- The proposal has evolved from retail to retail and office and is now understood to be intended for *Office* and / or *Professional Office* use only, which minimises the amount of parking required given the small lot size.
- As the application form and plans are unclear in this respect, upon officer request the applicant has confirmed in writing that *commercial* use is being applied for; yet that is not a use class defined or listed in the Scheme.
- However, the term *commercial* is referenced in the parking table, together with *administrative and professional offices*, all having the same parking requirement.
- Hence, based on officer dialogue with the proponents over time, this report assumes *office / professional office* use as what is currently intended and therefore is to be assessed and determined.
- The land use definitions for office-type uses provide for a quite wide range of professions and businesses commensurate with the local Town Centre commercial and services role.
- *Appendix 1: Town Centre Zone Development Centre Plan* is referenced in the provisions for the Town Centre. It serves to guide land use and indicates a preference for retail use of the site. This does not prevent office

use, however, which is considered suitable on this fringe of the centre with its side street orientation opposite the Council car park and railway station.

- Moreover, the Town Centre exhibits a mix of retail, office, service commercial and even residential land uses distributed throughout and coexisting successfully in terms of accessibility, activity and urban design.
- In this respect there is a healthy supply of shops but a limited amount of office space, whereby the proposal may be expected to supplement the functions of the Town Centre for non-retail commercial accommodation.
- On this basis there is no reason apparent why office use should not occur here and it is assessed that the proposed land use is acceptable.
- Like for other Town Centre premises, any change of use which may be contemplated in the future would require a further application and approval, including additional parking as required.

Plot Ratio

- Under TPS2 this is a fixed requirement of 1.0 with no discretion, and with which the proposal complies.
- This contains the size of the development and in turn influences the amount of parking required, according to the land use.

Building Height

- The basic two-storey / 6m wall height and 8.5m building height standards apply, subject to discretion in light of circumstances, merit, amenity and development control.
- The proposal is a relatively modest two-storey design (with a smaller second storey component) which essentially complies with the height parameters.
- The scale of the proposal is in character with surrounding buildings – Vivian's Corner on Railway / Jarrad Streets is three-storey, Napoleon Close is two-storey and other buildings on Station Street are two-storey.
- The building would blend into the backdrop of the Town Centre and be compatible with the higher-level railway station and its infrastructure to the west.
- The overall building / roof ridge height in relation to natural ground level is at 7.8m significantly less than the maximum allowed.
- The wall heights are a combination of single and two-storey, which ameliorates their effect on bulk and scale, while the box-awnings and upper-level setbacks also lessen the impression of height.
- The eastern parapet wall calculates at 6.3m high from NGL, however, this is a common side boundary rather than a main public view and would be obscured by the existing and any future adjacent development.
- For these reasons the building height must be supported and the wall height is assessed as an acceptable marginal variation of negligible consequence.

Setbacks

- No particular setbacks apply to the Town Centre and the traditional shop-fronts and other commercial developments (including recent ones) have adopted a nil setback to street and / or other frontages.

- This reflects the established pattern of small land parcels, street-front presence, laneways / walkways and the R100 density-coding.
- The basement ramp means that the building would be setback from the laneway, save for safety walls and the bin store (affording a sense of separation or breathing space).
- Building to the boundary at the Station / Railway Streets corner would define that landmark (just like other corner buildings approved) and the established enlarged verge nib there will still enable vehicle sight lines.
- To the eastern boundary the parapet wall would be consistent with other such commercial buildings and the density, while the adjoining owner has raised no objection to it – it is noted that the design insets this wall from both Station Street and the lane, and due to the reduced first floor the size of the two-storey portion is smaller.
- The upper-level setbacks to the north, west and south further limit the mass of the building.
- This arrangement of setbacks is supported.

Parking Arrangements

Parking Required

- The uses *Administrative, Commercial and Professional Offices* require 1 space to every 40sqm of gross floor area.
- For the proposal this equates to 13 bays, and nine are provided, leaving a shortfall of four.
- New development in the Town Centre requires the physical provision of parking on-site or, at Council's discretion, nearby on-site (but not on-street).
- This means that Council could insist on all on-site provision, if feasible, which is not so in this instance.
- While a ground-level undercroft for parking with a second storey of offices might deliver more bays, it would be unattractive in this location, creating no street-front activity and adding to the dominant atmosphere of parking stations on private and public sites in this part of the Town Centre.
- Nonetheless, an example of this form of office development is the fairly recent undercroft plus two-storey building between the highway and Brixton Street south of Jarrad Street.
- There is no discretion to reduce or waive the actual amount of parking required, only to distribute it as described above; and / or to apply cash in lieu, which is on the proviso that Council applies those funds to public parking.
- The cash in lieu provisions give Council discretion in land valuation, but in the absence of Council plans for public parking cash in lieu may not be readily applicable – note, however, that Council has commenced investigations into parking from the sump site on Station Street, as well as a draft parking policy under proposed TPS3, so in these ways is working towards utilising cash in lieu to help meet and manage demand.
- To assist with the practicalities of different proposals, Scheme *Policy 001: Town Centre Zone Vehicle Parking Requirements* guides Council to require at least half the parking on-site – which this proposal satisfies.

Shortfall Options

- Options to satisfy the parking shortfall off-site appear restricted.
- Cottesloe Central shopping centre and Public Transport Authority land west of the railway line have been suggested to the proponents but not pursued.
- Leasing of Council-owned or controlled land may not be equitable – for example, as it is understood that the Town's Station Street car park was funded by cash in lieu of parking from past town centre developments, removing some of those bays created to cater for that parking requirement would not be fair and would erode real supply.
- The notion of a credit for the historical parking shortfall associated with the site has been suggested by the proponents, however, as there is no framework in the Scheme or any policy for this, and it is not known to be a practice in Cottesloe, it could not be reported on or recommended by officers without more information and assessment.
- Therefore, the four-bay shortfall ought to be addressed by cash in lieu as determined by Council and to be directed towards public parking provision for the Town Centre.

Design Considerations

- Further, when considering development applications Council shall have regard to (and may impose conditions concerning) the parking details; including roof cover, the amount below ground, access, manoeuvring, location, amenity, adjoining development, screening or planting, setback areas, footpaths, traffic movement and safety.
- In these respects the nine bays would not generate many movements and a single access point is proposed, located mid-block away from the street intersections and next to the lane – note that rather than cause undue conflict, the juxtaposition of the lane and ramp consolidates the pedestrian-vehicular point of overlap and forces drivers to be careful.
- The Manager Engineering Services has examined the plans, discussed the proposal and advised as set out below in the section Design Details.

Have Regard

- Council in considering development proposals is also required to have regard to a range of general amenity considerations.
- Those relevant here include materials and finishes, design for climate, streetscape, activity, traffic / access / parking and plant and equipment
- As described in this report the proposal is assessed as responding well to these aspects.

Other

- In terms of the abovementioned criteria under clause 3.4.2 of *amenity, staging, integration, access, parking, pedestrians, services and landscaping*, the proposal is assessed as functional, well-designed and high-quality, commensurate with improved operation and aesthetics for the Town Centre.

Design Details

Building Design

- Council encourages sustainable building design.

- The proposal takes advantage of the northerly sun with large windows on both storeys facing north.
- Large windows are also proposed facing west, which will assist the Railway Street streetscape; however, these are protected by a box awning at ground floor level and specially-designed screening at first floor level.
- Supplementary moveable / retractable awnings to windows are also shown in the architectural images.

First Floor Roof Deck

- The building is intended to be constructed to enable possible expansion of the second storey floorspace, should that become allowable at some time in the future.
- Until then, a proposed roof deck would occupy the top of the ground floor roof outside the first floor office space, with clear glass balustrades along the northern, western and southern flanks.
- While this is an innovative utilisation of surplus roof space, the balustrades although clear would tend to add to the impression of bulk.
- Moreover, were a change of use to entertainment premises ever to occur, then the roof deck could be utilised accordingly, which would have implications for the number of persons, associated parking demand, amenity and security.
- On the other hand, the roof deck would be a pleasant facility for the users of the offices, albeit excessive for that purpose.
- It is concluded that the roof deck should be either deleted or limited to only a small area, as it is not tied to any particular proposed use, is not normally associated with office usage, would add unnecessarily to building bulk, and may lead to undesirable complications in the future.

Basement Ramp

- Gradient – this meets the Australian Standard to the maximum allowed.
- Width – the minimum of 3.7m allows only one-way movement, which should not be a problem given the short length and few vehicles.
- Clearance – should not be a problem in accordance with the driving environment. The narrowness will prevent any wider than normal loads, while delivery / service vehicles beyond wagons and utes / pick-ups will be restricted.
- Levels of footpath / road – these should not be a problem, provided the construction prevents footpath water from entering the ramp.
- Varied paving for vehicle / pedestrian demarcation – treatments / devices should be installed to ensure maximum warnings for pedestrians and vehicles.
- Sightlines (truncations / low walls) – a short length of lower wall on the south (lane) side and a truncation on the north side of the ramp should be considered to improve sightlines for pedestrians and vehicles.
- Warning signs / mirrors / beepers / boom gate – include in discussions as above.
- T-junction with street – the ramp join onto the street will remove up to two parking bays, to ensure sight clearance for vehicles exiting the ramp, which should be compensated by the applicant (ie as bays or cash in lieu).
- Parallel to lane – warning signs on the ramp should flag the lane.

- Drainage – may be difficult for all rain water falling on the site having to be kept on site, so arrangements with the Town for proper drainage in the verge / street may be called for; as well as in the basement.
- Services – services under or above ground may need to be modified / relocated, at the applicant's cost.

Toilets & Kitchen

- The proposed staff toilets and kitchen are assessed as adequate and are controlled under the BCA rather than Health.

Bin Store

- The proposal has a bin store at ground level off the lane for rubbish truck collection.

Signage

- At this stage no signage detail is provided, however, the proposed building lends itself to tasteful signage, and this aspect is covered by a condition.

CONCLUSION

- In the 18-year life of the Scheme the Town Centre has attracted only limited redevelopment, which may be attributed in part to the restrictions of the Scheme provisions.
- Council is nonetheless committed to quality development and in recent years has approved some new office, retail and residential proposals which have contributed positively to the land use mix, appearance and well-being of the Town Centre.
- In 2005 Council carried out the Town Centre Study to explore potential options to expand and improve the centre.
- The subject application proposes additional office or professional office floorspace in a two-storey building in a perimeter location with the bulk of the parking on-site in accordance with the Scheme.
- The proposal represents an opportunity to add worthwhile local office space to the Town Centre and enhance the Station / Railway Streets streetscapes, which in turn may help stimulate further redevelopment within the centre.
- Overall, approval is recommended subject to a range of conditions appropriate for commercial development generally and the features of this proposal in particular.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee mentioned to the high demand for parking in the Town Centre and the shortfall in the project, however, it was acknowledged that the maximum amount that can fit on-site is being proposed. The cash in lieu should be contributed to provide/upgrade car parking in the surrounding area.

The range of potential office-type uses was queried and the proposal for more office space was supported as it will provide good exposure for the Town Centre. The

alternative of retail and any possible future change of use approval process were also discussed.

The Manager Development Services explained that the previous concept for excess plot ratio and retail use could not be supported under the Scheme due to the limitations of the provisions and the considerable amount of car parking required which the design could not satisfy, which in turn would have a negative impact on the functioning of the Town Centre. The revised proposal remained a high-quality design which now complied with plot ratio and provided most of the lesser parking requirement on site.

Cr Jeanes moved an amendment to strike out recommended condition (2) that the roof terrace be deleted, as he felt that the roof terrace was appropriate and would allow for future expansion of the building. However, this amendment was Lost.

Committee then approved the overall officer recommendation.

12.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

Grant its APPROVAL to commence development for a two-storey commercial building with a nine-bay basement carpark, for office or professional office use as defined under the scheme, at no. 1 Station Street, Cottesloe, in accordance with the revised plans received on 5 December 2006, subject to the following conditions:

- (1) This approval is to the land use classes Office and Professional Office under the Scheme only. Any additional use, change of use, or physical or aesthetic change proposed for the development in the future shall require further applications for planning determination.**
- (2) The proposed roof deck is not approved as part of this application and shall be deleted from the development and excluded from the building licence plans.**
- (3) The south-west corner of the building at ground floor level adjacent to the basement ramp shall be curved or truncated to ensure sufficient vehicular and pedestrian sight lines; and the design and height of the southern boundary wall to the basement ramp shall be setback, tapered, at a low height for an appropriate distance or have an open-aspect / visually permeable balustrade or screen to ensure sufficient vehicular and pedestrian sight lines.**
- (4) The applicant shall, pursuant to the Scheme and as determined by the Town of Cottesloe, pay cash in lieu for the shortfall of four car parking bays required by the development, plus for the number of existing public street parking bays required to be removed by the development.**
- (5) The applicant shall be responsible for the costs of all changes to the public domain outside the site required by the development, including (but not limited to) removal of any redundant crossover and reinstatement of the verge and kerb, construction of any new crossover,**

any upgrading of verge pavements or landscaping, changes to or upgrading of the lane, and the alteration of all services, signage and infrastructure. All such works shall be to the specification and satisfaction of the Town of Cottesloe.

- (6) The building licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services, and shall include:
- (a) Confirmation that the plot ratio does not exceed the maximum of 1:0.
 - (b) Full details of all proposed external materials, finishes and colours, including glazing, awnings and the roof cladding, all selected to be of low-reflectivity.
 - (c) Full details of all intended changes within the road reserves and laneway (ie: verges, footpaths, kerbs, pavements, drainage, services, public domain signs and infrastructure, landscaping, and any other item.
 - (d) Full details of all plant and equipment and how it is to be located, designed, housed, screened, treated or otherwise managed to ensure amenity and compliance with the relevant environmental regulations.
 - (e) Detailed design of the bin store at a satisfactory size.
 - (f) Full details of all on-site and any off-site drainage management, including any necessary arrangements to utilise land outside the site and link into the public drainage system.
 - (g) A comprehensive signage strategy to manage convenience, amenity, safety and advertising without undue impacts, with pre-determined signage locations / panels and design guidelines, and actual signage shall require further approval under the Scheme or Signage Local Law as required.
 - (h) A comprehensive lighting strategy to manage convenience, amenity, security and advertising without undue impacts.
 - (i) All disabled access, energy efficiency and fire management requirements in accordance with the BCA, Australian Standards and other relevant regulations.
 - (j) Detailed building design, traffic management methods, devices and treatments to ensure the satisfactory and safe operation of the basement ramp in relation to the public footpath, laneway and Railway Street.
 - (k) A comprehensive Construction Management Plan and all construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13, Construction Sites.

Carried 11/0

12.1.5 NO. 8 (LOTS 34 & 35) LOMA STREET – ALTERATIONS & TWO STOREY ADDITIONS TO EXISTING RESIDENCE

File No:	8 Loma
Author:	Mrs Stacey Towne
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photos Plans
Report Date:	28 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Glen & Deryn Gurney
Applicant:	Deryn Gurney
Date of Application:	13 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1039m²
M.R.S. Reservation:	N/A

SUMMARY

Council previously approved an application for alterations and additions to the residence at 8 Loma Street in 2002, which were never undertaken.

A further application for alterations to the existing residence and the construction of a two storey addition at the rear was approved by Council in February 2005 and renewal to this approval was granted in April 2006 under Delegated Authority.

A new application has now been submitted for consideration. The Architect has liaised with Officers to formulate and refine the proposal.

The existing residence is listed in Schedule 1 of Town Planning Scheme No. 2, as Category 2 in the Municipal Inventory and listed by the National Trust. No. 8 Loma Street comprises of two lots and existing development is built over both lots. As new development will also cross the common boundary, amalgamation is recommended to rectify this historical anomaly.

The proposal involves demolition of a rear section of the residence and the construction of additions to the ground floor with a second storey over. It is also proposed to restore the existing residence (which has deteriorated) both internally and externally and to carry out some minor maintenance work. Any work to the original heritage residence requires planning consent in this instance.

The proposal involves relaxation of a number of Residential Design Codes standards, which either comply with Performance Criteria or can be addressed through conditions of approval.

The proposal also involves a variation to the height requirements of Town Planning Scheme No. 2, due to difficulties involved with the slope of the land at the rear, the inability to make major alterations to the heritage residence at the front of the property and the wish to match the original roof pitch for the extensions. The applicant has attempted to protect and retain most of the original dwelling with the additions being constructed behind the existing residence, rather than directly above.

Given the assessment that has been undertaken the recommendation is to approve the application with conditions.

PROPOSAL

The proposal involves:

- Demolition of the metal outbuildings at the rear of the site.
- Demolition of a small rear section of the original residence (fibro laundry, small verandah and a timber ramp).
- Internal and external restoration and maintenance works to the original building including brickwork, tuck pointing, new gutters, new verandah posts, replace boarding, repair/replace window sashes, paint external timber work and render, repair and replace floorboards, skirtings, architraves and plasterwork, paint internal walls and joinery (full schedule of works will be required prior to the issue of a building licence).
- Construction of two storey additions attached to the rear of the building.
- A new cabana near the pool (no setback dimensions or elevation plans have been given for this and will be required prior to the issue of a building licence).

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- | | |
|-------------------------------------|------------|
| • State Register of Heritage Places | N/A |
| • TPS No 2 | Schedule 1 |
| • Town Planning Scheme Policy No 12 | N/A |
| • Draft Heritage Strategy Report | N/A |
| • Municipal Inventory | Category 2 |
| • National Trust | Listed |

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 – Building Height	6m max wall height (36m AHD)	6.67m max wall height (36.67m AHD)

Clause 5.1.1 – Building Height	8.5m max roof height (38.5m AHD)	8.72m max roof height (38.72m AHD)
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Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setbacks	5.4-6.3m from side of the house to western side boundary	2.6-6.5m	Clause 3.3.1 – P1
No 3 Boundary Setbacks	1m from garage/carport wall to western side boundary	0m Please note: the applicant has agreed to lower the height of the wall to now comply. A condition will ensure this.	Clause 3.3.2 – P2
No 6 Site Works	Fill within 1m of common boundary not greater than 0.5m above natural ground level at the boundary. Retaining walls to be setback in accordance with Table 2.	Fill at one section on western side 0.5-1m. 0m setback to retaining walls proposed.	Clause 3.6.1 & 3.6.2
No 8 Privacy	4.5m privacy setback from bedroom to western side boundary	2.6m Please note: the applicant has agreed that the window will be a minor opening, therefore, privacy will comply. A condition will ensure this.	Clause 3.8.1-P1
No 8 Privacy	6m privacy setback from activity room to western side boundary	4.2m	Clause 3.8.1-P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 8 Privacy	7.5m privacy setback from verandah to western side boundary	3m	Clause 3.8.1-P1

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION**REFERRAL****Internal**

- Building
- Engineering
- Heritage Officer

External

- Other – National Trust

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 6 letters sent out and one submission of concern has been received and is summarised as follows:

4 Loma Street – John Hasleby

- *Concerned about the balcony verandah and French doors to the activity room on the west side, within 3m of the property boundary.*
- *There would be obtrusive overlooking from the verandah and French doors onto the main area of domestic activity in our garden. This garden area is used daily, year-round by my family and for more extended periods during summer.*
- *The FFL of the verandah and activity room is 1.8m above ground level (at the boundary), higher than the boundary fence. People using these areas will view above this. I understand the design allows for the use of these areas as a breezeway with the intention that the doors remain open.*
- *There is a corresponding potential for people using our garden area to have a view at eye level into the activity room.*

- *I have discussed this with Mr Gurney and will continue discussions with him to explore options.*
- *In the absence of agreement, I ask that the development be required to conform to setback requirements for overlooking balconies or adjust the development to remove the potential for overlooking.*

Please note that this was a late submission (received on the day this report was finalised) as the neighbour works overseas and did not previously have the opportunity to view the plans and express his concerns.

The owner is aware of this submission and with the architect has liaised with Council Officers to provide a design solution to the overlooking concerns raised by the neighbour, by deleting the verandah and major openings to the activity room on the western side. It is now proposed to construct a small storage room on this side of the dwelling at the end of the activity room, and to provide access / windows to the activity room from its south. In addition, it is proposed to provide a 1.65m high screen wall set back approximately 1.2m from the side boundary fence to form a terrace courtyard off the activity room, and to create a lower garden level for the planting of mature trees between the screen wall and the neighbouring property. The proposed changes would comply with the privacy requirements of the RDC and address the neighbour's concerns, as well as enhance the privacy and amenity of the subject dwelling.

The applicant intends to draw-up the proposed changes discussed with Council Officers and this will be presented at the Committee Meeting.

As part of the application, however, Robin Kornweibel (Architect) has provided justification information on behalf of the owner of the subject property, in relation to a number other variations involved with this application. Mr Kornweibel's comments are listed under the appropriate sections of this report.

In general, however, Mr Kornweibel states as follows:

"...This building is an important component of the Cottesloe townscape and its conservation and use as a family home is to be supported. The design of the additions makes strong and valid reference to the original without resorting to pastiche or mimicry..."

BACKGROUND

The existing residence currently straddles both Lots 34 and 35, known as No. 8 Loma Street. There is a below-ground swimming pool at the rear of Lot 35 (the north east corner of the site) and two metal outbuildings at the rear of Lot 34 (the north-west corner of the site). The outbuildings are to be demolished to make way for the new additions.

The property at No. 8 Loma Street is listed in Schedule 1 of Town Planning Scheme No. 2 – Places of Natural Beauty and Historic Buildings and Objects of Historical or Scientific Interest, on the Municipal Inventory as Category 2 and classified by the National Trust.

The existing residence is a brick and tile single storey Edwardian bungalow constructed around 1901. The red brick is relieved by scrolled stucco under the casement windows. The house is a significant part of the streetscape of Loma Street on its large site.

Council's Heritage Officer and comments from the National Trust have assisted in the assessment of this application.

STAFF COMMENT

Heritage

In relation to the subject property being listed on Schedule 1 in TPS 2, Clause 6.1.1 of the TPS 2 states:

"The Council considers that the places of natural beauty, and historic buildings, and objects of historic or scientific interest listed in Schedule 1 should be conserved and preserved."

The proposed additions and alterations have been assessed by Council's Heritage Officer and it is considered that they are in keeping with the character of the existing residence and do not detract from the heritage amenity of the house. Therefore it is considered that the aim of conservation and preservation of buildings listed on Schedule 1 as per the Clause 6.1.1 quoted above has been satisfied.

In terms of development approval clause 6.2.1 of TPS 2 states:

"6.2.1 No person shall without the consent in writing of the Council commence or carry out or permit or suffer the commencement or carrying out of any development on in or in relation to any First Schedule place, building or object and without in any way limiting the generality of the foregoing shall not:

...(d) commence or carry out any renovation, modification, refitting, decoration or demolition of any building."

The proposal involves demolition of a small rear section of the original residence (fibro laundry, small verandah and a timber ramp) as well as internal and external restoration and maintenance works to the original building.

The applicant has not provided a detailed schedule of works at this stage although he has generally advised that the works will include brickwork, tuck pointing, new gutters, new verandah posts, replace boarding, repair/replace window sashes, paint external timber work and render, repair and replace floorboards, skirtings, architraves and plasterwork, paint internal walls and joinery. This has been elaborated in site meetings with Officers.

A full schedule of works will be required to be submitted to the satisfaction of the Manager Development Services prior to the issue of a building licence.

In addition, the proposal was forwarded to the National Trust for comment. By letter dated 14 November 2006, the National Trust advised that:

- *The proposed development as an addition located to the rear of the residence does not appear to have an adverse effect on the heritage values of the place; and*
- *The Burra Charter specifies the principles which should be followed when making additions to heritage places. This includes distinguishing the new addition from the old and using materials and designs which are sympathetic to the original. From the plans provided, it appears that the proposed addition is satisfactory.*

The applicant has not yet provided a photographic record of the property as encouraged by Council's Municipal Inventory. This is recommended to be imposed as a condition of approval, prior to any demolition works commencing.

Setbacks

The following setback variations from the Acceptable Development Standards of the Codes are being sought:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
West Upper	Lobby/Laundry/V erandah/Bedroom	4.5- 5.7m	32.5m (inc existing)	Yes	5.4m- 6.3m	2.6-6.5m
West Ground Floor	Garage/carport	3.4-4m	7.7m	No	1m	0m

As the proposed side boundary setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required.

In relation to the upper west side setback, Performance Criteria Clause 3.3.1 of the RDC states the following:

"P1 Buildings set back from boundaries other than street boundaries so as to:

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

In relation to the reduced setback to the upper western side of the rear addition, the applicant writes:

- *The west wall to the bedroom wing has no major openings (window is less than 1m² in area) and seems to have been included in the setback calculation with the activity room. If calculated separately, both setbacks would comply.*

As the reduced setback is on the western side, there is no adverse impact on access to sunlight. This side of the building is set back at varying points and with varying heights so the bulk of the building is at a somewhat reduced scale.

As the proposed window to the bedroom is a minor opening, this has no impact on privacy, however, the reduced setback to the verandah/activity room section does have an impact on the neighbours.

It is noted that the neighbour on the western side has expressed concern regarding to the reduced setback to the verandah/activity room as proposed, on the basis of overlooking.

The reduced building setback for the western section of the wall mostly complies with the Performance Criteria of the Codes, with the only exception being the privacy issue associated with the verandah/activity room glass doors. Provided that the privacy impacts are satisfactorily addressed by a condition of approval, the setback to the upper western side is supported. This is further discussed under the "Privacy" section further in this report. Essentially, given the amenity value of a west-facing verandah to the proposal, it is assessed that this may be allowed provided that the privacy dimension managed at the same time.

The applicant also proposes a wall to the garage with a nil setback to the western boundary. The length of the proposed boundary wall is 7.7m and the height is from 3.4-4m measured from the Natural Ground Level (NGL) at the boundary.

The proposed boundary wall does not comply with the Acceptable Development standards of the R-Codes, which states:

A2. Except where otherwise provided for in an adopted Local Planning Policy, walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of Element 9:

...ii. Walls not higher than 3.0m with an average of 2.7m up to 9.0m in length up to one side boundary".

The setback to the garage, therefore, needs to be assessed in accordance with Performance Criteria of Clause 3.3.2 of the RDC, which states the following:

Buildings up to boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure the direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

Council previously approved an application for a carport on the subject property in September 2002. At that time, the adjoining neighbour on the western side had an

objection to the proposal and Council imposed a condition requiring reduction of the height of the wall on the western boundary.

A subsequent application in 2005 also showed a 3-3.5m high parapet wall for the garage on the western boundary. Although no objections were received, Council again imposed a condition to reduce the height of the wall to comply with the Acceptable Development Standards of the Codes.

With regard to the proposed parapet wall on the boundary the applicant writes:

- *The wall to the carport can be lowered to meet Council's Codes.*

Although the neighbour to the west has not objected to the height of the garage boundary wall in this instance, the applicant has expressed a willingness to lower the wall to comply with Acceptable Development standards.

It is recommended that a condition be imposed so that the parapet wall is lowered in height to comply with the Acceptable Development Standards of the Codes to ensure that the amenity of the adjoining property is not negatively affected.

Privacy

The following privacy (cone of vision) setbacks to the west side of the proposed additions seek variation from the Acceptable Development standards of the Codes:

Room	Required	Provided
Upper Bedroom	4.5m	2.6m
Activity Room	6m	4.2m
Side Verandah	7.5m	3m

As the proposed privacy setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.8.1 of the RDC states the following:

"P1 Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:

- *The positioning of windows to habitable rooms on the development site and the adjoining property.*
- *The provision of effective screening.*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or*
- *Areas visible from the street."*

In relation to the upper bedroom window, the applicant writes:

- *This window is 600mm wide and 1500mm high making an area of 0.9sqm. It is therefore not a major opening.*

Provided that this window is a minor opening, then privacy will comply from this window. It is recommended that a condition be imposed to ensure that this window is a minor opening.

With regard to the reduced privacy setback for the window to the activity room and the verandah, the applicant writes:

- *The window/door to the activity room opens on to the western courtyard and reflects the opening at the eastern end, and creates a breezeway for the bedrooms. It is possible to close the western end of the room and face the opening south, but that would be detrimental to the quality of the space.*

Overlooking from the activity room and the side verandah has the potential to impact on neighbours to the west. As previously mentioned, a submission has been received from this neighbour expressing privacy concerns in relation to the side verandah and activity room windows.

The height of the finished floor level of the activity room and the verandah is almost level with the top of the dividing fence. At present, there are established screen trees to prevent some overlooking. Views from the activity room and verandah would be over the rear yard of the adjoining residence at No. 4 Loma Street, which is the main outdoor living area.

It is not considered that Performance Criteria for privacy are met unless suitable screening is provided. Under the Codes, this can be in the form of a diving fence, fixed screening on the verandah or planting of vegetation. In this instance it is considered that boundary fence screening is undesirable and that screening at the source or effective intervening vegetation would be adequate, hence a condition is recommended accordingly.

It is considered that appropriate screening is provided to prevent overlooking to the west and this is recommended as a condition of approval.

Landfill and Retaining Walls

Minimal amounts of cut and fill are proposed over the site to create flat useable outdoor areas on this sloping site.

It is proposed to raise a small section of the ground level outside of the house on the western side near the verandah and laundry, however, between 0.5-1m to an assumed height datum level of 9m. No setback from the boundary is proposed for retaining walls.

As the proposed site works do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required.

Performance Criteria Clause 3.6.1 and 3.6.2 of the RDC state the following:

"P1 Development that retains the visual impression of the natural level of a site, as seen from the street, other public place or from an adjoining property.

P2 Retaining walls designed or set back to minimize the impact on adjoining property."

In support of the proposed site works the applicant writes:

- *Ground levels have been raised in some areas, but generally the design has sought to take advantage of the natural contours.*

The new level will not be visible from the street or other public place as the land slopes downwards from the street and the finished level will still be lower than the front of the property. The neighbours to the west, however, will be aware of the change in level as it will then be possible to view over the common fence.

Fencing above the retaining would address the privacy issue involved with this landfill; however, the wall would substantially exceed the usual 1.8m height for a dividing fence in some sections. This could have an impact on the neighbour to the west in terms of bulk and scale.

It is noted, however, that the neighbour to the west has not objected to the proposal.

It is considered that the fill could be reduced by up to 0.5m to an assumed height datum of 8.5m. This would have less impact on the neighbour in relation to the height of the retaining wall and the fencing above and would address privacy issues as well.

It is recommended that a condition be imposed to reduce the level on the western side near the verandah and laundry to a maximum of 8.5m assumed height datum.

Height

Clause 5.1.1(c) of Town Planning Scheme No. 2 generally allows for a maximum two storey wall height of 6 metres above natural ground level and a maximum roof height of 8.5 metres. However, variation may be allowed for extensions to existing dwellings and due to topography, as older style homes typically have higher ceilings or steeper roofs.

Natural ground level has been calculated for the subject property as 30m AHD, therefore, the standard heights for the two storey addition are 36m AHD for the walls and 38.5m AHD for the roof. The proposal exceeds these limits and shows a maximum wall height of 36.67m AHD (6.67m) and a maximum roof height of 38.72m (8.72m).

Because the land slopes away sharply at the rear, the second storey section of the addition is actually level with the ground level section of the original residence, with the under-storey being cut into the land slightly below natural ground level. Designing additions in this way means that the residence still appears as a single level dwelling from the street and no high second storey additions can be viewed from the front of the house. The height of the addition matches the height of the residence as viewed from the front and does not unnecessarily protrude.

The proposed height is a continuation of the existing situation. The excess height of the walls and roof can be partially attributed to the nature of the construction of the existing dwelling. The single storey walls of the existing residence are more than 3.5m high and the roof pitch is at approximately 38 degrees.

The increase in overall height is relatively minor at 0.22m over Council's requirements. It is also noted that only a small area of the roof exceeds this limit.

Although the previous plans approved by Council for this property complied with height requirements, this new application presents a reduced amount of roof bulk area to ameliorate the sense of height and has a reduced scale impact on the original dwelling. In this way, this new application is an improvement on the bulk and scale previously proposed, compliments the style of the existing dwelling and provides a more balanced design outcome.

In relation to height the applicant has written:

- *Plate height was established by the existing house and the matching of roof pitch generated by the height of the ridge.*
- *Only the eastern gable of the living room seems to exceed Council's height limit. The new gable is no higher than the existing gable and being 8.7m from the eastern boundary, has no adverse impact on neighbour's amenity.*
- *The ridge height is 200mm higher than required under the TPS. It is important to maintain existing roof pitches and the height is generated only marginally above the limit.*

Council Officers have liaised with the owner and applicant to investigate possible further reduction of the overall roof height. The need to maintain a similar roof pitch with the addition, however, presents constraints to achieving height compliance without compromising its effect on the original dwelling.

Council's Heritage Officer has also provided the following advice, which relates to overall bulk and scale issues:

In light of the (previous) approved scheme having bulk and scale issues in its relationship with the original house, I believe that the architect Robin Kornweibel has proposed a more suitably respectful design.

While large at the rear it does not impose on the original house and utilises the existing slope in the ground level. The approved scheme had a contemporary solution which did have elements that were aesthetically pleasing, however, this proposal includes elements that are in keeping with the original design while not being a pastiche and are equally attractive.

Given the circumstances of the existing dwelling, the minimal impacts on neighbours and streetscape amenity, it is recommended that the excess in wall and roof heights be supported in this instance.

Front Fence

There is an existing limestone and open aspect steel railing fence at the front of the property. No structural changes are proposed to the front fence.

Cabana

The site plan shows a proposed cabana near the existing below-ground swimming pool, however, no setback measurements or elevation details have been provided.

The structure scales off as being 2.8m x 2.8m and being 1.6m from the east side boundary.

A setback of 1m is required under the Acceptable Development Standards of the Codes and the proposed cabana therefore complies.

Provided detailed elevation plans are received to the satisfaction of the Manager of Development Services prior to the issue of a building licence, the proposed cabana is supported. Alternatively, a separate planning application will be required.

CONCLUSION

The additions have been designed to take into consideration the sloping nature of the land and to be sensitive to the heritage significance of the original dwelling.

The proposal complies with most of the Acceptable Development standards of the Codes, however, seeks variation to site works and building and privacy setbacks on the western side. Conditions are recommended to ensure that these variations satisfactorily comply with the Acceptable Development standards or Performance Criteria.

A section of the additions seeks variation to wall and roof height requirements. This is largely due to the nature of the slope of the land and the desire to continue with the features of the existing heritage dwelling in regards to ceiling heights and roof pitch. The addition has been designed to follow the slope of the land rather than being a "pop top" extension. The overall height is in excess by approximately 0.22m, which is considered to be minor and will have no effect on the streetscape or neighbours, and appear in the proportion with the dwelling.

Although a previous approval for these additions to this property showed full compliance with height requirements, this proposal is a preferred option as it has less impact in terms of bulk and scale.

Given the sensitive approach that has been taken and the absence of negative impacts as a result of the building, the height as proposed is supported. Council has recently allowed similar variation in other nearby heritage dwellings extensions in John and Forrest Streets.

VOTING

Simple Majority

COMMITTEE COMMENT

A memo was circulated to Councillors with an alternative officer's recommendation:

In relation to the report prepared on this item for the Development Services Committee meeting on 11 December 2006, the applicant has provided a revised concept plan for the west side of the development in response to concerns raised by the adjoining landowner. (Please refer to letter and indicative revised plan attached.)

The revised concept shows the deletion of the verandah and glass doors to the activity room to comply with privacy. It is also proposed to construct a garden terrace on the western side boundary adjacent to the neighbour's property and to plant this with hedges or shrubs / small trees for screening and an attractive appearance. In addition, a 1.65m high screen wall is proposed behind the garden terrace to the courtyard from the dwelling.

The applicant has made good progress towards reaching a satisfactory solution for the treatment of the transition area between the western side of the proposed development and the adjacent property. There are, however, some aspects that are considered appropriate to consult with the adjoining landowner in order to reach a final solution. There are some difficulties involved with consulting the adjoining neighbour as he works periodically overseas. Rather than delay the application unnecessarily, it is recommended that the overall alterations and additions be granted planning approval, subject to conditions requiring revised plans for the treatment of the western side of the land to address matters of levels and privacy to the satisfaction of the Manager Development Services.

Essentially, the design detail here warrants some further discussion with all parties to ensure that the combination of levels / retaining, terraces, solid wall screening, boundary fencing and landscaping is to the best effect. Fundamentally, the concept is sound in that it avoids direct overlooking by deletion of the proposed verandah and windows, and provides full-height screening and supplementary planting to ensure privacy. Provided these principles are adhered to, the concept is assessed as acceptable on performance, subject to the detailed design and treatments being reviewed and refined to the satisfaction of the MDS.

Should the Committee agree to this, the following amended recommendation is made (changes shown shaded) – condition (j) (ii) is re-worded to be all-encompassing, (j) (v) is deleted and (j) (iv) is coordinated:

That Council:

- (1) GRANT its Approval to Commence Development for the Alterations and Additions to Existing Residence at No. 8 (Lots 34 & 35) Loma Street, Cottesloe, in accordance with the revised plans submitted on 12 October 2006 and indicative revised plan for the western side date-stamped 11 December 2006, subject to the following conditions:*
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.*
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties,*

and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.*
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.*
- (e) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.*
- (f) The existing redundant crossover in Loma Street being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the satisfaction of the Manager Engineering Services.*
- (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.*
- (h) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.*
- (i) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.*
- (j) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:*
 - (i) The window to the upper-level bedroom on the western elevation complying with the standards of a "minor opening" as defined in the Residential Design Codes.*
 - (ii) The detailed design of the proposed retaining walls, finished ground levels, boundary walls/fences, steps, screen walls, planting and carport along the western side of the dwelling and site, contained in the indicative revised plan for the western side date-stamped 11 December 2006, shall be reviewed and revised in consultation with the western neighbour and the Town of Cottesloe to ensure appropriate development, privacy and amenity, for approval by and to the satisfaction of the Manager Development Services, prior to the issue of a building licence.*
 - (iii) Boundary setback dimensions and elevations of the cabana, or a separate planning application being made for it.*

- (iv) *The height of the boundary wall to the garage being reduced to 2.7m average measured from the natural ground level at the boundary, to comply with the Acceptable Development Standard under Clause 3.3.2 A2 of the Residential Design Codes, or otherwise reviewed and revised in accordance with (i) (ii) above, to the satisfaction of the Manager Development Services.*
- (k) *A documented photographic record of the existing residence being submitted to Council prior to a Building Licence being issued.*
- (l) *The applicant submitting to the Town full details of all proposed restoration works to the existing heritage-listed dwelling, in the form of annotated plans, schedules, specifications or other means as appropriate, to the satisfaction of the Manager Development Services, for approval prior to the issue of the Building Licence.*
- (m) *Lots 34 and 35 being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.*
- (2) *Advise submitters of Council's decision.*

Committee supported the proposal as sound and resolved to approve the alternate recommendation as per the Memo.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the Alterations and Additions to Existing Residence at No. 8 (Lots 34 & 35) Loma Street, Cottesloe, in accordance with the revised plans submitted on 12 October 2006, subject to the following conditions:

 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.

- (e) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (f) The existing redundant crossover in Loma Street being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (h) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
- (i) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (j) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:
 - (i) The window to the upper-level bedroom on the western elevation complying with the standards of a "minor opening" as defined in the Residential Design Codes.
 - (ii) Details of the proposed retaining walls, boundary fences and finished ground levels to be stepped along the western side boundary, with retaining walls and finished ground levels not being raised more than 0.5m above natural ground level.
 - (iii) Boundary setback dimensions and elevations of the cabana, or a separate planning application being made for it.
 - (iv) The height of the boundary wall to the garage being reduced to 2.7m average measured from the natural ground level at the boundary, to comply with the Acceptable Development Standard under Clause 3.3.2 A2 of the Residential Design Codes.
 - (v) The provision of privacy screening to prevent overlooking of the adjoining property to the west from the proposed side verandah and activity room windows, sufficient to meet the relevant Performance Criteria of the Residential Design Codes, either as fixed screens at the verandah and/or adequate intervening vegetation which shall be maintained in perpetuity.
- (k) A documented photographic record of the existing residence being submitted to Council prior to a Building Licence being issued.

- (l) The applicant submitting to the Town full details of all proposed restoration works to the existing heritage-listed dwelling, in the form of annotated plans, schedules, specifications or other means as appropriate, to the satisfaction of the Manager Development Services, for approval prior to the issue of the Building Licence.
 - (m) Lots 34 and 35 being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.
- (2) Advise submitters of Council's decision.

12.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council:

- (1) **GRANT its Approval to Commence Development for the Alterations and Additions to Existing Residence at No. 8 (Lots 34 & 35) Loma Street, Cottesloe, in accordance with the revised plans submitted on 12 October 2006 and indicative revised plan for the western side date-stamped 11 December 2006, subject to the following conditions:**
- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) **The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
 - (f) **The existing redundant crossover in Loma Street being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the satisfaction of the Manager Engineering Services.**

- (g) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (h) The finish and colour of the boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.
 - (i) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (j) Revised plans being submitted for approval by and to the satisfaction of the Manager Development Services, showing:

 - (i) The window to the upper-level bedroom on the western elevation complying with the standards of a “minor opening” as defined in the Residential Design Codes.
 - (ii) The detailed design of the proposed retaining walls, finished ground levels, boundary walls/fences, steps, screen walls, planting and carport along the western side of the dwelling and site, contained in the indicative revised plan for the western side date-stamped 11 December 2006, shall be reviewed and revised in consultation with the western neighbour and the Town of Cottesloe to ensure appropriate development, privacy and amenity, for approval by and to the satisfaction of the Manager Development Services, prior to the issue of a building licence.
 - (iii) Boundary setback dimensions and elevations of the cabana, or a separate planning application being made for it.
 - (iv) The height of the boundary wall to the garage being reduced to 2.7m average measured from the natural ground level at the boundary, to comply with the Acceptable Development Standard under Clause 3.3.2 A2 of the Residential Design Codes, or otherwise reviewed and revised in accordance with (j) (ii) above, to the satisfaction of the Manager Development Services.
 - (k) A documented photographic record of the existing residence being submitted to Council prior to a Building Licence being issued.
 - (l) The applicant submitting to the Town full details of all proposed restoration works to the existing heritage-listed dwelling, in the form of annotated plans, schedules, specifications or other means as appropriate, to the satisfaction of the Manager Development Services, for approval prior to the issue of the Building Licence.
-

- (m) Lots 34 and 35 being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.
- (2) Advise submitters of Council's decision.

Carried 11/0

12.1.6 NO. 12 (LOT 32) LOMA STREET – CARPORT & MODIFICATION TO EXISTING FRONT FENCE

File No:	12 Loma Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photos Plans
Report Date:	29 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Jon Bahen
Applicant:	as above
Date of Application:	10 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	654m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a carport and front fence modification on the subject site.

Given the assessment that has been undertaken, the recommendation is to Approve the Application.

PROPOSAL

A double carport is proposed to be setback 0.2m from the front boundary to an existing residence. The proposal also includes a modification to the existing open-aspect front fence to allow for the construction of the carport. A low retaining wall to the west of the proposed carport is also proposed.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Garages and Carports in the Front Setback Area Policy No 003

HERITAGE LISTING

- State Register of Heritage Places N/A
 - TPS No 2 N/A
 - Town Planning Scheme Policy No 12 N/A
 - Draft Heritage Strategy Report N/A
-

- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
TPSP 003 Garages and Carports in Front Setback Area	4.5m setback for carports where vehicles are parked at right angles to the primary street alignment	0.2m setback, vehicles parked at right angles to primary street alignment

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 2 letters sent out. There were no submissions received.

BACKGROUND

A well established residence exists on the property. This property has no formal parking on-site. At present, a single driveway runs along the eastern boundary of the residence. This driveway is approximately 2.3m wide.

STAFF COMMENT

Carport

The carport is proposed to have a 0.2m setback from the front boundary. This is a variation to the requirements of the Garages & Carports in Front Setback Area Policy which requires carports to be setback 4.5m from the front boundary where vehicles are parked at right angles to the street alignment.

Variation to this setback requirement may be allowed subject to meeting the following criteria:

- (a) shall not significantly affect view lines of adjacent properties; and*
- (b) shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.*

The Council shall also have regard to:

- (a) the objectives of the RDC;*
- (b) the effect of such variation on the amenity of any adjoining lot;*
- (c) the existing and potential future use and development of any adjoining lots; and*
- (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

View lines to neighbouring properties would be satisfactory from the proposal. The carport is an open structure and would still afford adequate view lines from the driveway of the adjacent eastern property. The proposal includes modification to the front fence; which will remain open aspect immediately to the west of the carport apart from a 500mm wide pier abutting the carport. This pier should not significantly reduce sight lines. An open aspect gate being 900mm wide should ensure a cone of vision to the east.

Also, the proposal shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.

The carport meets the objectives of the RDC. The RDC specify *“that a carport can be within the street setback area provided the width of carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right-of-way or equivalent”*. The carport is 5.95m (39.4%) wide of a 15.1m frontage and complies.

The RDC also require two spaces per single house and meet standard bay dimensions, this application meets the criteria. The existing dwelling has a single width (2.3m wide) driveway which runs along the eastern side of the residence with no undercover parking.

The RDC also have a preference to have any walls and fences reduced to no higher than 0.75m within 1.5m of where a driveway meets a public street. The modified front fence conforms, apart from the 500mm wide, 2m high pier. However the remainder of the western view is open aspect. An open aspect gate provides a suitable view line to the east of the carport.

It can be argued that the carport also meets the criterion *“the effect of such variation on the amenity of any adjoining lot”* The carport should not provide any adverse amenity impact onto the neighbours. The application also meets *“the existing and potential future use and development of any adjoining lots”* criterion. The location of the

carport in the front setback should not have any impact on the eastern neighbour's opportunity to redevelop their property if they choose to do so.

However, the application does not meet the final criterion being "*existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment*". The proposed carport having a nil setback from the front boundary is well in front of the eastern and western neighbouring properties which are setback between 4 to 6m from the street boundary.

The carport being setback nil to the front boundary is a large projection and interrupts the streetscape. This is not desirable and alternative solutions should be explored if physically possible.

In determining what is seen as a reasonable setback in this situation, the existing built envelope should be assessed. The existing residence is setback is 5.45m from the front boundary. This applicant proposes a carport 5m deep by 5.95m wide in dimension so a nil setback is the only feasible solution. The dimensions are within the standard range for a double carport.

The only other possible location for a carport is in the backyard. The eastern side setback is only 2.3m which would mean that any cars would have to squeeze along this driveway to get into a carport if it were to be relocated to the rear. This is not recommended and is impractical. There are no other alternative locations for this carport behind the front setback due to the existing building envelope.

In terms of streetscape, the carport is a lightweight structure with a roof design complimentary to the residence which lessens the impact of the setback concession.

The carport is a low key addition to the streetscape and of high quality design in keeping with its heritage character of the dwelling and street. The carport will lie much lower than the existing residence. It should also be noted the neighbour at 14 Loma Street has a carport setback 1.5m from the front boundary and several other properties in Loma Street have their residences forward of the standard 6m front setback.

Front fence

The modification to the front fence is in compliance with the Town's Fencing Local Law and this is commended as it assists sight lines. The 600mm high retaining wall on the western edge of the carport is also in compliance.

CONCLUSION

It is recommended that the application be approved subject to conditions. The 0.2m setback proposed is supported as the carport cannot be pushed back further to due to the existing residence behind it. A setback of greater than 0.2m may not maintain the functionality and convenience of the front setback area and no other alternative solution can be recommended due to the existing constraints of the site.

VOTING

Simple Majority

AMENDMENT

Moved Cr Cunningham, seconded Mayor Morgan

That new conditions (g) and (h) be added as follows:

- (g) Plans being submitted by the applicant to the approval of the Manager Development Services increasing the size of the car bays to 5.5m long and commencing 1.2m from the main wall of the house, which will result in alterations to the existing verandah and increased setback from the street for the carport.
- (h) The carport shall remain open and not be enclosed in the future.

Lost 5/6

12.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development of a Carport and Modification to the Front Fence at No. 12 (Lot 32) Loma Street, Cottesloe, in accordance with the plans submitted on 10 November 2006, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) If the existing crossover is to be altered, the applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.

Carried 10/1

12.1.7 NO. 7 (LOT 41) BROOME STREET – CARPORT

File No:	7 Broome Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Submissions from owner (2) Photos Plans
Report Date:	30 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Richard Verco
Applicant:	as above
Date of Application:	6 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	637m²
M.R.S. Reservation:	N/A

SUMMARY

The proposal is to build a new carport against the front boundary.

Given the assessment that has been undertaken, the recommendation is to Approve the Application.

PROPOSAL

The proposal is to build a double carport. The carport is located on the front boundary and setback 0.75m from the closest side boundary. An existing crossover and double car bay exists where the carport is proposed.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Garages and Carports in the Front Setback Area Policy No 003

HERITAGE LISTING

- State Register of Heritage Places N/A
 - TPS No 2 N/A
 - Town Planning Scheme Policy No 12 N/A
 - Draft Heritage Strategy Report N/A
 - Municipal Inventory N/A
 - National Trust N/A
-

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setbacks	Carport eastern setback 1m	0.75m	Clause 3.3.1 – P1

Town Planning Scheme Policy/Policies

Policy	Required	Provided
TPSP 003 Garages and Carports in Front Setback Area	4.5m setback for carports where vehicles are parked at right angles to the primary street alignment	Nil setback, vehicles parked at right angles to primary street alignment

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The two neighbouring owners signed off the plans in support of the proposal.

BACKGROUND

The existing two storey dwelling built in the 1990s has a double garage off the rear right of way. The double carport will be built over the two car bays currently available in the front setback area.

STAFF COMMENT

Front setback

The double carport is proposed to have a nil setback to the front boundary. This is a variation to the requirements of the Garages & Carports in Front Setback Area Policy which requires carports to be setback 4.5m from the front boundary where vehicles are parked at right angles to the street alignment.

Variation to this setback requirement may be allowed subject to meeting the following criteria:

- (a) shall not significantly affect view lines of adjacent properties; and*
- (b) shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.*

The Council shall also have regard to:

- (a) the objectives of the RDC;*
- (b) the effect of such variation on the amenity of any adjoining lot;*
- (c) the existing and potential future use and development of any adjoining lots; and*
- (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

The carport is an open structure and would still afford adequate view/sight lines from the driveway of the adjacent southern property, which is not adjacent to this proposed carport.

The application partially meets the “*shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles*” criterion. Whilst there is a fence and retaining wall immediately to the north which limits view lines, this is no different to the existing situation where the car bay abuts the fence and retaining wall. Furthermore the driveway is wide which assists these view lines.

The carport meets the objectives of the RDC. The RDC specify “*that a carport can be within the street setback area provided the width of the carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right-of-way or equivalent*”. The carport is 6.5m (43.33%) wide out of a 15m wide frontage and complies.

The RDC also require two spaces per single house and to meet standard bay dimensions and this application meets these criteria. The application will bring the total of undercover carbays to 4 on this property.

The RDC also have a preference to have any walls and fences reduced to no higher than 0.75m within 1.5m of where a driveway meets a public street. There is an existing fence and retaining wall immediately to the north which is not ideal, however, the space is already used as a car parking area, albeit not undercover.

It can be argued that the carport also meets the criterion “*the effect of such variation on the amenity of any adjoining lot*”. This is because there is two car bays already in existence so there should be no change in amenity to the neighbour. It should also be noted that Council has allowed the current parking arrangement.

The application also meets “*the existing and potential future use and development of any adjoining lots*”. A modern two storey residence exists on the southern neighbouring

property and it is unlikely that any other development will take place given the garage on the southern neighbour is against their southern neighbour and not this development.

However, the application does not meet the final criterion being “*existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment*”. The carport having a nil setback to the front boundary is a large projection. This is not desirable and alternative solutions should be explored.

Neighbouring properties have a minimum 6m setback from the front boundary. However, the streetscape in this section of Broome Street is not uniform. This property is at the end of Broome Street where the road curves into Gibney Street. The property does not present to the street well and has a high retaining wall on the front boundary. The carport will also sit at a lower level than the dwellings in the immediate streetscape. Also, the neighbouring northern property has a 1.8m high solid fence. Therefore it can be argued that the streetscape is already disjointed and the carport may actually improve the streetscape.

In determining what is seen as a reasonable setback in this situation, the existing built envelope should be assessed. The existing residence is setback 7.5m from the front boundary. However, retaining walls on both the northern and western boundaries of the proposed carport means that this cannot easily be relocated. The current location is also the most practical as the carport is proposed to be built over a paved driveway.

The proposed materials of the carport include a new metal deck roof which matches the existing house roof and this is commended. The carport is recommended at the proposed setback and it should be noted both neighbours signed off the plans in support of the proposal.

Side Boundary Setback

The eastern side boundary setback of the proposed carport seeks variation from the Acceptable Development standards of the RDC and therefore is required to be assessed under the Performance Criteria of Clause 3.3.1 (P1):

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Carport south	All	2.4m	6.4m	N/A	1m	0.75m

The RDC provide:

3.3.1 – Buildings Set back from the Boundary

P1 Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*

- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with the protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.*

This proposal is to have a 0.75m setback to the side boundary for a carport. This is usually required to be setback 1m from the boundary. The carport setback meets the Performance Criteria of the RDC as it makes an effective use of space and does not have an adverse effect on the amenity of the adjoining property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

CONCLUSION

The property is seeking to add the number of undercover car parking spaces from two to four to provide shelter for all their cars by building a double carport in the front setback area. The property currently has a double garage which has access off the right of way. Council has no conditions on the maximum number of undercover car spaces a property can have and in this circumstance the carport is to be built over an existing driveway without any adverse amenity impact to the neighbours or to the streetscape. Both neighbours also signed the plans in support of the proposal. It is recommended that the application be approved subject to conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee considered that the carport could be approved as it will be an improvement over the current high blank wall and enhance the streetscape presentation. The carport will provide cover to parking spaces which existing, so the access arrangement will not change. No new walls will be added and sightlines will be acceptable. However, the carport should not become a garage, which would create undue bulk, hence Committee resolved to add a condition as follows:

- (e) The carport shall remain an open structure at all times and shall not be enclosed in the future; that is, no walls, screens, awnings, shade sails, doors, gates, or other such enclosing elements shall be added to the carport.*

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development of a Carport at No. 7 (Lot 41) Broome Street, Cottesloe, in accordance with the plans submitted on 6 November 2006, subject to the following conditions:

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

and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.

- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.

12.1.7 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development of a Carport at No. 7 (Lot 41) Broome Street, Cottesloe, in accordance with the plans submitted on 6 November 2006, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) The carport shall remain an open structure at all times and shall not be enclosed in the future; that is, no walls, screens, awnings, shade sails, doors, gates, or other such enclosing elements shall to be added to the carport.

Carried 11/0

12.1.8 NO. 12 (LOT 604) SALVADO STREET – SINGLE STOREY RESIDENCE WITH UNDERCROFT

File No:	12 Salvado Street
Author:	Mrs Stacey Towne / Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Photos Plans
Report Date:	22 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Marie Forrest
Applicant:	The Planning Group
Date of Application:	22 November, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	342m²
M.R.S. Reservation:	N/A

SUMMARY**Prelude**

- Previously the owners, being long-time Cottesloe residents, sought approval to a similar small dwelling to serve their needs as seniors (ie limited space with a simple, effective floor plan and not too much garden to look after) at their former property in Broome Street.
 - That proposal on an R20 lot could only be considered as an aged persons' dwelling, but for a range of reasons did not receive support from Council or on appeal.
 - The owners have subsequently searched for another site in Cottesloe to suit the desired design of their dwelling, and have acquired the subject small lot in an R30 area.
 - This lot, although small, is capable of development and at R30 can accommodate the proposal in its own right as a single dwelling, rather than having to be considered as an aged persons' dwelling.
 - At the same time, the constraints and characteristics of the new lot suggest that any proposal for the site may require some compromise, in order to deliver sufficient floorspace, functional yet attractive design and reasonable amenity.
 - The chosen site clearly lends itself to the concept of the purpose-designed dwelling, which the architect has been able to adapt without losing the integrity of the layout and look of the dwelling.
 - Significantly, the single storey with undercroft design avoids the greater impacts of a typical two-storey dwelling, buries the garaging rather than forces it to the front, and presents a streamlined, low-key contemporary façade to the street.
-

- The only real concession required to enable this design is a reduced front setback, which on balance is assessed as supportable in the particular circumstances and streetscape context, especially where height, bulk and scale, overlooking, overshadowing, and so on are not generated as amenity impacts.
- In essence, the undersized lot is virtually bound to invite some variations, yet where this has not precipitated a two-storey dwelling, and where the urban design response of inserting the reduced-setback single-storey dwelling is considered acceptable, the proposal is recommended as having merit.
- It may even be regarded as a worthwhile example of how good design can deliver housing diversity and practical as well as aesthetic medium density development, including for the maturing population, on smaller lots created in Cottesloe.

Application

It is proposed to construct a single storey residence with undercroft on the currently vacant land at No 12 Salvado Street, which is a comparatively small lot.

The proposal generally complies with the Acceptable Development standards of the Residential Design Codes in relation to side setbacks (only minor variation sought), privacy, open space and overshadowing.

The single storey residence complies with the height requirements of TPS No. 2 and although the dwelling appears to be raised substantially above natural ground level in some places, levels on the site were previously raised on the western side (by approx 0.8-1.4m) as part of the subdivision process to create a flat site and existing levels must now be assumed as natural ground level under the provisions of the Residential Design Codes. Some further landfill is also proposed (less than 0.5m) as part of this application.

The proposal does not comply with Council's general front setback requirement of 6m as it is proposed to build the main part of the house 4m from the street frontage with a verandah being set back 2.7m, however, this can be supported in terms of meeting performance criteria, including recognition of the small site and the interrelationship with the surrounds.

Sections of the front fence does not comply with Council's Law, however, this can be overcome through conditions of development approval, to assist streetscape.

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

PROPOSAL

The proposal involves:

- Single storey flat roof development with an undercroft garage for 2 cars, storage, workshop and plant room.
- The undercroft garage is to be built into part of the land that has been retained and raised pursuant to subdivision approval.

- Raising the ground level outside of the house by approximately 0.47m to the west and north.
- A courtyard with reflective pool and BBQ.
- Two bedrooms, study, living, dining, kitchen, ensuite, bathroom, store (future lift) and verandah.
- Façade to comprise of a mixture of colours and textures including large glass windows, rendered masonry walls, drystack limestone walls, aluminium louvres and a timber finish garage door.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme Policy/Policies

Policy	Required	Provided
Resolution of Council – 28 October 2002	6m front setback	4m to main dwelling (in accordance with the Acceptable Development standards of the Residential Design Codes), 2.7m to the verandah

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Building Setbacks	Ground Floor being set back 3.1m from the west side boundary	1.5m	Clause 3.3.1 – P1
No 3 – Building Setbacks	Master bedroom wall being set back 1.8m from the east side boundary	1.5m	Clause 3.3.1 – P1

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Building Setbacks	Living room wall being set back 1.8m from the east side boundary	1.5m	Clause 3.3.1 – P1
No 3 – Building Setbacks	Garage wall being set back 1.5m from the west side boundary	0m	Clause 3.3.1 – P1
No 4 - Open Space	45% open space	42.57%	Clause 3.4.1 – P1
No. 4 – Outdoor Living Areas	2/3 (approx 66.6%) without permanent roof cover	64.9% without permanent roof cover	Clause 3.4.2 – P2

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 3 letters sent out and the neighbour to the north (No. 13 Avonmore Terrace) has signed the plans in support of the proposal.

The neighbour to the east has inspected the plans and stated no objection to the single storey proposal.

No submissions of objection have been received.

BACKGROUND

Subdivision approval to create this 342m² property was granted in September 2005. The parent lot was previously 722m² in area and two sections of 190m² each at the rear were excised and amalgamated with the properties at the rear of No. 13 and No.13A Avonmore Terrace.

The subdivision included the creation of right of carriageway easements and sewerage easements over the land. The resultant lot at No. 12 Salvado Street has a 6.8m long x 1.4m wide sewerage easement located on the eastern side boundary of the lot, in the north eastern corner.

The property at No 12 Salvado Street is R30 density and is currently vacant. The site is level as retaining walls with fill were provided to satisfy requirements of the Water Corporation (to enable sewer connection) during the subdivision process which created this lot.

The flat site is in contrast to the general streetscape which features land that slopes upwards from west to east, but also reflects the stepping up/down of dwellings along the sloping street. Two x two storey brick and tile grouped dwellings exist on the adjacent property to the west (10 and 10A Salvado Street) and a single rendered and tile residence with undercroft exists to the east (11 Avonmore Terrace).

STAFF COMMENT**Front Boundary Setback**Streetscape appreciation

Initially, the Planning Consultants liaised with Officers to consider the proposal on a preliminary basis. In respect of the reduced front setback reported on below, the following observations were provided as feedback (without prejudice to assessment of the application). Several factors were identified as apparent:

- *Uniquely small lot – need to get some living space out of it.*
- *This street and surrounds feature a fair amount of similar modernist architecture, so the proposal will fit in.*
- *The single-storey design ameliorates the impact of a lesser setback, as a trade-off against two-storey*
- *The single-storey dwellings opposite are a useful reference of similar scale and lines to the proposal.*
- *The steep slope of the street means that with the higher dwelling to the east and the lower one to the west, the proposal will recline into this pattern rather than stand out – the bulk/scale interrelationship with the dwelling to the west in particular will influence the front setback.*
- *However, the overall pattern of wide verges and predominantly wide setbacks is noted.*
- *Also, from the heritage dwelling Le Fanu cnr Marine/Salvado there is an attractive vista up the street, which the proposal should not unduly interrupt.*
- *Whether the front setback is measured to the wall face or roof overhang, perhaps the verandah could be a Vergola structure or retractable awning.*

- *Were the dwelling to be pushed back then the pool may be the slack in the design to allow that, subject to sufficient open space, however, useable floorspace may also suffer.*
- *Softening of the boundary walls and verge contouring/landscaping would support a limited front setback, such as stepping the ends of the side walls or having a more open-aspect courtyard wall.*
- *It is noted that there are no steps from the driveway to the front terrace, whereby externally anyone would have to use the verge/footpath, so this may be worth considering for convenience and more breaking-up of the setback.*

Detailed assessment:

The applicant proposes a front boundary setback of 4m to the main part of the dwelling and 2.7m to the front verandah.

At its meeting of 28 October 2002, Council resolved:

- “(1) When assessing applications for Development Approval, Council will:*
- (a) Generally insist on:*
 - (i) A 6.0m setback for residential developments in the District, which does not include averaging.”*

Acceptable Development Standard 3.2.1 A1 of the Residential Design Codes, however, prescribes a minimum 4.0m front setback in an R30 coded area, essentially the “as of right” setback.

In addition, Acceptable Development Standard 3.2.2 A2 of the Residential Design Codes allows for a minor incursion such as a verandah to project into the front setback by up to one metre, provided that the projection does not exceed 20% of the frontage of the lot.

The proposal has been designed similar to the Acceptable Development standards of the Codes in this respect, rather than Council’s general 6m front setback preference. This is not considered to be unusual or unreasonable for this compact sized lot with a medium density code.

Council’s 6m front setback preference is not a statutory Scheme requirement, therefore, there is discretion to relax this. Other reduced setbacks recently supported by Council were at Unit 1/23 Salvado Street and 14-18 Overton Gardens, both similar medium density coded lots.

Council does not have a policy to address reduced front setbacks in general, however, the following setback objectives of the Residential Design Codes may offer some guidance in this instance:

“To contribute towards attractive streetscapes and security for occupants and passers by, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings.”

It is advised that a setback of 4m and the verandah protrusion at 2.75m will have minimal impact on the existing streetscape. It is also likely that redevelopment of

nearby properties will occur some time in the future and these properties are also likely to look at 4m setbacks in order to optimise development consistent with the RDC.

The proposal will not adversely dominate the streetscape as it is only single storey with a flat roof and nestles into the sloping aspect of the street. In addition, the new building will not affect view lines of adjoining properties.

Although the property to the west is set back at 6m, the proposed 4m and 2.75m setback at No. 12 Salvado Street does not visually appear out of place. This is due to the difference in levels of the two properties, the varying angles and wall heights of the adjoining grouped dwelling and the generous wide verge area along Salvado Street. Likewise, the proposal will visually “blend in” with the line of existing development of the house to the east. As the residence to the east is located on a corner, the setbacks to Salvado Street vary between approximately 3-6m.

The proposed reduced setback will contribute to the security of the occupants and passers by as it encourages social interaction and surveillance. Sufficient privacy is provided by open aspect screening and a private courtyard area central to the dwelling. The proposed residence is a simple and contemporary design suitable for this small medium density lot and will provide an attractive addition to the streetscape.

The proposed reduced front setback, therefore, complies with the setback objectives of the Codes.

In support of the front setback variation, the applicant writes:

“We seek a reduced front setback, from Council's position which requires 6m. The development is on a small lot, which was originally a part of 11 Avonmore Terrace, which the setback to Salvado Street was originally the secondary street setback, where the required setback is 1.5m. The proposed setback is consistent with the setback of the dwelling to Avonmore and therefore consistent with the existing streetscape. The proposed setback to the street is consistent with the 4m R-code requirement.

...The bulk, scale and setback of the proposal is directly comparable to the bulk, scale and setback of the adjoining development and numerous other developments in the same street. It is therefore considered that the proposed development will make a valuable contribution to the streetscape in which the building is to be located.”

The applicant's justifications for a reduced setback are supported and given that there were no neighbour objections and the proposal complies with the setback objectives of the RDC's, it is recommended that Council grant a relaxation in this instance.

Side Setbacks

The following variations are being sought to the setback requirements for the proposed building:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Ground West	Entire side	3.7-4m	17m	Yes	3.1m	1.5m
Ground East	Master bedroom	4m	6m	Yes	1.8m	1.5m
Ground East	Living room	4m	6m	Yes	1.8m	1.5m
Garage West	Entire side	0.5m	16m	No	1.5m	0m

As the proposed side boundary setbacks do not comply with the Acceptable Development Standards, consideration under the Performance Criteria is required. Performance Criteria Clause 3.3.1 of the RDC states the following:

“P1 Buildings set back from boundaries other than street boundaries so as to:

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

The applicant writes:

“A 0.1metre setback variation is sought to the western boundary. This side of the dwelling has major openings and the two doors proposed are aluminium louvers. The proposed dwelling is higher than the adjoining dwelling, however, as there is no major openings on the proposed dwelling and the adjoining dwelling and it is therefore considered that the minor variation will not detrimentally impact the amenity of the neighbouring property.

The 0.3 metre setback variation to the eastern setback is considered acceptable, as the setback requirements are on the basis that there are major openings. An intent of the required setback is to assist in protecting the privacy between the properties, as the adjoining property is a minimum of 1 metre higher than the proposed dwelling, it is not considered that the proposed setback will result in potential overlooking, and therefore it is considered that dwelling will not detrimentally effect the amenity of the adjoining property.

...it is considered that the proposed setback variations are minor in nature and are consistent with the objectives of the setback requirements of the R Codes, and therefore should be supported.”

It is noted that Council Officers have assessed the variation to the western side setback as between 1.5m and 1.6m, not 0.1m as stated by the applicant. Notwithstanding, the above variations meet the performance criteria of the Codes. The shadow from any building area will only occur over the subject property and will not affect adjoining properties at all in this regard. Building bulk and privacy will not be adversely affected.

The building setbacks as proposed are supported accordingly.

Open Space

The proposal includes two outdoor living areas as follows:

- A 40.97m² courtyard central to the dwelling accessed from the living room which contains a 10.2m² reflection pool. The courtyard is mostly open to the northern sun, however, 25.4m² of this is under the cover of the main roof.
- A 28m² area within the front setback comprising of a paved area and garden bed.

The applicant claims that as only 50% of the site is covered with building, that 50% open space has been provided (45% required under the Codes).

Whilst this may generally be the case, not all “unbuilt” land is defined as open space under the Codes. One of the defining factors of open space is that the area be unenclosed on at least two sides.

The main area of open space comprises of the 40.97m² central courtyard. This courtyard is mostly surrounded by the dwelling on three sides and, therefore, does not technically comply with the definition of open space. Only 15.57m² of the courtyard may technically be nominated as open space thus the total of open space provided is 42.57%.

Where an application proposes variations to the Acceptable Development standards of the RDC for open space, it is required to be assessed under the Performance Criteria of Clause 3.4.1 as follows:

“P1 Sufficient open space around buildings:

- *To complement the building;*
- *To allow attractive streetscapes;*
- *To suit the future needs of residents, having regard to the type and density of the dwelling.”*

Whilst the technical calculation for open space may be slightly short of the requirement, the actual area used for this purpose is in excess by approximately 5%. The open space has been designed to complement the proposed building by providing a private central courtyard which can be viewed and accessed from the main living areas of the house as well as passive open space at the front of the dwelling which presents well to the street. The RDC’s need to be adapted to accept central courtyards, quite a common design feature these days, especially with smaller dwellings or long lots.

The applicant does not agree with the Officer technical calculation and has provided the following advice in relation to open space:

“The proposed amount of Open Space is compliant with the Acceptable Development criteria of the R-codes under Table 1. The proposed courtyard is open on 2 sides (compliant with the R-codes) where the reflection pool is uncovered and is between the courtyard and the rear portion of the house.”

The residence has been specifically designed on the small medium density lot as single storey with provision for a future lift. This suits use by persons with more limited mobility rather than for a young family, and the size of the dwelling supports fewer occupants with less need for open space.

Notwithstanding the applicant's and assessing Officer's interpretation and technical calculations, the overall open space provision complies with the performance Criteria of the Codes and is supported.

Furthermore, the Acceptable Development standard 3.4.2 of the Codes requires outdoor living areas to have at least 2/3 (approx 66.6%) of the required area being without permanent roof cover. Even if the central courtyard was considered as open space, the proposal shows this to be mostly under permanent roof cover.

Where an application proposes variations to the Acceptable Development standards of the RDC for outdoor living areas, it is required to be assessed under the Performance Criteria of Clause 3.4.2 as follows:

“P2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.”

The outdoor living areas provided at the front of the residence and at the central courtyard area are both provided with access directly from habitable rooms. A portion of the central courtyard area over the pool area is uncovered and open to the winter sun. It is considered, however, that this area could take more advantage of the northern aspect by reducing the amount of opaque permanent roof cover. This could be achieved by the use of skylights, clear roof sheeting, installation of movable or fixed louvres or partial pergola for example.

It is recommended that a condition be imposed to treat the roof over the central courtyard area to take advantage of the winter sun.

Privacy

The proposed residence is single storey and as the finished floor level is not raised more than 0.5m above natural ground level, there are no privacy issues.

Height

The proposal complies with the 6m roof height requirement of TPS No 2 for single storey residences (overall height proposed at 4.34m).

Fencing

The front fence is proposed to be aluminium louvres (visually permeable) to a height of 1.8m above the proposed site level of 20.85 RL. Whilst this is to be “open aspect” as required by Council's Local Law, the fence is more than 1.8m above natural ground. In real terms the front fence is between 1.6-2.5m high at the front boundary.

For the higher section, this part of the fence comprises of approximately 700mm of retaining wall.

A limestone wall with brushwood fencing exists at the rear on the northern boundary. No new fencing is proposed along the western side boundary apart from a slight increase in the height of the existing limestone retaining wall. It is proposed to plant low shrubs along this side of the property instead of providing a fence.

A brick wall above a limestone retaining wall currently exists on the eastern side boundary. It is not clear as to whether changes are proposed to this, however, a wall of similar height has been shown on the submitted plans for this side boundary. The existing wall, however, is low at the front of the property whereas the proposal shows a high solid wall right up to the front boundary. This does not comply with Council's Fencing Local Law and should be open aspect within the front setback area.

A small roofed gateway is also proposed within the front fence on the eastern side.

In support of the proposed fencing, the applicant writes:

"The proposed fence has been proposed in Open Style (visually permeable) in order to comply with the fencing local law and the R-codes. The proposed fence enables that the street setback area to be a useable area, which has an element of privacy for the owners to enjoy the area."

To create balance with the smaller front setback, it is recommended that the height of the fencing within the front setback be reduced accordingly.

Tree in street verge

A large Norfolk Island tree is located in the verge area in front of the subject property towards the western side. Although it is proposed to gain access to the undercroft garage on the western side of the land, plans show the retention of the tree with the crossover diverting around this.

A condition will also be imposed to ensure that the verge tree is protected.

CONCLUSION

The proposal generally complies with the Acceptable Development standards or the Performance Criteria of the Codes and comprises of a simple form single-storey design.

The chief assessment matter for this proposal involves a reduced front setback of 4m to the main part of the residence and 2.75m to the verandah. This variation is basically consistent with the requirements of the Residential Design Codes for R30 development and is similar to reduced setbacks recently supported by Council at Unit 1, 23 Salvado Street and 14-18 Overton Gardens. Essentially, the verandah roof projection is a simple overhanging box-awning structure, rather than the verandah being defined by a raised floor with posts or pillars and perhaps a balustrade as well as a roof, which would create more built fabric so as to emphasise bulk and bring-forward the visual presence of the dwelling. On this basis the true or predominant setback to the dwelling can be read as to the front wall or face, while the

verandah roof forms is legible as an elegant and logical element affording shelter and a sense of welcome to the place.

The house has been purpose-designed for persons in their later years, rather than for a young family. The design also respects streetscape by including an undercroft garage, rather than providing a garage or carport forward of the residence. In addition, the use of glazing and glass balustrades at the front of the residence softens the impact of the reduced setback, while the verandah space itself is open to the face of the dwelling which is set back further, and the screen wall / fencing is conditioned to be opened-up.

On the basis of this site-specific and streetscape-appreciation assessment it is concluded that the reduced setback is not unreasonable given the small size and medium-density coding of the lot. Compared to possible alternative proposals for the site, such as a typical two-storey dwelling, the application represents a relatively modest scale and restrained design that will read as an intelligent solution to the urban design context of the streetscape and the eclectic character of the locality, which includes several modern or otherwise innovative quality architectural designs contributing to the Cottesloe-style and ambience of seaside living.

No objections were received regarding his application and it is supported subject to a number of conditions including a reduction of the front fence height and the treatment of the roof over the central courtyard to increase access to northern sunlight.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee considered that the proposal was small-scale and that the front setback was justified in the circumstances, noting the wide verge and pattern of development in the area.

Committee also discussed the courtyard roofed portion and felt that recommended condition (h)(ii) was not really necessary as the residence is single storey, no objections were received, the courtyard forms part of the living area providing the owners with a protected outdoor dining area, and this is not a streetscape or neighbour amenity aspect. The Manager Development Services commented that the important open space consideration was the location and quality of design, with the courtyard being a dedicated useable space rather than simply garden or yard space.

OFFICER RECOMMENDATION

That Council GRANT its Approval to Commence Development for the Single Storey Residence with Undercroft at No 12 (Lot 604) Salvado Street, Cottesloe, in accordance with the plans submitted on 22 November, 2006, subject to the following conditions:

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

- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.
 - (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (g) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (h) Revised plans being submitted for approval by and to the satisfaction the Manager Development Services, showing:
 - (i) the front fence, including the side returns and covered gate, being modified to provide an open-aspect fence in accordance with the height and other requirements of Council's Fencing Local Law, in consultation with the Manager Development Services; and
 - (ii) the roof over the central courtyard area being modified to provide greater access to the northern winter sun, which may include use of skylights, clear roof sheeting, installation of movable or fixed louvres or a partial pergola.
 - (i) The pool pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
 - (j) 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.
 - (k) 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 1.8 metres away from any building or boundary.
-

- (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.

12.1.8 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for the Single Storey Residence with Undercroft at No 12 (Lot 604) Salvado Street, Cottesloe, in accordance with the plans submitted on 22 November, 2006, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- (e) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to construct a new crossover, where required, in accordance with the Local Law.**
- (f) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
- (g) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- (h) Revised plans being submitted for approval by and to the satisfaction the Manager Development Services, showing:**
 - (i) the front fence, including the side returns and covered gate, being modified to provide an open-aspect fence in accordance with the height and other requirements of Council's Fencing Local Law, in consultation with the Manager Development Services; and**

- (i) The pool pump and filter are to be located as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.**
- (j) 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.**
- (k) 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 1.8 metres away from any building or boundary.**
- (l) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.**

Carried 11/0

12.1.9 NO. 14 (LOT 101&102) BROOME STREET – ADDITIONS & A GARAGE

File No:	14 Broome Street
Author:	Mr Lance Collison
Author Disclosure of Interest:	Nil
Attachments:	Location plan Submission from applicant Photos Plans
Report Date:	21 November, 2006
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mrs R Beckwith
Applicant:	Sharp & Van Rhyn Architects
Date of Application:	10 October, 2006
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	85m2 & 164m2
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a garage and additions to an existing residence.

No. 14 Broome Street comprises of two lots and existing development is built over both lots. As new development will also cross the common boundary, amalgamation is recommended to rectify this historical anomaly. This will consolidate the lot as a single entity containing one dwelling.

Given the assessment that has been undertaken, the recommendation is to Approve the Application.

PROPOSAL

The proposal is to reconfigure the ground floor. A modified entrance and lounge, laundry, dining and kitchen and ensuite are proposed. The two bedrooms remain unchanged. A patio and garage is proposed externally and new boundary screen walls are also proposed.

In respect to additional floor area the residence is extended by the size of a kitchen and part of the laundry only. The external garage is also new built floor area which will remove the existing timber pergola.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Garages and Carports in the Front Setback Area Policy No 003

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town of Cottesloe Council Resolution**

Resolution	Required	Provided
Front Setback, 28 October 2002	6m for residential development	0-4.3m front setback to residence

Town Planning Scheme Policy/Policies

Policy	Required	Provided
TPSP 003- Garages and Carports in Front Setback Area	4.5m setback for garages where vehicles are parked at right angles to the primary street alignment	0-1.5m setback, vehicles parked at right angles to primary street alignment

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 Boundary Setbacks	Setback to south boundary 1m	Nil	Clause 3.3.2 – P2

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION**REFERRAL****Internal**

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 and Residential Design Codes.

The advertising consisted of Letters to Adjoining Property Owners

Submissions

There were 3 letters sent out. No submissions were received.

BACKGROUND

An existing single storey residence can be found on the site. The site comprises of two lots, lot 101 of 85m² has no street frontages and lies in the south east corner of the development site. This rectangular lot is 7m by 12.19m. The second lot of 164m² has a street frontage of 29.29m to Broome Street and 12.51m to Princes Street. It is triangular in shape and the other lengths are 26.41m at the rear and 0.6m on the side.

The existing residence has a nil front setback in sections and no on-site car parking.

STAFF COMMENT

Front Setback

The proposal asks for a variation to the front setback. Council applies a 6m front setback for residences whilst the Residential Design Codes require a 6m averaged setback for a dwelling in a R20 zone.

This proposal has a minimum setback of 0m from the front boundary for the residence. Because of the unusually shaped site, the front setback is not at right angles nor parallel to the front boundary. The existing front setbacks are 1 to 4.2m for bedroom 1, 0.2 to 4.2m setback for the entrance to lounge room wall and nil to 0.8m for the laundry. The proposed additions have nil to 1.8m setback for the laundry, 1 to 2.4m for the kitchen and 0.2m to 2.4m to the garage door from the front boundary at right angles.

Whilst, a front boundary setback variation for a residence is generally not supported, there is merit in this proposal. The lot is located adjacent to a wide 40m road reserve for Broome Street where the distance from the road to the front boundary is 16m. This large area is much wider than the 6m to 12.5m depth of the lot.

Furthermore, the existing residence has a nil setback in sections. The additions continue a similar setback across a longer part of the front setback. These are also single storey which reduces any perceived bulk from the street. The neighbouring properties on Broome Street to the south have double frontages onto both Curtin Avenue and Broome Street and as a consequence the streetscape is already disjointed and this addition does not detract from it.

It can be argued the streetscape is enhanced by this proposal as the neighbouring properties have less attractive ordinary rear fences facing Broome Street.

Also, the lots which combine to a total of 249m² is well below what would usually be allowed in a R20 coded area of 500m². Therefore having a residence which suits the needs of the owners is difficult without using the front setback area as part of the dwelling. The owners have also decided to keep the residence single storey which reduces any potential bulk perceptions. The front setback variation for the residence is recommended for approval.

Garage

The garage is proposed to be setback between 0.5m and 1.5m from the front boundary. It could be argued that a section of the patio to the north of the proposed car bay can also be used as parking however it is assessed as a single garage. This is a variation to the requirements of the Garages & Carports in Front Setback Area Policy which requires garages with a setback less than 6m to be subject to meeting the following criteria:

- (a) shall not significantly affect view lines of adjacent properties; and*
- (b) shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.*

The Council shall also have regard to:

- (a) the objectives of the RDC;*
- (b) the effect of such variation on the amenity of any adjoining lot;*
- (c) the existing and potential future use and development of any adjoining lots; and*
- (d) existing setbacks from the street alignment in the immediate locality, in the case of the setback from the principal street alignment.*

The proposal does not significantly affect view lines of adjacent properties. Also, it shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles.

The garage meets the objectives of the RDC, and should not affect the amenity of the adjoining lot or deter future development on adjoining lots. A garage is located almost adjacent to this garage on the immediate southern neighbouring lot. The garage also takes vehicles off the street which is a RDC objective. The garage setback variation will not impact future development on adjoining lots due to the double frontage of lots of the southern neighbouring properties. These do not have a primary frontage to Broome Street. The proposed garage is recommended to be approved at its proposed setback.

Also of note, the "carport" is considered to be a garage due to the solid door proposed. The garage is also enclosed at the rear and by a proposed 2.8m high parapet wall on the boundary.

Boundary Setbacks

The following side boundary setbacks of the proposed additions don't comply with the Acceptable Development standards of the RDC.

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback

Ground south wall	All	3m	6m	No	1m	nil
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The setback variations below are required to be assessed under the Performance Criteria of Clause 3.3.2 of the RDC which are:

3.3.2 – Buildings on the Boundary

P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The ground south wall for the garage has a nil setback. The setback satisfies the above Performance Criteria of the RDC. The garage makes an effective use of space and enhances privacy with the proposed parapet wall on the boundary. The wall does not significantly adversely affect the neighbouring property as it is adjacent to a garage on this property. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

Open Space

The application does not comply with the Acceptable Development standards of the RDC for open space. The application needs to be assessed against the Performance Criteria which are:

P1 Sufficient open space around buildings:

- *to complement the building;*
- *to allow attractive streetscapes;*
- *to suit the future needs of residents, having regard to the type and density of the dwelling*

The proposal has 42% open space where the requirement is a minimum of 50% open space. As a guide at this stage, the Draft Town Planning Scheme No.3 proposes to recode this lot to a R30 density which will require a minimum 45% open space. 105m² of open space is proposed where 125m² is the required.

However, the application meets the Performance Criteria for open space. The open space complements the building by being adjacent to all new built areas. The vista from the dining room and kitchen is to an open pergola area.

The open space is also considered to meet the future needs of residents as the pergola area can be used as active outdoor space. The type of dwelling is a 2 bedroom residence of modest size and it should not be assumed the residence will ever cater for a large family. Also of note, a larger open area can be found in the road reserve as the verge in front of this house is 16m wide.

Boundary fences

New boundary fences/ parapet walls are proposed on the northern boundary adjacent to the pergola, on the eastern boundary to the east of the pergola and along the southern boundary. These will afford the owner additional privacy. These are all within the applicant's property and it should be noted no neighbours objected to these walls.

CONCLUSION

The proposed front setback variations do not affect the amenity of neighbouring properties; and it can be recommended that the protrusion into the front setback is feasible because of the odd shaped block and the excessively large front setback which is open to the street. It is recommended that the application be approved subject to standard conditions.

VOTING

Simple Majority

12.1.9 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Strzina

GRANT its Approval to Commence Development of Additions and a Garage at No. 14 (Lot 101 & 102) Broome Street, Cottesloe, in accordance with the plans submitted on 10 October 2006, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters, and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (c) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (e) Air-conditioning plant and equipment is to be installed as far as practicable from the boundary of adjoining properties or in such a manner as to ensure that sound levels emitted from equipment shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) The finish and colour of the boundary walls facing the neighbours being to the satisfaction of the Manager Development Services.

- (g) The applicant complying with the Town of Cottesloe – Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
- (h) The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**
- (i) Lots 101 and 102 being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.**

Carried 11/0

13 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 12 DECEMBER 2006

Moved Cr Miller, seconded Cr Strzina

That items 13.1.1, 13.1.2, 13.1.3, 13.1.5, 13.1.6, 13.2.1, 13.2.3, 13.2.4, 13.2.5, 13.3.1, 14.1 and 14.2 be withdrawn from en-bloc voting.

Carried 11/0

The items were dealt with in the following order: 13.2.1, 13.1.2, the withdrawn items, the remaining items were dealt with en-bloc.

13.1 ADMINISTRATION**13.1.1 COTTESLOE CIVIC CENTRE OUTDOOR CONCERT**

File No:	D8.5
Author:	Ms Ruth Levett
Author Disclosure of Interest:	Nil
Report Date:	5 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of the report is to present a proposal for a Regulation 18 concert on the main lawn of the Cottesloe Civic Centre on Friday, 26 January, 2007. It is recommended that the application be approved in principle.

STATUTORY ENVIRONMENT

The *Health (Public Building) Regulations 1992* require that the event be assessed for public safety compliance and issued with a Certificate of Approval.

The *Environmental Protection (Noise) Regulations 1997* specify permissible noise levels and monitoring requirements or in the case of a Regulation 18 event, provides for the Council to set noise levels and other relevant conditions.

The *Health (Food Hygiene) Regulations 1993* contain provisions for food preparation and service and food storage.

The *Liquor Licensing Act 1988* contains provisions for licensing and the sale and service of alcohol.

POLICY IMPLICATIONS

The Town of Cottesloe Policy *Outdoor Concerts and Large Public Events* applies, specifically Clauses (4) (b) and (c):

Clause (4) Policy:

(b) *all outdoor concerts and major public events shall comply with the Town's 'Guide to Outdoor Concerts and Large Public Events'.*

- (c) *The Town will support up to two outdoor concerts only at any venue within a 12 month period.*

The *Guide to Outdoor Concerts and Large Public Events* specifies that:

- 8.12.8 *The liquor licence is to be for the same or lesser period than the event. Applications for liquor licences of more than 8 hours will not be supported.*
- 8.13.5 The Town will not approve “non complying” events that exceed 8 hours.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with the schedule of fees for the hire of the Civic Centre the fee for a category 9 concert is between \$7,000 and \$10,000 with a bond of \$3,000.

BACKGROUND

An application to hold an Australia Day concert on the Cottesloe Civic Centre main lawn has been received from Guy Ellies of Perth Social Club. The event, ‘Australia Day Party’ is proposed to be held on Friday, 26 January, 2007 from 1.00pm to 9.00pm. The event may finish early as buses will transport patrons to the train station in order for them to take the train to the Sky Works.

The proposal is for an Australian event featuring Australian Bands and singers. It will attract an age group of 20 - 40 years. A crowd of 1,000+ patrons is anticipated to attend.

CONSULTATION

No consultation is required prior to the event. Letters will be circulated to nearby residents at least 7-10 days prior to the event.

STAFF COMMENT

The *Guide to Outdoor Concerts and Large Public Events* requires that a proposal is submitted 90 days prior to the event to seek the in principle support of the Council. The application was received only 60 days prior to the proposed and may be refused on this basis alone.

Clause 5.2 of the guidelines states that:

In assessing applications the Council will take into consideration the following:

- *cultural benefit to the community;*
 - *likely impact on residents and the environment;*
 - *reputation of the Promoter;*
 - *day, time and duration of the event;*
 - *the number of similar events held at the venue or nearby venues within the past 12 month period;*
 - *the style of music;*
 - *participation of community groups and families in the event; and*
 - *the presence or absence of alcohol.*
-

Council's policy for *Outdoor Concerts and Large Public Events* refers to the Town's commitment to:

- *preserving the reasonable amenity of residents and businesses surrounding a venue for the purpose of staging outdoor concerts and large public events, and*
- *to ensuring that the reasonable community/society expectations to be entertained are met.*

The proposal is for a casual Australian style of concert. Being Australia Day, it appears to be a more appropriate style of event that is likely to attract more people from the community.

It is proposed that food will be included in the ticket price and alcohol will be sold at the event. Mustard Catering will be providing all catering requirements for the event. Mustard has a special caterer's licence which permits the sale of alcohol at catered events or the promoter may negotiate with Mustard Catering to use an occasional licence.

There will be an impact on residents from noise, however, being a Regulation 18 event, noise levels will be set at 70dB(A) at nearby residences and an acoustic engineer will be required to be present for the duration of the event to monitor noise levels. The duration of the concert is proposed to be 8 hours on Friday from 1.00pm to 9.00pm.

All other impacts will be managed in accordance with the *Guide to Outdoor Concerts and Large Public Events* to minimise the impact on the community.

The promoter has extensive experience in the food and beverage industry providing services for events such as the Big Day Out, Moonlight Music and Wine Festival, Summer Dayze and Il Divo.

The proposed 'Australia Day Party' concert is classified as a category 9 concert event in the *Guide to Outdoor Concerts and Large Public Events*. There has been one other 'large public event' held in the Civic Centre grounds within the past 12 month period. The last large public event was the 100% Kylie concert held on Sunday, 3 December, 2006. Should Council support this concert, no further large outdoor concerts can be supported until December, 2007.

This event will be a Regulation 18 event as it will exceed permissible noise levels and will be subject to stringent noise management. Regulation 18 enables the Town to maintain control of noise levels and monitoring of the event by setting conditions such as permissible noise levels at certain locations, monitoring requirements and complaint procedure. The applicant is also required to submit a Noise Management Plan. An acoustic consultant is required to be present to monitor noise levels throughout the event and will provide a noise report to the Town following the event.

As stated, noise levels will be set at 70dB(A) at nearby residences which is a tolerable level for residents if only two concerts are held at the venue in a 12 month period. It is an acceptable level to the promoter to provide ambience for the patrons to enjoy the music.

In addition to the requirements outlined above, the applicant will be required to comply with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*. The guide which has been adopted by Council, addresses all aspects of concert management. Should the application be supported in principle, approval is dependent on the applicant achieving compliance to the satisfaction of the Chief Executive Officer.

It is recommended that the application for the 'Australia Day Party' concert is supported in principle.

VOTING

Simple Majority

COUNCIL COMMENTS

The Mayor commented that feedback has been received from nearby residents in relation to the noise caused by these events. The Mayor does not feel that the Civic Centre is a suitable site for concerts. The Civic Centre is more suitable for family and resident friendly events.

Cr Utting stated that it is not suitable for Council to promote noisy and drunk behaviour at the Civic Centre whilst opposing the same behaviour at the hotels.

13.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council supports in principle the application from Perth Social Club to hold an 'Australia Day Party' Regulation 18 concert on the main lawn of the Cottesloe Civic Centre on Friday, 26 January, 2007 from 1.00pm to 9.00pm subject to compliance with the Town of Cottesloe's *Guide to Outdoor Concerts and Large Public Events*.

Lost 3/8

13.1.2 PROPOSED LAP POOL - COTTESLOE BEACH

File No:	E2.13
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	6 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

Council is asked to confirm its in-principle support for the development of a fully-fledged feasibility study for a lappers' pool on Cottesloe Beach subject to the CEO undertaking a study tour of NSW seawater swimming pools and reporting back to Council on the experiences of NSW local governments.

STATUTORY ENVIRONMENT

Cottesloe Beach is zoned as "Parks and Recreation" under the *Metropolitan Region Scheme*. Any development proposal for the beach will require the approval of the WA Planning Commission.

It is likely that some form of environmental assessment will be required under the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS

Council's *Beach Policy* applies. The policy's primary objectives include the objective to avoid irreversible uses of the beach reserves that reduce the options for the future.

Relevant extracts from council's *Beach Policy* provide that:

- (a) No use will be permitted within the area west of Marine Parade unless it contributes directly to the amenity of the recreational users of the beach reserves and is designed, constructed and operated in a way that protects and enhances the natural coastal environment.
- (b) No use, activity or modification should be permitted on the beach reserves if it has a significant adverse environmental effect.
- (c) Uses of the beach reserves should provide for as wide a variety of active and passive recreational opportunity as the coast is able to offer, now and in the future within the limits of the reserve's capacity and having regard to the objects of this policy...
- (e) Initially, the Town of Cottesloe will focus on maintaining the two major bathing areas, that is, Cottesloe Beach and North Cottesloe Beach, as areas which must withstand heavy pedestrian use and a high level of amenity, permanent access, adequate parking facilities and accessibility to public transport...
- (g) All projected uses of the beach reserves recognise the residential nature of the Town of Cottesloe and the need to maintain this character, the facilities and services for the amenity of the residents.

- (h) In the context of Cottesloe, it is the Town of Cottesloe's intent to maintain the area west of Marine Parade in as natural a state as the pressures from beach users permit. Therefore, only those recreation activities that do not threaten the integrity of the beach reserve, are acceptable to Cottesloe.

STRATEGIC IMPLICATIONS

One of the objectives of Council's strategic plan is for "...a clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of dune and marine environs."

FINANCIAL IMPLICATIONS

The cost of undertaking a study tour of NSW seawater swimming pools is estimated to be less than \$3,000 over a period of one working week.

BACKGROUND

In September 2005 Council passed the following resolution:

That Council proceed to undertake a preliminary in-house feasibility study, focusing on location, liability issues, construction costs and maintenance costs and put the study out for public consultation, incorporating the right of reply of the Beach Pool Action Group.

Having reviewed existing file documentation, undertaken web-based research, made contact with WA and NSW local governments and the WA Health Department it is the author's preliminary opinion that the construction of a seawater swimming pool on Cottesloe Beach is entirely feasible from a financial and operational point of view.

However the research that has been undertaken is of such a preliminary nature that it is felt that it would be unsafe to take the study to the community in its current form for reasons that are explained below.

CONSULTATION

Nil – save initial discussions with Tom Locke and Tim Willoughby representing the Beach Pool Action Group. Discussions have also been held with various government officials.

STAFF COMMENT

There is no precedent for the construction and operation of a seawater swimming pool in WA and consequently there is very little local knowledge on the subject.

Compliance Requirements

The uncertainty surrounding the construction and operation of seawater swimming pools in WA has been compounded by recent advice from the Western Australian Health Department that new public swimming pool regulations to be gazetted in early 2007 will effectively exempt seawater swimming pools from existing public swimming pool compliance requirements.

The exemption means that the construction costs for the pool can be reduced dramatically when compared to the cost of a conventional mains-water public swimming pool. Ancillary facilities that would normally be required such as toilets, change rooms, office and a first aid room can be dispensed with.

More importantly, operating costs can be reduced to a figure that is driven mainly by electricity costs incurred in the pumping of seawater and labour for the fortnightly emptying and cleaning of the pool. These costs may be further lessened by new technology and the application of algae resistant finishes to the pool.

There will be no on-going requirement for qualified permanent staff to manage the safety and operational aspects of the pool. This was formerly a significant issue for the CEO. While it is relatively easy to build new recreation facilities, it is much harder to provide qualified staff to a sufficient level for what are, essentially, loss-making facilities without justification of need. Instead and with some tweaking, the current life guard services on the beach can be redeployed to incorporate supervision of the pool on a seasonal basis.

Reduced costs through the absence of paid Council staff means that entry to the pool can be free of charge. Free entry means that demand for the pool is potentially unlimited and renders any market or needs analysis largely irrelevant.

Location

The proposed location has the following advantages:

- It is close to sea level which reduces the energy requirements involved in pumping sea water to the pool.
- It is within a patrolled life-saving area (seasonal).
- The pool can be 'pinned' to underlying limestone in order to withstand storm events just like the Indiana Tea House, the Barchetta and North Cott SLSC beach access ramp.
- The swell at Cottesloe is less than that of other metropolitan beaches and limits the potential impact of adverse weather events.
- The site is partly protected from afternoon sea breezes by the Cottesloe Groyne.
- The site is situated away from the water's edge and the most heavily used part of the beach.
- Cottesloe Beach is Perth's most popular beach which means that usage rates throughout the year are likely to be higher than in any other beach location.

The proposed location has the following disadvantages:

- Disabled access to the beach is poor.
- Parking is limited.
- Toilet facilities are limited.
- The pool is likely to require childproof industrial-strength fencing (1.2m high) which may be seen as an unwelcome intrusion on the visual amenity of the beach. The fencing will limit accidents with children wandering off behind the backs of parents and discourage the unwanted activities of BMX bandits.
- Mudurup Rocks is a site of aboriginal significance. The proposed pool may be incompatible with the site.

- Cottesloe Beach is Perth's most popular beach. An additional tourist attraction will increase beach and traffic congestion.
- The exponents of climate change suggest that sea levels will rise. This may have a significant impact on the use of Cottesloe Beach and associated facilities.
- Depending on one's interpretation of the *Beach Policy* and Council's Strategic Plan objectives, the proposed pool may be seen as unsustainable and incompatible with the current and intended use of the beach.

On this last bullet point, I believe there is a fundamental step to be taken at some point in time by elected members in terms of determining whether they support or object to the pool proposal in principle.

If there is clear opposition on Council to the proposed location, then it would be unwise to undertake community consultation. Community consultation may well deliver a result that the Council does not want.

If there is clear support for the proposed location (or the numbers are evenly balanced) then the Council should put forward a well-considered proposal to the community. It must also be prepared to act on the results of community consultation.

As it stands, the proposed location recommends itself over many other sea-level locations on the metropolitan coast. The question that remains unanswered is whether it 'fits' Cottesloe Beach and the community's aspirations for what is essentially a residential suburb.

Liability Issues

The absence of any compliance requirements means that the proposed pool is treated as a normal recreational facility for public liability insurance purposes. In other words, the Council will not be required to pay an additional insurance premium with the construction and operation of the proposed pool.

Nonetheless and as is always the case, there is a basic duty of care on the Town of Cottesloe to properly manage any risk to public health associated with the operation of the pool. Council would be aware (through its dealings with the Sea View Golf Club in particular) that the Town of Cottesloe cannot contract out its duty of care obligations and avoid a public liability claim arising from an accident occurring on land vested in the Council.

A risk management plan is therefore recommended for the proposed pool in order to;

1. minimise the risk an accident occurring in the first instance, and
2. minimise (or be used as a defence to) a public liability claim in the second instance.

The primary health risk for the pool is the risk associated with the spread of infectious diseases. The National Health and Medical Research Council has published *Guidelines for Managing Risks in Recreational Water* which can be found at:

<http://www.nhmrc.gov.au/publications/synopses/eh38.htm> .

Compliance with these guidelines and their incorporation into a risk management plan will further the interests of public safety and reduce Council's exposure to a public liability claim. While the guidelines are intimidating, it is believed that by simply turning the water over every three hours (i.e. new water for old), the majority of risks will be minimised. Faecal contamination of the water is an ever-present reality and may warrant the physical separation of any proposed toddlers' pool from the main pool.

Other public safety risks can be managed by incorporating appropriate design features into the pool. These design features are identified within the WA Health Department's *Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities* which can be downloaded from:

http://www.health.wa.gov.au/envirohealth/water/docs/Code_of_Practice_Aquatic_Facilities.pdf

While the Town of Cottesloe is not bound to comply with the Code of Practice (given the proposed exemption for seawater pools) the following risks or design elements for the proposed pool should be taken into account.

- Suitable pool finishes allowing the easy detection of dirt and submerged patrons.
- Circulation systems that ensure that there are no dead spots in the pool.
- A skimming system that dispenses with surface water pollutants.
- Appropriate wall slopes, wall and floor junctions, access and egress points and separation distances between shallow and deeper water depths.
- Provision of suitable depths for certain planned water activities (water aerobics, learn to swim etc) in order to prevent serious injuries.
- Depth markings and signage to assist patrons when choosing their patch of water or when diving into the pool.
- A smooth, non-slip concourse that drains water away from the pool and prevents stormwater from flowing into the pool.
- Appropriate discharge of used seawater into an area that neither contaminates the seawater supply or an existing swimming area.
- Appropriate safety and behaviour requirements signage.
- Signposted local laws that prohibit the use of the pool at certain times, limit maximum bather numbers, prohibit toddlers in nappies etc.
- The empowerment of particular individuals by Council to issue directions with respect to the observance of local laws.
- Encouragement of the use of showers prior to entry to the pool (to discourage urination in the pool and the carriage of sand into the pool).
- Shade for swimmers, spectators and supervising adults.
- Seating for spectators and supervising adults.
- Adequate lighting to allow safe use after daylight hours.

As indicated previously, there will be no requirement for qualified staff to manage the pool. Through the Beach Pool Action Group, the Cottesloe Surf Life Saving Club has indicated that it is prepared to provide lifeguard services to the pool.

Council might reasonably anticipate that there will be a request at some later date to subsidise the operations of the Cottesloe Surf Life Saving Club. Such subsidies (or

annual grants) are not unusual in other local governments and may be seen as partial reward for services provided freely and willingly to the public on behalf of the Cottesloe – particularly when linked to the specific provision of the pool.

To sum up, public liability risks can be managed with the proposed lappers' pool.

Construction Costs

The Shire of Irwin has recently estimated the cost of the provision of a 25m by 25m seawater swimming pool with an attached children's pool at \$770,000. The pool is to have eight lanes and its length will facilitate competition swimming. Cost savings will be made by the use of existing infrastructure associated with seawater pumps for the live lobster trade and through the use of existing natural and man-made features on the shore to buttress the pool.

Their plans are minimalist and envisage the provision of a unisex toilet with a small change room attached. Water is to be pumped into the bottom of the pool and is to return to the sea by way of an artificial waterfall. The plans are currently on hold pending the resolution of community debate over an alternative conventional pool.

The advice from the Shire of Irwin is that the technology behind concrete structures in harsh marine environments is already well established and that marine engineering expertise is a better source of technical knowledge than the more traditional swimming pool consultants.

This is a particularly critical point as the thermal expansion and contraction associated with the emptying and filling of a concrete pools can place stress on the pool and lead to hairline cracking. Subsequent saltwater infiltration of the steel reinforcement mesh has caused significant financial expense for some NSW local governments e.g. the City of Wollongong and Port Kembla Pool.

Without making any detailed examination of the Shire of Irwin's plans, the ballpark construction figure for the Cottesloe proposal would seem to be \$800,000 to \$1m given the current Cottesloe proposal for a 50m length pool that is four lanes wide (the same surface area as the Shire of Irwin proposal).

While the Beach Pool Action Group has said that it can find the necessary funds for the construction of the pool, it may well have a difficult task on its hands. The Department of Sport and Recreation has said that it will not provide capital funding for ocean pools. It is understood that the Department's philosophy is based on supporting facilities that promote programmed physical activities rather than unstructured leisure activities with minimum levels of exertion.

The length and shape of the pool may therefore be of critical importance in winning State Government financial assistance - despite the Department's stated intention not to fund ocean pools. A short course pool (25m) or an Olympic sized pool (50m) can host recognised competition events and, if well designed **and** managed, other programmed exercise activities.

If Department of Sport and Recreation funding is to be obtained, a matching financial contribution from the Town of Cottesloe is likely to be obligatory for the grant application to be successful. The Beach Pool Action Group would then be expected

to fund the remaining 1/3 contribution. Cost estimates for the construction of the pool need to be spot on as there are no second chances once a grant has been approved.

Unless fruitful and significant political pressure is brought to bear, grant applicants must wait in line depending on the priority of other recreation developments. The wait can run to several years.

To sum up, the technology and expertise is around to build a robust seawater pool. Whether State Government funding can be found to support the construction of the pool is a moot point.

Maintenance Costs

The cost of electricity for the Shire of Irwin project proposal has been estimated at \$20,000 per annum based on the pool being open six months a year. For Cottesloe one could double this figure given that year round operation is intended.

NSW experience suggests that the pool needs to be completely emptied once a fortnight and cleaned by two men over a four to eight hour period depending on the size of the pool. Emptying, cleaning and filling the pool will require the closure of the pool for a day.

Labour costs associated with the cleaning of the pool are estimated at around \$10,000 per annum. In NSW a diluted (20:1) chlorine solution is recommended for the cleaning of the walls and the bottom of the pool. The cleaning solution is then discharged back into the ocean. The effect on Cottesloe Reef is not known but the practice is seen to be environmentally safe – at least in NSW.

The point at which seawater is actually taken into a pipeline for pumping to the pool is critical. At that point the water must be free of seaweed contaminants and any other potential pollutants. It has to be in a relatively sheltered position that is unaffected by storm surges. In other words the inlet to the pipeline has to be at some depth and/or in a hole in the reef and protected by the reef. It is to be expected that on some stormy days, the pumps would not operate and the pool would be closed. Blockages at the pump inlet may require the provision of two pipelines, one as a back-up or as a means to blowing out any blockages in its companion pipeline by reversing the flow of water. If blockages need to be cleared by divers, then the regulations applying to confined workspaces must be adhered to.

Maintenance costs will therefore be influenced by the success or otherwise of finding a suitable inlet point.

Vandalism is an unknown quantity as is the influence of wind blown sand on the operation of the pool.

Relatively speaking, pool operating costs of say around \$80,000 per annum appear likely. They are minimal costs when compared to the operation of conventional swimming pools with high energy, chemical and labour costs.

Future Direction

The Beach Pool Action Group has probably gone as far as it can in progressing the project.

A desktop review indicates that the project is feasible however the author has some misgivings about putting a preliminary proposal to the community without any sense of intended direction from the Council and with significant gaps in the knowledge base.

For example, a management plan may or may not be required with this sort of facility. To go to the community with no knowledge on this particular issue would seem to be fraught with danger.

A working knowledge of experience of NSW local governments in the management of 'non-compliant' seawater swimming pools and their actual experience with public liability claims would seem to be particularly useful.

Confirmation of the sorts of operating costs that might be anticipated would also be useful. Notwithstanding the significant capital cost in constructing the pool, the estimated operating costs seem to be low.

At the very minimum, the CEO (or the Town Engineer) should undertake site visits to existing facilities in NSW to fill in some of the knowledge gaps. On site discussions with experienced operators will reveal a lot more than is currently known.

If the visits and discussions do not reveal any hidden surprises, Council may then consider that it would be appropriate to put some sort of design proposal and discussion paper to the community as part of a fully fledged feasibility study.

At this point in time, there is little to be gained in putting the above preliminary, but potentially flawed, feasibility study to the community for comment.

VOTING

Absolute Majority – unbudgeted expenditure for interstate travel and accommodation.

OFFICER RECOMMENDATION

That Council confirm its in-principle support for the development of a fully fledged feasibility study for a lappers' pool on Cottesloe Beach subject to the CEO undertaking a study tour of NSW seawater swimming pools and reporting back to Council on the experiences of NSW local governments.

COMMITTEE RECOMMENDATION

That Council refer the matter of a lappers' pool on Cottesloe Beach to the Foreshore Vision Working Group, prior to Council considering whether to proceed with a fully fledged feasibility study.

AMENDMENT

Moved Cr Dawkins, seconded Cr Furlong

That:

- (1) Council confirm its in-principle support for the development of a fully fledged feasibility study for a lappers' pool on Cottesloe Beach subject to the CEO undertaking a study tour of NSW seawater swimming pools and reporting back to Council on the experiences of NSW local governments; and
- (2) Council refer the matter of a lappers' pool on Cottesloe Beach to the Foreshore Vision Working Group.

Lost 4/7

The vote was recorded:

<i>For:</i>	<i>Against:</i>
Mayor Morgan	Cr Cunningham
Cr Carmichael	Cr Jeanes
Cr Dawkins	Cr Miller
Cr Furlong	Cr Strzina
	Cr Utting
	Cr Walsh
	Cr Woodhill

AMENDMENT

Moved Cr Utting, seconded Cr Walsh

That:

- (1) Council refer the matter of a lappers pool on Cottesloe Beach to the Foreshore Vision Working Group, prior to Council considering whether to proceed with a fully fledged feasibility study.
- (2) The Beach Pool Action Group be requested to seek a more suitable site for the lapper pool.

Carried 7/4

13.1.2 COUNCIL RESOLUTION

Moved Cr Utting, seconded Cr Walsh

That:

- (1) **Council refer the matter of a lappers pool on Cottesloe Beach to the Foreshore Vision Working Group, prior to Council considering whether to proceed with a fully fledged feasibility study.**
- (2) **The Beach Pool Action Group be requested to seek a more suitable site for the lapper pool.**

Carried by Absolute Majority 7/4

13.1.3 COTTESLOE CIVIC CENTRE - PROPOSED OFFICE EXTENSION AND CIVIC CENTRE REFURBISHMENT

File No:	C4.9
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	The author declares a financial interest as he has been the recipient of gifts of corporate hospitality from Mustard Catering
Report Date:	4 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

Council is asked to:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects,
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for 2007/08 budget setting purposes,
- (3) Subject to price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2008 so that community consultation can take place.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The fixed fee from Philip Griffiths Architects for design development, cost check and approvals is expected to be less than \$50,000.

This expenditure has not been budgeted for.

BACKGROUND

In December, 2004 Council resolved to confirm its commitment to retaining the Civic Centre as its administrative centre. The decision was made with a view to ensuring that a good standard of office space was provided for staff and so that customers could be better served.

Considine & Griffiths Architects were subsequently engaged to prepare architectural plans for potential additions to the Civic Centre.

Four options were put to Council at its June, 2005 meeting namely: -

1. Expand Current Accommodation (Mustard Catering and Rangers to remain in existing locations)
2. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to relocate to Council offices)
3. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to remain in Caretaker's Cottage)
4. Construction of a New Administration Building on the Western Lawn

Council decided not to proceed with the exploration of Option 4. It also decided to obtain more information on usage options for the Cottesloe Civic Centre. These options were to provide either a commercial or community benefit (or both) with a view to optimising the use of the Civic Centre while at the same time meeting Council and community needs.

Subsequently a report, *Cottesloe Civic Centre – Options for Future Use*, was presented to the December, 2005 meeting of Council recommending that all the existing uses (including catering arrangements) be retained on site if at all possible.

The recommendation was accepted and it was decided that a design brief should be prepared for Council's consideration for office extensions based on the relocation of Ranger staff from the Caretaker's Cottage with private catering and events coordination remaining on site.

The design brief was presented to the September 2006 meeting of Council where the following resolution was passed.

That Council:

- (1) Support the removal of Mustard Catering and the kitchen from the main building of the Civic Centre;
- (2) Is willing to consider, subject to community consultation, any proposal for Mustard Catering and/or the kitchen to relocate to the Lesser Hall;
- (3) Confirm that a holistic approach is required in ensuring that any office additions and town hall improvements add to the heritage values and useability of the Civic Centre; and

- (4) Commission Philip Griffiths Architects to complete a schematic design for the proposed Civic Centre office expansion and upgrade as per their correspondence dated 13 September, 2006.

In relation to part 1 of the above resolution Mustard Catering have advised as follows:

We have had some initial estimates for the relocation of the kitchen facilities and also an upgrade on the existing if that remains relevant at some stage. As discussed the necessity for the relocation of the kitchen is paramount in the successful execution of function activity in the main hall and sunken lawn. The current kitchen location works well as it is located between both and any relocation would in fact make the operations very difficult and possibly not viable from an operational and financial standpoint.

If we were to relocate the facilities it would still be necessary to have a regeneration kitchen on the second level of the building, possibly where the current store is adjacent to the Jarrah Room and also refit of the kitchen room servery.

To complete this work alone without considering the relocation of the office facilities some \$200,000 would be required. I have attached our initial quotations for your reference.

I look forward to progressing our discussions with you at your earliest convenience.

In relation to part 2 of the September resolution, community consultation awaits a firm proposal from Mustard Catering regarding the Lesser Hall.

Part 3 of the September resolution is also dependent, in part, on Mustard Catering's intentions.

Part 4 of the September resolution has now been completed with the delivery of a Schematic Design Report from Phillip Griffiths Architects (see attachment).

Relevant extracts from the report are detailed below.

Physical Constraints

Page 4:

Some damage has been done to the significant external fabric, in a cultural heritage sense, by the infilling of the arcades around the western, southern and eastern face of the building, addition of awnings to windows, installation of plant and poor selection of some materials for adaptive use. In this proposal, the arcades will be restored by opening up the arches and reinstating the balustrades as indicated in the conservation plan.

User Needs and Space Analysis

Page 11:

The current planning provides 460m² of accommodation on the ground floor and 590m² on the second floor. This accommodation is poorly planned and reduces the ability of Council to deliver the services it requires. Not all functional groups are currently in the same building, reducing the efficiency of service delivery and the advantages of having the whole team at a single location...

The existing accommodation provides an average of 11m²/person where current developments of this type aim for an average of 16.2m². This represents a required increase of 45% on current space requirements...

What clearly emerged from this analysis was the fact that catering services put a lot of pressure on the available and potential built space. It also made space planning highly inefficient. It was therefore recommended and accepted that catering services should be excluded from the main building, other than in ancillary spaces at the War Memorial Town Hall level.

The Schematic Design

Page 12

The main architectural features of the design are: -

- Simplified and predominantly open space planning in the existing spaces at ground floor level;
- The planning and partition work at ground floor level is laid out to produce generous spaces and visual interconnectedness;
- Significant fabric of the ground floor will be retained;
- Infill addition will be a contemporary finely designed glass box with a canopy to reduce the impact of the morning sun;
- Infill will be designed in a way that allows for a good distribution of daylight to the deep plan internal spaces;
- The roof to the infill will be sculpted with high quality zinc or copper finishes so that the view onto it from the upper level will be to a very high standard;
- The existing awning to the first level windows in the courtyard will be replaced in keeping with the style of the addition;
- Toilets will be completely redesigned to meet current standards;
- The arcade around the War Memorial Town Hall will be re-opened and upgraded;
- The facilities in the War Memorial Town Hall, including lighting, sound, and audiovisual will be upgraded;
- External levels will be contoured to allow disabled access;
- As far as possible the offices will allow compliant disabled access;
- Communications will be located in their present location; and,
- Services will be upgraded to suit the new standards.

Page 13:

The general arrangement of the plan comprises a central reception area in the new infill part of the plan, with immediate support services and meeting rooms accessible directly from the reception area. The CEO's area is located to the south where the present Mustard Catering offices are located, with a support meeting room immediately adjacent. Archives are located in the present kitchen area and other CEO support rooms are adjacent.

The RSL room remains as is, with access from the rear, via a common amenities area and with access to the refurbished toilets in the same location as the present toilets. The amenities area will be provided for staff but may also be shared by the RSL.

The server room will remain in its present location, with the ranger's office being located immediately to the south. Administration will be relocated adjacent to the public counter, with health, building and planning along the north side of the building.

The basement will become ranger's storage, with improved access to allow ready movement of larger materials.

The upper level of the northern extension will be refurbished to provide a good standard of toilet amenities and to allow the eastern end of the extension to be used for staff training and occasional meeting space.

The planning approach has adopted a collegial working environment, with maximum transparency between spaces. It endeavours to avoid fragmentation and promotes visual connection between spaces. There are as few enclosed offices as possible so that in a day-to-day working environment there will be maximum contact between work colleagues.

Costs

Page 19:

In simple terms the cost divide is as follows:-

- | | |
|---|-------------|
| • Administration or office upgrade and extensions | \$1,625,000 |
| • Memorial hall upgrade | \$375,000 |
| • Other project costs | \$800,000 |

The Other project costs section includes a general contingency, construction contingency, professional fees at 10% and cost escalation. Another way of looking at the two projects would be to say that the figures given should have in the order of 40% added to the base figures for estimate purposes. The contingency amounts make an allowance for the degree of uncertainty and unknowns in the design at this stage of the process. At the next stage the design will be further resolved with additional information to allow specific estimating.

The project would involve the complete de-commissioning of the administration section so that temporary relocation would need to be factored into a full assessment of all cost implications.

The projects are separable and Council may decide to undertake one project and defer or not proceed with the other. It should be born in mind that phasing construction generally comes with a premium for mobilising more than once.

Conclusion

Page 20:

Council may decide to split the project into two separate phases, or alternatively only proceed with say, the administration functions.

Council needs to decide whether the outcomes and costs are acceptable and if so, to commit to a course of action to implement the scheme.

If Council is content to pursue the scheme illustrated, or something like it, the project should move forward to a design development, cost check and approvals stage prior to documentation, tendering and construction.

CONSULTATION

Staff have been consulted on the plan and see it as a major improvement on a previous office expansion plan which saw Mustard Catering remaining in-situ and the Rangers remaining off site.

A copy of the previous plan is attached for comparative purposes.

STAFF COMMENT

Schematic Design

The work undertaken by Philip Griffiths Architects clearly demonstrates that there is a solution to Council's functional requirements. The schematic design not only satisfies current requirements but also provides limited additional capacity should it be required.

If Council decides to proceed on the basis of the current schematic design, there will be some minor changes in spatial arrangements resulting from staff feedback received to date but nothing of any substance.

These changes are unlikely to have any impact on final construction costs.

Costs

The \$2.8m cost is significant but if past experience is any guide, it is overly generous.

Factors which will have a direct bearing on the final cost include:-

- the state of the construction industry at the time of going to tender and whether cost escalation of \$200,000 plus actually occurs between now and the date of going to tender,
- whether contingency funds of \$300,000 are utilised, and
- whether professional fees of \$300,000 can be reduced by up to 50% through the avoidance of any significant reworking of the planned extensions and refurbishment.

If Council supports the proposed schematic design, the following estimated professional services (based on a \$300,000 total) will be required:-

- design development, cost check and approvals (\$75,000)
- documentation (\$105,000)
- tendering (\$15,000) and
- construction (\$105,000)

Given that the legal tender threshold for local governments is \$50,000 and given the above estimates, it is likely that Council will be required to call tenders for some of the professional services.

However, it may be possible to get through the design development stage without calling tenders if Council invites a fixed fee for under \$50,000 from Philip Griffiths Architects.

Design development, cost check and approvals are necessary pre-requisites if a realistic budget is to be set for the construction of the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year.

Once the budget has been set, Philip Griffiths Architects could then arrange for all the sub-consultants to provide Council with fixed figures for the documentation stage with a view to letting the construction tender in late 2007 and commencing construction immediately after the traditional building industry Christmas shut down.

Finance

Funding for the proposed office extensions and civic refurbishment can be found in a large part from the proposed sale of the Margaret Street drainage sump.

Alternatively, Council may wish to avail itself of its loan raising capacity - or use a combination of loan funds and revenue.

In deciding whether to use revenue funds or loan funds as a source of finance, there are differences of opinion as to whether present or future ratepayers should pay for long-term assets. Some claimed advantages include the following:

Advantages of the pay as you acquire approach (finance from revenue):

- It encourages responsible spending as the community must immediately meet the full cost of the asset.
- In times of economic hardship there is much greater flexibility when setting rate levels in that less rates are directed towards the servicing of debt.
- There are significant interest savings resulting in greater expenditure on assets or a lower level of rates.

Advantages of the pay as you use approach (finance from loans):

- In times of inflation incomes increase, making it easier to meet repayments.
- Each generation of users makes payment towards the capital cost of the facilities it uses.
- With care and planning, debt repayment schedules can be organised to minimise any hardship due to downturns in the economy.

In the author's experience, the raising of loans is generally well received by the community where the finance is used to fund tangible civic, recreation and leisure facilities that confer an immediate benefit on a range of users throughout the community.

Loans for 'administrative overheads' such as office accommodation tend to be less acceptable and in some quarters may be seen as an unnecessary extravagance. Many residents have very little direct interaction with Council staff in their workplace and therefore are not exposed to the inefficiency and costs of current arrangements.

On the other hand, for those customers who have attended at the public counter there is little doubt that compared to the majority of our metropolitan counterparts, we are seriously lacking. They would certainly appreciate greater accessibility, convenience and amenity.

Project Timing

As stated above, design development, cost check and approvals are necessary pre-requisites if we are to set a realistic budget for the project.

Once the budget has been set and documentation has been prepared, Council could let the construction tender in late 2007 and commence construction in early 2008.

The temporary relocation of staff will be a pre-requisite to the commencement of construction. Temporary facilities will be provided within the War Memorial Town Hall and adjoining rooms.

Given that:

- the Town Hall will not be available for functions,
- the intentions of Mustard Catering are not yet known, and
- there has yet to be any community consultation on any proposal for Mustard Catering and/or the kitchen to relocate to the Lesser Hall,

it would be appropriate to put Mustard Catering on notice that the existing kitchen facilities and the Civic Centre building itself will not be available for functions from early 2008 and that further, their plans for any development of the Lesser Hall will need to be with the Town of Cottesloe in the first quarter of 2008 so that community consultation can take place.

VOTING

Absolute Majority for part 3 of the Officer Recommendation.

COMMITTEE COMMENT

Mr Phillip Griffiths from Griffiths Architects attended the meeting. He provided a summary of the proposed project. Council's Heritage Consultant has been consulted in relation to the proposed building. An environmental consultation will also be involved in the project.

Cr Miller asked whether the building could be returned to its original look, if the new front building was required to be removed in the future.

Mr Griffiths replied that it could and he explained why they choose a modern look for the new areas of the building instead of trying to match the historical building.

Cr Utting asked how the reported shortfall of square metres of office space per officer was decided upon.

Mr Griffiths advised that he applied a set of standards that are used by local governments within WA.

The Mayor asked whether community consultation should be undertaken.

The CEO advised that it would be appropriate to undertake community consultation.

OFFICER RECOMMENDATION

That Council:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects,
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,
- (3) Subject to price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2008 so that community consultation can take place.

COMMITTEE RECOMMENDATION

That Council:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects,
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,
- (3) Subject to price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place.
- (7) Undertake community consultation prior to any budget-setting decision.

Cr Jeanes left the meeting from 9.37pm to 9.38pm.

Cr Utting left the meeting from 9.48pm to 9.51pm.

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That Council amend part (1) to read as follows:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the proposed new administration entrance being more sympathetic to the aesthetics of the existing building.

Carried 10/1

AMENDMENT

Moved Mayor Morgan, seconded Cr Dawkins

That Council amend part (3) to read as follows:

- (3) Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,

Carried 8/3

13.1.3 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the proposed new administration entrance being more sympathetic to the aesthetics of the existing building.
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes,
- (3) Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes,
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year,
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008,
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place.
- (7) Undertake community consultation prior to any budget-setting decision.

Carried by Absolute Majority 10/1

13.1.4 MUNICIPAL EMPLOYEES AWARD - REQUEST FOR EBA ADJUSTMENT

File No:	X9.9
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	4 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to grant a wage increase of \$18 per week for each 'outside' Council employee back dated to 3 July, 2006 and expiring on 30 November, 2006.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The financial impact of the proposed backpay is approximately \$4,500.

BACKGROUND

Up until 1 March, 2003 the 'outside' employees of the Town of Cottesloe were covered by the Town of Cottesloe's *Operational Staff Certified Enterprise Agreement*.

Under the agreement it was agreed that on "...the first pay period on or after the 1st of July ... the rate of pay ... [would] increase by the award safety net or CPI for the March for that year, whichever is the greater."

With the expiration of the enterprise agreement, arrangements defaulted back to the standard award arrangements which meant that future wage increases were determined annually by National Wage Case decisions.

As a result, National Wage Case decision increases flowed through to all non-contracted Council employees on 31 May, 2003, 31 May, 2004 and 6 July, 2005.

More recently National Wage increase decisions have been replaced by a new wage adjustment system operating under the Federal Government's Work Choices legislation. Wage increase decisions are now made by the Australian Fair Pay Commission.

On 26 October, 2006 the Australian Fair Pay Commission announced an increase of \$27.36 per week for minimum wage rates up to \$700 per week and \$22.04 per week for minimum wage rates \$700 per week and above. The wage increases took effect as of 1 December, 2006.

The union representing the workers believes there is a case for back pay prior to 1 December, 2006.

The Local Government and Race Course Employees Union therefore wrote to the Town of Cottesloe as follows:-

Further to discussions held on Thursday November 16 2006 the union confirms the following on a "without prejudice basis":

Whilst the worker's preference is for the full amount of the Fair Pay Commission to be paid retrospectively to 1 July 2006, there is an acknowledgment that based on your advice that this would not have support of the Cottesloe Councillors.

A compromise position is put that the employees covered by the Municipal Employees (Western Australia) Award 1999 are paid as follows:

1. \$ 18.00 per week from 1 July 2006
2. \$ \$ 27.36 per week from 1 December 2006

in addition to their existing weekly rates of pay.

In support of this claim the union notes that from July 1997 the employees have continuously received wage adjustments effective from 1 July each year either through Enterprise Bargaining Agreements or common law flow on of National Wage Case Decisions handed down by the Australian Industrial Relations Commission.

That the workers through the union were prompt in initiating their original claim to you in March - April of this year.

The last increase was in July 2005 and the workers have now gone 17 months without any adjustment despite the Perth CI index running at in excess of 4% in that same period(based on information published by the Australian Bureau of Statistics).

The union requests your support of this claim to be put to the December meeting of Council.

The union looks forward to your response.

In short, the union is arguing that a case can be made for back pay for the period from 1 July, 2006 up until 1 December, 2006.

CONSULTATION

The CEO corresponded with the Town's employer advocate, Local Government Workplace Solutions, seeking advice as to the most appropriate course of action.

It was pointed by the CEO that he had indicated to union representatives that the Fair Pay Commission decision took into account the close to 18 month period since the last pay increase for pay-scale-reliant employees was made. However the union had

argued " ... that if you look closely at the decision it can be argued that there is scope to justify a pro-rata adjustment back to 1 July, 2006 - hence an \$18 claim."

The advice of Simon White from Local Government Workplace Solutions was that:-

Our reading of the Australian Fair Pay Commission's decision is that the reason the increase was so significant (for example when compared to the State Wage increase of \$20 per week), was to take into consideration the 17 month period since the last increase. The Australian Fair Pay Commission has indicated they will most likely hand down their next increase in May 2007. To backdate the increase to July 2006 is a discretionary matter for the Town but not an action we would advise as necessary.

STAFF COMMENT

For a three-year period 'outside' employees received automatic wage increases equal to CPI.

To the extent that these increases no longer apply and to the extent that there has been a delay in the awarding of a wage increase, an argument can be made for some intervening wage increase – although this is an entirely discretionary decision and there is no obligation on Council to do so.

Back pay to July, 2006 for the eleven, potentially-eligible, full-time employees (based on the union's request of \$18 per week) amounts to \$406.80 each or \$4,474.80 in total.

It is interesting to note that seven of the eleven employees are on an annual salary of \$34,395. Had the Town's certified agreement been continued, an employee on \$34,395 per annum would have received a weekly increase of **\$27.78** per week based on a March 2006 quarter CPI yearly increase of 4.2%.

The Fair Pay Commission's increase to apply to these employees from 1 December, 2006 is **\$27.36**

VOTING

Simple Majority

13.1.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council grant a wage increase of \$18 per week for each 'outside' Council employee back dated to 3 July, 2006 and expiring on 30 November, 2006.

Carried 11/0

Cr Utting was recorded as voting against the motion.

13.1.5 FIREWORKS DISPLAYS AT NORTH COTTESLOE BEACH

File No:	C 2. 1
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Report Date:	7 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to Council to delegate authority to the Chief Executive to grant approval for up to six fireworks displays within the Town of Cottesloe per annum.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

A request to delegate authority to the Chief Executive for approval for fireworks displays was received from Mr Kim Gamble from 149 Marine Parade, Cottesloe (see attached).

CONSULTATION

Nil.

STAFF COMMENT

There appears to be merit in this proposal as the current practice requires each fireworks application to be approved by Council.

VOTING

Simple Majority

COMMITTEE COMMENT

It was felt that a policy should be developed in relation to fireworks displays being held in Cottesloe.

The CEO provided more information in relation to the firework permit process. Basically the Department of Consumer and Employment Protection refers any permit

application for fireworks to the local government for their consideration. If the local government objects then it needs to detail the grounds of its objection.

OFFICER RECOMMENDATION

That Council delegate authority to the Chief Executive to grant approval for up to six fireworks displays within the Town of Cottesloe per annum.

13.1.5 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Object to the application from Mr Gamble to hold a fireworks display on North Cottesloe Beach because of the potential fire risk, noise and commercial aspects which run contrary to Council's Beach Policy; and**
- (2) Request staff to prepare a draft policy on fireworks displays in Cottesloe for Council consideration.**

Carried 10/1

13.1.6 LIBRARY IN-PRINCIPAL SUPPORT FOR COMMUNITY CONSULTATION PROCESS

File No:	C11. 1
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Report Date:	7 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to Council to provide in-principle support for a community consultation process for the proposed Cottesloe-Peppermint Grove-Mosman Park Library to commence in early 2007.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil. The cost of the consultation process is being paid by the Joint Library Steering Committee out of their reserves.

BACKGROUND

The Chairman of the Joint Library Steering Committee has written to the Council as follows:

As the Town of Cottesloe would be aware the local governments of Cottesloe, Peppermint Grove and Mosman Park (CPGMP) are currently examining options for the redevelopment of the joint Library Service at 1 Leake St, Peppermint Grove.

The need for a redevelopment of the service has been identified over a number of years, as long term modelling indicates that the current service is inadequate for the growing population of the area and does not meet modern library standards.

The Joint Library Steering Committee, comprising representatives from the three municipalities, recommended in April 2002 that redevelopment of the CPGMP Library be considered.

As a result, detailed community comment has been sought on future library needs, including forums and written surveys.

In line with community feedback and advice from library and planning experts, a proposal has been developed for a combined library service / Shire of Peppermint Grove offices on the existing site. It should be noted that the proportion of costs associated with the new Shire of Peppermint Grove offices will be fully borne by that Council as a separate project.

A detailed fact sheet on the project is included for further information (see attachment).

As the project is being progressed for the benefit of ratepayers, the Joint Library Steering Committee believes it is important that community comment is sought on the proposal as soon as possible. This will ensure that the needs of residents, as expressed through earlier consultation mechanisms, will be met by the new service.

The Steering Committee is seeking the support of the Town of Cottesloe to commence the community consultation process in early 2007.

While the Joint Library Steering Committee recognises that some Council members are currently seeking detailed planning information on the new library, the project is in the early planning stages and the Committee believes it is most appropriate to seek community comment ahead of working together with Councils to finalise technical issues.

In short, the Committee is seeking assurance that the community accepts the concept proposal ahead of further, detailed planning work.

Objective of community consultation

The community consultation program will seek input from a wide range of stakeholders into the current concept proposal for the new library service.

The objective will be to canvass the views of the broad community in relation to the proposed redevelopment, with a view to addressing concerns and, where possible, incorporating appropriate feedback.

The process will also seek to ensure that community needs, as expressed through consultation processes in 2005, will be addressed through the new service.

Parameters of community consultation

Community consultation in 2005 has already determined the need for a new library service and provided a guide as to the facilities required within that service.

As a next step, it is critical to set clear, narrower parameters for community consultation in order to obtain meaningful feedback.

As such, the Joint Library Steering Committee proposes to request comment on the proposed redevelopment of the library as presented at the joint Council meeting of 9 November 2006. This will focus community feedback and provide a clear direction as to acceptance or otherwise of the current concept proposal.

Additionally, it must be recognised by all parties that there are diverse views in the community with regard to the project and, as such, the Committee will be seeking a general community consensus on the project.

Stakeholders in community consultation

The following stakeholders will be invited to be part of the community consultation process:

- Ratepayers, including library patrons and neighbours
- Community groups
- Council Members
- Local businesses
- Members of Parliament

The Joint Library Steering Committee has requested feedback from the Town of Cottesloe as to other stakeholders to be included in the consultation process.

Responsibility for community consultation

It is proposed that the Joint Library Steering Committee take carriage of the community consultation process. This will provide a co-ordinated approach across all municipalities and on-going liaison with each Council.

Prior to the commencement of consultation, however, the Committee will seek the comment of the Town of Cottesloe on the consultation strategy and major supporting documentation. The Town of Cottesloe has already indicated some items for inclusion in the documentation, including information on sustainable initiatives and alternative approaches such as a second storey.

During the consultation process, representatives of each Council on the Committee will provide a conduit for input into the process for consultation as required.

Community consultation initiatives

An independent firm has been engaged to assist in the community consultation process.

Planned initiatives include –

- Mail out of information to all ratepayers, seeking comment on the proposal;
- A public display of information in each of three municipalities;
- A public information session in each municipality;
- On-line information and
- Advertising for public submissions on the proposal.

Consideration of outcomes of community consultation

Following the conclusion of community consultation, a summary of findings will be presented to each Council to assist in their determination on the project.

This will include an overview of feedback across the three Councils as well as an analysis of data in the respective municipalities.

CONSULTATION

Nil.

STAFF COMMENT

The consultation plan was presented to Councillors at the meeting on Tuesday December 5, 2006. It was generally agreed to develop the consultation strategy and supporting documentation during January, for consideration by the Council in February 2007.

This would then allow the commencement of community consultation in March 2007, subject to agreement on the strategy and documentation by Council, with collation and assessment of feedback in April 2007.

Following the assessment of feedback and determination of changes to the project, each Council will consider the project, including budget and design.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council provide in-principle support for a community consultation process for the proposed Cottesloe-Peppermint Grove-Mosman Park Library to commence in early 2007.

Cr Dawkins left the meeting from 10.07pm to 10.08pm.

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That before Council provide in-principal support for a community consultation process for the proposed Cottesloe-Peppermint Grove-Mosman Park Library to commence in early 2007, the option of a two storey library be fully explored, subject to Council's prior approval of the consultation documents.

Lost 4/7

13.1.6 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council provide in-principle support for a community consultation process for the proposed Cottesloe-Peppermint Grove-Mosman Park Library to commence in early 2007, subject to Council's prior approval of the consultation documents.

Carried 8/3

The vote was recorded:

For:

Mayor Morgan

Cr Cunningham

Cr Dawkins

Cr Furlong

Cr Jeanes

Cr Miller

Cr Strzina

Cr Utting

Against:

Cr Carmichael

Cr Walsh

Cr Woodhill

13.2 ENGINEERING

13.2.1 BUSINESS PLAN, SALE OF NO. 45, LOT 8 LYONS STREET, COTTESLOE

File No:	E15. 6
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	4 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

At its meeting in October, 2006 Council resolved:

That in compliance with Section 3.59 of the Local Government Act, 1995 the Town of Cottesloe advertise the business plan for the sale of No. 45 (Lot 8) Lyons Street, Cottesloe.

This report deals with the results of this business plan being advertised, as well as presenting to Council Real Estate agents interested in the sales process, with the following recommendation:

That Council:

- (1) Proceed with the sale of No. 45 (Lot 8) Lyons Street, Cottesloe, as described in the advertised Business Plan giving notice of this sales intent, in accordance with Section 3.59 of the *Local Government Act, 1995*;
- (2) Employ Mack Hall & Associates as the Real Estate Agency to undertake this sales process by auction; and
- (3) Inform all unsuccessful Real Estate Agencies of Council's decision in this matter.

STATUTORY ENVIRONMENT

The following extracts from Sections 3.58 and 3.59 of the *Local Government Act, 1995* apply.

3.58. Disposing of property

- (1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or

- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

3.59. Commercial enterprises by local governments

(1) In this section —

“acquire” has a meaning that accords with the meaning of **“dispose”**;

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“land transaction” means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

“major land transaction” means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

“major trading undertaking” means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

“trading undertaking” means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **“land transaction”**.

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

- (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
- (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
- (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

The proposed sale of land by public auction meets the requirements of 3.58.

The property sale is affected by Section 3.59 of the *Local Government Act, 1995* because the income for this sale is likely to be in excess of 10% of the annual operating expenditure of the Town of Cottesloe. This necessitates the preparation and advertising of a business plan for the sale.

POLICY IMPLICATIONS

The *Sale of Property* policy applies.

SALE OF COUNCIL PROPERTY

That as a matter of Policy, when Council is considering the sale of any Council property, such sale shall be based on a market valuation and not a valuation provided by the Valuer General.

STRATEGIC IMPLICATIONS

One of the objectives of Council's Strategic Plan is to "produce and implement a realistic five year plan for the maintenance of all major assets". Income from this land sale will allow Council to fund its long term road and street drainage program.

Council's Strategic Plan also provides, under District Development – Environment: *Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.*

This project has, as one of its aims, the recharge of the groundwater aquifer under Cottesloe, which has significant environmental benefits.

FINANCIAL IMPLICATIONS

Council has budgeted to receive \$1.2m for the sale of this property. This is after all costs have been deducted, including goods and services tax, real estate costs and the site costs involving removal of drainage structures on the property and the filling of the sump.

BACKGROUND

As per the *Local Government Act, 1995* Section 3.59, a business plan is required because the income from the sale may be in excess of 10% of the annual operating expenditure of the Town of Cottesloe.

The main purpose of this property sale is to provide Council with the capacity to meet its financial obligations for the four-year "Restoration of the Groundwater Aquifer on the Cottesloe Peninsula, Western Australia" program which is being funded one-third by the Federal Government through the National Water Initiative.

The details obtained from Real Estate Agencies operating in this area has been provided for Council to consider appointing an agent for the auction process in the event that Council resolves to proceed with the sales process, once it has given consideration to all comments received from the advertising of the business plan.

Council is not scheduled to meet in January, 2007. The sale of the Eric Street property last financial year took place in January/February because of advice received that the best time for the auction would be at that time of the year.

The February, 2007 meeting will also be a long meeting with a large agenda. Therefore, Council may wish to consider the appointment of a sales agent for No. 45 (Lot 8) Lyons Street at this time.

CONSULTATION

This Business Plan has been advertised in a newspaper circulating in the area, on Council's web page, on the Civic Centre and town centre notice boards, at the Library and at the Civic Centre office counter.

STAFF COMMENT

Comments on the Business Plan close at 4.00pm on Friday, 8 December. At the time of writing this report no comments had been received. Any comments received will be provided at the committee meeting.

In addition, at the time of this report being written, submissions had been received from 11 Real Estate Agencies, these being:

- Jamie Loh,
- Kempton Azzopardi,
- George Waring,
- Browne Grove,
- Ockerby,
- Albrecht Fear,
- Paxton Hoad,

- Renouf,
- Mack Hall,
- Olifent,
- Space.

Copies of all submissions from Real Estate Agents to undertake the land sale auction will be available at the meeting.

VOTING

Absolute Majority

COMMITTEE COMMENT

The CEO advised the Committee that Mack Hall & Associates had been recommended on the basis of their sales record in Cottesloe as set out in their submission.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Proceed with the sale of No. 45 (Lot 8) Lyons Street, Cottesloe, as described in the advertised Business Plan giving notice of this sales intent, in accordance with Section 3.59 of the *Local Government Act, 1995*;
- (2) Employ Mack Hall & Associates as the Real Estate Agency to undertake this sales process by auction; and
- (3) Inform all unsuccessful Real Estate Agencies of Council's decision in this matter.

COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That the meeting be closed to discuss the reserve price.

Carried 9/2

The members of the public left the Council Chamber.

COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Dawkins

That Council authorise the CEO and Mayor to set a reserve price in conjunction with the appointed real estate agent.

Carried 9/2

COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That the meeting be reopened to members of the public.

Carried 10/1

Moved Cr Furlong, seconded Cr Strzina

That the motion be put.

Lost 3/8

AMENDMENT

Moved Cr Cunningham, seconded Cr Utting

That the lowest offer from Ollifent Real Estate be appointed as the Real Estate Agency to undertake this sales process by auction.

Lost 5/6

13.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Proceed with the sale of No. 45 (Lot 8) Lyons Street, Cottesloe, as described in the advertised Business Plan giving notice of this sales intent, in accordance with Section 3.59 of the *Local Government Act, 1995*;**
- (2) Employ Mack Hall & Associates as the Real Estate Agency to undertake this sales process by auction; and**
- (3) Inform all unsuccessful Real Estate Agencies of Council's decision in this matter.**
- (4) That Council authorise the CEO and Mayor to set a reserve price in conjunction with the appointed real estate agent.**

Carried by Absolute Majority 9/2

The vote was recorded:

<i>For:</i>	<i>Against:</i>
Mayor Morgan	Cr Utting
Cr Carmichael	Cr Woodhill
Cr Cunningham	
Cr Dawkins	
Cr Furlong	
Cr Jeanes	
Cr Miller	
Cr Strzina	
Cr Walsh	

13.2.2 DRAFT MANAGEMENT PLAN FOR FOUR COTTESLOE BUSHLAND RESERVES - PUBLIC CONSULTATION

File No: E10.13
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 6 December, 2006
Senior Officer: Mr Stephen Tindale

SUMMARY

At its September, 2006 meeting Council resolved to advertise the draft *Management Plan for Four Cottesloe Bushland Reserves* for public consultation for four weeks, with the results to be brought to Council for consideration in the November, 2006.

This report details on the results of the public consultation process and recommends that Council:

- (1) Receive (rather than adopt) the draft *Management Plan for Four Cottesloe Bushland Reserves*.
- (2) Assist Cottesloe Coastcare Association in hosting a workshop to discuss the potential development of an over-arching environmental management plan for Cottesloe.
- (3) Thank all respondents to Council's consultation process for their comments and be informed that all comments received will be considered within the future resolution of the final plan.

STATUTORY ENVIRONMENT

These reserves are Crown land reserves vested in the Town of Cottesloe.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The most relevant aims of Council's Strategic Plan relating to this matter are:

District Development – Environment: Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

District Development – Appropriate Planning: Produce and implement a realistic five year plan for the maintenance of all major assets.

District Development – Environment – Parks and Reserves: Maximum use of available reserve land for a balance of public recreation and revegetation with local species. Provide clean, safe, sustainably managed areas using "user pays" principles.

FINANCIAL IMPLICATIONS

Nil for 2006/07. Management Plans are used as the basis for a five year programs.

BACKGROUND

For most of Council's major assets, long-term management plans are in place together with programmed expenditure for each year.

Natural vegetation reserves come under Council's control. They form part of Cottesloe's asset base and therefore require long-term management plans.

In March, 2005 the CEO requested the Manager Engineering Services to prepare a five-year reserves management plan.

In April, 2005 the then Coastcare Officer, requested that \$6,000 be included in the 2005/06 budget for a five-year reserves management plan. The \$6,000 figure was recommended by Ecoscape, the consultancy firm who had completed the *North Cottesloe Coastal Management Plan*, and subsequently included in the budget.

In February, 2006 the initial consultant 'brief' was developed to include the four reserves plus the coastal zone from Vlamingh Memorial to North Street, with Muderup Rocks area.

The number of areas to be reported on was later reduced with the adoption of the *North Cottesloe Coastal Management Plan* and the realisation that the *South Cottesloe Foreshore Management Plan* existed and had been adopted in 1999.

In February, 2006 three consultants were requested to provide firm quotes for the preparation of a management plan. They were:

- (a) Quilty Environmental – chosen because they had completed the South Cottesloe Foreshore Management Plan.
- (b) Ecoscape Australia – chosen because they were undertaking the North Cottesloe Foreshore Management Plan.
- (c) Ms Jackie Noichol/Land Escapes – chosen because she had been chosen to complete the City of Melville's Wireless Hill Management Plan.

Quilty Environmental did not offer a quote for the work. Ecoscape did not submit a quote because they estimated that at least \$12,000 would be required for the work required – well beyond the budget figure. Land Escapes was the only firm to provide a quote. That quote, for \$4,800 + GST, was accepted.

The task given to Land Escapes was to provide a draft management for four Council reserves namely:

- (a) Grant Marine Park
- (b) Cottesloe Native Garden (Broome Street, near the Kindergarten)
- (c) John Black Dune Park
- (d) Vlamingh Memorial Reserve

The management plan was meant to supplement other management plans, particularly those covering the foreshore area west of Marine Parade.

A first draft was vetted by Council staff and a number of changes were requested. Members of Cottesloe Coastcare also recommended a number of changes and additions.

The requests were conveyed to the consultant and with some modifications the draft *Management Plan for Four Cottesloe Bushland Reserves* was subsequently approved by Council for advertising for public consultation.

A total of six responses were received during or immediately after the public consultation period. Four came from individuals, one from Cottesloe Coastcare and one from SOS Cottesloe.

With regards to the received public comments, the following issues or comments were raised:

1. Access: all bushland and public space should be accessible to all, including those with a disability. However, materials used need to be harmonious and sustainable.
2. Seating: council has provided very good seating along the beachfront. Appropriate seating should be provided in and/or overlooking bushland for passive enjoyment.
3. Signage: SOS supports the development of a uniform signage policy for open spaces.
4. SOS supports the comments included in the Cottesloe Coastcare submissions on this draft Management plan.
5. Report does not cover brief – two areas left out:
 - (a) Coastal zone between Cottesloe main beach and North Street, including Grant Street Marine Park (from high tide mark eastward to Marine Parade).
 - (b) Coastal zone between Cottesloe main beach and Vlamingh Memorial, including Mudurup Rocks (from high tide mark eastward to Marine Parade/Curtin Avenue).
6. A full environmental and engineering study needs to be carried out with , in the short term, restriction of human traffic over the dunes.
7. Reservations on the use of jute mat and geofabric on all suggested areas. Evidence of self-seeded plants in the existing brushing being removed if brush is replaced with matting. Also some wildlife can become entangled in the matting.
8. Don't agree that weeds be controlled for at least two years prior to revegetation. Weeds will re-establish if local native plants are not planted. This needs a systematic planned approach of mapping areas to target specific weeds, eradicate these, then replant.

9. Fencing: support the use of fencing to protect vegetation and dune system. The question is on setting priorities.
 10. Nedlands and Claremont have full time Bush Care Officers. Cottesloe needs one to provide knowledge, training and advice.
 11. The Cottesloe Native Garden (Broome Street, rear the Kindergarten) needs a formal name. 'Edwards Bird Garden' is suggested.
 12. This native garden is a 'brilliant place for birds', hence these birds, particularly honey eaters, need encouragement.
 13. There will be difficulty in keeping out people/children who can damage this garden but benefits if it is possible.
 14. Remove ground level weeds, and some obvious shrubby weeds. Don't remove grevillias and banksias – they attract birds, even though some are not local plants. Plant understorey with species like conostylis and knotted rush. Not an area for local plants only.
 15. Restrict paths to one through the site plus a perimeter path.
 16. Emphasis should be on 'protect' not 'promote' this site.
 17. Grant Marine Park: Consultant seemed to undervalue efforts of Coastcare for their site work over several years.
 18. Support the complete separation of lawns from native areas.
 19. Must the lawns be fertilised? Perhaps leave a strip of unfertilised lawn near native species areas.
 20. Support the idea of more trees in the lawn areas.
 21. Matting for soil stabilisation sounds useful if Council can afford it.
 22. Experience of direct seeding is that it takes a long time to get results – very slow, but no experience in Perth area.
 23. No need for trees to be planted at the lookout.
 24. John Black Dune Park: creating a vision is very much the first step, before it becomes a carpark. It cannot be more degraded.
 25. Staged development of this large area needed.
 26. Need to have a great deal of community involvement. May be great difference in community attitude. Vision needs to be clearer and detailed.
 27. Fence off area, particularly on car park side, remove litter, build some proper paths.
-

28. Council has missed a vital opportunity to develop a concise framework to manage all natural areas under Council's control.
 29. Document falls very short of mark. It doesn't address all of the brief. Not a strategic document – mismatch of information, with validity being questioned.
 30. Draft is called Management Plan for Four Cottesloe Bushland Reserves. Brief calls for Cottesloe Natural Area Management Plan.
 31. Consultant's brief requests a management framework that provides a consolidated approach for enhancement and maintenance over the five year program. The draft provides a management plan for four reserves.
 32. The brief requires all the natural areas in the Town of Cottesloe to be included, not just four reserves.
 33. If plan adopted, the rest of the natural areas will have no management framework. Very unbalanced approach.
 34. The draft asked for assessment of natural areas. The report includes advice on lawn care.
 35. Too much emphasis on planting. Planting is last resort, with fencing, access control, brushing, weed control creating regeneration without planting.
 36. Discussion on the use of non-native species not best practice management.
 37. Reserves not assessed on a regional level re their importance as ecological linkages to surrounding areas.
 38. Community members and group knowledge not taken into regard.
 39. Very little difference in report between regeneration and revegetation sections.
 40. Report includes comments on managing landscaped areas. Does consultant have qualification to provide this sort of advice?
 41. Report does not supply an accurate snapshot of health and condition of all reserves, only some natural areas.
 42. Traversing on foot not a scientific method for assessing natural area condition.
 43. No acknowledgement of local Coastcare group. How much input came from this group?
 44. Grant Marine Park: recommendations seem very general with little specific detail.
 45. Tree planting: previous trees have been vandalised by neighbours. Shade structure may be better alternative.
-

46. Not aware of seeds from *Casuarina equisetifolia* being spread into adjacent bushland.
 47. Limestone path replacement not a high priority – better spent on weed and erosion control.
 48. Contradiction on whether many of the original species have been preserved on site.
 49. Wind and erosion has little to do with soil fertility.
 50. Reconsider brushing for erosion control – effective with weed control.
 51. “No native fauna noticed ...” – what about birds? Local community should have been consulted.
 52. Investigation needed on priorities and costings.
 53. Original brief provided good direction. This should be revisited.
 54. John Black Dune Park: named after John Black, Mayor of Cottesloe, 1932 – 1945.
 55. Some of the original plant species remain, three of which are used for breeding by three local butterflies.
 56. If reserve is to be managed for conservation and local plant re-establishment, consider re-establishing smaller reptiles.
 57. Management of site helped by compact shape, no reticulated bordering grass areas, no bordering residential properties.
 58. Introduced Victorian tea-tree will be hard to control. Most of it is on the carpark side and would be removed if the carpark was extended. This would be easier for a local group to manage.
 59. Cottesloe Coastcare: Welcome Council’s initiative to develop a Natural Area Management Plan and set aside funds.
 60. The Draft Management Plan for Four Bushland Reserves provides some useful suggestions but creates serious concerns re process and content.
 61. Brief not followed – significant proportion of natural areas not covered, particularly Mudurup Rocks.
 62. Comprehensive management plan needed with guiding principles, comprehensive local information and best practice recommendations.
 63. Lack of community consultation – Cottesloe Coastcare not involved at inception. Two sites already worked on, with third being commenced. Lack of
-

consultation hard to understand, considering recommended use of volunteer labour.

64. Incorporation of local knowledge and information – significant local knowledge and resources available but not incorporated into draft plan.
65. Budget inconsistencies: costings need to be reviewed.
66. Layout of draft plan inconsistent and difficult to follow.
67. Site specific comments: there are a number of errors in fact and omissions relating to specific sites. Cottesloe Coastcare Association (CCA) recommendations:
 1. Amend report to incorporate CCA comments.
 2. Rename report. Suggestion: “A Plan for Management of Four Key Natural Sites in Cottesloe”.
 3. Town of Cottesloe commits to the development of a management plan for all natural areas in Cottesloe and assigns adequate resources – comprehensive and integrated in covering all of the community's natural assets.
 4. In future, with such plans, the Town of Cottesloe actively seeks the input of the Coastcare Officer and CCA.

Note: A large submission was attached to the CCA comments (included in attachments)

CONSULTATION

This report is a result of a consultation process which involved advertising in a local newspaper, a notice on the Civic Centre and town centre noticeboards, a copy of the draft Management Plan being available over the counter and the full plan content being available through Council's web page.

STAFF COMMENT

The majority of the 70 odd comments listed above provide rational and practical proposals for the content of the draft management plan to be modified, added to or greatly changed in scope and direction.

In particular, the CCA submission questioned the overall value of the plan.

As a result, the CEO, Manager Engineering Services and Coastcare Officer recently met with the Chairman of the CCA recently to discuss the management plan and see if anything could be salvaged from it.

This discussion brought out a number of points relating to environmental management in the Town:

- (a) There is a wide difference of opinion as to the importance of environmental protection and the meaning given to it. The extremes of this variety of understanding range from very high values being placed on the

environment/low value on constructed infrastructure and high values on infrastructure/lower values on the environment.

- (b) There appears to be a need for an all-encompassing environmental management plan covering every land area in Cottesloe and identifying the 'natural values' within Cottesloe and the priorities for the conservation of these.
- (c) Environmental management plans can mean different things to different people.
- (d) Some of Council's previous coastal management plans are dated and are not all-inclusive.
- (e) There is no 'over-arching' document to guide Council in its response to ad-hoc development.
- (f) The draft *Management Plan for Four Cottesloe Bushland Reserves*, was underfunded, restricted in outlook, excluded community knowledge and participation and clashed with the content of other environmental or coastal management plans which covered some of the same areas.

With the benefit of hindsight, it is now apparent that the process used for the development of the plan was severely limited. The absence of meaningful community consultation and participation has produced a largely "impenetrable" plan that does not enjoy the confidence of major stakeholders.

The *North Cottesloe Coastal Management Plan* was better resourced and it shows. Cottesloe Coastcare with the aid of the Coastcare Officer, were able to obtain a government grant to develop the *North Cottesloe Coastal Management Plan* and it involved the community during its development rather than after.

VOTING

Simple Majority

13.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Mayor Morgan

That Council:

- (1) Receive the draft Management Plan for Four Cottesloe Bushland Reserves.**
- (2) Assist Cottesloe Coastcare Association in hosting a workshop to discuss the potential development of an over-arching environmental management plan for Cottesloe.**
- (3) Thank all respondents to Council's consultation process for their comments and be informed that all comments received will be considered within the future resolution of the final plan.**

Carried 11/0

13.2.3 COTTESLOE BEACH GROYPE - REFURBISHMENT TENDER RESULTS - TENDER 2006/1

File No:	E 2.15
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	4 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

At its meeting in September, 2006 Council resolved:

That Council:

- (1) Continue to pursue formal answers from the Minister and the Premier regarding a \$2:\$1 funding agreement on the upgrading of the Cottesloe Beach Groyne;*
- (2) Continue to work with DPI staff to ensure that the results of tenders called for this work are available for Council to consider no later than its December, 2006 meeting, to allow construction to commence in February, 2007;*
- (3) Work with DPI staff to obtain all other Government approvals required for this project to proceed on time;*
- (4) Include in the scope of works the removal of the wading pool;*
- (5) Request a staff report to be provided to Council on the design and costings for a replacement children's water feature as might be included in the 2007/08 budget; and*
- (6) Provide to Council its feasibility study on a lappers pool as per Council's November, 2005 resolution.*

This report addresses item 2 and presents to Council the results of the tender called in November, 2006 for the refurbishment of the Cottesloe Beach Groyne, with the recommendation to be tabled at the Works & Corporate Services Committee meeting following the close of tenders on 6 December, 2006.

STATUTORY ENVIRONMENT

Council is vested with the maintenance and management of this facility. The Department of Planning and Infrastructure (DPI) provides grants on a \$1:\$1 basis on approved projects of this nature, but concentrates on the coastal protection requirements of the project.

Council is responsible for gaining all external approvals for this project, including heritage, environmental and planning approvals.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Governance - Long Term Vision: Decisions being based on the best available advice in the long term interests of the whole community.

District Development – Environment: Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

The Cottesloe Beach Groyne is a Council asset. *Asset Management - Appropriate Planning:* Produce and implement a realistic five year plan for the maintenance of all major assets.

FINANCIAL IMPLICATIONS

The project budget for the project is \$450,000 with DPI agreeing to fund 50% or \$225,000. The Minister and Premier have not agreed to a requested \$2:\$1 funding request. Council originally budgeted for a \$300,000 project on a \$ for \$ basis. Therefore, an extra \$75,000 will be required for expenditure from Council resources to achieve a total \$225,000 contribution to match that of DPI. The main source of these extra funds currently appear to be the strong expectation that the sale of 45 Lyons Street will yield a higher income than the budgeted \$1.2m, allowing \$75,000 to be directed to meet this shortfall.

BACKGROUND

The tender for the refurbishment of the Cottesloe Beach Groyne was advertised on 11 November, 2006. Prior to advertisement (closing 1/12/06) staff worked with DPI officers and the DPI consultants, Worley Parsons, to provide full plans and specifications, plus tender documentation, for the tender process.

A meeting was held on site on 20 November, 2006 to provide all explanations needed by interested companies.

As part of this process the Heritage Council, Department of Planning and Infrastructure and the Department of Environment (DoE) have been contacted and approvals requested.

The Heritage Council has no objections, DPI Fremantle are obviously fully involved with the construction program and DPI Perth have a full set of plans and specifications with no objections raised, to date.

DoE have been sent a second letter requesting their urgent response.

The proposed process for the groyne refurbishment is for two possible construction periods of approximately four weeks duration, either before or after the Sculpture by the Sea program.

The Premier and the Minister have both stated in writing that the DPI policy for funding of coastal protection structures will be applied, with a 50/50 cost sharing project totalling \$450,000.

CONSULTATION

This is a refurbishment of an existing asset. The final result will be similar to the original (1960) project. Consultation has occurred with a variety of government departments, particularly DPI Fremantle. No further consultation process is proposed apart from advertising and site signage informing the public of the works and period involved for the construction process.

STAFF COMMENT

The specifications and tender documentation for this project, as compiled by DPI in association with Council staff, included a requirement that if there are any changes to documentation or addendums, that five (5) clear days will be required between the issue of such changes and the tender closure date.

Several queries were received from companies interested in tendering which led to DPI issuing an addendum on 29 November, 2006. This meant that the closing date for the tender became 6 December, 2006 at 3.00pm.

Staff will have therefore opened all tenders at that date and time, will have worked with DPI to analyse the tenders received on 7 & 8 December and will have a report and recommendation available for Committee consideration.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council in association with DPI, award the tender for the refurbishment of the Cottesloe Groyne to (to be advised) for the sum of \$ (to be advised).

Cr Furlong left the meeting from 10.27pm to 10.28pm.

13.2.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Mayor Morgan

That Council, in association with DPI, award the tender for the refurbishment of the Cottesloe Groyne to Italia Stone Group based on the following schedule of rates:

Description	Unit	Rate per unit
Supply, delivery and stockpile of Granite Armour Stone Class A.	Tonne	\$28.00
Supply, delivery and stockpile of Granite Armour Stone Class B.	Tonne	\$28.00
Supply, delivery and stockpile of Granite Armour Stone Class C.	Tonne	\$28.00
Supply, delivery and stockpile of Granite Filter Stone Class A.	Tonne	\$28.00

Supply, delivery and stockpile of Granite Filter Stone Class B.	Tonne	\$28.00
Supply, delivery and stockpile of Granite Filter Stone Class C.	Tonne	\$28.00
Placement and reworking of Armour and Filter Stone – Excavator.	Hour	\$120.00
Placement and reworking of Armour and Filter Stone – Loader.	Hour	\$130.00
Removal of broken up concrete from site.	Tonne	\$45.00
Reinstate crest pathway (150mm concrete slab).	M ²	\$63.27

Carried 11/0

13.2.4 RESTORATION OF THE GROUNDWATER AQUIFER ON THE COTTESLOE PENINSULA - FIRST SIX MONTHS REPORT

File No:	E15.10
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	6 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Town of Cottesloe commenced this four year project in June, 2006. The project budget includes a one-third funding grant from the Federal Government under the National Water Initiative. One requirement of this grant was a formal report of progress and expenditure every six months.

This report recommends that Council receive the report and forward it to the National Water Commission.

STATUTORY ENVIRONMENT

All works for this project over four years will take place on land controlled by the Town of Cottesloe, involving drainage works of various types.

Council is responsible for the long term construction and maintenance of the systems and liable for public injury or damage caused by drainage structures in the public domain.

The Federal Government grant for this project has involved the signing of a legal agreement for the approved expenditure of grant funding.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Council's Strategic Plan provides for this project under the following headings:

Government/Long Term Vision: Decisions are made based on the best available advice in the long term interests of the whole community.

Management/Innovation/Improvement: We constantly seek new ways of delivering high quality services and seek ways to share resources with adjacent Councils.

District Development/Environment: Council will promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation.

District Development/Environment/Beach Precinct: A clean, safe beach precinct which is sustainably managed with no new developments West of Marine Parade and proactive conservation of the dune and marine environs.

FINANCIAL IMPLICATIONS

The total project cost is \$2.346m (plus GST) over four years, with the Federal Government agreeing to a \$782,000 + GST grant through the National Water Initiative. The Department of Water has been requested for assistance with this project but, so far, no approvals have been given for any State grant assistance.

Council's 2006/07 budget includes \$629,000 expenditure for this project, plus a grant income from the National Water Initiative of \$242,000 including \$22,000 GST.

BACKGROUND

Council has previously resolved to undertake this project over a four year period, with the practical tasks to be completed being:

1. The construction of 280 individual soak pits.
2. The removal of 10 separate ocean outfall pipelines with the water being redirected into the water table.
3. The replacement of 7 existing open sumps with replacement structures to remove debris and pollutants prior to their entry into the aquifer.
4. The provision for the interception and removal of debris and pollutants from all structures.
5. A community education programme to change public attitudes to reducing groundwater use and changing garden types.

Each year of this four year period has its own milestones or the completion of set portions of the above mentioned tasks.

CONSULTATION

Nil, apart from ongoing news articles in local newspapers and any required discussions with residents at particular sites.

STAFF COMMENT

The project is progressing successfully, with no current concerns regarding the rate of progress or the level of expenditure.

All required milestones will be met for the first six months of this project.

The works, to date, have received a variety of support comments from the community and others concerned with the future of the Cottesloe aquifer and metropolitan water supplies in general.

At the time of this report being written, the Department of Water has provided reasons for optimism that some level of financial support may be approved, but no definite funding offers have been received.

VOTING

Simple Majority

13.2.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the report and forward it to the National Water Commission.

Carried 11/0

13.2.5 STYLE GUIDE/STREET FURNITURE

File No:	E17. 8
Author:	Mr Geoff Trigg
Author Disclosure of Interest:	Nil
Report Date:	6 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

Council has budgeted \$5,000 for the creation of a Style Guide to cover the style and colours of street furniture and public signage in 2006/07. Key 2 Design were appointed and have now provided this document. The Style Guide was recently considered by the Design Advisory Panel.

This report provides the Design Advisory Panel's comments and recommends that Council provide the Foreshore Vision Working Group with the draft Style Guide and the comments of the Design Advisory Panel for consideration and comments back to Council.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council has adopted the contents of its Streetscape Manual as a policy. Pertinent areas of this policy are included in the attachments.

STRATEGIC IMPLICATIONS

The most appropriate provision is under:

District Development/Environment/Streetscape - Provision of clean, safe, sustainably managed streetscapes, with appropriate selections of trees and infrastructure, which are pedestrian friendly and incorporate tidy verges.

FINANCIAL IMPLICATIONS

Council has budgeted to expend \$60,000 from its Waste Management Reserve Account in 2006/07 on new rubbish bins or surrounds. \$5,000 was budgeted for the Style Guide development and \$20,000 for the replacement of three bus shelters, which would rely on the Style Guide approval.

There are no further funds approved for any further consultancy fees on this project.

BACKGROUND

Key 2 Design have provided this Style Guide version after previous drafts have been inspected by senior staff and modifications incorporated.

No purchase decisions can be made on public signage, new rubbish bins and bin surrounds, bollards, bike resting rails, recycling stations and bus shelters until a Style

guide has been adopted by Council. The two main areas to be affected will be the beach foreshore and the town centre.

The draft Style Guide was recently considered by the Design Advisory Panel.

CONSULTATION

Senior staff and Design Advisory Panel only.

STAFF COMMENT

Council was unable to approve new rubbish bin surrounds last financial year, plus other street furniture, due to the need for a style guide. Funds were therefore carried over into 2006/07 to allow purchase and installation after the Style Guide was adopted. Originally, the \$60,000 for new bin surrounds and recycling stations were to be purchased 'off the shelf', with selected items chosen from the best available to the colour and finish prescribed by the Style Guide.

Comments from the Design Advisory Panel strongly support the need for a Style Guide but lean towards a longer term public domain high class design process by a specialist architectural firm to establish a 'taste culture' and 'timeless qualities'.

Public street furniture at East Perth, Mandurah, Rockingham and Kings Park were mentioned as quality examples. These examples are, in fact, available commercially 'off the shelf' and Australian designed and constructed.

Until this matter of a Style Guide is completed, to give firm direction to staff, no progress can be made on new street furniture and signage, other than necessary maintenance.

Because this decision will have a strong impact on the foreshore, the matter could be a consideration of the Foreshore Vision Working Group, to provide direction.

VOTING

Simple Majority

13.2.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Mayor Morgan

That Council provide the Foreshore Vision Working Group with the draft Style Guide and the comments of the Design Advisory Panel for consideration and comments back to Council.

Carried 11/0

13.3 FINANCE**13.3.1 FINANCIAL REPORT FOR NOVEMBER, 2006**

File No:	C 1. 2
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Report Date:	5 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

It is recommended that Council accept the Financial Report for 30 November, 2006.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Manager Corporate Services provides a report to Council as required.

CONSULTATION

Nil.

STAFF COMMENT

November 2006 (Source: Statement of Financial Activity)	Actual YTD	Budget YTD	Variance \$	Variance %
Total Revenue (excluding rates)	\$1,217,576	\$1,048,673	\$168,903	16.1
Total Expenses	\$(2,700,060)	\$(3,110,897)	\$410,837	13.2
Capital Expenditure	\$(1,339,928)	\$(1,518,986)	\$179,058	11.8
Other	\$194,561	\$191,000	\$3,561	1.8

Financial Commentary and Analysis

Once again this month there are few significant variances. Revenue includes a \$20,000 grant from the Office of Crime Prevention that was not in the budget. Expenses are favourable to budget with the causes for the variance in Community Amenities. The main causes of the lower than anticipated expenditure are lower than

budgeted expenditure on contractors in the area of sanitation (\$106,520) and legal expenses for Town Planning be lower than forecast (\$39,771).

IT Steering Committee

TRIM Context has been purchased as our new Electronic Document Management System (EDMS). Our current system using F:\Records does not allow for easy storage and retrieval of information, but this is all about to change! As we have never utilised an EDMS, there is a lot of work that needs to be undertaken behind the scenes before we can go live ensuring we comply with the legislation outlined in the State Records Act 2000.

There will be more detail in subsequent reports keeping you updated on the TRIM Implementation program.

Achievements - November 2006

- Record Types created in LIVE version of TRIM
- Locations created in LIVE version of TRIM (external contacts will be imported when we are ready to go LIVE)
- Consultants Report Received – We are on the Right Track!!!
- New Filing Structure Approved by CEO
- Assessed the need for Offsite Storage
- Purchased all stationary to prepare new Records Management System
- Completed Policy and Procedure Manual – Seek Approval from Management
- Started importing Data into TRIM LIVE

What to expect over the next month.....December 2006

- Continue to develop User Manuals, Induction Process and End User Training Program
- Report Layouts to be created in TRIM
- Barcode Scanner Options
- Scanning Options
- Import New Filing Index into TRIM
- Import Old Filing Structure into TRIM
- Import Data from Old Filing Structure
- Create NEW Hard Copy File Structure in Games Room
- Progress Meeting with Sigma Data
- Place Barcodes on Property Files
- Set up Borrowing System (Stand Alone Computer in Games Room)

Universal Beach Access Group

The launch of the pilot project is scheduled for Saturday December 9th at Leighton Beach. The Minister for Disability Services will be attending and all councillors will have received an invitation.

The beach matting and 3 of the 5 wheelchairs being trialled during the project have arrived and will be at the beach for the launch.

Community Safety and Crime Prevention

The town meeting was held on Wednesday December 6th in the War Memorial Town Hall. There were approximately 30 people in attendance including the Superintendent of Police for the district, Superintendent Duane Bell, and Sgt Scott Halvorson – officer-in-charge from Cottesloe Police Station.

The fridge magnets and letters were sent to all residents and adverts for the Town Meeting were run in the 3 issues of the Cottesloe Post leading up to the meeting.

The meeting endorsed the approach adopted by the Community Safety and Crime Prevention Committee and came up with a number of other proposals for consideration. These will be detailed after review by the Community Safety and Crime Prevention Committee.

VOTING

Simple Majority

COUNCIL COMMENT

Cr Jeanes requested that a plan be available of Council's assets.

The Manager Corporate Services advised that this will be included in the 20 year financial plan.

13.3.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council accept the Financial Report for November, 2006.

Carried 11/0

13.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER, 2006

File No:	C 7. 4
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Operating Statement on page 17 of the Financial Statements shows a favourable variance between the actual and budgeted YTD operating surplus of \$578,460 as at 31 October 2006. Operating Revenue is ahead of budget by \$167,624 (2.6%). Operating Expenditure is \$410,837 (13.2%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 30 November 2006 is shown on page 36.

The main cause of the lower than anticipated expenditure is lower than budgeted expenditure on contractors in the area of sanitation (\$106,520) and legal expenses for Town Planning be lower than forecast (\$39,771).

The Capital Works Program is listed on pages 21 to 22 and shows total expenditure of \$1,339,927. This includes \$171,853 of capital expenditure related to projects

funded with grant money received in the last financial year. The other items of capital are budgeted with some timing differences.

VOTING

Simple Majority

13.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2006, as submitted to the 12 December, 2006 meeting of the Works and Corporate Services Committee.

Carried 11/0

13.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 NOVEMBER, 2006

File No:	C12 and C13
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Schedule of Investments and Schedule of Loans are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Schedule of Investments on Page 45 of the Financial Statements shows that \$3,642,195.63 was invested as at 30th November 2006 of which \$693,655.51 was made up of reserved funds. Approximately thirty four per cent of the funds were invested with the Home Building Society, forty nine per cent with National Australia Bank, and seventeen per cent with Bankwest.

The Schedule of Loans on Page 46 shows a balance of \$339,198.62 as at 30th November 2006. Of this \$168,521.51 relates to self supporting loans

VOTING

Simple Majority

13.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2006, as submitted to the 12 December, 2006 meeting of the Works and Corporate Services Committee.

Carried 11/0

13.3.4 ACCOUNTS FOR THE PERIOD ENDING 30 NOVEMBER, 2006

File No:	C 7. 8
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 November, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

Significant payments included in the list of accounts commencing on page 37 of the Financial Statements, brought to Council's attention include:

- \$12,652.51, \$13,027.12 & \$11,130.41 to West Australian Local Government Superannuation Plan being for employer contributions to the plan.
- \$18,600.00 to Fane Cox for a refund of an infrastructure bond.
- \$27,342.70 to Glenview Kerbing for kerb works in Broome Street.
- \$21,704.10 & \$10,982.40 to K & F Concrete for footpath works in Marine Parade and other locations.
- \$33,327.00 & \$26,823.50 to Local Government Insurance Services for municipal workcare and liability insurance.
- \$23,425.38 & \$8,477.68 to Shacks Holden for the purchase of a passenger vehicle.
- \$11,550.00 & \$11,550.00 to Civica as a progress payment for the installation of a new Corporate Business System.

- \$10,142.13 to Bluestone W/A Pty Ltd for the profiling of kerbing at Broome St etc.
- \$51,151.10 to Roads 2000 for asphalt works at Napier St. etc
- \$45,495.65 to Trum Pty Ltd for waste collection services.
- \$10,488.21 to WMRC for waste transfer fees.
- \$22,944.40 to the ATO for the monthly Business Activity Statement.
- \$14,830.35 to Midland Brick for the supply of pavers for Marine Parade.
- \$12,518.00 to Turf Care WA for maintenance to Harvey Field and Cottesloe Oval.
- \$50,031.27, \$52,135.47 & \$52,278.34 for staff payroll.

VOTING

Simple Majority

13.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council receive the List of Accounts for the period ending 30 November, 2006, as submitted to the 12 December, 2006 meeting of the Works and Corporate Services Committee.

Carried 11/0

**13.3.5 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 NOVEMBER, 2006**

File No:	C 7. 9
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	30 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 November, 2006, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil.

STAFF COMMENT

The Sundry Debtors Report on pages 42 & 43 of the Financial Statements shows a balance of \$332,302.64 of which \$188,402.36 relates to the current month. The balance of aged debt greater than 30 days stood at \$143,900.28 of which \$91,579.44 relates to rejected pensioner rebate claims which are yet to be reconciled. The amount of \$22,000.00 outstanding from the Office of Crime Prevention relates to grant funding and these monies were received on 1-12-06.

The Property Debtors Report on page 45 of the Financial Statements shows a balance of \$1,448,522.56. Of this amount \$158,207.19 and \$8,894.08 are deferred rates and deferred ESL respectively. As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset stood at \$1,281,421 as against \$1,268,251 at the same time last year.

VOTING

Simple Majority

13.3.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Cunningham

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 November, 2006; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 November, 2006.**

Carried 11/0

14 EVENTS COMMITTEE MEETING HELD ON MONDAY 4 DECEMBER 2006**14.1 CENTENNARY CELEBRATIONS – THE COTTESLOE BOOK**

File No:	X7.2
Author:	Mr Stephen Tindale
Author Disclosure of Interest:	Nil
Report Date:	29 November, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

Recommendations are made to:

- (1) Enter into a legal agreement with Mrs Ruth Marchant-James to publish *The Cottesloe Book*; and
- (2) Delegate power to the CEO, with assistance from the Presiding Member of the Public Events Committee, to settle incidental matters relating to the publication of the book.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The cost of publishing the book has been estimated at \$52,000 which has not been budgeted for.

A conservative estimate would see these costs being recovered within one to two years by way of sales.

BACKGROUND

At the August 2006 meeting of Council it was resolved to

Agree in principle, subject to details of costs, to underwrite the book “Cottesloe – A Town of Distinction” and release it as part of the 2007 Centenary Celebrations.

The author of the book is Mrs Ruth Marchant-James. Mrs Marchant-James is best known in Cottesloe as a former resident and author of *Heritage of Pines – A History of Cottesloe* which was first published by the Town of Cottesloe in 1977.

Mrs Marchant-James received no recompense from the Town of Cottesloe for *Heritage of Pines* other than the right to retain the copyright in the manuscript and the right to publish further editions of the book at her own expense after the first print run of 1,000 copies was sold out.

Mrs Marchant-James undertook two further reprints of *Heritage of Pines* with a second reprint of 1,000 copies in 1978 and a third reprint of 1,500 copies in 1980.

She has now prepared a more comprehensive history of Cottesloe (142,000 words) that is expected to run to 248 pages with photographs.

Ordinarily an author would:-

1. be commissioned to write a history for a flat fee, or
2. expect to be reimbursed by way of a percentage of sales (royalties), or
3. be reimbursed by way of a fee and royalties.

Mrs Marchant-James has expressed a preference for a flat fee of \$25,000 together with the right to retain copyright in the manuscript. The fee of \$25,000 matches that received by Mrs Marchant-James for the commissioned publications of *Fields of Gold* and *Cork to Capricorn*. Assuming the following proposals are acceptable to Council, it has been tentatively agreed that once the first print run of 2,500 copies is sold out, the parties will meet again to discuss any ongoing arrangement.

Regardless of future arrangements a legal agreement will be required in the first instance setting out the obligations of both parties. A standard legal agreement is attached which may be reworked to suit our joint purposes.

Quotes have been obtained from four local publishers for the publication of the 248 page history in four different page formats. The quotes are based on the book having:-

- sewn sections,
- a soft, colour cover printed on 350gsm matt art paper and
- text printed on 130gsm matt art paper.

The quotes (ex GST) range from \$13,390 through to \$28,830 for 2,500 copies (see attached).

The variation in quotes reflects:-

- optional costs of including 16 pages of colour photographs throughout or in a section or sections of the book
- variations in prepress costs
- a premium for a first-class publication.

The inclusion of colour photographs depends entirely on whether colour photographs of existing historic residences are seen as being desirable or not.

Assuming they are, the cost of printing a colour, A4 landscape 'coffee table' book is likely to be around \$22,000

Additional costs that have to be factored in (depending to a large extent on whether the publisher has any in-house capacity or not) include design and editing (say \$3,000).

In total, the cost of publishing the history is likely to be around \$52,000. This cost includes a small contingency of \$2,000.

In order to recover our estimated direct cash costs, the cost price for the book is therefore \$21.00 approximately. If the book were to be distributed through retail booksellers, the expectation is that they will receive up to 40% discount on the recommended retail price. To cover our direct cash costs, the recommended retail price therefore becomes \$35.00.

However Mrs Marchant-James has advised that publications of this nature would normally retail in the range of \$40.00 to \$50.00. The price differential represents profit accruing to the publisher and royalties to the author.

Based on a retail price of \$45.00 and our experience with *Heritage of Pines*, the Town of Cottesloe is likely to recover its costs with direct sales of approximately 1,200 copies within a year. Costs will be recovered sooner if the book is distributed to retail outlets at a 'cost price' of \$27.00

CONSULTATION

Nil.

STAFF COMMENT

The title of the book has yet to be settled but its current working title is *The Cottesloe Book*.

Mrs Marchant-James has invested considerable effort over several years in preparing an eminently readable manuscript that provides far more insights into the history of Cottesloe than ever before.

Had the Council gone to tender on the production of a similar manuscript, I have little doubt that it would have faced greater expense in not only selecting an author but also in commissioning the work. In addition, it is not unusual for the flavour or style of a commissioned work to be overly influenced by the author's individual style of writing and at times it can be very hard to keep the author on track and on time.

These can become really thorny issues for a Council to sort out with the inevitable divergence of opinion as to what should or should not be happening without upsetting sensitivities all-round.

Opportunities such as the one that has now been presented to the Town of Cottesloe come along rarely for local governments and by happy coincidence, the upcoming celebration of Cottesloe's centenary as a municipality makes it even more attractive.

VOTING

Absolute Majority required at Council level – unbudgeted expenditure.

COMMITTEE COMMENT

The committee generally agreed that a joint copyright be negotiated with Mrs Marchant-James, and that any further publications (after the initial 2,500) are subject to agreement of both parties.

OFFICER RECOMMENDATION

That Council:

- (1) Enter into a legal agreement with Mrs Ruth Marchant-James to publish *The Cottesloe Book* and authorise the Mayor and CEO to sign and seal the agreement.
- (2) Delegate power to the CEO, with assistance from the Presiding Member of the Public Events Committee, to settle incidental matters relating to the publication of the book such as format, inclusion of photographs, choice of publisher, letting of incidental contracts etc within a budgetary limit of \$52,000.

COMMITTEE RECOMMENDATION

That Council:

- (1) Enter into a joint-copyright legal agreement with Mrs Ruth Marchant-James to publish *The Cottesloe Book* and authorise the Mayor and CEO to sign and seal the agreement.
- (2) Delegate power to the CEO, with assistance from the Presiding Member of the Public Events Committee, to settle incidental matters relating to the publication of the book such as format, inclusion of photographs, choice of publisher, letting of incidental contracts etc within a budgetary limit of \$52,000.

AMENDMENT

Moved Cr Jeanes, seconded Cr Strzina

That (1) be amended to delete the words 'joint-copyright'.

Carried 11/0

14.1 COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Mayor Morgan

That Council:

- (1) Enter into a legal agreement with Mrs Ruth Marchant-James to publish *The Cottesloe Book* and authorise the Mayor and CEO to sign and seal the agreement.**
- (2) Delegate power to the CEO, with assistance from the Presiding Member of the Public Events Committee, to settle incidental matters relating to the publication of the book such as format, inclusion of photographs, choice of publisher, letting of incidental contracts etc within a budgetary limit of \$52,000.**

Carried by Absolute Majority 10/1

14.2 USE OF CIVIC CENTRE GROUNDS FOR MORE COMMUNITY EVENTS

File No: C 4. 6
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 26 July, 2006

SUMMARY

This report provides background information on the current usage of the Civic Centre grounds.

This report recommends that the Events Committee brainstorm ideas for more community events and the promotion of the Civic Centre as a venue for community use.

POLICY IMPLICATIONS**CIVIC CENTRE HALL BOOKINGS****(1) BACKGROUND**

The Civic Centre includes two halls, which are available to the public on a fee for hire basis:

- (a) The War Memorial Town Hall, situated on the Southern upper level; and
- (b) The Lesser Hall, which is a stand-alone building to the North of the main structure.

The various outdoor areas are also hired to the public under terms contained in reference B above.

Note: All scales of charges associated with this policy are contained in Council's budget and are to be reviewed annually.

AIM OF THIS POLICY

This policy sets out the conditions for the hire of Council's public halls within the Civic Centre and criteria for waiving fees for certain organisations.

POLICY STATEMENT

- (a) The basis for this policy is that Council Halls will be made available at subsidised costs to bona fide community groups that serve the local community. All other arrangements will be based on a cost recovery system with a margin applied to contribute to the long-term upkeep of the facilities. Fees and charges are to be reviewed annually in the context of Council's budget preparation. The provisions of reference B above shall be observed at all times when bookings are being considered.
- (b) Bookings for halls will be maintained by Council staff in liaison with Mustard Catering who have contractual rights to use the War Memorial Town Hall and other areas. The Chief Executive Officer is to ensure that an effective booking and accounting system is in place at all times. No long term, repeat booking in excess of 3 sessions for the same hall shall be permitted in any week without Council approval. This provision is to maintain the accessibility of the halls for occasional meetings of local residents or groups.

Note: Large-scale commercial events, involving trading in any form, are to be approved by Council.

- (c) Waiving of fees shall be at the discretion of Council, except that the Chief Executive Officer is authorised to waive single bookings not exceeding \$100 which meet the guidelines in this policy as follows:
 - Fees will only be waived for organisations that are incorporated and have a bona fide community role with a clear benefit to the Cottesloe district.

- Fees for the lesser hall will only be waived once per calendar month for any organisation.
- Fees for the War Memorial Town Hall shall only be waived once per year for any organisation.

The following events and organisations are exempt from all fees:

- Music for Pleasure Concerts
- The Returned Services League.

The following organisations are exempt from all Lesser Hall fees:

- Cottesloe Neighbourhood Watch
- SOS Cottesloe Inc.
- South Cottesloe Coast Care Association
- Cottesloe Marine Protection Group
- Over 50s fitness classes
- Committees, sub-committees, or other groups specifically authorised by Council to conduct meetings that in turn report to Council.

(d) Priority for Lesser Hall Bookings shall be as follows:

- Local Organisations
- Community groups
- Commercial or private activities.

(e) Hirers are required to comply with the Environmental Protection (Noise) Regulations 1997. All functions must cease at midnight and amplified sounds at 11.45pm. Council will employ a suitably qualified and equipped sound engineer to monitor and enforce sound restrictions, and recoup the cost of this from the hirer. The Town of Cottesloe Chief Executive Officer may extend the foregoing times on an occasional basis and in doing so, shall take into account the affect on the amenity of residents in the area.

RESOLUTION NO.: C35

ADOPTION: March, 2002

REVIEW: As required and on review of Mustard Catering Contract.

(Replaces C35, 27/03/2000 & P76, 23/6/97)

STRATEGIC IMPLICATIONS

Action Plan – Goal 2: Community Enrichment: Promote the community's use of the Civic Centre.

FINANCIAL IMPLICATIONS

Nil at present, will depend on Council assistance with future events.

BACKGROUND

The Lease between the Town of Cottesloe and Mustard Catering provides Mustard Catering with the exclusive right to cater for events and functions in the Civic Centre building and grounds. The lease term is currently monthly. The revised lease is currently with the lawyers and will be available in approximately one month. The revised lease will offer a term of five (5) years, with options to allow the Town of Cottesloe to request Mustard to relocate, in the case of renovations or revision of Council office accommodation.

The Town of Cottesloe reserves the right to book the War Memorial Town Hall for five (5) bookings on either a Friday or Saturday night in any one lease year and eighteen (18) Sunday bookings up to 5pm between 1 May and 30 September in any calendar

year where such bookings do not require catering to be provided. Any bookings in excess of those occasions in each lease year shall be accepted by Mustard Catering with negotiation with the Town of Cottesloe to compensate Mustard Catering for the loss of revenue for accepting Council's booking. (Lease Schedule 9.3).

Council has hosted community events, including:

- Australia Day Celebrations – once every three years,
- Twilight Concerts,
- Pioneers Day,
- Music for Pleasure Concerts,
- Garden Festival,
- Great Gardens Workshops,
- Sea Dragon Festival week,
- Carols by Candlelight.

Council receives requests from a variety of community groups and larger organisations to hold events at the Civic Centre. The majority of these events are referred onto Mustard Catering.

The Lesser Hall is regularly used by SOS Inc and Coastcare for their monthly meetings. A variety of activity groups also utilise the hall on a weekly basis for yoga, dance, and children's music classes.

The main lawn is regularly used during the warmer months of the year for family picnics and barbeques (no bookings are required) and children's birthday parties are regularly booked in one of the two playgrounds through Council. Council does not charge a fee for events of these types.

In February, 2003 Council resolved to appoint a consultant to assist with the Civic Centre Trust Appeal process. A meeting and SWOT analysis was undertaken, where it was agreed that the focus for the appeal should be the gardens rather than the interior of the buildings because the gardens were more focal, more easily accessed.

At its meeting on 24 October, 2005 the Cottesloe Civic Centre Appeal Working Group noted:

"That the proposed funding campaign may be better left till there is a higher level of community use of the Civic Centre grounds etc and that increased use may be best generated by the reintroduction of the "Friends of the Civic Centre" (FCC) group that operated successfully some years ago. It was proposed that the FCC's role not be fundraising and that this group focus solely on making the Civic Centre grounds a focal point for the community with activities such as regular market days and other such activities that should attract Cottesloe residents. The notion being to change the focus from private functions to community use to give the Civic Centre a higher profile before further developing the National Trust Appeal plan."

Within the current Action Plan Goal 2: *Community Enrichment* states 'Promote the Community's use of the Civic Centre.'

At its meeting on 31 July, 2006 the Events Committee agreed to discuss this item at the next Events Committee meeting.

STAFF COMMENT

Council staff have received comments both verbally and in writing suggesting that greater use be made of the Civic Centre buildings and grounds for community organisations and events.

Where Council's budget and programs allow, staff have hosted a variety of free community events including: Australia Day, Twilight Concerts, Pioneers Day, Garden Festival, Great Gardens Workshops, Sea Dragon Festival week.

Council also supports other community events (by supplying the venue free of charge) such as: Music for Pleasure Concerts and the Senior Smart Program.

During the warmer months (spring, summer, autumn) the Civic Centre venues become more popular for weddings and other events held by Mustard Catering. Therefore it can be difficult during these months to find available dates/times for other functions to be held.

Potential hirers have expressed to staff that the hire fees are too high and that bookings with catering must go through Mustard Catering, often make the Civic Centre an unviable option. The Council and Mustard Catering hire fees are provided with the 31 July, 2006 Agenda for information.

Presently the organisation/group running the event has to do their own set up of equipment required and clean up afterwards. In the case of an event organised by Council the set up and clean up is to be undertaken by the contract cleaners or the staff member organising the event. Problems are regularly experienced with the contract cleaners not undertaking the required set up or clean up, therefore leaving the organising staff member or the on-duty Ranger to do these tasks. A formal process/agreement needs to be put in place for set up and clean up if the building is to be used more often. For the Music for Pleasure Concerts a Performer Agreement has been developed which outlines the responsibilities of Council and the Performer with items 8-13 describing the set up and clean up.

Staff would appreciate any ideas and suggestions that Council may have in relation to what type of community events they would encourage/promote at the Civic Centre.

COMMITTEE COMMENT

The CEO gave the committee a tour of the grounds.

The committee made the following suggestions:

- To encourage better use of the grounds plans are required to address the primary works and maintenance, including a budget.
- A landscape management plan is required for the Civic Centre gardens to detail the future vision for upgrading of the grounds.
- A Cottesloe Civic Centre Gardens vision/concept plan/management plan is required to detail the future vision for maximising public orientated uses of the Civic Centre. A suggestion was to have themes in different areas of the gardens and to promote the uses that will go best with these themes.

- Food and wine festival could be held on the west lawn, from 10am – 2pm on Sundays during the off-season.
- Installation of 'Spanish Steps' off the west lawn would integrate the Civic Centre with the beachfront.
- The current agreement with Mustard Catering to be reviewed. The committee agreed that the Managers of Mustard Catering be invited to an Events Committee meeting to discuss the vision and future plans for the Civic Centre.
- Staff were requested to report to the Events Committee in relation to the obligations that may need to be met in a future long term catering contract, contributing to the future upgrade and use of the Civic Centre, including annual performance criteria.
- Council may consider inviting expressions of interest from other event coordinators to see what ideas they have and what they could bring to the Civic Centre.

OFFICER RECOMMENDATION

That the Events Committee brainstorm ideas for more community events and the promotion of the Civic Centre as a venue for community use.

14.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Mayor Morgan

That Council:

- (1) **Develop a Civic Centre Gardens Management Plan based on a conceptual plan/vision for the upgrade of the grounds.**
- (2) **Develop a complementary plan to maximise public orientated uses of the Civic Centre and grounds.**
- (3) **Enter into discussions with the current lessee concerning items (1) and (2) above.**

Carried 11/0

14.3 SEA DRAGON FESTIVAL

File No: X 7. 1
Author: Mrs Jodie Peers
Author Disclosure of Interest: Nil
Report Date: 30 November, 2006

SUMMARY

This report provides feedback from the Sea Dragon Festival Organising Committee on the 2006 Sea Dragon Festival and the future of the Sea Dragon Festival.

This report recommends that the Events Committee support a family picnic concert on Sunday, 18 March, 2007 on the Main Lawn at the Civic Centre, including representation by a broad range of Cottesloe community groups.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$15,000 is included in the 206/07 budget for a festival event.

BACKGROUND

For the past 4 years, the Seadragon Festival has attracted both local and non local visitors, with emphasis on caring for the coastal environment. Generally the exhibits have been non commercial community groups and organisations. This year's objective, as determined by the organising committee, was "*Celebrating the intrinsic values of our precious yet fragile coast; raising awareness of community groups and empowering individuals to reduce human impact on the coastal zone*".

2006 Festival

The last Sea Dragon Festival was held on Sunday, 5 March, 2006. The program included:

- *Sunset Sustainability Walk:* 8 people joined in the walk on Monday, 27 February, however the second walk on Thursday, 2 March was cancelled due to a lack of registrations.
- *Fast and Fresh Organic Cooking Demonstration:* 30 people attended the demonstration.
- *Improving Your Memory As You Age Presentation:* 118 people attended the presentation.
- *Science Alive Water Shows:* these interactive science based presentations visited both Cottesloe and North Cottesloe Primary schools, and involved all students from Kindergarten to year 7.
- *Festival day on Sunday 5 March* – sustainability information stalls and demonstrations and children's entertainment at the beachfront.

- *Peace Love and all That Stuff* – this family picnic concert held after the festival, at the Civic Centre, attracted a crowd of approximately 350 people.

Two staff members worked at each event, with the exception of *Science Alive* presentations.

Sunday, 5 March – beachfront festival day

The attendance numbers were lower than the crowds experienced at past festivals (approximately 200 people passed through the festival displays). Feedback indicates this may be related to the fact it was a long weekend, and an extremely hot day where swimmers just wanted to cool off in the water.

Two staff members worked on the day for the whole event, plus three depot staff for the set up and pull down.

The key stakeholders (Organising Committee members and stallholders) provided the following feedback to staff after the event:

- Suspend the festival until 2008, to allow for more precise planning.
- The art competition (held in previous years) draws many children to the festival. (Staff note: feedback has been received from the three primary/secondary schools art teachers stating that there is not enough class time for students to complete works so early in the school term, in time for the festival).
- Include a small scale primary school student art competition on the day.
- Food stalls tend to attract people.
- Banners on location on the day for “walking by” visitors.
- Program of events to hand out on the day.
- Interactive environmental component needs to remain.
- Do not choose a long weekend for the festival day.
- Lack of attendance by Councillors.
- Stall locations should have been adjacent to the main beach, rather than near the surf club. (Staff note: location this year was favoured due to its proximity to power supply, which was a requirement of 5 exhibitors).
- The giant chess set used at a previous year’s festival was a success and might be worth considering for inclusion in future.
- Some people were asking if the sandcastle competition was being held.
- The Aboriginal dancers (Warrdong) were enjoyed by many people - young and old. Good interaction with a few children joining in the dancing.

At its meeting on 31 July, 2006 the Events Committee suggested that one family concert could be held (at the beach or Civic Centre), with the community groups setting up stalls at this concert.

The Events Committee also requested staff to discuss with the Seadragon Organising Committee their thoughts on continuing the festival and their aims, purpose and focus for future festivals.

The feedback from the Organising Committee members was:

The Secretary of Cottesloe Coastcare acknowledged that the event was poorly attended and still felt that the promotion of community groups be integrated at another community event. The other Coastcare member on the committee expressed disappointment with the level of community participation and attendance at the event, however was unsure of a solution.

A member of SOS and Coastcare felt that the festival required some reinvention however was unsure of how to go about this. Therefore his suggestion was to not hold the festival in 2007, allowing time to consider the alternatives.

The Earthcarers coordinator responded that as a community Cottesloe should hold one event per year to promote our community groups.

STAFF COMMENT

In response to comments by members of the organising committee the Sustainable Development Officer and Executive Assistant have been considering alternative ideas for a community event, including community group representation in 2007.

It has been decided to recommend a family picnic concert on the Main Lawn at the Civic Centre on Sunday, 18 March, 2007, with Peace Love and All That Stuff performing. At this event there is an opportunity to include the community group element of the Sea Dragon Festival by inviting groups to hold displays and demonstrations at the venue prior to the concert. It is anticipated that the community groups to be invited will be broader in scope than the purely sustainability groups. This will encourage more involvement from the whole community and provide residents with a wider range of information about what happens and is available within their community.

OFFICER RECOMMENDATION

That the Events Committee support a family picnic concert on Sunday, 18 March, 2007 on the Main Lawn at the Civic Centre, including representation by a broad range of Cottesloe community groups.

COMMITTEE COMMENT

It was felt that the proposed concert should be aligned with the Centenary celebrations.

Staff are to make enquiries into hosting events, including sustainability walk and community talks, leading up to the Centenary Family Picnic Concert.

14.3 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Cr Strzina

That Council supports the Centenary Family Picnic Concert on Sunday, 18 November, 2007 on the Main Lawn at the Civic Centre, including representation by a broad range of Cottesloe community groups.

Carried 11/0

14.4 MUSIC FOR PLEASURE CONCERT SERIES 2007

File No:	X 2. 2
Author:	Mrs Jodie Peers
Author Disclosure of Interest:	Nil
Report Date:	5 December, 2006
Senior Officer:	Mr Stephen Tindale

SUMMARY

The Music for Pleasure Concert Series 2007 will be held on every Sunday afternoon from 3 June to 26 August.

This report recommends that Council agree to a roster being drawn up with each elected member welcoming the audience and introducing the performers at each Music for Pleasure concert.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS**MUSIC RECITALS OR CONCERTS AT THE COTTESLOE CIVIC CENTRE**

This Policy document has been prepared and adopted by Council to set down procedures for the organisation and logistical support of music recitals and concerts to be held at the Cottesloe Civic Centre for the enjoyment of Cottesloe residents and the public generally.

ARRANGEMENT OF MUSICIANS AND MUSICAL GROUPS

An elected member and a deputy member to assist, be appointed by Council, and shall be responsible for the selection of performers and musical programme and shall advise the Town Clerk or his nominated administrative staff member of the details and any special requirements. No fee shall be paid by Council for the performers who may charge for entry as recompense. Door charges to be approved by Council through the appointed, elected member.

Concerts and recitals to be limited to no more than eighteen in number with four reserved for local or regional Schools, to be held between 1st May and 30th September.

VENUES

The venue for the holding of these functions shall be limited to the War Memorial Town Hall.

The downstairs administration area of the Civic Centre shall not be used for storage, changing, entry or any other use by the performers in connection with their performance.

COUNCIL MUSICAL RECITALS

With these performances, Council assistance will be limited to:

- (a) Providing the venue and appropriate facilities free of charge.
- (b) Arranging advertising through the Civic Centre News, limited to a half page per edition.

- (c) Provision of facilities and consumables for coffee and tea making and other limited refreshments to the public and or artists as may appear to be appropriate as determined by the appointed Council member.
- (d) Provision for Council staff to give logistical support to the appointed elected member and public.
- (e) A budget allowance to be provided by Council to cover all direct costs on these activities.

REPORTING

At the end of each concert series, the appointed elected member shall provide a written report for submission to the Finance and Administration Committee which should include the following: dates of concerts, numbers attending, general comment.

RESOLUTION NO: 322

ADOPTION: July, 1992

REVIEW: July, 2000

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

\$800 was budgeted for the 2006 concert series and it is expected to request a similar figure in the 2007/08 budget.

BACKGROUND

For many years the Council has hosted the Music for Pleasure Concert Series on Sunday afternoons during the winter months of each year.

The call for expressions of interest to perform at the 2007 concert series was advertised in the Post Newspaper on 21 October, 2006, on the noticeboards and Council's website. Application packages were also sent to performers whose details had been retained on a list to receive the package. The application period closed on Friday, 1 December, 2006. Thirteen applications were received.

At the Events Committee meeting held on Monday, 4 December, 2006 the committee considered the applications and agreed to hold 13 concerts from 3 June to 26 August, 2007 inclusive, inviting all 13 applicants to perform at a concert.

Performers and audience members of concerts in past years have provided Council with the feedback that they would like to see an Elected Member opening each concert and welcoming the performers.

At the concerts in 2006 members of the Events Committee endeavoured to attend and open each of the six concerts. The feedback from this year is that this action was appreciated by both the performers and audience.

CONSULTATION

Council's Events Committee has discussed this matter.

STAFF COMMENT

Attendance by an Elected Member, if only staying long enough to open the act, is considered beneficial to build good public relations and to get a first hand experience of the concert series.

VOTING

Simple Majority

14.4 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Dawkins, seconded Cr Strzina

That Council agree to a roster being drawn up with each elected member welcoming the audience and introducing the performers at each Music for Pleasure concert.

Carried 11/0

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

Nil

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

Nil

17 MEETING CLOSURE

The Mayor announced the closure of the meeting at 10.40pm.

CONFIRMED: MAYOR DATE:/...../.....