

# **TOWN OF COTTESLOE**



## **FULL COUNCIL MEETING**

# **MINUTES**

**ORDINARY MEETING OF COUNCIL  
HELD IN THE  
MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, MONDAY, 25 JUNE, 2007**

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

The Mayor announced the meeting opened at 7.02pm.

**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
Miss Kathryn Bradshaw	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**

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Moved Cr Carmichael, seconded Cr Strzina

**That Cr Carmichael's request for leave of absence from the August and September meetings be granted.**

Carried 11/0

Moved Cr Jeanes, seconded Cr Strzina

**That Cr Jeanes request for leave of absence from the July meeting be granted.**

Carried 11/0

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Miller, seconded Cr Dawkins

**The Minutes of the Ordinary Meeting of Council held on Monday, 28 May, 2007 be confirmed.**

Carried 11/0

## **7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor advised the meeting that the draft budget proposes a rate increase of 5% of which 2% is by way of a general increase and 3% is for the proposed new library.

## **8 PUBLIC STATEMENT TIME**

*(Graham Patrick entered the room at 7.08pm)*

Stephen O'Mahony, 22 Princes Street – Item 11.1.1, 56A (Lot 124) Marine Parade – Two-Storey Dwelling with Undercroft.

Advised he and Deborah are proponents to the application, have been living in the area for nearly 20 years and are keen to build on Marine Parade. He noted the architect's design is a commonsense solution to the brief, allowing for the best view to the West, a recreation area at the rear, is set back appropriately for height and factors in the effects of overshadowing. With consultation with the planning department and neighbours, final outcomes are maximum wall height of 6.3m as opposed to 7.5m, the South parapet wall is removed and overshadowing is now 25% where 35% is allowed. The view is maintained and the setback doesn't impinge on the streetscape.

Thanks to the Council and planning department for its assistance and requested that the application is accepted.

David Hillam, 2/31 Hood Street, Subicaco – Item 11.1.1, 56A (Lot 124) Marine Parade – Two-Storey Dwelling with Undercroft.

As the architect for the dwelling, he has incorporated the brief into the design, with focus on lifestyle, location and orientation. Design allows for environmental issues and is in a contemporary style. The driveway is narrow and hence low impact with the closed section set back. The balcony maximises the benefits of the western sun. Discussions have resulted in lower terracing, a privacy screen at rear elevation, reduction in height of internal

upper balcony and north facing skylights has minimal impact. The building has no eaves and is set well below the property to the South.

Kevin Wealand, 13 Hawkstone Street – Item 14.1.1, Central Foreshore Building Heights – Notice of Motion – 18/2007.

Favours conservative and twenty-first century based development. Moved here some 10 to 11 years ago for a number of reasons. Lived nearby in Swanbourne, but prior to that in Melbourne and found the most appealing aspect to be the beachfront.

Accepted that there would be some issues from living close to the Ocean Beach Hotel, however, the behaviour at this place is deteriorating, particularly in summer where Monday to Wednesday is great, but from Wednesday evening to Sunday, the behaviour is deplorable and makes you feel like leaving. Such behaviour includes pulling sign posts down, urinating in public, letterboxes mauled and people walking over vehicles.

Acceptance of this continuing trend is not wanted. Smaller restaurants, should be introduced keeping the buildings low and working with owners to develop a workable solution. Visitors from interstate and overseas agree that the modest height limits need to be kept. Many live here for the type of residences we see and say don't give way to high-rise. Keep it a modern, twenty-first century vibrant part of the world and develop this magnificent area.

Supports the notice of motion by Cr P Jeanes.

Michael Beech, 5A Avonmore Terrace – Item 14.1.1, Central Foreshore Building Heights – Notice of Motion – 18/2007.

Has been a Town of Cottesloe ratepayer for 43 years and has always taken an interest in the town. Does not want highrise on the beachfront of Cottesloe. It appears that the only options available are to maintain the status quo or go the Gold Coast way. Doesn't agree with this simplistic view. Council should adopt a beachfront plan which presents a carefully planned height limit and maintains heritage.

Brian Sierakowski, 1/8 Avonmore Terrace - Item 14.1.1, Central Foreshore Building Heights – Notice of Motion – 18/2007.

Has taken a lot of interest in the written material and debate on the 12m height limit. Is totally opposed to high-rise. Sees 4-5 storeys in certain developments as fair and should not be considered as high rise. Believes Council should be prepared to take risks and that to grant an extra storey is fair and reasonable if it's a heritage building.

The area from Grant Street to the Sea View Golf club needs to be rejuvenated, and all residents want to be involved with the development. Council needs to develop a mix of bars, restaurants, shops and trees which will compliment the iconic beaches of Cottesloe. Is Council aware that people who visit Perth are shown images of Cottesloe Beach of Perth but are not shown the eyesore constructions on the other side of the road?

Many buildings are past their use-by-date and do not cater for our residents and visitors – it is time to move forward. The misconception that Gold Coast high rise is going to happen here is a total misrepresentation of the facts.

Karen Liggins, 7 Geradine Street - Item 14.1.1, Central Foreshore Building Heights – Notice of Motion – 18/2007.

Her family have been ratepayers for over 50 years. Has been watching the media and is appalled at the comparisons made with the Gold Coast. This is a total misrepresentation. From talking to friends and people, the majority want a compromise, they don't just want a 12m beachfront and maybe what the Minister has presented should be considered. In relation to the Ocean Beach Hotel and Cottesloe Hotel, they have reached their limit for crowd control and is in favour of downsizing the hotels. Currently, the non-matching development is messy.

Clair Medhurst, 186 Little Marine Parade - Item 14.1.1, Central Foreshore Building Heights – Notice of Motion – 18/2007.

There has been paralysis on the beachfront for a decade or so. The design is poor quality and she can't see the argument to preserve them. These buildings were not built with the expectation for them to last this long anyway. Leadership is needed from Council and it needs to be more proactive.

Four to five storeys is not high-rise. We already have buildings this high. From Forrest Street to Eric Street there are only a dozen sites in question. The proposal is reasonable and is an opportunity to make the community go forward. There will be the opportunity to work with builders and get on with it.

Don't stoke the fear camp any more and support the proposal.

## **9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.



## 10 REPORTS OF COMMITTEES AND OFFICERS

The meeting dealt with the agenda items in the following order; 11.1.1, 14.1.1, 11.1.2, 11.1.4 to 11.1.7 inclusive, 11.1.3 & 11.1.8 en-bloc, 12.1.1 to 12.1.3 inclusive and en-bloc, 12.2.1, 12.2.2 to 12.2.3 inclusive and en-bloc, 12.3.1 to 12.3.4 inclusive and en-bloc, 13.1 and 10.1.

### 10.1 10.1 BUDGET

#### 10.1.1 BUDGET 2007/2008

**File No:**

**Attachment(s):**

**2007/2008 Budget**

**Author:**

**Mr Graham Pattrick**

**Author Disclosure of Interest:**

**Graham Pattrick**

**Report Date:**

**21 June, 2007**

**Senior Officer:**

**Mr Stephen Tindale**

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### SUMMARY

The purpose of this report is to put the draft 2007/2008 budget to Council.

### STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 provides the following:-

#### **6.2. Local government to prepare annual budget**

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of -

(a) the expenditure by the local government;

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate e-

(a) particulars of the estimated expenditure proposed to be incurred by the local government;

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(b) detailed information relating to the rates and service charges which will apply to land within the district including -

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;

(c) the fees and charges proposed to be imposed by the local government;

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

(g) such other matters as are prescribed.

(5) Regulations may provide for -

(a) the form of the annual budget;

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

### **CONSULTATION**

The draft budget has been prepared with wide involvement of staff and two workshops/briefing sessions were held for Councillors and senior staff.

### **STAFF COMMENT**

This budget has been prepared with input from senior staff and Councillors. The Local Government CPI (LGCPI) has been used as a yardstick to measure to ensure that the council maintain a sustainable financial foundation. The proposed rate increase of 5% is slightly under the LGCPI of 5.36%

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The budget sets the direction for the next financial year.

### **VOTING**

Absolute Majority

**OFFICER RECOMMENDATION**

- (1) ADOPTION OF 2006/07 BUDGET – SECTION 6.2 LOCAL GOVERNMENT ACT, 1995

That Council:

- (a) Adopt the budget for the financial year ending 30 June 2008;
  - (b) Adopt the Statement of Cash Flows for the financial year ending 30 June 2008;
  - (c) Endorse the Statement of Amount to be made up from Rates for the financial year ending 30 June 2008; and
  - (d) Endorse the Operating Statement Budget showing expenditure of \$8,253,130 and revenue of \$9,840,821 for the financial year ending 30 June 2008.
- (2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995

That Council:

- (a) General Rate

Impose a rate of 8.0189 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2008.

- (b) Minimum Rate

Impose a minimum rate of \$723.00 for the financial year ending 30 June 2008.

- (c) Refuse Collection

Include a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish and a 240 litre MGB for recyclable household rubbish in the rate charge for residential properties. Additional services per week for residential properties to be charged at the rate of \$220.00 (inclusive of GST) per annum.

The following charges apply to commercial properties:

- General rubbish – one service per week – 240 litre MGB - \$220.00 per annum (inclusive of GST),
- Recycling – one service per fortnight – 240 litre MGB - \$110.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$220.00 per annum (inclusive of GST).

- (d) Administration Charge – Section 6.45(3) Local Government Act, 1995
-

Impose an administration charge of \$42.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

(e) Interest – Section 6.51 Local Government Act, 1995

Apply an interest rate of 11% per annum to rates and service charges levied in the 2007/08 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

(f) Rates Instalment Payment Option

Adopt the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

Option 2

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 31<sup>st</sup> August, 2007
- Second instalment due by 31<sup>st</sup> October, 2007
- Third instalment due by 4<sup>th</sup> January, 2008
- Fourth instalment due by 10<sup>th</sup> March, 2008.

(g) Specified Area Rate – Section 6.37 Local Government Act, 1995

Include for the purposes of area promotion, the raising of a specified area rate to raise 1.39 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

(3) INTEREST ON MONEY OWING – SECTION 6.13 LOCAL GOVERNMENT ACT, 1995

That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

(4) MEMBERS MEETING ATTENDANCE FEES – SECTION 5.99 LOCAL GOVERNMENT ACT, 1995

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That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

- (5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995

That Council set a mayoral allowance of \$5,000 and set a deputy mayoral allowance of \$1,250.

- (6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995

That Council set a telecommunication allowance of \$1,600 for elected members.

- (7) CONDITIONAL EXPENDITURE

That Council adopt the budget on the basis that any capital expenditure on-

1. the proposed meter eye parking equipment,
2. the proposed library, and
3. the proposed Civic Centre redevelopment

shall only be undertaken following an express Council resolution authorising the said expenditure.

#### **AMENDMENT**

Moved Cr Cunningham, seconded Cr Strzina

That the words 'each fortnight' be inserted in the third line under item (c) after the word 'rubbish'.

Carried 10/1

#### **10.1.1 COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

- (1) **ADOPTION OF 2006/07 BUDGET – SECTION 6.2 LOCAL GOVERNMENT ACT, 1995**

**That Council:**

- (a) **Adopt the budget for the financial year ending 30 June 2008;**
- (b) **Adopt the Statement of Cash Flows for the financial year ending 30 June 2008;**
- (c) **Endorse the Statement of Amount to be made up from Rates for the financial year ending 30 June 2008; and**
- (d) **Endorse the Operating Statement Budget showing expenditure of \$8,253,130 and revenue of \$9,840,821 for the financial year ending 30 June 2008.**

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**(2) ADOPTION OF RATE – SECTION 6.32 LOCAL GOVERNMENT ACT, 1995**

That Council:

**(a) General Rate**

Impose a rate of 8.0189 cents in the dollar on the gross rental value of all the rateable property within the Town of Cottesloe for the financial year ending 30 June 2008.

**(b) Minimum Rate**

Impose a minimum rate of \$723.00 for the financial year ending 30 June 2008.

**(c) Refuse Collection**

Include a once per week service of a 120 litre mobile garbage bin (MGB) for general household rubbish and a 240 litre MGB for recyclable household rubbish each fortnight in the rate charge for residential properties. Additional services per week for residential properties to be charged at the rate of \$220.00 (inclusive of GST) per annum.

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- Recycling – one service per fortnight – 240 litre MGB - \$110.00 per annum (inclusive of GST),
- Recycling – one service per week – 240 litre MGB - \$220.00 per annum (inclusive of GST).

**(d) Administration Charge – Section 6.45(3) Local Government Act, 1995**

Impose an administration charge of \$42.00 where payment of a rate or service charge is made by instalments, except that eligible pensioners will be excluded from paying the charge.

**(e) Interest – Section 6.51 Local Government Act, 1995**

Apply an interest rate of 11% per annum to rates and service charges levied in the 2007/08 financial year which remain unpaid after they become due and payable and where no election has been made to pay the rate or service charge by instalments.

**(f) Rates Instalment Payment Option**

Adopt the following rates instalment options:

**Option 1**

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the issue.

OR

**Option 2**

To pay by four instalments, as detailed on the rate notices with the following anticipated dates:

- First instalment due by 31<sup>st</sup> August, 2007
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**(g) Specified Area Rate – Section 6.37 Local Government Act, 1995**

Include for the purposes of area promotion, the raising of a specified area rate to raise 1.39 cents in the dollar on the gross rental valuations of all of the rateable land bounded by Forrest Street, Stirling Highway, the railway line, Brixton Street and Railway Street as shown in Appendix 1 of Town Planning Scheme No. 2 as the Town Zone Development Policy Plan, except for lots 50 and 61 and any other property in the specified area that is used solely for residential purposes.

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That Council apply an interest rate of 11% per annum to any amount not paid within 35 days of the date of the issue of the account.

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That Council set an annual meeting attendance fee of \$5,000 for Council Members and \$10,000 for the Mayor.

**(5) MAYOR AND DEPUTY MAYORAL ALLOWANCE – SECTION 5.98 AND 5.98A LOCAL GOVERNMENT ACT, 1995**

That Council set a mayoral allowance of \$5,000 and set a deputy mayoral allowance of \$1,250.

**(6) TELECOMMUNICATIONS ALLOWANCE – SECTION 5.99A LOCAL GOVERNMENT ACT, 1995**

That Council set a telecommunication allowance of \$1,600 for elected members.

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**(7) CONDITIONAL EXPENDITURE**

**That Council adopt the budget on the basis that any capital expenditure on-**

- 1. the proposed meter eye parking equipment,**
- 2. the proposed library, and**
- 3. the proposed Civic Centre redevelopment**

**shall only be undertaken following an express Council resolution authorising the said expenditure.**

Carried 11/0



**11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 18 JUNE 2007****11.1 PLANNING****11.1.1 NO. 56A (LOT 124) MARINE PARADE – TWO-STOREY DWELLING WITH UNDERCROFT**

<b>File No:</b>	<b>1149</b>
<b>Attachment(s):</b>	<b>Location plan Correspondence from applicant Submissions (5) Photos Plans</b>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>11 June 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Ian &amp; Helen Dawson (Proponent: Stephen O'Mahony)</b>
<b>Applicant:</b>	<b>Hillam Architects</b>
<b>Date of Application:</b>	<b>18 April 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>
<b>Lot Area:</b>	<b>347m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

A new two storey residence with undercroft is proposed.

Officers have held a series of meetings and discussions with the proponent and architects to explore the planning framework, site factors, design aspects and neighbour comments. This has led to additional information and some revisions to the plans in response to the points raised. The proponent has requested that the application now be reported-on to progress consideration of the proposal and resolve any remaining issues.

Given the assessment that has been undertaken, the recommendation is to approve the application with conditions for further revisions.

**URBAN DESIGN APPRECIATION**

It can be appreciated that the proposal is seeking to fit in with the emerging Marine Parade vernacular, which is an exposed environment and attracting contemporary designs – guided by the RDC, today's dwellings on smaller lots take a different approach to the use of internal and external spaces than dwellings of the past. In this

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connection the proposal reflects the aesthetic of the new dwelling on the corner lot, rather than introducing a conventional pitched-roof appearance.

At the same time respect for the established streetscape and pattern of development is a relevant consideration. Here it can be seen that the basic shape and lines of the proposed dwelling conform with the square-ness and massing of the new dwelling to the north, as well as to the older flats and townhouses and the more recent single residences surrounding. It is apparent that the front setback is a key determinant in the compatibility of the design with the locality.

The proposed design exhibits the following characteristics:

- A height profile (see streetscape illustration) essentially in proportion with the adjacent dwellings and lower than the plane occupied by a pitched roof design to 8.5m high.
- Front terracing and landscaping lower and more open-aspect than the properties either side, which are more enclosed, to better address the street (ie, noting the reduced front setback sought).
- A similar rhythm to the lines of the new dwelling to the north.
- A well-articulated design which is a series of interlocking components and varied materials to create visual interest and lighten the impression of bulk and scale.
- Side boundary walls pushed towards the rear of the lot so that the front of the dwelling reveals side setbacks which, together with the terracing, entries, balcony and walls of windows, give permeability of the building rather than a heavy or blank appearance.
- An arrangement of lesser side setbacks to the northern neighbour of similar design which also has limited side setbacks, and greater side setbacks to the southern neighbour which enjoys larger side setbacks. This massing of the two modern dwellings closer together and separation from the Mediterranean-style dwellings to the south contributes to streetscape harmony.
- Intelligent use of internal and external space to deliver a not-that-large dwelling on a small lot (only 11.42m) wide taking into account the surrounding properties and the coastal orientation.

This urban design context is to be borne in mind in consideration of the technical assessment and neighbour comments presented below.

## **PROPOSAL**

On the undercroft level two garages are proposed as well as a bathroom and laundry. On the ground floor 4 bedrooms, a dressing, ensuite, bathroom, powder store and two study rooms are proposed. Courtyards, some cut and fill and retaining walls are also proposed.

On the first floor an open living/dining/kitchen area, store, powder, theatre, family and 3 balconies are proposed. A lift and staircases will link the 3 levels.

## **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

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town of Cottesloe Local Law**

Local Law	Required	Provided
Fencing Local Law	50% open between 900mm and 1800mm above ground level.	Solid fencing to ramp to 1.7m above natural ground level.

**Town of Cottesloe Council Resolution**

Resolution	Required	Provided
TP 128a 28 October 2002	6m front setback preferred in the district	4m front setback to balcony (= R30 standard)

**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 Boundary Setbacks	Ground North Wall 1.5m	Nil	Clause 3.3.1 – P1 Clause 3.3.2 – P2
No. 3 Boundary Setbacks	Upper North Wall 6.4m	Nil to 1.5m	Clause 3.3.1 – P1 Clause 3.3.2 – P2
No. 3 Boundary Setbacks	Ground South Wall 1.5m	Nil to 1.5m	Clause 3.3.1 – P1 Clause 3.3.2 – P2
No. 3 Boundary Setbacks	Upper South Wall 6.4m	Nil to 1.5m	Clause 3.3.1 – P1 Clause 3.3.2 – P2
No. 7 Building Height	Maximum 7m wall height concealed roof	Slanted skylight wall is at 7.981m	Clause 3.7.1 – P1
No. 8 Privacy	6m setback living room window	1.5m setback	Clause 3.8.1 – P1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

Building and Engineering

**External**

N/A.

## ADVERTISING OF PROPOSAL

The application was advertised as per Town of Cottesloe Town Planning Scheme No. 2 and the Residential Design Codes. The advertising consisted of letters to adjoining property owners.

**Submissions**

There were 5 letters sent out and 5 submissions received, all objections as set out below:

*Ron & Anna-Maree Farris of 1 Princes Street*

- *Dislikes the nil setbacks to boundary walls*
- *Says the purchase of their property was on the premise of a view corridor to the ocean would remain, this application substantially minimises this*
- *Plans reduce their properties sun and air ventilation*
- *Objects to the east elevation balcony and windows*
- *Objects to the height variation to the skylight as it would remove possible views*
- *Requests clarification regarding the materials and height of the eastern boundary fence*

*Karen Lang of 1A Princes Street*

- *Dislikes the skylight as it does not meet height requirements*
- *Objects to the two storey parapet walls on both sides as it does not meet the planning requirements*
- *Concerned regarding the removal of view corridors*

*Margot Lang of 1B Princes Street*

- *Dislikes the skylight as it does not meet height requirements and it will reduce her amenity*
- *Objects to the two storey parapet walls on both sides as it does not meet the planning requirements*

*Ian & Helen Dawson of 56 Marine Parade*

- *Objects that the 6m front setback has not been adhered to which Marine Parade complies with.*

*Peter Sprivilis & Amanda Fraser of 54B Marine Parade*

- *Objects to the trespass upon land in lawful possession at 54B Marine Parade by the applicant at 56A Marine Parade*

- *They have made a claim for adverse possession against the registered owner of 56A Marine Parade*
- *A caveat has been lodged stating their interest over 56A Marine Parade*
- *They believe the applicant intends to excavate and build his dwelling on land they lawfully possess along the southern boundary*
- *Requests a withdrawal of the application*
- *Objects to the variation of the 6 metres setback for the front balcony to 4 metres as this obstructs their ocean view amenity*
- *Objects to the applicant seeking to build right up to the southern boundary on two storeys which impacts their amenity by blocking access to natural light in their main living areas*
- *Objects to reduction of light to their light court*
- *Objects to the large variation to the setback of the southern elevation wall in blocking ventilation and natural light to their entrance and living room and presenting significant building bulk*
- *Objects to the overall shape and location of overshadowing*
- *Objects to the applicant seeking to excavate right up to the southern boundary of property*
- *Objects to the overlooking from the second storey dining room window*
- *Objects to the overlooking from the second storey kitchen window*
- *Objects to the overlooking from the eastern elevation second storey balcony*
- *Objects to the height variation for the skylight due interruption to streetscape*

### **Comment on Submissions**

The submissions identify a number of concerns which may be expected to arise when there is subdivision and development of a single residential property; noting nonetheless that it is in accordance with the R30 density coding for the area.

These aspects are addressed below in the technical assessment of the proposal against the planning requirements, and several further design revisions are recommended in order to improve the amenity interrelationship of the proposal with neighbouring properties. This process serves to reconcile the site characteristics and design objectives with the urban design context of the locality.

The assessment below includes consideration of the aspects of height, setbacks, massing and view opportunities in analysing the detail of the design and its planning implications.

### **BACKGROUND**

An original two level brick and iron residence was demolished to make way for a 3 lot green title subdivision on the corner of Marine Parade and Princes Street. Two of the lots front Marine Parade and the other faces Princes Street. This subdivision was given approval by the WAPC in 2003 and all conditions were completed in 2005.

Since that time a two storey residence has received a planning approval under delegated authority at 56 Marine Parade which is on the corner of Princes Street. Both the newly created properties at 56A Marine Parade and 1 Princes Street remain undeveloped.

In terms of ownership, the Dawson's, who initiated the subdivision of the original lot, now own the corner lot and new dwelling at 56 Marine Parade. The new property at 1 Princes Street has been sold and the property at 56A Marine Parade which is the subject of this application is currently still owned by the Dawson's until the settlement with the new owners has finalised – the proponent is Mr Stephen O'Mahony. This application has been designed by Hillam Architects on behalf of the future owners after settlement (and the Dawsons have consented to/signed the application form).

The levels of the property rise from the low point at Marine Parade to the rear boundary. The levels rise approximately 1.7m from the front to the rear of the block.

## **STAFF COMMENT**

### **Possible Adverse Possession**

- The applicant provided a site survey as required.
- To the Town's knowledge at time of writing this report, there has been no adverse possession claim.
- The proponent has advised that he has not received any official claim in this respect and has undertaken a title search to check. Apparently a caveat has been lodged but is still being processed, and neither the current owner (the Dawsons) nor the proponent has been approached by the claimant. The adverse possession claim process is separate from the planning process and uncertain as to timing and outcome. At this stage it needs to be noted but has not altered the actual title (lot), so it would be premature to amend the proposal or require such in an approval at this stage.
- The survey indicates that the southern side boundary fence is misaligned, nonetheless, the proposal is based on (and has been assessed in accordance with) the land title and associated survey, being designed in relation to the legal lot boundary.
- This situation was looked into by the respective neighbours whom it is understood obtained legal advices and liaised on the matter. Any claim of adverse possession would become a civil matter to be dealt with separately from the planning process (if at all).
- The adverse possession claim (if made and successful) would require a relocation of the southern boundary walls.
- It is an option that as an interim measure the ground and undercroft levels could be setback a minimum of 0.27 to 0.36m where the proposal is affected by the boundary/fence discrepancy.
- The southern upper floor setback is examined later in this report.

Such an adverse possession claim as stated in the objection has the potential to frustrate the proposal, however, that need not be the case if neighbours can liaise to address concerns about the development – in other words, design, amenity and construction considerations can achieve a mutually acceptable outcome. In this instance if the neighbour concerns about excavation, dividing fencing, design details and amenity impacts can be ameliorated, then it is anticipated that the suggestion of adverse possession may dissipate.

In terms of the planning process, this situation can be handled by way of a precautionary condition as follows:

*In the event of any successful claim for adverse possession affecting the subject land, the owner shall apply for an amended planning approval and for an amended building licence, in order to design and build in accordance with the adjusted property boundary.*

### **Natural Ground Level**

The natural ground level at the centre of the site is determined to be RL 9.7. This was determined in March 2005 through a preliminary assessment in relation to the subdivision in order to set levels for each of the three lots as a precursor to development applications. This appears to be a fair level and the site survey confirms this level.

### **Boundary Setbacks**

The following side boundary setbacks of the proposed dwelling do not meet 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 (screen is part of the same wall)	3.5m	20m	No	1.5m	Nil to 1.5m
Ground South Wall	All	3.2m	19m	Yes	1.5m	Nil to 1.5m
Upper North Wall	All	Up to 7m	22m	Yes at living room	6.4m	Nil to 1.5m
Upper South Wall	All	Up to 7m	22.5m	Yes	6.4m	Nil to 1.5m

Hence they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) & 3.3.2 (P2) 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 an 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.*

*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 RDC do also allow as per Clause 3.3.2 A2ii: *In areas coded R30 and higher, walls not higher than 35m with an average of 3m for two thirds the length of the balance of the boundary behind the front setback, to one side boundary.* However in this instance boundary walls are proposed on the northern and southern boundaries up to two storeys or 6.2m in height.

#### Ground North Wall

The proposal has a nil to 1.5m setback to the side boundary for the ground north wall. Due to the proposed 1.8m high fence and to the screen above the pond, the design does not meet Figure 2D of the RDC, hence the elevation is required to be treated as one long wall for setback calculations. This wall would normally be required to be setback 1.5m. However, it is assessed that the design meets the performance criteria of the RDC as it makes effective use of space. It is also considered that the wall does not have an adverse effect on the amenity of the adjoining property, as the proposal enhances privacy and the neighbour does not object.

In terms of urban design it is observed that the boundary sections of this wall have been located opposite the passive side of the adjacent dwelling, which contains highlight windows and service areas rather than active open space or viewing windows. Also, a view line between the dwellings would still result.

#### Ground South Wall

The proposal has a nil setback for a bedroom and a 1.2m to 1.5m setback to the side boundary for the remainder of the ground floor south wall. This wall would normally be required to be setback 1.5m from the boundary. However, it is assessed that the setback meets the performance criteria of the RDC as it makes effective use of space and does not have an adverse effect on the amenity of the adjoining property. The proposal does not affect direct sun being available to major openings to habitable rooms on the adjoining property. Also, the reduction of light to outdoor living areas of the adjoining properties is only partial.

In terms of urban design it is observed that this wall has been located opposite an indentation / generous setback to the adjacent dwelling and that a view line between the dwellings would still result.



### Upper North Wall

The proposal has a nil to 1.5m setback for the upper north wall. This would normally be required to be setback 6.4m from the boundary in relation to privacy, but that would be impractical to the relatively narrow lot. However, if the living room side window was made a minor opening (eg, smaller, highlight; or deleted) the required setback would be reduced to 2.8m, being more typical for such lots.

This setback is to be assessed as one whole wall, as the design does not meet Figure 2D of the RDC. This is because a wall is defined as: *The vertical external face of a constructed building comprising solid building material including enclosures to verandahs and balconies*, whereby the balcony screen is considered part of the same wall as the family room and staircase.

This wall partially meets the performance criteria of the RDC as it makes effective use of space. It is considered that the wall does not have an adverse effect on the amenity of the adjoining property, and because it is to the south it does not affect their sunlight. The nil setback also does not affect ventilation as the northern neighbour is at least a metre setback off this boundary.

It is assessed that the proposal does not unduly impact on the sense of bulk, given the design interrelationship described between the two dwellings here. Also, the proposal does not unduly impact on privacy of the neighbour, as the living room window seeks an ocean outlook and presents to the aforementioned passive side of the neighbouring dwelling.

The northern neighbour, who is selling the property to the proponent, did not object to the two storey parapet wall on this boundary.

The immediate eastern neighbour (vacant lot yet to be developed) has submitted that their view corridor will be impacted. Yet the RDC do not refer specifically to view corridors and that lot has an ocean outlook from Princes Street. Also, sun and ventilation to this eastern lot will not be adversely affected by the proposal due to its acceptable rear setback.

Based on the above analysis and assessment this setback is supported to remain as intended.

### Upper South Wall

The proposal has a nil to 1.5m setback for the upper south wall. This would usually be required to be setback 6.4m from the boundary in relation to privacy – as the obscure-glazed windows on this wall can be opened they are considered to be major openings. Were these windows non-opening the wall would be required to be setback 2.8m.

It is considered that this wall does not so readily meet the performance criteria of the RDC. While the design makes effective use of space, it is assessed that privacy is not enhanced, as the windows can be opened. The wall also affects the amenity of the southern neighbour, due to a reduction in sun into their open areas and habitable rooms. The proposed nil setback is partially abutting a light court / courtyard on the

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southern neighbouring property. A boundary wall on this side, while well down the lot, would create a more obvious sense of bulk between these properties than the interrelationship described on the northern side.

The architects have responded to this concern by revising the design to lower the height of this wall so that it sits lower than the main roof height and hence the cast of shadow is reduced (plans refer) and this is assessed as a worthwhile improvement in itself. The comments in the section on overshadowing refer.

Overall regarding this wall, however, it is assessed that a continuous setback of 1.5m to the upper south side would assist to better meet the performance criteria for bulk and to limit overshadowing of the southern neighbouring property, as well as provide more of a view corridor.

### **Front Setback**

The front balcony is proposing to be setback 4m from the front boundary. The RDC do allow a 4m setback for R30 coded dwellings, however, Council has adopted a resolution requiring a preferred 6m front setback for residential development (which is the R20 standard) for the district generally.

It is noted that the main wall (windows) face of the dwelling is actually setback 6m, however, the upper level balcony and the roof all sit forward of this line up to the 4m setback, hence the effect of the dwelling is to occupy an built envelope to the lesser (albeit strictly compliant) setback.

The proposal has both a “reduced” setback and a somewhat bold look. While the height is essentially consistent with the design standard for flat roofs, the overhanging upper floor balcony/roof structure presents as a solid element which projects forward of the adjacent buildings. Setting-back the upper storey would overcome that effect. Alternatively, were there no balcony roof (not desirable for climate protection) and were the side balustrades also glass, then a lighter-weight building allowing more of a view line would sit more comfortably at the lesser setback.

In assessing the impact of the proposed front setback, neighbouring properties along Marine Parade were examined. To the south, the front setback of the neighbour at 54B Marine Parade is 8.5m, 54A Marine Parade is 6m, 52 Marine Parade is 7m and 50 Marine Parade is 6m. To the north, the newly-constructed 56 Marine Parade next door is setback 6m, across the other side of Princes Street the flats at 58 Marine Parade are setback approximately 6.5m, and the newly-constructed 60 & 60A Marine Parade are setback 6m.

In summary, Council has in certain circumstances supported less than 6m front setbacks where the streetscape, built form and amenity considerations have been assessed as acceptable. Also, with subdivided lots Council has dealt with several proposals to build-up the front setback area with retaining walls, terracing, fencing and so on, and has tended to require that this design approach minimise the bulk and scale impacts.

Given the established street setbacks, in this particular context it is assessed that the proposed dwelling should respect a minimum front setback standard of 6m. This is especially because there is clearly a strong established alignment of a minimum 6m setback along Marine Parade and because that boulevard has a scenic role in presenting the urban landscape as it interfaces with the coastal environment.

### **Privacy**

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

<b>Room</b>	<b>Required</b>	<b>Provided</b>
Living	4.5m setback	1.5m setback

Hence it is required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which is:

*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 living room cone of vision setback. The proposal partially complies with the performance criteria of the RDC. The window faces north and overlooks into a partially fenced off front setback area at 56 Marine Parade. However, it is assumed the window attempts to gain an ocean view and the northern neighbours did not object to this variation. The window is supported for approval.

The southern upper floor windows are proposed to be of obscure glazing. However, these windows are proposed to be able to be opened. For the kitchen this window is proposed to open up to 25 degrees whilst the dining room is proposed to open 45 degrees. These windows do potentially present overlooking opportunities, albeit at an acute angle.

It is assessed that these windows should not be allowed to open in their current location. If ventilation is required into rooms in this location, revised plans shall be accepted relocating these windows to a height of 1.65m above finished floor level.

The proposed screen to the north of the central balcony is shown on the plans as 1.6m high above finished floor level. In accordance with the RDC the requirement for screens and the like is to be a minimum of 1.65m above finished floor level and this is an identified condition of approval.

### **Overshadowing**

The revised plans received on 13 June 2007 have reduced the amount of overshadowing to the southern neighbour. The overshadowing to the southern

neighbour is 169sqm or just over 30%. This satisfies the Acceptable Development provisions of the RDC for design for climate (overshadowing) which allows a maximum of 35% to the adjoining property. The RDC do not take into account the size of the neighbouring lot.

It should also be noted that to reduce overshadow to the southern neighbour the height of the parapet wall has been reduced by 686mm on the southern boundary. This height is maintained for a depth of 1.2m into the theatre room.

In basic terms then the amount of overshadow is compliant, but there is concern regarding where it falls and the loss of amenity to the southern neighbour.

### **Open Space**

It is submitted that the revised plans received on 13 June 2007 meet open space requirements. The landscaped terrace in the front setback is less than 500mm above natural ground level at that point. The RDC specify that: *areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50sqm whichever is the lesser.* Council has accepted this in other similar proposals where a front entry / terrace area has been included with a roof overhang, as such areas do constitute effective at-ground opens space used accordingly.

Therefore, the area underneath the front and rear balconies can be considered to be under an overhang and as proper open space. The pond area and the driveway ramp also meet the open space definition. The proposal provides 45.2% open space which is above the minimum 45% requirement for R30 coded dwellings.

### **Building Height**

The wall heights do not conform to the TPS2 basic requirement of a 6m wall height. The roof in this proposal is largely concealed. As dwellings with concealed roofs are not considered directly in TPS2 the RDC are relied upon to as a guide. The RDC allow a 7m wall height with concealed roofs. It is assessed that this proposal is closer to a concealed roof than a traditional pitched roof, so that standard should apply.

The proposal has 6.73m wall heights taken from the centre of the site for a majority of the dwelling, ie, noticeably less than the 7m standard. In addition, a skylight element takes the maximum height of the development, in its central section only, to RL17.681 or 7.981m above the centre of site level (which is determined at RL9.7m). The skylight would provide natural light to the kitchen and passage in assisting the solar efficiency of the dwelling, which is important in general and to confined dwellings on smaller lots.

The skylight footprint measures 9.5m east-west and 4.3m north-south or 40.85sqm. It is setback 2m from the southern boundary and the high point is located towards its northern side in relation to that neighbour and is not an impact there. It then slopes down southwards to the flat roof in much the same manner as a skillion or pitched roof and is not an impact to the southern neighbour.

This wall/roof situation is a design approach rather than being brought about by topography or some other basis for the specific exercise of discretion under the Scheme, but on a performance-based assessment under the RDC it may be considered sufficient to support such a variation as meritorious. The form of the subject part of the dwelling is consistent with other similar dwellings approved taking into account the use of flat or skillion roofs and their interrelationship with wall heights. As indicated this particular proposal is relatively low-key and is centrally located on the property to avoid bulk or shadow issues to neighbours.

Both the Scheme and the RDC do refer to views as a consideration to be had regard for in the assessment of development proposals. Where closer subdivision or denser development occurs, including modern architecture, the management of design parameters such as height, setbacks and built form is important to achieve a reasonable balance in access to and sharing of views. In other words, while the fact of subdivision and the right to develop will inevitably affect views to some extent, sensitive design and attention to detail can help to preserve view opportunities generally and particular view lines involving adjacent or nearby properties. Consideration of view lines has been elaborated in relation to setbacks above.

Four objections were made regarding the skylight. Council has in the past allowed chimneys and the like to exceed the roof height limit on these concealed roof dwellings, but skylight cannot be considered in quite the same manner due to its extent.

#### Interpretation of Height Profile

Upon analysis, an approach to interpretation of the roof design would be to treat it as a hybrid with a combination of concealed roof to the 7m standard and the skylight as a planar element within the 8.5m pitched roof envelope. Such an approach has been applied previously and has tended to be accepted where the issue is roof shape rather than height per se or potential impact on views. The northern neighbouring dwelling, for example, has a combination of concealed and skillion roofs, with the skillion feature not unlike the proposed skylight, and this was seen as acceptable.

This would recognise that the proposed skylight occupies only partially the space that a conventional pitched roof would, so that there is a greater view-shed available over the dwelling (although at the same time a flat roof design with up to 7m rather than 6m high walls actually occupies some of pitched-roof envelope to counter this gain).

Also, it is observed that two-storey dwellings each side of the proposed dwelling, a future two-storey dwelling to be built behind, and the existing two-storey dwellings next along Princes Street, are all at much the same level as the proposed dwelling, whereby their views are not affected by the skylight. It is only those properties rising up Princes Street which look across the Marine Parade dwellings that may have some view lines affected by the skylight, yet they already share a broader panorama and view corridors down the street and between dwellings having similar heights but differing roof forms.

In summary in this regard, were Council inclined to support the north-facing skylight as an appropriate design-for-climate component of the dwelling, and were Council satisfied that a combination of roof forms could occur within the height parameters,

then, given that the skylight is assessed as acceptable in terms of urban design and architectural detail, the impact on views is not considered to be an overriding concern and the proposed skylight may be approved.

With some recent cases Council has expressed caution regarding varying the 7m standard close to the 8m mark (as would result in this instance, but only at its maximum point), which was commented on as perhaps too great a variation. Therefore, a compromise in this case could be to limit the height of the skylight to 7.5m in terms of management of the height regime. It is assessed that given the sloping design of the skylight, such a modification to reduce its maximum height (by just under half a metre) would make a discernable change yet not make a great deal of difference to urban design, amenity or views.

### **Pond Feature**

The feature pond (not a pool) forms part of the plans but does not need a planning assessment. There appears to be no direct access into the pond and its construction standard will be governed by the BCA.

### **Boundary Fence**

The eastern neighbour has concerns regarding the need of an eastern boundary wall. The applicant proposes to erect a 1.8m high visually impermeable wall. Rear and side boundary fences are not subject to planning approvals unless they are of excessive height. The proposed 1.8m fence is of standard height and does not need planning approval.

### **Walls within the front setback**

The proposed wall on the northern edge of the ramp does not meet the Town of Cottesloe Fencing Local Law. This wall measures up to approximately 1.7m (or RL 10.2m) above natural ground level from a point 0.5m setback from the front boundary to the 6m setback line. This wall is shown on the south elevation.

The proposed terraced levels may require some balustrade to prevent persons falling from the terrace to the ramp. It is assessed that this wall should be made open-aspect in accordance with the Fencing Local Law and that the requirement for any balustrade be ascertained with the Principal Building Surveyor – a glass balustrade would be ideal for visual permeability in the front setback.

It should be noted that the remaining low retaining walls parallel to the front boundary meet the Fencing Local Law, whilst solid boundary fences up to 2.1m in height exist on the northern and southern boundaries within the front setback.

### **Earthworks**

The proposed cut required to allow for the below-ground garage will require substantial earthworks. The southern neighbour has concerns regarding the possible removal of the boundary fence which may be critical to any adverse possession claim.

In this regard Council has received numerous applications for such driveway ramps and many of these have been against a side boundary. A dilapidation report and other normal construction requirements would be involved in the building licence process to address these aspects. It is also indicated that all costs relating to any new southern boundary fencing (if required) will be borne by the applicant.

In regards to the fill in the front setback, this is generally less than 500mm in height. The front setback area is terraced and the amount of fill meets the Acceptable Development criteria of the Residential Design Codes.

### **CONCLUSION**

The proposed dwelling is considered architecturally in-keeping with the locality yet seeks a number of concessions to its design. Given the characteristics of the site and setting, it is assessed that some further revisions are necessary to ensure acceptable amenity and streetscape and a more compliant development.

The more important parameters for determination are assessed as height and the front setback, while the side boundary setbacks are found to be predominantly acceptable in terms of urban design and amenity; except for the upper south wall which it is considered should be setback for a better sense of separation and view line on that side.

It is concluded that a revised design within this framework will achieve an acceptable outcome to the lot, neighbouring properties and the locality.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee members discussed this item at length in terms of weighing up the aspects of height, views and setbacks (privacy was not a concern). While height compliance was seen as desirable it was also considered that views would not be significantly affected and a compromise reduced height for the skylight was suggested, as well as an improved setback to the upper-level southern wall to the theatre room. Those supportive of the proposed front setback felt that the balcony element would work well in the streetscape and that the main shared view was west.

### **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT its Approval to Commence Development of a two-storey dwelling and undercroft at No. 56A (Lot 124) Marine Parade, Cottesloe, in accordance with the revised plans received on 13 June 2007, 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.

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- (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 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) Any walls or fencing to the front setback area shall be of an open-aspect design in accordance with the Town of Cottesloe Fencing Local Law, and the proposed wall adjacent to the driveway ramp on the northern side shall be open-aspect to the satisfaction of the Manager Development Services, including a glass or metal rung balustrade if deemed necessary.
  - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
  - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:
    - (i) the entire dwelling shall be setback a minimum of 6m from the front boundary, and no balcony, roof projection or other portion shall be located in the front setback area;
    - (ii) the upper-level south wall shall be setback a minimum of 1.5m for the entire length of the dwelling;
    - (iii) the upper-level windows to the dining room and kitchen shall not be opening-type in their current form, and if ventilation is required the windows shall be altered to highlight windows with a minimum sill height of 1.65m above the finished floor level; and
    - (iv) the upper-level boundary screen to the balcony located between the staircase and the family room shall be a minimum height of 1.65m above the finished floor level of the balcony.
  - (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) In the event of any successful claim for adverse possession affecting the subject land, or of agreement reached between the parties to alter the subject lot boundary accordingly, the owner shall apply for an amended planning approval and for an amended building licence, in order to design and build in accordance with the adjusted property boundary. Construction in relation to the affected boundary should not be commenced is the boundary is still in doubt.
-



- (2) Advise submitters of the decision.

### COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development of a two-storey dwelling and undercroft at No. 56A (Lot 124) Marine Parade, Cottesloe, in accordance with the revised plans received on 13 June 2007, 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 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) Any walls or fencing to the front setback area shall be of an open-aspect design in accordance with the Town of Cottesloe Fencing Local Law, and the proposed wall adjacent to the driveway ramp on the northern side shall be open-aspect to the satisfaction of the Manager Development Services, including a glass or metal rung balustrade if deemed necessary.
  - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
  - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:
    - (i) the roof skylight shall be reduced in height to a maximum of 7.5m from the natural ground level of RL9.7m; that is, to a maximum height of RL17.2m, and the skylight shall be of a similar sloping-down design to the satisfaction of the Manager Development Services;
    - (ii) the proposed upper-level wall on the southern boundary, to the theatre room, shall be setback a minimum of 1.0m from that boundary;

- (iii) the upper-level windows to the dining room and kitchen shall not be opening-type in their current form, and if ventilation is required the windows shall be altered to highlight windows with a minimum sill height of 1.65m above the finished floor level; and
  - (iv) the upper-level boundary screen to the balcony located between the staircase and the family room shall be a minimum height of 1.65m above the finished floor level of the balcony.
  - (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) In the event of any successful claim for adverse possession affecting the subject land, or of agreement reached between the parties to alter the subject lot boundary accordingly, the owner shall apply for an amended planning approval and for an amended building licence, in order to design and build in accordance with the adjusted property boundary. Construction in relation to the affected boundary should not be commenced is the boundary is still in doubt.
- (2) Advise submitters of the decision.

**AMENDMENT**

Moved Cr Furlong, seconded Cr Strzina

**That items (g) (i) and (g) (ii) be deleted from the Committee Recommendation as the revised plans of 21<sup>st</sup> June 2007 now meet the requirements of (g) (i) and (g) (ii).**

Carried 8/3

**AMENDMENT**

Moved Cr Walsh, seconded Cr Utting

That items (g) (i) and (g) (ii) of the Officer Recommendation be re-inserted.

Lost 3/8

**11.1.1 COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council:**

- (1) **GRANT its Approval to Commence Development of a two-storey dwelling and undercroft at No. 56A (Lot 124) Marine Parade, Cottesloe, in accordance with the revised plans received on 13 June 2007 and additional revised plans received on 21 June 2007, 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 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) Any walls or fencing to the front setback area shall be of an open-aspect design in accordance with the Town of Cottesloe Fencing Local Law, and the proposed wall adjacent to the driveway ramp on the northern side shall be open-aspect to the satisfaction of the Manager Development Services, including a glass or metal rung balustrade if deemed necessary.
  - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
  - (g) Revised plans being submitted at building licence stage for approval by the Manager Development Services, showing:
    - (i) the upper-level windows to the dining room and kitchen shall not be opening-type in their current form, and if ventilation is required the windows shall be altered to highlight windows with a minimum sill height of 1.65m above the finished floor level; and
    - (ii) the upper-level boundary screen to the balcony located between the staircase and the family room shall be a minimum height of 1.65m above the finished floor level of the balcony.
  - (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) In the event of any successful claim for adverse possession affecting the subject land, or of agreement reached between the parties to alter the subject lot boundary accordingly, the owner shall apply for an amended planning approval and for an amended building licence, in order to design and build in accordance with the adjusted property boundary. Construction in relation to the affected boundary should not be commenced if the boundary is still in doubt.
- (2) Advise submitters of the decision.

Carried 8/3

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**11.1.2 NO. 3 (LOT 101) ROSSER STREET – PROPOSED GATEHOUSE ADDITION  
TO NEW TWO-STOREY RESIDENCE**

<b>File No:</b>	<b>1135</b>
<b>Author:</b>	<b>Mrs Lisa Engelbrecht / Mr Andrew Jackson</b>
<b>Attachments:</b>	<b>Location plan Correspondence from neighbour Plans Photos</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>13 June 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Mrs Susan Readhead</b>
<b>Applicant:</b>	<b>Mrs Susan Readhead</b>
<b>Date of Application:</b>	<b>22 March, 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>445m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Council is in receipt of an application for a gatehouse as an entry statement to a new two-storey residence under construction.

Given the assessment that has been undertaken the recommendation is to approve the application with conditions for a revised detailed design.

**PROPOSAL**

The proposed gatehouse is located within the front setback area and consists of a roof structure, solid fencing on the sides and a gate. This is to be integrated with the side boundary solid fence constructed to date and is designed to compliment the treatment of the front setback area of the dwelling.

The architects initially liaised with officers about the proposal at a concept stage, and later submitted more detailed plans of the design.

No written explanation or justification has been provided by the architects or owner. However, from discussion with them it is understood that the objective is to round-out the development of the front setback area in relation to access to the property; whereby the gatehouse would identify the pedestrian entry, providing a degree of security/shelter and be a statement in itself.

The proposed gatehouse incorporates the following design characteristics:

- Minimum setback 0.75m from the front boundary to the main solid wall section.

- A 2.4m long and 2.0m maximum height solid wall section on the western boundary.
- An open-aspect gate between the solid walls to the structure.
- A flat Zinalume roof at a maximum height of 2.7m above NGL, supported by poles so as to be appear floating, with an overhang to the subject property.
- The roof dimensions are 2.4m wide (to the street) by 2.4m deep (into the lot).

As a starting point, the approved plans already contain a pedestrian entry in the location of the proposed gatehouse; comprising walling to the driveway ramp down, open-aspect side boundary fencing and a security gate, all at an average height of approximately 1.8m (ie consistent the fencing local law standard); but unroofed and open-aspect so not forming a gatehouse per se. This is setback slightly behind the line of the front terracing on the other side of the driveway ramp.

The proposal seeks to modify this design by adding a solid wall flank to the western side and the flat roof component. The plans indicate a similar setback now in line with the terracing but with the western solid wall brought closer to the street boundary with a setback of 0.75m.

**STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No. 2
- TPS2 Policy 003 Garages & Carports in Front Setback Area
- Fencing Local Law
- 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

**TPS2 - Text**

Clause	Required	Provided
N/A	N/A	N/A

**Residential Design Codes**

<b>Clause</b>	<b>Required</b>	<b>Provided</b>
Streetscape Element	Provides guidance regarding open and closed character streetscapes and planning principles for fencing and other structures. Indicates that gatehouses <i>may</i> be acceptable where compatible with the property and street.	As below

**TPS Policy**

<b>Policy 003</b>	<b>Required</b>	<b>Provided</b>
Garages & Carports in Front Setback Area	Seeks to manage the impacts of such forward structures on neighbours and the street.	As below

**Fencing Local Law**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>
Front Fencing	Fences to be of solid construction to 900mm high, open-aspect between 900mm and 1800mm high and piers to 2100mm high above NGL at the boundary. Indicates that height and open-aspect are criteria relevant to gatehouses.	A gatehouse is proposed to a height of 2.7m with a front setback of 0.75m and sections of solid fence.

**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. The advertising consisted of letters to adjoining property owners.

**Submissions**

Two letters were sent out and one submission was received, being an objection.

The owner of No.1 Rosser Street on the west has raised some general concerns regarding small lot subdivisions and the form of the new dwelling under construction at No.3. Amenity concerns relate to access to sunlight and air flow.

Specific objections to the gatehouse include the addition of further building bulk and the proposed obscuring of streetscape views. It is also queried as to the necessity of the structure.

These aspects raised are covered in the assessment below.

**BACKGROUND**

A new two-storey dwelling was approved in April 2006 and is currently under construction. The dwelling is a contemporary design and is essentially compliant with the Scheme and RDC requirements, and included some design revisions.

The approved plans included retaining on the front boundary, compliant with the open-aspect fencing definition and open fencing behind. A condition of approval required general compliance with the Fencing Local Law for any future fencing proposed.

A site inspection suggests that the western side boundary walling under construction may not be in accordance with the approved plans, in terms of height and the portion to be open aspect. Subject to determination of this proposal, this matter needs to be checked and if necessary rectified.

**STAFF COMMENT**

The proposed gatehouse is classified as a structure within the front setback area. TPS2 is silent about gatehouses; ie, it neither specifically provides for nor prohibits them. Council's planning policies don't deal with any buildings other than carports/garages within the front setback area. However, it can be seen that the proposed gatehouse would have less impact than a carport/garage in the same location. It is also noted that there are several examples of existing gatehouses throughout Cottesloe, including elsewhere in Rosser Street.

As a general guide, Policy 003 regarding forward carports/garages provides assessment criteria as follows:

*The materials of construction, design and appearance of a carport or garage erected within the front setback area shall be in character with the residence upon the site and be in harmony with the surrounding streetscape.*

*Further, the location of the building:*

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

*In consideration of variations to setback, Council shall also have regard to:*

- (a) *the objectives set out in Clause 1.2 of the Residential Codes;*
- (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.*

In essence, this guide emphasizes streetscape character, sight lines, amenity and development of neighbouring properties and setbacks as relevant considerations.

In terms of a technical assessment under the provisions of the RDC, the gatehouse does not cause the development to exceed open space requirements, will not block the neighbour's access to northern sunlight and is relatively low in profile.

In terms of streetscape, the gatehouse appears to suit the architectural style and built-up nature of the approved dwelling. The street is characterised by dwellings closer than the 6.0m setback, with a number of high front walls and forward carports/garages. However, the streetscape at the western end of the street (where the subject site is located) is more open than the eastern end.

With regard to adequate sightlines when reversing out of the driveway, the proposed gatehouse will not impede access to or from the subject site. The wall closest to the driveway remains as approved previously. It appears that the vehicular access to the adjoining western property is on the west of that site and also would not be affected.

Furthermore, the pedestrian footpath located in front of the subject site is situated adjoining the road edge, rather than against the front boundary of the property. This provides a physical separation distance between the exit point for vehicles from the property and pedestrians, allowing greater sight lines and better safety than would be otherwise.

This distance between the footpath and the property would also ameliorate the impression of bulk of the gatehouse, set against the backdrop of the dwelling.

The proposed gatehouse would provide security for the dwelling, while clearly-defining the entrance to the property. The roofed structure would provide shade and rain shelter for visitors – although it has to be said that Perth's weather is largely fine and rain is mostly short-lived, whereby the need for shelter is only transitory and not a strong argument for a gatehouse in this climate.

In relation to fencing, the Local Law allows Council discretion to consider variations having regard to the criteria of how a proposal affects:

- a) *the safe or convenient use of land;*
- b) *the safety or convenience of any person; and*
- c) *the impact of the fence on the streetscape.*



In these respects as assessed above the gatehouse may be supported in terms of the safety and convenience of the owners, pedestrians and drivers. The consideration of streetscape requires further analysis.

When Council approved the other new dwelling to the east, it was concerned about excessive built-up components in the front setback area and limited the development accordingly. That outlook was likewise applied in preliminary feedback on the design of the subject dwelling, which approved after revisions, including having regard to comments from neighbours. The current approval with open aspect side boundary fencing and a gated entry was considered acceptable.

The present proposal introduces more mass and bulk to the entry arrangement, in particular the western wall proposed. While that wall would afford protection from western sun and wind, it is not considered critical to the function of a gatehouse entry and open aspect side fencing is considered preferable in terms of streetscape and view lines – to and from the dwelling (ie, legibility and surveillance, for neighbours and to people moving along the street).

The roof form is also a potential protrusion or visual obstruction, but as a horizontal plane is less prominent and would read logically as an elegant, suspended, feature reflecting the aesthetic of the dwelling, aided by the open-aspect side fencing. However, the roof would be of adequate size at two metres square to optimise its scale as functional and attractive; with the gate being set-in for protection if desired.

In summary, this attention to design detail satisfies the objectives embraced by the approval to the dwelling, the approval to the adjacent new dwelling, the interrelationship with the surrounds and the scope and guiding principles provided by the comparative planning controls, to deliver a solution which is reasonable and refined.

## **CONCLUSION**

While gatehouses are not addressed specifically by current controls, general planning principles can be applied to their assessment and certain controls provide a useful guide. Altogether a fairly substantial body of information combines to inform the matter, and it can be seen that a case might be made either for or against gatehouses, with the decision on any particular proposal hinging on the individual circumstances and design details in the context of the site and surrounds.

There is also a track-record of a number of gatehouses in Cottesloe – some of which are older and may not have required approval at the time, a few which may have been allowed on appeal, and others which have been approved in more recently, particularly in relation to smaller lots with front courtyards where security is desired, and also popular in contemporary and Mediterranean designs.

Overall, it is considered that the basic concept of the proposed gatehouse is sufficiently in harmony with the streetscape of Rosser Street and a streamlined design in keeping with the dwelling to be supported, except for the western wall which would present undue bulk and warrants modification and similarly a reduction in the size of the roof.

On balance, therefore, it is concluded that the application can be approved, subject to conditions managing setback and openness; so that a defined and protected entry is achieved without unduly compromising urban design, amenity and streetscape.

Finally, it is observed that had this gatehouse been proposed as part of the application for the dwelling, the assessment process would have identified the same aspects and it would have then been determined in the same manner.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee considered that the subject dwelling and its neighbouring new dwelling present a relatively built-up streetscape and was concerned that the proposed gatehouse would create excessive bulk and built form in the front setback area. At the same time it was noted that the proposal would connect with the dwelling; although the approved gated entry was considered adequate and open aspect the preference.

### **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT its Approval to Commence Development for the Gatehouse at No. 3 (Lot 101) Rosser Street, Cottesloe in accordance with the plans submitted on 18 April 2007, subject to the following conditions and revisions:
    - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
    - (b) Stormwater runoff from any paved or roofed portion of the development shall not be discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from the roof shall be included in the working drawings for a Building Licence.
    - (c) The roof surface being treated to reduce glare if Council considers that it adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
    - (d) At Building Licence stage revised plans being submitted for approval by the Manager Development Services showing the following:
      - (i) The gatehouse being setback in accordance with the approved (revised) plans dated 6 April 2006 for the overall dwelling and front setback area components.
      - (ii) Deletion of the proposed western solid wall and construction of open-aspect fencing to the western side boundary in accordance with the approved (revised) plans dated 6 April 2006 for the overall dwelling and front setback area components. If the western side boundary wall constructed to date is not in accordance with that approval then it shall be rectified to comply.
-

- (iii) The flat roof shall have maximum dimensions of two meters wide by two metres deep.
  - (iv) The gate shall be open-aspect to match the open-aspect fencing within the front setback area. The gate may be set-in to afford protection from the amended roof.
- (2) Advise the submitter of this decision.

#### **11.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council REFUSE its Approval to Commence Development for the proposed Gatehouse at No. 3 (Lot 101) Rosser Street, Cottesloe, in accordance with the plans submitted on 18 April 2007, for the following reasons:**

- (1) An effective gated entry has been approved as part of the dwelling under construction;**
- (2) The proposed gatehouse would have an adverse impact on the amenity of the streetscape and properties in the vicinity; and**
- (3) Council does not favour proposals which would introduce undue bulk or unnecessary built form to the front setback area and prefers open-aspect front fencing in accordance with the Fencing Local Law.**

Carried 10/1

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**11.1.3 NO. 301 (LOT 7) MARMION STREET – SINGLE STOREY ADDITIONS, SHED, POOL & BOUNDARY PLUS RETAINING WALLS**

<b>File No:</b>	<b>1170</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Photos Plans</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>7 June 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Michelle Atkins</b>
<b>Applicant:</b>	<b>Gerard McCann Architect</b>
<b>Date of Application:</b>	<b>21 May 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>847m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

The application is for single storey additions, a shed, swimming pool and retaining walls. A relatively minor height variation for single storey is proposed and satisfactory setbacks apply.

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

**PROPOSAL**

The proposal includes the demolition of a small skillion-roofed addition at the rear of the residence as well as a timber-framed garage.

Internally, the existing dwelling will be modified and extended to the rear. The new rooms include a bathroom, WC, laundry, study, WIR, ensuite, master bedroom, family, dining, kitchen, outdoor living and verandah.

Externally, a rear shed and swimming pool are also proposed. Some low retaining walls as well as a barbecue roofed enclosure are proposed adjacent to the boundaries.

**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 Category 3
- 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	Maximum 6m height for single storey buildings.	6.5m for small rear portion only as gable feature.

**Residential Design Codes**

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 – Boundary Setbacks	1m setback to south and west boundaries for shed.	Nil setback to both boundaries.	Clause 3.3.1 – P1

**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 the Residential Design Codes. The advertising consisted of letters to adjoining property owners.

**Submissions**

There were 4 letters sent out. No submissions were received.

**BACKGROUND**

An application for single storey additions was approved under delegated authority on 14 December 2006. No building licence has been issued and this current proposal supersedes that.

The property is classified as Category 3 on the Town's Municipal Inventory as a good example of timber residences constructed in Cottesloe during the earlier years.

In regards to the heritage value of the property, it is recommended by Council's Heritage Advisor that the details should be modified on the Municipal inventory to reflect the true form of the building.

**STAFF COMMENT**Building Height

The building height does not meet Town Planning Scheme No. 2 for a single storey dwelling for a minor portion of the proposal. The proposal is for a 6.5m overall building height in one section whereas 6m is the maximum permitted under the Scheme. The Scheme however allows for variation as shown in Clause 5.1.1 below:

*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 - Single Storey - Roof Height: 6.0 metres*

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

In this circumstance, the proposal is an extension and the building height variation is recommended for support. The total height is only increasing over that existing at one pitching point of the roof. At this point the height is 400mm higher than the exiting building (6.1m). The remainder of the roof is maintaining the same height and is simply extending the same roofline over the additions. It is not considered that this proposed roof height needs to be reduced and it should be noted that this variation only occurs for a small section at the rear of the dwelling, where the roof then slopes downwards at the rear addition.

It should be noted that there have been no objections to this single storey roof height variation and there is no direct impact or loss of amenity to the neighbours.

The variation may be considered relatively minor and is not a streetscape concern given that it is set a long way back from the street down the lot to the rear of the dwelling, and presents as a single storey dwelling of lower scale than a two storey dwelling would.

It would nonetheless be possible to not have this gable feature and to run the roof ridge at its present height, were closer compliance with the height standard preferred. However, in design terms it can be seen that the dwelling is stepped along/up the lot, and that the scale of the rear extension is in balance with the existing front portion

which is built up. Also, the rear gable is consistent with the height of the front chimney and in itself adds architectural interest to the rear extension.

Given this assessment the relatively marginal height variation for a small portion of the rear extension is concluded to be acceptable in the context of the existing dwelling and surrounds.

### Boundary Setbacks

The following side boundary setbacks of the proposed new additions don't comply with the acceptable development standards of the RDC, hence they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) & 3.3.2 (P2) of the RDC, which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Shed wall	All	Up to 3.5m	3m on south, 5m on west	n/a	1m to one side boundary, other side can have nil setback.	Nil setback on both sides.

#### *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 an 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.*

*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 RDC do also allow as under Clause 3.3.2 A2ii that: *In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary.*

This proposal is to have a nil setback to two side boundaries for a shed. This is usually required to be setback 1m from the boundary on one side boundary. However, it is assessed that the shed 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 property is not restricted. There was no objection in this regard.

In design terms the shed is small and neat, being subservient to the dwelling and in character with it. The shed has a pitched roof and minimal parapets; the larger to the lane where it is of no effect and the smaller to the neighbor where it is of domestic scale as a corner element.

#### Barbecue enclosure wall

This structure is proposed to sit against the northern boundary for a length of 5m. The limestone wall is a height of 2.2m and effectively forms a solid wall fence as part of the total side boundary fencing. This barbecue and associated benchtop will be roofed for a dimension of 5m by 1m and is freestanding.

The neighbouring property is a corner shop-type building (occupied by Space Real Estate) which is well setback from this property boundary and has not objected to the proposal; given that it is not a residential lot incurring any amenity impact and that limestone wall will be attractive – indeed, a degree of privacy and security to the subject dwelling is desirable where it interfaces with the adjoining non-residential use.

While such boundary al fresco or BBQ areas or structures can sometimes be considered a built form or amenity matter, in this case the proposal is assessed as acceptable.

#### Retaining Walls

Retaining walls on the northern and southern boundaries and adjacent to the western edge of the pool are proposed. These walls range in heights from approximately 500mm to 1300mm at the western edge of the pool. These walls are not considered excessive as much of the rear yard is proposed to be lowered to allow for a level garden for the outdoor living, pool and lawn areas. With the use of retaining walls the levels at the rear of the property on the southern, western and northern boundaries will reflect the natural ground levels. The retaining walls should not cause any amenity impact to neighbouring properties and are really a terracing treatment for the effective use of space.

#### Heritage

Council's Heritage Advisor has provided the following comment:

*The design proposal is acceptable. The design proposal is in keeping with the current façade treatment. It has acceptable bulk and scale.*

It is considered the application meets all heritage interests. It is also noted that the applicant Architect is well known for such authentic-type extensions to character residences with experience in Fremantle and other Cottesloe properties.

#### Swimming Pool

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There are no planning concerns with the swimming pool.

#### Open Space

The application meets the Acceptable Development provisions of the RDC for open space.

#### **CONCLUSION**

The height variation for the single storey additions essentially continues the same roof line at the rear of the dwelling and is a minor variation with no impacts. There are no amenity issues associated with the extension and there will be no impact on streetscape considerations. The shed setback variation complies with the Performance Criteria of the RDC. Overall it is recommended that the application be approved subject to conditions.

#### **VOTING**

Simple Majority

#### **11.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council GRANT its Approval to Commence Development for the Development Application for Single-Storey Additions, Swimming Pool, Shed and Retaining Walls at No. 301 (Lot 7) Marmion Street, Cottesloe, in accordance with the plans submitted on the 21 May 2007, subject to the following conditions:**

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (4) The 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.**
- (5) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**

- (6) The spa/pool pump and filter shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that 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.
- (7) 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.
- (8) 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.
- (9) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (10) The finish and colour of the southern and western boundary walls shall be to the satisfaction of the Manager Development Services.

Carried 11/0

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**11.1.4 NO. 153 (LOT 374) RAILWAY STREET – ADDITIONAL CARPARK FOR GARDEN CENTRE**

<b>File No:</b>	<b>1145</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Correspondence from Town of Claremont Plan</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>24 May 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Public Transport Authority of WA</b>
<b>Applicant:</b>	<b>Dawsons Garden World</b>
<b>Date of Application:</b>	<b>10 April 2007</b>
<b>Zoning:</b>	<b>MRS Railways Reserve</b>
<b>Use:</b>	<b>As a guide, under TPS2 <i>car park</i> is generally an AA use requiring advertising and special approval, but it is the MRS which applies here.</b>
<b>Density:</b>	<b>N/A</b>
<b>Lot Area:</b>	<b>697m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Railways Reserve</b>

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**SUMMARY**

The application is to provide additional car parking next to the existing car park at Dawson's Garden World off Railway Street in the north east corner of the Town near the Swanbourne train station.

As the development is proposed in the Railways Reserve under the Metropolitan Region Scheme, Council is asked to give a recommendation to the Western Australian Planning Commission who will determine the application.

Given the assessment that has been undertaken, the recommendation is to support the proposal.

**PROPOSAL**

The proposal is to add another 16 car bays to the east of Dawson's Garden World on land owned by the Public Transport Authority of WA (PTA) as part of the railway reserve. The proposal would further utilise the existing crossover from Railway Street and link with the existing car park. The car park would require the removal of a large tree and three shrubs.

**STATUTORY ENVIRONMENT**

- Metropolitan Region Scheme

**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

There are no areas of non-compliance as the land is classified as a Railways Reserve in the Metropolitan Region Scheme and therefore TPS2 does not directly apply to development control of the area.

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**  
Engineering.

**External**  
Town of Claremont and PTA.

## ADVERTISING OF PROPOSAL

The application was advertised in accordance with Town of Cottesloe Town Planning Scheme No. 2. The advertising consisted of letters to opposite property owners along Railway Street.

**Submissions**

There were 30 letters sent out, in order to notify those residents opposite of the proposal and associated changes. There was only one submission received, which was in response to the referral to the adjoining local government (Claremont) and was not an objection. Details of the submission received are set out below:

Town of Claremont – 308 Stirling Highway, Claremont

- *Thanked the Town of Cottesloe for the notification of the development application.*
- *The Town considers Railway Street an “entrance” into the town and as such any practical and aesthetic improvements are most welcomed.*
- *The Town believes the 16 car bays will be beneficial to Parry Street residents.*
- *The Town urges the Town of Cottesloe to examine what opportunities there are to plant native tree species or the like that are of a height greater than 5 metres.*
- *The Town would like all other areas landscaped to a high standard.*
- *The Town requests any tree planting to take into account Crime Prevention Through Environmental Design Principles.*

**BACKGROUND**

The subject land was proposed to be set aside as a Park and Ride car park for the adjacent Swanbourne Train Station in 1985. This has never eventuated and the adjacent business Dawson’s Garden World is proposing a 16 bay car park to meet the growing parking demands of its customers.

This background is explained in the attached letter from Dawson’s as part of the application, including competing demands for parking in the area.

Dawson’s Garden World currently occupies a site of 1833sqm (defined as a lease area from the railway land) and has 18 bituminised car bays (of which one is for disabled parking). There are also public parking bays along Railway Street which can be used by Dawson’s Garden World, Swanbourne Train Station users and other retail / commercial entities on Railway Street.

The Dawson’s Garden World site is zoned *Business* under Town Planning Scheme No.2. However, the adjacent land (Lot 374) where the additional car park is proposed is reserved for *Railways* in the Metropolitan Region Scheme and hence TPS2. Lot 374 is owned by the PTA who has consented to the application and would lease the land to Dawson’s.

**STAFF COMMENT**Planning Process

In terms of the planning process, the Town of Cottesloe is required to provide a recommendation to the Western Australian Planning Commission, having regard to relevant local and regional planning considerations.

Relationship to Railway Reserve

In terms of any potential impact of the proposed development in relation to the railway, this is unlikely to be an issue and the PTA has supported the application. The proposed car park is situated some twenty metres away from the railway line, being setback further from it than the existing garden centre. Also, a surface car park is essentially a temporary use entailing minimal works and capable of being ceased and de-commissioned if necessary.

### Access, Location and Use

The car park would use the existing crossover located on Railway Street and link with the current parking area. This crossover and a bituminised driveway already lie within the Railway Reserve. It presently provides access to allow cars to informally park on the sand where the proposed bituminised car park is to be located.

The car park is well located away from residences yet close to the garden centre and consistent with the location of parking to both sides of the railway line in the parallel streets and surplus railway lands, as part of the Business Zone local centre under TPS2 and the local centre outside Cottesloe on the other northern side of the railway line.

This represents a logical, convenient location and a good use and enhancement of public land. It also relieves nearby residential streets of commercial parking and essentially formalises the informal parking area.

### Traffic

The traffic pattern would not be altered and would use the same arrangement of streets and access, to which users are accustomed. Actual traffic generated is not really expected to increase, as the sand area is used already and other parking is available in the vicinity. The new car park would simply be more convenient and controlled. The weekend attraction of the garden centre would see less general traffic and parking in the area.

### Design Considerations

The survey plan submitted accurately shows the detailed design and engineering layout of the car park, identifying the precise location, boundaries, access ways, kerbing and vegetation to be retained or removed, as well as public infrastructure in the area (footpath, fencing, drainage, etc).

This indicates a relatively small car park extension with a functional layout and access in connection with the existing car park and garden centre. The large verge trees to Railway Street appear unaffected but some lesser vegetation would require removal. Additional landscaping is anticipated but not any fencing or signage.

## **CONCLUSION**

The Town of Cottesloe recommends to the Western Australian Planning Commission to approve the application subject to conditions.

## **VOTING**

Simple Majority

## **OFFICER & COMMITTEE RECOMMENDATION**

That Council:

- (1) Recommends to the Western Australian Planning Commission that Council supports the Application for Approval to Commence Development under the
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Metropolitan Region Scheme, for a 16-bay car park at No. 153 Railway Street, Cottesloe, for Dawson's Garden World, in accordance with the plans submitted on 10 April 2007, subject to the following conditions to ensure an appropriate standard of development:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
  - (b) Storm-water runoff from the driveway and car parking areas shall be contained by on-site drainage and shall not be discharged onto the road reserve or any adjoining land, to the satisfaction of the Town of Cottesloe.
  - (c) The verge trees to Railway Street adjacent to the subject site shall be retained and protected at all times; the existing tree shown on the application plan located outside the parking bays in the north-east corner of the subject site shall be retained and protected at all times; the existing tree shown on the application plan located inside the parking area in the south-east corner of the subject site shall if possible be retained and protected at all times by designing the parking area around it; and a landscaping plan for the subject site shall be prepared and implemented prior to the occupation of the car park, which should use native vegetation and water-wise principles; all to the satisfaction of the Town of Cottesloe.
  - (d) The standard of site works, drainage, paving/sealing, kerbing and line-marking shall be to the specification and satisfaction of the Town of Cottesloe.
  - (e) No fencing, lighting or signage is approved as part of this application and if intended would require a further application/s in consultation with the Town of Cottesloe.
- (2) Notify the Town of Claremont accordingly.

#### **AMMENDMENT**

Moved Cr Furlong, seconded Cr Jeanes

**That at item (1) (c) comment is inserted that in planting with native vegetation, consideration is given to environmental considerations, while respecting crime prevention by choosing appropriate plants that will not obstruct view or allow persons to conceal their presence.**

Carried 11/0

#### **11.1.4 COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Jeanes

**That Council:**

- (1) **Recommends to the Western Australian Planning Commission that Council supports the Application for Approval to Commence**

Development under the Metropolitan Region Scheme, for a 16-bay car park at No. 153 Railway Street, Cottesloe, for Dawson's Garden World, in accordance with the plans submitted on 10 April 2007, subject to the following conditions to ensure an appropriate standard of development:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
  - (b) Storm-water runoff from the driveway and car parking areas shall be contained by on-site drainage and shall not be discharged onto the road reserve or any adjoining land, to the satisfaction of the Town of Cottesloe.
  - (c) The verge trees to Railway Street adjacent to the subject site shall be retained and protected at all times; the existing tree shown on the application plan located outside the parking bays in the north-east corner of the subject site shall be retained and protected at all times; the existing tree shown on the application plan located inside the parking area in the south-east corner of the subject site shall if possible be retained and protected at all times by designing the parking area around it; and a landscaping plan for the subject site shall be prepared and implemented prior to the occupation of the car park, which should use native vegetation and water-wise principles and that in planting with native vegetation, consideration is given to environmental considerations, while respecting crime prevention by choosing appropriate plants that will not obstruct view or allow persons to conceal their presence; all to the satisfaction of the Town of Cottesloe.
  - (d) The standard of site works, drainage, paving/sealing, kerbing and line-marking shall be to the specification and satisfaction of the Town of Cottesloe.
  - (e) No fencing, lighting or signage is approved as part of this application and if intended would require a further application/s in consultation with the Town of Cottesloe.
- (2) Notify the Town of Claremont accordingly.

Carried 11/0



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**11.1.5 NO. 211 (LOT 27) BROOME STREET – FENCING WITHIN FRONT SETBACK**

<b>File No:</b>	<b>211 Broome Street</b>
<b>Attachments:</b>	<b>Location plan Correspondence from applicant Photos Plans</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>23 May 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Evan &amp; Alice Kakulas</b>
<b>Applicant:</b>	<b>GHD Architecture Pty Ltd</b>
<b>Date of Application:</b>	<b>4 April 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>677m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

The application is to provide part solid and part open aspect fencing within the front setback area. The solid sections are to screen a bin store, pool equipment and swimming pool from view from the street.

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

**PROPOSAL**

The proposal is to build a combination of open aspect and solid fencing. This is part of a new landscaping plan for the front setback area to compliment the dwelling under construction.

On the front boundary a 1.8m high solid fence is proposed for a length of 4m in front of the proposed bin store and pool equipment. To break up the mass of this section of wall, three 250mm wide vertical slots are proposed. In these open sections the base of the wall is 400mm high. The remainder of the front boundary fencing is full height open aspect, which is more than in accordance with the Fencing Local Law (which allows the lower 900mm to be solid), setback 600mm from the front boundary.

Inside the property a second wall/fence is proposed 1256mm from the front boundary. This is a stone feature wall which separates the pool from the bin store/pool equipment. This proposed wall is to a height of 2.4m for a length of 4.7m. A full-height open aspect gate and fence are also located 1256mm from the front boundary next to the southern boundary.

On the northern and southern side boundary within the front setback, new fencing is also proposed. This is to be open aspect to 3.5m from the front boundary, with solid fencing behind this line. Some of the side fencing has already been constructed, but is at odds with the earlier planning approval, and the proponents have been advised of this discrepancy, which the present application is seeking to address.

**STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No. 2
- Residential Design Codes – Streetscape Element

**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 Local Laws**

<b>Local Law</b>	<b>Required</b>	<b>Provided</b>
Fencing Local Law	Fences may be solid to 900mm and must be 50% open aspect between 900mm and 1800mm within the front setback.	Solid Fence 4m wide by 1.8m high on front boundary. 2 <sup>nd</sup> Solid Fence 4.7m wide by 2.4m high setback 1.256m from front boundary. Remainder of fencing parallel to Broome Street is open aspect and complies with FLL. Side boundary returns are partially open aspect.

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

REFERRAL

**Internal**  
Building**External**  
N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

**BACKGROUND**

A two-storey residence was granted approval by Council on 10 December 2004. This house is near completion.

A second planning approval was granted under delegated authority on 15 December 2005 for a predominantly open/partially solid front fence. This fence was issued a building licence on the 22 November 2006. These fencing approvals remain current. This fence has not been built and this application now seeks a new fence design to compliment a new landscaping plan for the front yard.

It should be noted that the earlier proposal and approval exhibited the following characteristics:

- Essential compliance with the Fencing Local Law.
- Side fencing, beyond the side returns, were indicated on the site plan as 1.8m high, but on the elevation plans a section is indicated higher on the northern side in the order of 2.1m (relative to varying ground levels).

As mentioned, the side returns and continuing boundary fencing have been partially constructed, which remains to be completed and if necessary rectified in accordance with the present application and any conditions of approval.

It should also be noted that the property has its garage off the right of way and has no crossover to Broome Street, whereby the front yard is intended to be a primary private open space with the pool, landscaping and associated service areas/treatments.

**STAFF COMMENT**Fencing Parallel with the Front Boundary

In regards to the fencing, some of the solid sections do not meet the open aspect requirement of the Fencing Local Law where the solid component of the fence shall normally not exceed 900mm in height. The proposed solid sections of fence range from 1800mm to 2400mm in height. The remainder of the front fencing is open aspect and compliant with the FLL.

As the application does not strictly comply with the FLL, Council has discretion to consider variation of the standards based on the following criteria:

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- a) *the safe or convenient use of land;*
- b) *the safety or convenience of any person: and*
- c) *the impact of the fence on the streetscape.*

In this respect it could be argued that the proposed solid section of fencing would support safety and convenience by providing a barrier and privacy; although it would also obscure surveillance.

However, it is assessed that the streetscape would be not be enhanced as the non-complying front fence would add additional bulk and presence to the front setback area. The neighbouring properties on both sides have either open aspect front fencing or a very low front fence. Some of the houses further along Broome Street do have solid front fencing, but generally these have been approved before the Fencing Local Law came into being.

The applicant has advised that:

- *The house is located in a low-lying portion of Broome Street where visibility by overlooking to the front yard is possible from the street – with or without any screen wall.*
- *The house has been orientated to maximise solar principles and the front yard is a landscaped family recreation/entertainment area.*

These comments can be acknowledged. The house is at the lower end of a crest on Broome Street and the street is at a higher level than the house. This allows drivers and pedestrians to look into the property, although there is a relatively wide verge with street trees.

The applicant also comments that:

- *The bin store, pool equipment and combined electric/gas meter box are located at the front boundary, accessible for meter reader and away from adjoining neighbours to avoid any undue disturbance.*

Screening and sensitive location of these services is a planning requirement and it may be considered that the proposed solid fencing providing concealment of these items is acceptable. It is noted that the services are not proposed next to a neighbour, which is desirable. Also, the aforementioned vertical slots help to break up its mass.

The applicant also suggests that 65% of the front fence has an open aspect. This is confirmed, as 4.7m of the 13.9m frontage is solid, with the balance being open aspect fencing. On this basis the 1800mm high solid boundary fence of 4m in length is supported.

However, the 2400mm high solid stone feature wall which is located 1256mm behind the proposed 1800mm high solid front fence cannot be supported. The applicant does not provide sufficient reasoning for this excessive height. It is recommended this stone feature wall be a maximum height of 1800mm consistent with the main fence. This height would still provide a sufficient visual barrier between the pool and the bin store area for the owners, as well as a useful degree privacy, plus surveillance.

In addition, the proposal for a high wall here actually needs to be assessed not simply as a fence but as a wall in itself (ie as if to a building). In this regard the following considerations arise:

- There is no structural need for the wall – it is a design feature only.
- The positioning of the higher wall behind the other section of solid wall increases the effect of building bulk and a blocking of open aspect visibility to and from the property – a double layer of screen walls results.
- The taller wall would also be seen as a free-standing element from along the street and from the neighbouring properties looking out, whereby it would be an obstruction.
- A wall or building with such a reduced setback would not otherwise be allowed – as parking is to the rear there can be no argument that a carport or garage might have been allowed there.
- The Fencing Local Law addresses not only the front boundary and side returns but also the entire front setback area (ie to the dwelling or at least for the 6m standard under the RDC).
- Council would not wish to create an undesirable precedent for such walls to occur.

Overall, it can be seen that the current fencing proposal shifts the impacts of service areas and privacy screening for the property to the street frontage and setback area, and that while this may offer some amenity benefits it also generates others. Indeed, it is quite likely that this would be problematic for the owners because:

- Accessing the bin store requires using two gates and going outside the main fence, which is inconvenient and potentially less safe.
- The bin store and in particular the pool equipment compound are exposed to the street and would be vulnerable to litter and vandalism / graffiti (with a view from inside the property blocked by the higher wall).

At the same time, the advantage to the property is the creation of more internal yard space for use in conjunction with the pool. It is also apparent that the appearance of the front fencing would be more open aspect and lighter weight, as the open aspect section is full height with no solid lower section, and the detailed design of the corners enhances the sense of openness, which are positives.

In perspective, recently Council has considered a number of proposals involving front pools and fencing, as well as carports in some cases, and while in certain circumstances Council has been prepared to support a portion of solid fencing to provide privacy, in the main Council has also been concerned to ensure that the resultant streetscape is not overly built-up – ie, that front yards are not commandeered by structures and disassociated with the public street.

#### Side Return Fencing

The applicant is also proposing side boundary fencing on both the northern and southern boundaries within the front setback area. This fencing is partially constructed. The metal infill is the only proposed addition to the side boundary fencing on both boundaries. Within 3.5m of the front boundary on the northern and

southern boundaries the solid sections of fence are to a height of 700mm above ground level and compliant with the FLL.

However, the front setback in an R20 coded area is considered to be the front 6m of the property. Fencing behind a distance of 3.5m on both the northern and southern side boundaries is proposed to be solid to a height of approximately 1.8m. Whilst this does not strictly comply with the Fencing Local Law, this small section of solid fencing could be supported as there is no loss of amenity to the neighbour and little impact to the streetscape.

### **CONCLUSION**

The proposed 1800mm high solid fence being 4m in length on the front boundary is supported on the basis of the overall design and the balancing open aspect portions. The Fencing Local Law does not contemplate that front fencing should exceed a height of 1800mm, hence the proposed 2400mm feature wall is not supported and should be lowered (or deleted).

The remainder of the fence is open aspect and compliant with the FLL, apart from the constructed sections on the side boundaries which are supported to remain.

Council is increasingly asked to consider structures in front setback areas, such as swimming pools, fencing/walls, gatehouses, carports and garages, often entailing variations to standards and with amenity, design or streetscape implications. While there is often reasonable justification in terms of the use of and facilities for residential properties, attention to design detail is also important to ensure that the structures create minimal impacts and are aesthetic in relation to the property, neighbouring properties and the streetscape. Where concessions to planning requirements are granted, this may warrant design modifications as a necessary trade-off in managing the interface between private property and the public realm, so that any compromise solution results in an acceptable outcome.

Conditional approval is recommended accordingly.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee considered that the recommendation was sound and discussed the pros and cons of the side fencing situation as well as the front wall areas. On balance it was considered that the proposal could be supported with the subject refinements.

**OFFICER & COMMITTEE RECOMMENDATION**

That Council GRANT its Approval to Commence Development for Fencing within the Front Setback Area at No. 211 (Lot 27) Broome Street, Cottesloe, in accordance with the amended plans submitted on 16 May 2007, 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) 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.
- (c) The proposed 2400mm high stone feature wall setback 1256mm from the front boundary being modified to a maximum height of 1800mm above ground level so as not to exceed the height of the fencing to the front boundary; or alternatively being deleted.
- (d) The side boundary fencing within the front setback area shall not exceed the 1.8m height standard of the Town of Cottesloe Fencing Local Law and any higher side boundary fencing as agreed with neighbours may occur only beyond the front setback area. Any necessary alteration of the partially-constructed side boundary fencing to meet this requirement shall be made to the satisfaction of the Manager Development Services.

Moved Mayor Morgan, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for Fencing within the Front Setback Area at No. 211 (Lot 27) Broome Street, Cottesloe, in accordance with the amended plans submitted on 16 May 2007, 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) 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.
- (c) The proposed 2400mm high stone feature wall setback 1256mm from the front boundary being modified to a maximum height of 1800mm above ground level so as not to exceed the height of the fencing to the front boundary; or alternatively being deleted.
- (d) The side boundary fencing within the front setback area shall not exceed the 1.8m height standard of the Town of Cottesloe Fencing Local Law and any higher side boundary fencing as agreed with neighbours may occur only beyond the front setback area. Any necessary alteration of the partially-constructed side boundary fencing to meet this requirement shall be made to the satisfaction of the Manager Development Services.

Lost 3/8

**11.1.5 COUNCIL RESOLUTION**

Moved Mayor Morgan, seconded Cr Strzina

**That Council REFUSE its Approval to Commence Development for Fencing within the Front Setback Area at No. 211 (Lot 27) Broome Street, Cottesloe, for the following reasons:**

- (a) the proposal does not comply with Council's Fencing Local Law for open-aspect fencing within front setback areas; and**
- (b) the proposal would have a detrimental impact on streetscape amenity, including by reason of an inappropriate design for development within front setback area.**

Carried 9/2



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**11.1.6 NO. 23 (LOT 35) ROSSER STREET – AMENDMENT TO PREVIOUS APPROVAL – CHANGE TO SECOND STOREY ADDITIONS AT REAR PLUS A NEW FRONT CARPORT**

<b>File No:</b>	<b>23 Rosser Street</b>
<b>Attachments:</b>	<b>Location plan Photos Plans</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>8 June 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Brett Lindsay</b>
<b>Applicant:</b>	<b>As above</b>
<b>Date of Application:</b>	<b>4 May 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>451m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Ground floor alterations, second storey additions and a carport are proposed to a Category 3 building on the Municipal Inventory. This report is to consider only the amendments to the previous application and does not need to consider the balance of the current approval. The amendments include conversion of a large balcony to a bedroom with a Juliet balcony, plus a new carport within the front setback.

**PROPOSAL**

On the ground floor the overall proposal entails reconfiguration of the rooms to allow for a new second storey. The rooms being altered include a bedroom to make way for a staircase, as well as a new kitchen, meals and family open plan area. A new laundry, WC and ensuite are also proposed. All of this has been previously approved.

On the upper floor three bedrooms, a powder, bathroom, activity room have been previously approved. A fourth bedroom which was previously a large al fresco-style balcony, located at the rear, is now proposed, with a Juliet balcony.

In addition, a new carport is proposed to have a nil setback to the front boundary and would replace the existing car bay located between the dwelling and the street.

**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 Category 3
- National Trust N/A

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town Planning Scheme Policy**

<b>Policy</b>	<b>Required</b>	<b>Provided</b>
TPSP 003 - Garages and Carports in the Front Setback Area.	4.5m setback for carports where vehicles are parked at right angles to the primary street alignment.	Nil front setback.

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
No. 3 – Boundary Setbacks	2m setback - upper eastern wall	Nil setback	Clause 3.3.2 – P2

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

Building and Engineering.

**External**

N/A.

## ADVERTISING OF PROPOSAL

The application was advertised as per Town Planning Scheme No. 2 and the Residential Design Codes. The advertising consisted of letter to adjoining property owners.

## Submissions

There were 8 letters sent out. There were no submissions received. This is taken to reflect that the overall proposal has already been dealt with and approved, and that the proposed amendments are relatively minor and of little if any consequence in terms of amenity to neighbours.

## BACKGROUND

The property is listed on the Municipal Inventory as Category 3. The description says: *a typical small c1905 weatherboard cottage and one of a significant group in Rosser Street*. Council in granting the previous approval was satisfied that the proposal was consistent with the heritage listing and setting of the property, which would see its retention and maintenance, rather than possible demolition/replacement.

A swimming pool was approved to the rear yard in January 2004. Approval was given for the overall alterations and additions by Council on 25 September 2006; which have not yet started, hence the current amendments.

Although the applicant has not submitted any written explanation or justification for the proposed amendments, it is understood that the motivation includes costs, space and facilities in relation to the dwelling improvements.

## STAFF COMMENT

### Building Height

The building height is proposed to remain the same as the approval given in September 2006. Condition (j) of this approval stated: *The overall height of the proposed development is not to exceed RL28.21 AHD*. A condition reiterating this would be appropriate.

### Front Setback

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

*In addition 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 the view lines of the adjacent western property, as a solid 1.8m high boundary wall already blocks view lines. Furthermore, that property does not have on-site parking to the front, but a concrete hardstand on the verge, with a screen of bushes along its eastern edge. The proposed carport as an open structure will not affect this situation. The carport would not affect view lines to the east, which is a laneway and rear fence of the property opposite.

The application maintains adequate manoeuvre space for the safe ingress and egress of motor vehicles. The crossover is to be widened to accommodate the double carport. Such widening was indicated on the previously approved plans in relation to the creation of a second parking space and retention of the verge tree.

The carport partially 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 5.2m or 47.1% wide of an 11.06m wide frontage and complies with this.

The RDC also require two on-site parking spaces per single dwelling, which the application satisfies, and that they are of standard bay dimensions, which the proposal is a compromise of due to the limited space available.

The RDC also have a preference that any walls/fences are no higher than 0.75m within 1.5m of where a driveway meets a public street. The application generally meets this criterion as an existing low picket fence is found on the front boundary. It should be noted that the existing 1.8m high fence on the western side boundary is not compliant in this regard, however, parking already occurs in this area and the owners on each side are accustomed to this situation.

It can be considered that this application also meets the criterion of: *The amenity of the adjoining lot or deter future development on adjoining lots.* A Category 3 single storey residence is adjacent to the proposed carport on the western side and it is unlikely that any other development will take place or be approved in front of that property than perhaps another carport. For the same reasons the application meets the criterion of: *The existing and potential future use and development of any adjoining lot.*

However, the application does not meet the final criterion of: *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 some 5m in front of the house on the western side. (The interrelationship with the eastern neighbouring property across the lane is not an issue as that property faces Curtin Avenue and has a 1.8m high boundary fence along most of its Rosser Street side). Hence in relation to Rosser Street, whilst the streetscape is not uniform, the carport having a nil setback to the front boundary would represent a significant projection, which is not immediately desirable so the prospects for alternative solutions should be explored.

In determining what is seen as a reasonable setback the existing built envelope should be assessed. The existing residence is setback 4.5m to the lounge and 5.2m to the porch from the front boundary. The carport is proposed to be located in front of

the porch. As a standard carport is generally 6m x 6m in dimension this carport is smaller but could accommodate two small or medium-sized vehicles, as with the current parking bay.

The carport has a side setback on the west in line with the main dwelling, which helps to ameliorate its presence. Also, as the street slopes up to the west, with the western property sitting higher and the existing 1.8m high dividing fence, the carport would in a sense be nestled into this site/setting.

The carport would result in limiting light penetrating the front verandah, although the only room affected is a study. This could be addressed by a skylight or by translucent sheeting to the carport (not to the traditional bull-nosed verandah).

The alternative of having the double carport at the rear of the property is not feasible. The rear yard is neither large nor wide and the swimming pool prevents a carport being located adjacent to the ROW intersection at the south-eastern corner of the lot. The only possible locations include the south-western corner of the lot, but this would only allow a 5m wide carport. It would also require removal of a shed and a significant portion of the rear lawn area.

In summary, Rosser Street is narrow with a number of cottage-type dwellings with no or constrained on-site parking from the street – such as only one bay, small bays or verge hardstands. In this context the provision of on-site parking is a benefit, albeit a compromise in terms of space standards and streetscape. Yet where residents are used to the characteristics of the street they have adapted to the pattern of access and parking arrangements. Therefore, given the above analysis the carport is recommended for approval in the location proposed, subject to conditions governing its detailed design and a suitable crossover.

### **Boundary Setbacks**

The following side boundary setbacks of the proposed additions don't comply with the Acceptable Development standards of the RDC, hence they are required to be assessed under the Performance Criteria of Clause 3.3.2 (P2) of the RDC, which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Upper East wall	All	Up to 6.9m	13.6m	No	2m	Nil setback

*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.*

This proposal is to have a nil setback to the ROW for the upper eastern wall forming the new bedroom four. This is usually required to be setback 2m. The 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. There are no major openings in this wall so the wall meets privacy requirements. The proposal also ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. There was no objection in this regard.

It is emphasised here that the built form has not really changed, as the bedroom occupies and encloses the same space and alignment (setback) as the approved al fresco balcony under the main roof. Also, a simpler, more streamlined roof structure is proposed rather than the pavilion roof of the al fresco balcony, which tends to lessen the bulk and complexity of this portion of the dwelling.

### **Privacy**

Significantly, conversion of the open-sided al fresco balcony to a bedroom with Juliet balcony improves privacy, by reducing outlook and introducing a smaller window.

The Juliet balcony does not require to be assessed for privacy as it is a minor feature rather than a large viewing opportunity. The RDC require a setback of: *7.5 metres in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like)*, however, the Juliet balcony is not considered to be an active habitable space as it is not large enough in dimension – the definition of active habitable space is: *Any habitable room with a floor area greater than 10sqm and any balcony, verandah, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1.0m in dimension and 3sqm in area.*

The proposed bedroom four window also complies with the setback requirements for privacy.

### **Heritage**

Council's Heritage Advisor considers that the carport design essentially compliments the existing bulk and scale of the building and is therefore acceptable in terms of heritage. This is because it is a lightweight structure with similar roof form and materials to the dwelling.

However, it can also be said that because the pitched-roof design would block appreciation of the front of the dwelling and the bull-nosed verandah with its period features, consideration could be given to a simpler carport that would reveal and respect the dwelling. Such as a flat roof, suitable pitching point or open gables (which would also assist light penetration).

In this regard it is noted that the application plans are lacking in that they show only a site plan view and front elevation of the intended carport, with insufficient detail, however, should the principle of the carport be supported, then a condition as recommended can manage the execution of the detailed design.

### **Open Space**

The application has 53.2% open space and complies with the RDC. The rear patio, pool and a majority of the verandah was included as open space in the calculation as well as the addition of the carport. The front yard remains a passive opens space for access and parking, while the back yard is the active private open space for the property.

## CONCLUSION

The proposed nil front setback for the carport is seen as the best solution for a site constrained by the existing built envelope. This is seen as adequate for the streetscape whilst achieving undercover, off-street parking, which is an objective of the RDC. In regards to the upper storey additions, the changes are relatively minor, with amenity improvements over the previous approval and no objections have been made.

Council is increasingly asked to consider structures in front setback areas, such as swimming pools, fencing/walls, gatehouses, carports and garages, often entailing variations to standards and with amenity, design or streetscape implications. While there is often reasonable justification in terms of the use of and facilities for residential properties, attention to design detail is also important to ensure that the structures create minimal impacts and are aesthetic in relation to the property, neighbouring properties and the streetscape. Where concessions to planning requirements are granted, this may warrant design modifications as a necessary trade-off in managing the interface between private property and the public realm, so that any compromise solution results in an acceptable outcome.

In conclusion it is recommended that the application be approved subject to conditions accordingly. For completeness, the range of conditions as relevant to the overall previous approval and the subject amendments are applied.

## VOTING

Simple Majority

### 11.1.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Dawkins

**That Council GRANT its Approval to Commence Development for amendment of the Second Storey Additions at the rear and a New Front Carport at No. 23 (Lot 35) Rosser Street, Cottesloe, in accordance with the amended plans submitted on 4 May 2007, subject to:**

- (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, right-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 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) The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to modify the existing crossover, where required, in accordance with the local law. This shall include a design to ensure retention and protection of the street tree as indicated on the plans, to the satisfaction of the Manager Development Services.
- (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, subject to condition (e) above.
- (g) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (h) Plans being submitted for approval by the Manager Development Services at Building Licence stage showing the stairway window being modified to prevent overlooking into the adjoining property, by either having opening sill heights of not less than 1650mm above the FFL or being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL.
- (i) Plans being submitted for approval by the Manager Development Services at Building Licence stage showing no new eaves overhanging the eastern side boundary of the property.
- (j) In accordance with the previous approval dated 3 October 2006, the overall height of the development is not to exceed RL28.21m AHD.
- (k) A photographic record of the existing residence being submitted to Council prior to a Building Licence being issued.
- (l) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (m) Revised plans being submitted at Building Licence stage, showing full details of the proposed carport, including a site plan and all elevations, materials and finishes, and a roof design to minimise blocking the view to the dwelling and bull-nose verandah, all to the satisfaction of the Manager Development Services, who should be consulted to consider the options in order to meet this condition.

Carried 6/5



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**11.1.7 NO. 16 (LOTS 29 & 30) LILLIAN STREET – FRONT CARPORT WITH GATE TO BOUNDARY**

<b>File No:</b>	<b>1179</b>
<b>Attachments:</b>	<b>Location plan Correspondence from owner Photos Plan</b>
<b>Author:</b>	<b>Mr Lance Collison / Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>8 June 2007</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Peter Mayall</b>
<b>Applicant:</b>	<b>as above</b>
<b>Date of Application:</b>	<b>28 May 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>418m2 &amp; 355m2</b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

A new carport and security gate is proposed 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 with a nil setback to the front boundary and 0.5m from the closest side boundary. A single crossover exists where the carport is proposed. The front fence will be partially modified to allow for a wrought iron gate to provide security for the carport and dwelling.

To accommodate the carport some minor cut/fill and retaining is involved, as well as relocation of the front path and steps to the dwelling, plus some steps to the carport.

The applicant has submitted a letter and photos stating the reasons put forward for the proposal, including:

- A desire to construct a quality carport in keeping with the heritage features of the dwelling.
- The need for security for their cars.
- The pattern of similar open-style carports built to the boundary nearby along Lillian Street.
- The constraints of the narrow street to parking and access.
- Retention of the street tree.

**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 Category 3
- National Trust N/A

**APPLICATION ASSESSMENT**

## AREAS OF NON-COMPLIANCE

**Town Planning Scheme Policy/Policies**

<b>Policy</b>	<b>Required</b>	<b>Provided</b>
TPSP 003 Garages and Carports in the 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.

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
No. 3 Boundary Setbacks	Carport eastern setback 1m	0.5m to carport, posts are on side boundary.	Clause 3.3.1 – P1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

Building &amp; Engineering.

**External**

N/A.

## ADVERTISING OF PROPOSAL

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

The eastern neighbouring owners signed-off the plans in support of the application. This is the only affected neighbour regarding the proposal.

**BACKGROUND**

A well-established single-storey dwelling can be found over the two lots. The property has a single driveway allowing cars to park in tandem with no cover. The property is listed as a Category 3 on the Municipal Inventory.

There is a front boundary fence of solid piers and open aspect railings and driveway and gates, which also matches that to the neighbour on the same side as the proposed carport.

**STAFF COMMENT**Carport in Front Setback Area Built to Boundary

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

However, 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 lines from the driveway of the adjacent eastern property, which is not adjacent to this proposed carport. It should be noted that the eastern neighbour is somewhat lower than this property and the fencing between neighbours and to the street boundary is all open aspect, which assists overall visibility.

The application meets the: *shall maintain adequate manoeuvre space for the safe ingress and egress of motor vehicles* criterion. The crossover may need to be widened, however, and the impact on the existing street tree is assessed later in this report.

The carport also 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 6m (32.22%) wide out of an 18.58m wide frontage and complies.

The RDC also require two spaces per single dwelling, which meet standard bay dimensions, and this application meets these criteria – this carport will be deep and wide enough for two standard vehicles.

The RDC also have a preference to have any walls or fences at no higher than 0.75m within 1.5m of where a driveway meets a public street. There is an existing open aspect fence on the side boundary which complies and the front fence is also open aspect adjacent to the front boundary, apart from a 480mm wide by 480mm deep section for a post for the carport. The application therefore essentially meets the RDC requirements and no changes to the design are recommended.

It is considered that the carport also meets the criterion: *the effect of such variation on the amenity of any adjoining lot.* This is because there is room for two car bays existing in tandem adjacent to the eastern neighbour. The western neighbour is unaffected by the change. It should also be noted that Council has allowed the current parking arrangement.

The application also meets the criterion: *the existing and potential future use and development of any adjoining lots.* A well-presented single storey dwelling exists on the eastern neighbouring property and it is unlikely that any other development will take place in that front setback given that the carport of this neighbour is against its eastern neighbour and not the subject development to the west.

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 would represent a significant projection, which is not immediately desirable so the prospects for alternative solutions should be explored.

Neighbouring properties generally have a minimum 6m setback from the front boundary, apart from the immediate eastern neighbour and two houses to the west, which have carports on the front boundary. In determining what is seen as a reasonable setback in this situation, the existing built envelope should be assessed. The existing dwelling is setback 6.18m from the front boundary. The property does not face a secondary street or have a ROW and there is no room to setback the carport any further. The current location is also practical as the carport is proposed to be partially built over an existing driveway.

#### Height

The carport is well under the 6m height standard for a single-storey structure. The piers on the sloping site are 2.2m and 3m high and the roof apex 4.5m high. Overall, the carport roof sits below the main roof of the dwelling and the apex midway within the height of the verandah roof.

Heritage

Council's Heritage Advisor has commented that the proposal is acceptable and in keeping with the style and mass of the original dwelling.

The proposed carport has a tiled roof with a pitch to match the roof of the existing dwelling and this is commended. The carport has a gable end to also match. The carport is at a lower level and does not detract from the dwelling. The carport roof has a maximum height of RL14.05m, which is lower than the wall height of the dwelling measuring at RL14.35m and the maximum roof height of the dwelling of approximately RL17.15m.

Relocation of the path and steps to the dwelling is acceptable and is understood to re-use or replicate the original steps.

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), both as follows:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Proposed Setback
Carport east	All	2.6m	5.8m	N/A	1m	0.5m

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 0.5m setback to the side boundary for a carport while the posts are located against the side boundary (which can be allowed). 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.

Front Gate for Vehicles

A front boundary gate is proposed to provide additional security for the property. The sectional security gate is located directly in front of the proposed carport. The gate is open aspect and will require a slight modification to the front fence. The gate and

fence is compliant with the Fencing Local Law and recommended for approval. However, the degree of open aspect should be kept consistent with the fence.

### Street Tree

A well-established street tree is located in the verge in front of 16 Lillian Street. The tree trunk is located approximately 1m from the existing crossover and with the proposed double carport it is assumed that the crossover may be intended to be widened, which could impact on the street tree. It is recommended that the street tree not be removed and that the applicants comply with a condition in this regard – in fact the plan is annotated “*leave exist[ing] tree*” and attention to design detail can accommodate it satisfactorily.

### Detailed Design Considerations

The application represents a well-considered design to create a carport that will compliment the dwelling and streetscape. The proposal exhibits the following characteristics:

- The carport sits at the low point of the lot at the end of the stepped-down fence.
- It builds onto the existing fence piers and continues that style.
- The pitched roof echoes the dwelling and is a relatively lightweight-looking structure perched on the piers without heavy eaves (the dwelling has minimal eaves). This is similar to the carport construction next door (No. 20).
- The roof is to be tiled to match the dwelling (not Colorbond or reflective Zinalume).
- The carport gate (sectional door) is intended to be open aspect grille-type to suit the fence and continues at the height of the last step down in the fence and person-gate. However, it is considered important that the grille spacing not be too closed – condition refers.
- From the dwelling the end of the carport roof is an open gable but to the street the proposal is for a solid gable façade. It is assessed the street gable should also be open to enable views to and from the dwelling and to minimise the mass of the carport and enable the original dwelling to be seen without obscuring it too much – the carport will occupy a tight area and this more open approach will benefit the property and streetscape. A condition refers.

In summary, the design is a sensitive approach and with some refinement is recommended, otherwise the appearance would tend to create the effect of a double garage sitting at the corner of the front and side boundaries.

### **CONCLUSION**

The property is seeking to provide shelter for two cars on-site by building a double carport in the front setback area. It is assessed that there is no amenity impact on the neighbours or undue impact on the streetscape, subject to some design improvements, and that the carport design is in keeping with the heritage-listed dwelling. The affected neighbours have signed the plans in support of the proposal. It is recommended that this application be approved subject to conditions.

Council is increasingly asked to consider structures in front setback areas, such as swimming pools, fencing/walls, gatehouses, carports and garages, often entailing

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variations to standards and with amenity, design or streetscape implications. While there is often reasonable justification in terms of the use of and facilities for residential properties, attention to design detail is also important to ensure that the structures create minimal impacts and are aesthetic in relation to the property, neighbouring properties and the streetscape. Where concessions to planning requirements are granted, this may warrant design modifications as a necessary trade-off in managing the interface between private property and the public realm, so that any compromise solution results in an acceptable outcome.

## **VOTING**

Simple Majority

### **11.1.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Jeanes

**That Council GRANT its Approval to Commence Development for the Front Carport and Open Aspect Gate at No. 16 (Lots 29 & 30) Lillian Street, Cottesloe, in accordance with the plans submitted on 28 May 2007, subject to:**

- (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, right-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. In this respect the intended dark tile roof should satisfy this condition,**
- (e) **The applicant applying to the Town of Cottesloe for approval by the Manager Engineering Services to modify the existing crossover, where required, in accordance with the local law. This shall include a design to ensure retention and protection of the street tree as indicated on the plans, to the satisfaction of the Manager Development Services.**
- (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, subject to condition (e) above.**
- (g) **The sectional gate to the carport shall be open-aspect to match the existing detailed design and degree of openness of the railings as to the front fence, and shall not be any less open-aspect. Details of this shall be included in the Building Licence plans to the satisfaction of the Manager Development Services.**

- (h) Both ends of the carport roof shall be open, not enclosed gables, in order to reduce the mass of the structure and to enable views from and to the dwelling. Details of this shall be included in the Building Licence plans to the satisfaction of the Manager Development Services.

Carried 10/1



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**11.1.8 1A CLARENDON STREET (LOT 311) – IN-PRINCIPLE PROPOSAL FOR SIDE FENCE ON VERGE**

**File No:** PRO/760  
**Attachment(s):** Location plan  
Correspondence from owners  
Plans  
Photos  
**Author:** Ms Delia Neglie  
**Author Disclosure of Interest:** Nil  
**Report Date:** 15 June, 2007  
**Senior Officer:** Mr Andrew Jackson

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**SUMMARY**

1A Clarendon Street is located on a corner lot with a portion of the rear yard in view of Nailsworth Street. Historically, there has been no street fencing along this frontage (or to Clarendon Street). The verge area is a partially landscaped steep embankment with low limestone retaining walls at the property boundary on the lower side.

The immediate previous landowner constructed an unauthorised Jarrah picket fence within the verge area of Nailsworth Street. The property was sold with this fence in place but has since been removed following compliance action by Council. The new landowner has now requested liaison with Council to build a suitable fence on the verge.

An appropriate fence along Nailsworth Street would be reasonable given overlooking issues and the steep slope of the verge, subject to no legal or physical obstacles. It is recommended that Council authorise officers to liaise with the landowners to prepare an acceptable design proposal for planning approval which would need to consider heritage, the fencing local law and location of services and the possibility of a deed of agreement regarding liability, maintenance and access to services and the verge area generally (and perhaps an associated notification on title).

**STATUTORY ENVIRONMENT**

Town Planning Scheme No. 2  
Fencing Local Law

**POLICY IMPLICATIONS**

Municipal Heritage Inventory – Property is classified as a Category 2 Building under the MHI.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Legal advice may be required in addition to the preparation of legal documents. These costs could however be referred to the landowner.

**BACKGROUND**

The property is located on the south western corner of Nailsworth and Clarendon Streets. The house fronts Clarendon Street with a portion of the rear yard in view of Nailsworth Street.

Historically, the property has had no street fencing along Nailsworth Street. This verge area is a partially landscaped steep embankment with low limestone retaining walls at the property boundary. Bushes and native coastal trees provide minimal screening. A portion of the verge is grassed and is occupied by a clothes line which has been in this location for a number of years as indicated by attached survey plans dated 1991.

It is noted that while the embankment is attractive and well-cared for towards the residence, the verge edge along the actual road is unkempt, due to the recent road works, development opposite and the fact the landform is not conducive to access.

The ownership of the property has changed a number of times in the last few years. The immediate previous landowner constructed a Jarrah picket fence along this side of the property boundary without a survey. This fence was:

- unauthorised;
- constructed on public land, ie the Council controlled verge being part of the road reserve (approximate alignment shown on attached sketch);
- resulted in unauthorised lopping of trees within the verge;
- of a poor standard for a fence to a street and did not comply with the Council's Fencing Local Law for fences in the front setback area (ie to be setback from or open-aspect in relation to the front setback area); and also
- attracted neighbour complaints.

There has been a recent change of ownership and upon purchase the new landowners were unaware that the fence was unauthorised and inappropriate or incorrectly located. The fence was removed by the previous landowner following compliance action by Council.

The new landowner has now requested liaison with Council to build a suitable fence on the verge.

**STAFF COMMENT**

- New development is currently under construction opposite the subject site on the eastern side of Nailsworth Street. These are two-storey houses designed to take advantage of this high location and views to the ocean. Whilst the intention is to look over 1A Clarendon Street to the ocean, it is also possible to look down into the rear yard with an impact on privacy. It is obvious that a fence along the Nailsworth Street alignment would assist to protect privacy and also improve security.
- A fence located along the property boundary at the lower level would create a ditch which would present maintenance problems and provide a collecting point for verge tree leaves and general litter, presenting an amenity and maintenance problem and potential fire hazard. In fact, this was a concern of a neighbour with regard to the unauthorised fence that was poorly positioned in relation to an

adjoining fence where a build up of pruning litter occurred. Thus, from this practical point of view, a fence would be best located towards the top of the ridge which would be within the verge area.

- Also, the historical landscaping and use of the embankment is part of the heritage value and context of the listed-place, which preferably should not be compromised by taking away that aspect, hemming-in the site and obstructing the embankment as a backdrop to the dwelling and gardens. Indeed, this basic openness is characteristic of earlier properties with fewer fences and a sociable interface with the street and neighbours – hence the need for any fence to be well-designed and sensitively located.
- One major implication with regard to this option is access to and protection of services that are located with the verge. Advice from service authorities indicates that Water Authority, Western Power, Telstra, Amcom (Optical fibre) are likely to have services within the verge. Their exact location can only be verified by “potholing”. Protection of these services would be essential should a fence be erected and the design of a fence would need to consider this issue. It is not uncommon for services to be on private land, Water Authority sewers for example are commonly on private property; access must however be assured.
- It is possible for Council to approve structures on public land. Council often relies on private landowners for the maintenance of verges, especially where allowed to be landscaped or beautified as in this case.
- The Manager of Engineering has advised that he supports the proposal to be pursued in-principle. This particular verge is in fact difficult to maintain due to the steep slope. Also he has previously received legal advice that adverse possession is not possible over public land, so that should not be an issue.
- Council’s Heritage Advisor has advised that from a heritage perspective, a suitable fence would be appropriate.
- In-principle support for a fence to be located within the verge area is thus considered reasonable. However, it would be prudent to seek legal advice to confirm there are no legal obstacles to such an approval.
- Assuming the proposal can legally be pursued, an application for planning approval would be required (which the Council as vested landowner would need to sign). Any approval could also be subject to a deed of agreement with the landowners regarding maintenance, responsibilities and liability.
- Council would need to work together with the landowners to negotiate the design detail and a suitable alignment and construction taking trees and slope into consideration. Design would need to consider the Fencing Local Law, heritage and the protection of services and verge vegetation.

The prospect of acquisition by the lot owner of the verge land required for the fence has also been contemplated, although that is not considered essential and the cost may be prohibitive (entailing high land values, plus possible relocation of services and legal costs). Also, in terms of services, access and future options regarding the road reserve it seems preferable to retain ownership.

## **CONCLUSION**

An appropriate fence along Nailsworth Street is reasonable given overlooking issues and the steep slope of the verge. Legal implications would first need to be confirmed. Council would then need to liaise with the landowner regarding the design and approval process taking into consideration heritage, the fencing local law and location

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of services and vegetation. Any future development approval is likely to be subject to a deed of agreement regarding liability, maintenance and access to services.

It is recommended that Council authorise officers to liaise with the landowners to prepare an acceptable design proposal for planning approval subject to legal advice.

**VOTING**

Simple Majority

**11.1.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Furlong, seconded Cr Strzina

**That Council authorise officers to liaise with landowners of 1A Clarendon Street to prepare for planning approval, an acceptable design proposal for a fence within the Nailsworth Street verge area subject to legal advice.**

Carried 11/0

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

**11.2.1 CENTRAL FORESHORE BUILDING HEIGHTS – NOTICE OF MOTION – 18/2007**

<b>File No:</b>	<b>SUB/334</b>
<b>NOM Date:</b>	<b>14 June 2007</b>
<b>Author:</b>	<b>Cr Jeanes</b>
<b>Officer Comment:</b>	<b>Mr Andrew Jackson</b>
<b>Councillor:</b>	<b>Cr Jeanes</b>

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**SUMMARY**

This item has been withdrawn for lack of majority support for the Councillor Recommendation at the Development Services Committee Meeting held on the 18<sup>th</sup> June 2007.

Since then, the item has subsequently been represented by Cr Jeanes as a Notice of Motion to Council and appears at agenda item 14.1.1.

**12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON  
19 JUNE 2007****12.1 ADMINISTRATION****12.1.1 BRIEF FOR PARKING STUDY - TOWN CENTRE**

**File No:** SUB/582  
**Attachment(s):** [Correspondence from Sinclair Knight Merz](#)  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 15 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to engage Sinclair Knight Merz to undertake a parking study for the town centre

**STATUTORY ENVIRONMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Sinclair Knight Merz have quoted an amount of \$17,470 (ex GST) to undertake the parking study.

**BACKGROUND**

At the April Council meeting staff were requested to provide a report, within three months, on the long term parking requirements and solutions for the town centre within the context of plans to spend approximately \$300,000 on the new meter-eye parking management system in the next financial year.

At the May Council meeting, Council was advised that any analysis of long term parking requirements should not be undertaken in isolation from medium and short term parking requirements.

As Council staff had neither the expertise nor the time to prepare a comprehensive report on parking requirements and solutions for the town centre, it was recommended that the work be contracted out so that a meaningful report could be brought back to Council.

Council subsequently decided:-

That Council staff be requested to prepare a parking study brief for Council's consideration with a view to engaging Sinclair Knight and Merz to provide a parking strategy for the town centre and direction for the planned installation of Meter-Eyes.

Details of the parking study brief are attached for Council's consideration.

### **CONSULTATION**

Procott Incorporated has been informed that Council is "...about to consider the engagement of parking consultants to:-

- prioritise areas for the implementation of the new technology as a means of improving overall parking efficiency
- undertake questionnaire surveys to gauge community perceptions to the new technology
- establish an appropriate mix of parking, and
- make recommendations on modifications to existing time limits."

Procott has been invited to provide comments on the scope of work but does not meet as a group until the 19<sup>th</sup> June 2007.

### **STAFF COMMENT**

The Manager of Corporate Services has liaised with Sinclair Knight Merz in preparing the study brief.

Council's sign-off on the brief is required before Sinclair Knight Merz is engaged to undertake the work.

### **VOTING**

Absolute Majority – unbudgeted expenditure.

### **OFFICER RECOMMENDATION**

That Council engage Sinclair Knight Merz to undertake a parking study for the town centre in accordance with the brief as tabled and amended as follows:-

(amendments to be listed)

### **12.1.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council engage Sinclair Knight Merz to undertake a parking study for the town centre in accordance with the brief as tabled and amended as follows:-**

- (1) Extend the scope of the Meter-Eye roll out study to address all parking spaces within the town rather than just confining it to the town centre.**
- (2) Identify and address the short, medium and long term parking requirements of the town centre and recommend time limits.**

- (3) Address the use of railway land for parking, particularly on the east side of the railway and investigate what plans, if any, the Perth Transport Authority has for the land.
- (4) Rather than confining the days selected for surveys as being two weekends, also consider undertaking surveys on two weekdays (in particular Friday).

Carried 11/0



**12.1.2 FIREWORKS POLICY**

**File No:** SUB/592  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to adopt a *Fireworks Policy* following the closure of the public comment on 8<sup>th</sup> June 2007.

**STATUTORY ENVIRONMENT**

Clause 5 of the Town of Cottesloe's *Beaches and Beach Reserves Local Law No. 3* provides that in order to protect the quiet and amenity of the beach reserves, no person shall discharge any firework except in the course of a function or activities approved in writing by the Council.

**POLICY IMPLICATIONS**

It is intended that the *Fireworks Policy* form part of Council's policy manual.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

At the December 2006 Council meeting, a staff recommendation was made to delegate authority to the Chief Executive to grant approval for up to six fireworks displays within the Town of Cottesloe per annum.

Council subsequently resolved to request staff to prepare a draft policy on fireworks displays in Cottesloe for Council's consideration.

A copy of a draft policy was presented to the April 2007 meeting of Council where it was resolved:-

That Council undertake community consultation (with public submissions closing on Friday 8th June 2007) regarding the proposed *Fireworks Policy* by way of:-

- the invitation of submissions with the placement of advertisements in the local newspaper,
  - information being placed on the Internet at [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au) together with an invitation for submissions,
  - an article in Cottesloe Council News about the draft policy with the article informing and encouraging feedback, and
  - consultation with ratepayer groups such as SOS Cottesloe Inc and Cottesloe Coastcare.
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**CONSULTATION**

Consultation has been undertaken in accordance with Council's *Community Consultation Policy*. No submissions had been received at the time of preparing this report.

**STAFF COMMENT**

Nil.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopt the following *Fireworks Policy*:-**

**FIREWORKS****(1) INTENT**

The fireworks policy is intended to:-

- minimise distress and potential risk to the community and environment,
- support uses of the beach that promote the public enjoyment of the beach, and
- ensure legislative requirements are met.

Observance of the policy will protect the quiet and amenity of the beach reserves and ensure that approved Fireworks on Town of Cottesloe beach reserves have the required public notice, operate within restricted times and occur at a minimum distance of 500m from a protected place.

**(2) BACKGROUND**

Clause 5 of the Town of Cottesloe's *Beaches and Beach Reserves Local Law No. 3* provides that in order to protect the quiet and amenity of the beach reserves, no person shall discharge any firework except in the course of a function or activities approved in writing by the Council.

This policy sets out those circumstances where approval in writing will generally or may be granted by the Council at its absolute discretion.

The main issues to be considered by Council when approving a fireworks event include:-

- potential damage to sand dune vegetation caused by spectators and fireworks,
- litter management and disposal,
- adverse noise for adjacent residents and nesting birds, and
- public liability protection for the Town of Cottesloe.

**(3) DEFINITIONS**

*Council* – means the council of the Town of Cottesloe.

*Fireworks* – means firework displays held on beach reserves under the care, control and management of the Town of Cottesloe for the entertainment of particular recognised groups or the general public.

*Function* – means without limiting the generality of such term, includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of five or more persons, or a picnic for a gathering of more than 10 persons.

*Restricted Times* – means the hours between 4.00 pm and 10.00 pm on any approved day.

*Protected Place* – means a sensitive establishment e.g. health care facility, nursing home, aged persons' home, church, animal shelter, bird nesting site or menagerie.

*Public Notice* - means notification of a Fireworks event by a letterbox drop to all surrounding residents within 200m of the Fireworks site and a notice in the local paper, a minimum of 10 days prior to the event.

#### **(4) POLICY STATEMENT**

Applications for Fireworks on Council beach reserves will generally be approved by Council, at its absolute discretion, for New Years Day, Australia Day and Lunar New Year celebrations. Any approval granted is conditional upon Public Notice and all other State and Commonwealth legal requirements being met.

Applications for Fireworks on days other than those listed above may be approved by Council at its absolute discretion. Any approval granted is conditional upon Public Notice and all other State and Commonwealth legal requirements being met.

Applications will not be approved for Fireworks within 500m of a Protected Place or for hours outside Restricted Times or for events beginning later than 8.30pm.

Applications are to be in writing and received sixty days prior to the Fireworks event. Applications must address how the following risks are to be managed:-

- potential damage to sand dune vegetation caused by spectators and fireworks,
- litter management and disposal,
- adverse noise for adjacent residents and nesting birds, and
- public liability protection (\$10m minimum) for the Town of Cottesloe.

Applications are to be accompanied by a cadastral map setting out the site of the Fireworks event and showing a 200m and a 500m radius from the event site.

The Council may attach conditions to any approval, including conditions relating to:-

- compliance with Council's *Outdoor Concerts and Large Public Events* policy

- prevention of damage to the beach reserve, foreshore areas and sand dunes,
- measures to prevent debris or litter of any kind entering the ocean.
- crowd and traffic management and safety measures, including adequate car parking and ablution facilities, suitable first aid facilities and planned evacuation routes for emergency vehicles, and
- variation or cancellation of firework events because of unsuitable weather or fire risks.

In some cases, particularly in relation to crowd management, safety and environmental matters, the Council may require the applicant to have that part of their proposal assessed or approved by another relevant agency, person or body.

#### **12.1.2 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council adopt the Fireworks Policy subject to the words ‘display advertisement’ being substituted for the word ‘notice’ where it appears in the last paragraph of section 3 of the policy.**

Carried 11/0

**12.1.3 PROPOSED CHANGE OF OCTOBER 2007 COUNCIL MEETING DATE**

**File No:** SUB/383  
**Author:** Mr Stephen Tindale  
**Author Disclosure of Interest:** Nil  
**Report Date:** 12 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

A recommendation is made to shift the date for the October 2007 meeting of Council from the 22<sup>nd</sup> October 2007 to the 29<sup>th</sup> October 2007 in light of the Council elections scheduled to be held on the 20<sup>th</sup> October 2007.

**STATUTORY ENVIRONMENT**

Regulation 12 of the *Local Government (Administration) Regulations* applies (emphasis added).

***Public notice of council or committee meetings – s. 5.25(g)***

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
  - (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**BACKGROUND**

Council elections are to be held on Saturday 20<sup>th</sup> October, 2007 which falls in the middle of the Council meeting cycle for that month. In other words the standing committee meetings are scheduled to be held in the week commencing 15<sup>th</sup> October and the ordinary Council meeting is scheduled for the 22<sup>nd</sup> October, 2007.

**CONSULTATION**

Nil.

**STAFF COMMENT**

If past experience is any guide, two (and possibly three) of the five vacancies on Council are likely to be filled by new Councillors.

As the agenda for each Council meeting should be with each elected member 72 hours in advance of the Council meeting, the only way of meeting this requirement is to distribute the agenda to all election candidates on the Thursday prior to election day (assuming the scheduled meeting date of 22<sup>nd</sup> October remains fixed).

Rather than election candidates having to familiarise themselves with the Council agenda in the last stages of their respective election campaigns (and perhaps for no useful purpose given that there are likely to be a number of unsuccessful candidates) it is recommended that the October Council meeting be held off for a week.

This will ensure that:-

1. election candidates can remain focussed on the latter stages of their respective election campaigns without being unduly distracted by the Council meeting agenda,
2. the CEO is able to familiarise newly elected members with the operations of the Council in the week leading up to the Council meeting,
3. newly elected members will be able to research and ask questions on agenda items with plenty of notice in the week before the Council meeting.

Council can also avoid the necessity of convening a special meeting of the Council if the swearing-in of newly elected members is held over to the proposed Council meeting on the 29<sup>th</sup> October, 2007.

In order to ensure that planning applications are dealt with in a timely manner, it is not recommended that the standing committee meeting dates in October 2007 be altered.

## **VOTING**

Simple Majority

### **12.1.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council shift the date for the October 2007 meeting of Council from the 22<sup>nd</sup> October 2007 to the 29<sup>th</sup> October 2007 in light of the Council elections scheduled to be held on the 20<sup>th</sup> October 2007.**

Carried 11/0

## 12.2 ENGINEERING

### 12.2.1 RESTORATION OF THE GROUNDWATER AQUIFER - NATIONAL WATER INITIATIVE

**File No:** SUB/415  
**Attachment:** [Report to National Water Commission](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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#### SUMMARY

The Town of Cottesloe commenced this four-year project in June, 2006. The project budget includes a one-third grant from the Federal Government under the National Water Initiative. One of the grant conditions is the preparation of a formal report on progress and expenditure every six months. This will be the second, six-month report for this project.

It is recommended that Council adopt the report and forward it to the National Water Commission.

#### STATUTORY ENVIRONMENT

All works for this four-year project take place on land controlled by the Town of Cottesloe and involves drainage works of various types.

Council is responsible for the long-term construction and maintenance of stormwater drainage systems.

The Federal Government grant for this project required the signing of a legal agreement which places reporting requirements on the Town of Cottesloe.

#### 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 (plus GST) grant through the National Water Initiative. The State Department of Water has been requested for assistance with this project and an agreement is being finalised by the Department of Water for a \$100,000 grant over 3 years.

Council's 2006/07 budget includes \$609,000 expenditure for this project, plus a grant income from the National Water Initiative of \$242,000 (plus 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 the project has its own milestones for the completion of set portions of the above-mentioned tasks.

### **CONSULTATION**

Nil.

### **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 twelve months of this project.

The works undertaken have received strong support from within the community and others who are 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 agreed in writing to a \$100,000 grant over 3 years to assist this project, particularly for public education. However, the Department has yet to provide a draft agreement and conditions for the proposed grant.



**VOTING**

Simple Majority

**12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Cunningham

**That Council adopt the report and forward it to the National Water Commission.**

Carried 11/0

*Mr Andrew Jackson left the meeting at 8.50pm*

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**12.2.2 TENDER FOR THE SUPPLY AND LAYING OF ASPHALTIC CONCRETE**

**File No:** SUB/578  
**Attachment:** [Schedule of Tender Rates](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

On behalf of the local governments of Mosman Park, Cottesloe, Subiaco, Claremont and Peppermint Grove a tender was advertised by the Town of Mosman Park for the supply and laying of all road asphaltic concrete (hotmix) for a period of three years. This follows the completion of the previous three-year contract at the end of June, 2007.

This report details the results of the tender process and recommends the acceptance of Roads 2000 as the successful tenderer for a period of three years beginning July 1, 2007.

**STATUTORY ENVIRONMENT**

The *Local Government Act 1995* requires that all purchases in excess of \$100,000 per year be the subject of a tender process. This has been undertaken through a regional tender undertaken by the Town of Mosman Park on behalf of the all WESROC Councils (apart from the City of Nedlands).

**POLICY IMPLICATIONS**

Council's *Purchasing Policy* applies to this tender.

**STRATEGIC IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The Town of Cottesloe uses in excess of 1,000 tonnes of asphaltic concrete per year. Any major change in cost per tonne has an immediate impact on road construction and maintenance costs.

**BACKGROUND**

The Town of Mosman Park calls tenders for a variety of material supply items on behalf of WESROC local governments in order to achieve a bulk-purchase benefit for all participants.

Only asphaltic concrete is up for renewal this year. A three-year contract period is normally sought to facilitate long-term planning and to reduce the effort required in administering the tender process.

**CONSULTATION**

Nil.

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**STAFF COMMENT**

A total of four suppliers submitted tenders and each complied with the tender requirements. These were Roads 2000, Asphaltech, Hot Mix and Pioneer Road Surfaces.

The tenders show substantial cost increases with this product over the past year - mainly due to the cost increase for imported crude oil which constitutes the central ingredient for asphalt. When this tender was called three years ago, there was much tighter competition for the supply of the product with six suppliers tendering with significantly lower prices.

Tenders from the four contractors were considered at a meeting of local government staff. The four main criteria used in the selection process for the winning tender were demonstrated ability, safety, experience and tender pricing.

It was agreed by all at the meeting that Roads 2000 satisfied the selection criteria best.

The tenders show a cost increase (depending on which type of asphalt is used) of between 33% and 45% over the last three years. This is 'in the ball park' of what has been experienced with fuel prices.

Prices for associated services, particularly 'cold planing' or 'milling' (machine removal of old asphalt layers) have increased in line with asphalt supply costs.

**VOTING**

Simple Majority

**12.2.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council accept the tender prices submitted by Roads 2000 for the supply and laying of all construction and rehabilitation asphaltic concrete within the Town of Cottesloe for a three year period commencing July 2007.**

Carried 11/0

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**12.2.3 TRAVELSMART HOUSEHOLD PROGRAM - IMPLEMENTATION REPORT**

**File No:** SUB/158  
**Attachment(s):** [Travelsmart Household Program - Implementation Report](#)  
**Author:** Mr Geoff Trigg  
**Author Disclosure of Interest:** Nil  
**Report Date:** 14 June, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

In 1999 the then Department of Transport approached Council and invited it to participate in a jointly funded travel survey (along with the City of Nedlands and the Town of Claremont). The invitation was accepted and the survey took place in 2000.

A Travelsmart Household Program partnership was then offered to the Town of Cottesloe on the understanding that the Town's funding contribution would be required in 2007/08. This was agreed to.

In February 2006 the Department of Planning and Infrastructure (DPI) proposed that the 'household contact phase' of the project become September, 2006 rather than February, 2008. DPI indicated its willingness to carry the cost of the early start on the understanding that the Town's contribution of \$26,460 + GST would still be required in 2007/08.

The new arrangement was agreed to by Council.

The DPI's *Travelsmart Household Program - Implementation Report* has now been completed and a recommendation is made to receive the report pending the completion of the evaluation survey which is expected late in 2007.

**STATUTORY ENVIRONMENT**

Nil.

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**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 – Traffic Management and Safety:** A system which promotes safety and the "Travelsmart" concept, incorporates widespread use of 50km/h speed limits and a community bus service, removes through traffic and resists any move to a 4 lane highway on Curtin Avenue.

**FINANCIAL IMPLICATIONS**

In February, 2006 Council committed to the payment of \$26,460 plus GST in 2007/08. This was 10% of the original total cost which was estimated by the former Department of Transport. This expenditure is to be included in the 2007/08 budget.

**BACKGROUND**

In 1999, Council agreed to be involved in a DPI project covering the towns of Cottesloe and Claremont and the City of Nedlands for a *Travelsmart Travel Behaviour Change Program*.

The major output from this effort, which centred on individual home visits, was to persuade the maximum numbers of residents in the all three local government areas to change over from the use of vehicles to the use of public transport, bicycles and walking for their travel movements.

The goals of the program included reduced vehicle use, reduced air and noise pollution and better health outcomes due to additional exercise.

The project was completed in 2006/07 with an *Implementation Report* being completed up to January 2007. An evaluation survey is underway and should be available in late 2007.

**CONSULTATION**

The project was based on consultation with residents and surveyed their use of public transport and non-vehicular transport and to offer improved understanding of how to increase such uses.

**STAFF COMMENT**

Behaviour modifying programs that attempt to influence residents away from the use of cars and towards the use of public transport, bicycles and walking for more of their transport and exercise needs have been used in other areas of Perth.

The level of success will be more apparent from the follow up study which should be with Council later this year.

Any success from this effort will translate into fewer vehicles on local and regional roads, a resultant reduction in all forms of vehicle-creating pollution and an improvement in the health of residents as they get more exercise from bike riding and walking.

**VOTING**

Simple Majority

**12.2.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council:**

**Note the completion of the Travelsmart Household Program for the local governments of Cottesloe, Claremont and Nedlands and the receipt of the *Implementation Report* up to January 2007.**

**Await the evaluation survey results late in 2007 for this program to determine the success of the effort involved in the re-education of residents in the use of more environmental forms of transport.**

Carried 11/0

## 12.3 FINANCE

### 12.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MAY 2007 FOR THE PERIOD ENDING 31 MAY, 2007

**File No:** C7.4  
**Author:** Mr Graham Patrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 May, 2007  
**Senior Officer:** Mr Stephen Tindale

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#### 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 May, 2007 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 \$1,108,737 as at 31 May 2007. Operating Revenue is ahead of budget by \$476,684 (5.09%). Operating Expenditure is \$635,053 (8.4%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 May 2007 is shown on page 41.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$70,588) and legal, consultant and contractor expenses for Town Planning be lower than forecast (\$138,145). This includes scheme review expenses. Most of the variance in Town Planning is dependent upon the outcome of the current Supreme Court appeal and the Scheme Review.

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This month the BAS was significantly affected by the GST incurred on the receipt of the proceeds from the sale of the sump at Lyons Street (\$331,964 higher than budget). A private ruling is being sought from the ATO to determine if an exemption is appropriate for these transactions.

The Capital Works Program is listed on pages 23 to 25 and shows total expenditure of \$2,638,700. 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 causing the variance

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 May, 2007, as submitted to the 19 June, 2007 meeting of the Works and Corporate Services Committee.

### **12.3.1 COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

#### **That Council:**

- (1) Receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 May, 2007, as submitted to the 19 June, 2007 meeting of the Works and Corporate Services Committee.**
- (2) Assess engaging the services of a tax specialist to undertake the application for a private ruling from the ATO for exemption for future and retrospective claims.**

Carried 11/0



**12.3.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR PERIOD  
ENDING 31 MAY 2007 FOR THE PERIOD ENDING 31 MAY, 2007**

**File No:** C12 & C13  
**Author:** Mr Graham Patrick  
**Author Disclosure of Interest:** Nil  
**Period Ending:** 31 May, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2007 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 49 of the Financial Statements shows that \$2,802,292.78 was invested as at 31 May, 2007

Reserve Funds make up \$1,221,071.85 of the total invested and are restricted funds. Approximately 61% of the funds are invested with the National Australia Bank, 16% with Home Building Society and 23% with BankWest.

The Schedule of Loans on page 50 shows a balance of \$308,709.87 as at 31 May, 2007. There is \$160,078.24 included in this balance that relates to self supporting loans.

**VOTING**

Simple Majority

**12.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 May, 2007, as submitted to the 19 June, 2007 meeting of the Works and Corporate Services Committee.**

Carried 11/0

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**12.3.3 ACCOUNTS FOR PERIOD ENDING 31 MAY 2007 FOR THE PERIOD  
ENDING 31 MAY, 2007**

**File No:** C7.8  
**Author:** Mr Graham Patrick  
**Author Disclosure of Interest:** Nil.  
**Period Ending:** 31 May, 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the List of Accounts for the period ending 31 May, 2007, 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**

The following significant payments are brought to your attention and are included in the list of accounts commencing on page 42 of the Financial Statements:

- \$25,919.72 to Philip Griffiths Architects for office expansion design
- \$12,126.72 to ATO for monthly BAS
- \$11,274.78 to Flexi Staff for temporary depot staff
- \$24,936.44 to Town of Mosman Park for road construction costs
- \$10,073.84 to WMRC for disposal and tipping fees
- \$21,967.00 to Claremont Asphalt for works around drainage construction
- \$12,983.30 to NGIS for development of critical infrastructure project on GIS
- \$11,781.68 to Philip Griffiths Architects for office expansion design
- \$11,054.69 to WMRC for disposal and tipping fees
- \$164,541.83 to ATO for monthly BAS
- \$50,950.47, \$53,967.53 and \$48,346.32 for staff payroll

**VOTING**

Simple Majority

**12.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council receive the List of Accounts for the period ending 31 May, 2007, as submitted to the 19 June, 2007 meeting of the Works and Corporate Services Committee.**

Carried 11/0

**12.3.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD  
ENDING 31 MAY, 2007 FOR THE PERIOD ENDING 31 MAY 2007**

**File No:** C7.9  
**Author:** Mr Graham Patrick  
**Author Disclosure of Interest:** Nil.  
**Period Ending:** 31 May 2007  
**Senior Officer:** Mr Stephen Tindale

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 May 2007, 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 47 to 48 of the Financial Statements shows a balance of \$321,955.50 of which \$132,902.09 relates to the current month. The balance of aged debt greater than 30 days stood at \$133,355.48 of which \$112,439.80 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

As can be seen on the Balance Sheet on page 18 of the Financial Statements, rates as a current asset are \$229,862 in 2007 compared to \$367,377 last year.

**VOTING**

Simple Majority

**12.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Miller, seconded Cr Strzina

**That Council:**

- (1) Receive and endorse the Property Debtors Report for the period ending 31 May 2007; and**
- (2) Receive the Sundry Debtors Report for the period ending 31 May 2007.**

Carried 11/0

**13 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 20 JUNE 2007****13.1 GENERAL****13.1.1 FUTURE PLAN – RESULTS OF COMMUNITY CONSULTATION**

<b>File No:</b>	<b>X12.1</b>
<b>Attachments:</b>	<b><a href="#">Summary Table of Submissions Received</a> <a href="#">Submissions Received</a> <a href="#">Amended Draft Future Plan</a></b>
<b>Author:</b>	<b>Mr Stephen Tindale</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>13 June, 2007</b>
<b>Senior Officer:</b>	<b>Mr Stephen Tindale</b>

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**SUMMARY**

A recommendation is made to adopt the amended Future Plan as tabled together with whatever changes the Strategic Planning Committee chooses to make.

**STATUTORY ENVIRONMENT**

Section 5.56 of the *Local Government Act 1995* requires the following:

**5.56. Planning for the future**

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Regulation 19C of the *Local Government (Administration) Regulations 1996* requires the following:

**19C. Planning for the future S. 5.56**

- (1) *In this regulation and regulation 19D*  
**“plan for the future”** *means a plan made under section 5.56.*
- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant.*

*\*Absolute majority required.*

- (6) *If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*
-

- (7) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.*
- (8) *A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.*
- (9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

## BACKGROUND

As required under the *Local Government Act, 1995*, Council is required to prepare a plan for the future that sets out the broad objectives of the Town of Cottesloe for a period of not less than two financial years.

Electors and ratepayers of its district must be consulted during the development of a plan for the future of the district and when preparing any modifications of a plan.

The plan for the future of a district must also contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

Over the latter half of 2006, Council staff and elected members held several meetings to develop a draft *Future Plan*.

At the November 2006 meeting of Council it was resolved that Council:

1. Undertake at least the minimum requirement of community consultation as required under Council's *Community Consultation Policy* in relation the draft *Future Plan* over the next two months; and
2. Reconsider, at its February 2007 meeting, the matter of further community consultation (by way of discussion groups and community surveys) dependent on the level and nature of community feedback received to that point in time.

Submissions closed on Friday 9<sup>th</sup> February 2007.

Five submissions on the draft *Future Plan* were received from;

1. Sue Freeth (Cottesloe resident)
2. Jenny Davis (Shenton Park resident)
3. SOS Cottesloe (Cottesloe Residents and Ratepayers Association)
4. Valerie Frearson-Lane (Cottesloe resident)
5. Robyn Benken (Cottesloe Coastcare)

These submissions were considered at Council's February meeting and a number of changes were made to the draft plan.



At the March 2007 meeting of Council it was decided to repeat the community consultation process and seek expressions of interest from randomly selected residents to participate in focus groups to be led by an impartial facilitator.

At the April 2007 meeting of Council it was decided to abandon the focus groups given a lack of public interest.

### **CONSULTATION**

Public submissions on the draft *Future Plan* closed on 11<sup>th</sup> May 2007 and a total of 23 submissions were received. A table summarising the submissions (Attachment 1) and copies of all of the submissions (Attachment 2) are attached.

It should be noted that the submission from SOS Cottesloe has been condensed for the sake of clarity. A copy of their full submission is available and will be tabled at the meeting.

### **STAFF COMMENT**

As can be seen, many of the submissions expressed opinions rather than making specific suggestions to improve the plan. The table at Attachment 1 summarises these opinions.

The table also includes specific suggestions that have been made to improve the draft *Future Plan*.

Some of the submissions questioned the community consultation process used to develop the draft *Future Plan*. They have not been included in the table as they serve no useful purpose in terms of finalising the plan.

Attachment 3 is a copy of the draft *Future Plan* showing proposed changes to the plan in light of the public submissions that have been received.

Most of the proposed changes have been made to improve public understanding of the plan and to clarify Council's intentions.

Some of the changes might be considered to be 'political' in nature and not properly within the province of the author of this report to be recommending to Council. However they are relatively minor in nature, are seen as reflecting Council's stated objectives and not so controversial as to be incapable of being undone.

Some (but not all) of the remaining 'political' issues which have been raised in the public submissions and which require further consideration by Council are as follows:-

- Limiting the number of car parking spaces on the beachfront.
- Height limits on the foreshore.
- The development or non-development of John Black Dune Reserve.
- Keep or remove the No. 1 car park.
- Bulldozer the Civic Centre gardens.
- To sink or not to sink the railway line.
- A pedestrian overpass on Stirling Highway.

- Increased residential densities.
- A road tunnel under the golf course.
- Open up Jarrad Street to cyclists through the golf course.
- Reopen Jarrad Street.
- A beach pool.
- Traffic lights at Marine Parade and Forrest Street.
- Boundary change.
- Public housing.
- Turn the Sea View Golf Course into public parklands and lease portions of it out to private enterprise.
- Relocate the Council offices to the Sea View Golf Club clubhouse.
- Bring back the yearly fancy dress ball.
- Build a pedestrian and cycle bridge over the railway line.
- Open up the beaches to dogs in winter.

Obviously some of these suggestions are so controversial and/or so opposed to the decisions of Council in the immediate past that they have to be eliminated from any serious consideration at this stage.

If they are to be included, then a fresh round of community consultation may be in order.

#### **POLICY IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

When adopted, the *Future Plan* (will become the over-arching strategic plan for the Town of Cottesloe and will replace Council's existing *Strategic Plan* and *Principal Activities Plan*.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **VOTING**

Simple Majority

#### **COMMITTEE COMMENT**

The Committee made a number of changes to the draft Future Plan.

#### **OFFICER RECOMMENDATION**

That Council adopt the amended Future Plan as tabled at the Strategic Planning Committee meeting held on the 20<sup>th</sup> June 2007 together with the following changes:-

(to be listed by the Strategic Planning Committee)

**COMMITTEE RECOMMENDATION**

That Council adopt the amended Future Plan as tabled at the Strategic Planning Committee meeting held on the 20<sup>th</sup> June 2007 together with the following changes:-

- P5: Replace the word 'will' with 'may' where it appears in the paragraph under the heading of Major Strategies.
- P6: Insert the words 'its low-rise beachfront,' after the word 'streets' in the third paragraph.
- P7: Insert the sentence 'Council policy is for low-rise development on the beachfront.' after the word 'elements' in the second paragraph.
- P9: Insert the words 'by the council' after the words 'in principle' in the third paragraph.
- P9: Insert the words 'and community consultation' after the word 'assessment' in the third paragraph.
- P9: In the first bullet point replace the words 'people who live in Cottesloe' with the words 'residents and visitors'.
- P10: Add the words 'and visitors' to the Objective 1 heading.
- P10: Insert the words 'predominantly low-rise' immediately before the word 'facilities' in the second paragraph.
- P10: Change the bullet point 'Lack of parking regulation' to 'Sustainable parking solutions'.
- P11: Add a new major strategy 1.2 to read 'Reduce beachfront hotel patron numbers to a sustainable level' and renumber the other major strategies accordingly.
- P11: Add a new major strategy 1.8 to read 'Protect the low-rise, human-scale nature of the beachfront and existing residential areas.'
- P14: Add the words 'low-rise' immediately after the word 'beachside' in the first paragraph.
- P14: Change the last bullet point to read 'Damage to quality infrastructure associated with anti-social behaviour.'
- P14: Add the following sentence to the paragraph under the heading of Future Direction 'The increasing rarity of its low-rise beachfront in an urban environment will continue to enhance Cottesloe's reputation as a tourist destination.'
- P15: Add the words 'in consultation with the community' to major strategy 3.1
- P16: Add the words 'the low-rise beachfront' to the fourth paragraph after the word lifestyle.
- P17: Add the following major strategies:
  - 4.6 Cap the height limit at 12 metres for beachfront developments within the Central Foreshore zone.

- 4.7 Retain the predominantly two storey height limit for existing residential areas.
- P20: Substitute the words 'comply with' for the word 'consult' where it appears in the second paragraph.
- P21: Add the words 'the results of' immediately before the word 'consultation' and add the word 'print and radio media' immediately before the word 'website'.

*Cr Utting left the meeting at 8.51pm*

*Cr Utting returned to the meeting at 8.55pm*

#### **AMENDMENT**

Moved Cr Dawkins, seconded Cr Cunningham

**P17: Delete '4.6 Cap the height limit at 12 metres for beachfront developments within the Central Foreshore zone.'**

Carried 6/5

#### **AMENDMENT**

Moved Cr Miller, seconded Cr Dawkins

P14: Delete 'The increasing rarity of its low-rise beachfront in an urban environment will continue to enhance Cottesloe's reputation as a tourist destination.'

Lost 5/6

#### **AMENDMENT**

Moved Cr Miller, seconded Cr Strzina

**P19: Delete '5.2 Consider the new library concept' and insert a new 5.2 'Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.'**

Carried 11/0

#### **AMENDMENT**

Moved Cr Miller, seconded Cr Jeanes

**P15: Delete major strategy 3.2 relating to the replacement of No.1 and No.2 carparks and renumber accordingly.**

Carried 11/0

#### **AMENDMENT**

Moved Cr Jeanes, seconded Cr Miller

**P6: Delete the words 'A unique residential' from the vision and re-insert the words 'An iconic'.**

Carried 7/4

#### **AMENDMENT**

Moved Cr Jeanes, seconded Cr Dawkins

That adoption of the Future Plan be deferred until the outcome of community consultation on beachfront height limits for the Central Foreshore zone has been assessed.

This amendment was subsequently withdrawn by Cr Jeanes.

### **13.1.1 COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Cr Strzina

**That Council adopt the amended Future Plan as tabled at the Strategic Planning Committee meeting held on the 20<sup>th</sup> June 2007 together with the following changes:-**

- **P5: Replace the word 'will' with 'may' where it appears in the paragraph under the heading of Major Strategies.**
- **P6: Delete the words 'A unique residential' from the vision and re-insert the words 'An iconic'.**
- **P6: Insert the words 'its low-rise beachfront,' after the word 'streets' in the third paragraph.**
- **P7: Insert the sentence 'Council policy is for low-rise development on the beachfront.' after the word 'elements' in the second paragraph.**
- **P9: Insert the words 'by the council' after the words 'in principle' in the third paragraph.**
- **P9: Insert the words 'and community consultation' after the word 'assessment' in the third paragraph.**
- **P9: In the first bullet point replace the words 'people who live in Cottesloe' with the words 'residents and visitors'.**
- **P10: Add the words 'and visitors' to the Objective 1 heading.**
- **P10: Insert the words 'predominantly low-rise' immediately before the word 'facilities' in the second paragraph.**
- **P10: Change the bullet point 'Lack of parking regulation' to 'Sustainable parking solutions'.**
- **P11: Add a new major strategy 1.2 to read 'Reduce beachfront hotel patron numbers to a sustainable level' and renumber the other major strategies accordingly.**
- **P11: Add a new major strategy 1.8 to read 'Protect the low-rise, human-scale nature of the beachfront and existing residential areas.'**
- **P14: Add the words 'low-rise' immediately after the word 'beachside' in the first paragraph.**
- **P14: Change the last bullet point to read 'Damage to quality infrastructure associated with anti-social behaviour.'**
- **P14: Add the following sentence to the paragraph under the heading of Future Direction 'The increasing rarity of its low-rise beachfront in an**

urban environment will continue to enhance Cottesloe's reputation as a tourist destination.'

- **P15:** Add the words 'in consultation with the community' to major strategy 3.1
- **P15:** Delete major strategy 3.2 relating to the replacement of No.1 and No.2 carparks and renumber accordingly.
- **P16:** Add the words 'the low-rise beachfront' to the fourth paragraph after the word lifestyle.
- **P17:** Add the following major strategy:
  - **4.6** Retain the predominantly two storey height limit for existing residential areas.
- **P19:** Delete '5.2 Consider the new library concept' and insert a new 5.2 'Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- **P20:** Substitute the words 'comply with' for the word 'consult' where it appears in the second paragraph.
- **P21:** Add the words 'the results of' immediately before the word 'consultation' and add the word 'print and radio media' immediately before the word 'website'.

Carried 11/0

**14 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.1 NOTICE OF MOTION REPORT****14.1.1 CENTRAL FORESHORE BUILDING HEIGHTS – NOTICE OF MOTION – 18/2007**

<b>File No:</b>	<b>SUB/334</b>
<b>NOM Date:</b>	<b>14 June 2007</b>
<b>Author:</b>	<b>Cr Jeanes</b>
<b>Officer Comment:</b>	<b>Mr Andrew Jackson</b>
<b>Councillor:</b>	<b>Cr Jeanes</b>

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**SUMMARY**

Cr Jeanes has provided the Notice of Motion appearing below regarding building heights in the central foreshore area under draft Town Planning Scheme No. 3.

**BACKGROUND**

Cr Jeanes has provided the following comments in support of his notice of Motion:

The Planning Minister, Alannah MacTiernan, has offered the residents of Cottesloe a low-rise beachfront.

In the Central Foreshore zone she proposes a base height of three storeys, with a bonus storey for commercial on the ground floor and an additional floor where preservation of heritage is a consideration.

In other words, apart from the Cottesloe Beach Hotel site she is proposing a maximum four-storey beachfront.

Her offer should be accepted because it:

- Provides a low-rise beachfront.
- Will encourage development of a run-down and inadequate area.
- Will provide amenities for residents, beachgoers and tourists.
- Will give Council the opportunity to reduce the size of the drinking areas at the two hotels.
- Will reduce hooliganism and anti-social behaviour and provide a beachfront for families and people of all ages.
- Provides opportunities for the Council to raise funds for the beachfront vision, particularly west of Marine Parade.

- Will not overshadow the beaches.
- Meets the much quoted Noosa benchmark.
- Cottesloe already has four-storey and higher buildings.

My motion includes a clause to prevent four-storey buildings back from the beachfront.

There is also a clause to ensure appropriate setbacks for upper floors and to limit their size. This would reduce bulk, give a three-storey impression from the street and allow for any existing ocean views.

The Council has spent tens of thousands of ratepayer dollars and thousands of hours discussing the beachfront. Now is the time for this to end, a reasonable compromise to be accepted and for Cottesloe to move forward.

### NOTICE OF MOTION

That Council:

- (1) Accept in-principle the compromise offered by the Planning Minister Alannah MacTiernan for the Central Foreshore area [*ie, the "Foreshore Centre Zone"*] with a base height of three storeys, with a bonus storey for commercial on the ground floor and an additional floor where preservation of heritage is a consideration.
- (2) That the bonus apply to beachfront blocks only.
- (3) Where any building is more than four storeys, setbacks of at least 10 metres will apply to floors above the third storey and the area of each of these floors is to be no more than 50% of the size of the site.

### OFFICER COMMENT

While the intent of the Notice of Motion is appreciated, the following advice is offered:

- Draft TPS3 is continuing in the process of consideration between the DPI / WAPC and the Town / Council – Council's May resolutions have been forwarded to the DPI and are yet to be further considered for joint discussion before again being reported to the WAPC and ultimately the Minister.
- At this stage in the process the Minister has not actually made any official decision regarding the content of the proposed scheme or formally required that her proposition of up to five storeys as reported in the press be included.
- With regard to beachfront building heights Council's May resolutions (carried 11/0) are:

(a) *That Council staff prepare a report for Council on conducting a postal poll of each Cottesloe elector as to the retention of the 12m central beachfront height limit proposed in TPS3 including a summary of the DPI/WAPC case against and the Council case in favour.*



(b) *That the administration provide an interim reply to the Department for Planning & Infrastructure, advising of community feedback to Council so far in relation to the beachfront height limits, and of Council's resolutions regarding the feedback received to date from the Department and the Minister for Planning & Infrastructure on draft Town Planning Scheme No. 3; including Council's intention to undertake additional local community consultation in respect of building heights at the central foreshore activity area, and including an indicative timeframe for this process, in order for Council to provide further informed responses on the matter.*

- Therefore, dealing with the Notice of Motion at this time may be regarded as premature to undertaking the community consultation as outlined above and consideration of the results.
- It is observed that the idea of encouraging or requiring commercial (ie, non-residential) land use on the ground floor at the beachfront is already supported in-principle by Council and was addressed in the May resolutions to be further examined for more specific scheme provisions; although that consideration was not tied to the concept of any height bonus.
- It is also observed that the concept of a heritage-based height bonus would need to be approached with caution, because:
  - Several local-level heritage listings apply to beachfront properties.
  - Heritage may be pursued as a basis for a bonus when the nature of the heritage values and extent of the heritage conservation may not warrant the degree of variation sought.
  - A more specific articulation of how a heritage bonus may operate and within limits would be desirable.
- By way of general comment, the rationale provided by Cr Jeanes reflects a number of aspects to be taken into account when considering preferred building heights for the beachfront. The suggested setback and floor-space measures to manage impacts by taller storeys would be appropriate, yet would probably benefit from more detailed analysis in terms of planning considerations (eg, urban design / built form, amenity impacts including shadow, wind and privacy, views, and so on).
- Given the above, it is respectfully advised that Council may wish to consider deferring determination of this Notice of Motion pending progress of proposed TPS3 and the intended community consultation to further explore the question of height of buildings for the beachfront,

## VOTING

Simple Majority

## COUNCILLOR RECOMMENDATION

That Council:

1. Accept in-principle the compromise offered by the Planning Minister Alannah MacTiernan for the Central Foreshore area [ie, the "Foreshore Centre Zone"] with a base height of three storeys, with a bonus storey for commercial on the ground floor and an additional floor where preservation of heritage is a consideration.

2. That the bonus apply to beachfront blocks only.
3. Where any building is more than four storeys, setbacks of at least 10 metres will apply to floors above the third storey and the area of each of these floors is to be no more than 50% of the size of the site.

**AMENDMENT**

Moved by Cr Jeanes, seconded by Cr Dawkins

That discussions are entered into with the Minister to obtain the details of her proposal so the specifics can be put to the community during the community consultation process.

Lost 4/7

**PROCEDURAL MOTION**

Moved Cr Cunningham, seconded Cr Furlong

**That the question be now put.**

Carried 9/2

**14.1.1 COUNCILLOR RECOMMENDATION**

Moved Cr Jeanes, seconded Cr Dawkins

That Council:

1. Accept in-principle the compromise offered by the Planning Minister Alannah MacTiernan for the Central Foreshore area [ie, the "Foreshore Centre Zone"] with a base height of three storeys, with a bonus storey for commercial on the ground floor and an additional floor where preservation of heritage is a consideration.
2. That the bonus apply to beachfront blocks only.
3. Where any building is more than four storeys, setbacks of at least 10 metres will apply to floors above the third storey and the area of each of these floors is to be no more than 50% of the size of the site

Lost 3/8

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

Nil.

**16 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 9.30pm.

CONFIRMED: MAYOR ..... DATE: ...../...../.....