

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7.00 PM, Monday, 27 May, 2013

CARL ASKEW
Chief Executive Officer

5 June 2013

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:05 PM.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor advised that he will be meeting with the Minister for Local Government with his other Mayors from the WESROC Councils. As per Council's resolution he will take the message that this council supports a G4 or less merger, so long as the process is voluntary and the Dadour Poll Provisions are preserved. The alternative is to explore the concept of a regional council and sharing of services and the development of a business case to explore this option. The Mayor reiterated previous concerns in relation to statements by the WALGA President stating that he believed the State mergers in the metro area will have to bypass the Dadour Poll Provisions. The Mayor referred to a recent Departmental bulletin confirming that elections will be held for Local Governments in October. The Mayor also referred to phone calls with the new Minister and his hope that his approach will be different to the former Minister.

The Mayor indicated that he has also been approached for comment on constitutional change. He stated that his personal view is not to support it. In his opinion the referendum is about filling marginal seats and the Federal Government already has an existing process through the Local Government Grants Commission to distribute funds as needed. He advised councillors that if they wish to express their personal view on this issue they are welcome to do so.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Reply to Mr Dougal McLay, 6/4 Warnham Road, Cottesloe, on questions regarding Cottesloe Beach Hotel**

Q1. Do the Cottesloe Beach Hotel ("CBH") acoustic attenuation plans as submitted provide sufficient detail to enable a proper assessment of whether the attenuation works are adequate to reduce CBH noise levels to below EPA limits;

A: *The plans were devised by the CBH's architects with assistance from acoustic consultant Nick Delgata of ND Engineering. The improvements aim to significantly reduce noise levels to achieve compliance, the degree to which will need to be measured after installation.*

Q2. If the answer to question 1 is yes, how does Council know that the acoustic attenuation plans are sufficient to enable a proper assessment.

A: *Refer to response above*

Q3. Does the council know if the CBH representative is prepared to meet and collaborate with residents to ensure that noise reduction measures are properly implemented to below EPA limits;

A: *The CBH has liaised with residents and the Town from the beginning and has recently approached residents for a meeting to discuss the situation.*

Q4. Could Council make collaboration and agreement with residents a requirement of the approval process;

A: *No, in the sense that although Council supports such consultation, residents are not the decision-makers or regulators.*

Q5. Will council be engaging a suitably qualified and experienced acoustic engineer to report to residents and council on whether the CBH attenuation works will be sufficient to reduce CBH noise levels to below EPA limits;

A: *Noise monitoring by the Town and an acoustic consultant for the CBH will be conducted to assess the success of the works.*

Q6. Could Council make the engaging of a suitably qualified and experienced acoustic engineer to report on the adequacy of the proposed acoustic attenuation works a requirement of the approval process;

A: *A condition of the approval requires noise reporting to the Town by an acoustic consultant for the CBH.*

Q7. Could Council please require CBH to provide elevation drawings of the attenuation works which show the attenuation measures;

A: *Elevations were included in the application plans and attached to the Development Services Committee Agenda as available on the Town's website.*

Q8. Advice from council as to the acoustic attenuation qualifications and experience of Alan Ross of McDonald Jones Architects.

A: *Mr Ross as an architect for this project would have some knowledge and experience of acoustics, together with the input from the acoustic consultant.*

Q9. Could Jack Walsh please explain, if he was quoted correctly in the Post on 20 April 2013, what he means by "ructions", "financial ructions" and the "financial ructions that they (CBH) are going through".

A: *Cr Walsh was referring to the financial difficulties faced by a part investor in the CBH as reported in the press. This is not directly related to the acoustic treatments.*

Q10. Has the noise meter apparently purchased by council for \$15,000 been used yet to measure noise from CBH? If not, why not?

A: *No, as it was purchased only recently and previous noise measurement was undertaken leading to the acoustic works application.*

Q11. Could Mr Askew explain, subject to him being correctly quoted in the Post on 20 April 2013, what relevance is background noise as it relates

to noise being emitted from CBH and could he please have the correctness of his explanation verified by a properly qualified and experienced acoustic engineer;

A: *The Town has some discretion in considering compliance action regarding noise. Where background noise exceeds the assigned noise levels in the regulations it may be required that the subject noise does not exceed the background level.*

Q12. Could Mr Askew explain what the Council will do if the "proposed acoustic treatments" do not reduce noise to levels within EPA limits;

A: *The Town will liaise with the parties and consider actions having regard to noise monitoring after the works are completed.*

Q13. On what basis did council unanimously approve the attenuation plans;

A: *On the basis that excessive noise is a concern to residents and the works are a positive step to address that concern.*

Q14. How long does the public have to provide feed-back to CBH and Council on the proposed attenuation works and will any notice be taken of the public's feedback?

A: *Council continually receives feedback from the community. The CBH have also indicated a willingness to liaise with local residents. Noise monitoring and feedback from residents is likely to extend for several weeks in order to gauge the situation both during and post installation of the proposed attenuation works.*

Reply to additional questions from Jim Bennett, 6 Warnham Road, Cottesloe

Q1. There has been no reply to any written correspondence with Council/Councillors. Why not ?

A: *The Town has acted on the collective complaints received as well as discussed the matter with Mr and Mrs Bennett.*

Q2. Properties 20.6m apart – 6 Warnham and Cottesloe Pub?

A *This proximity is noted; which has existed for decades.*

Q3. Why would the proposed noise attenuation works considered relatively minor, especially when considering public outcry, and therefore not advertised to adjoining property owners (see page 7 of the Ordinary Council Meeting Agenda – 22 April 2013).

A: *The works in themselves are relatively minor physical changes to the existing approved structures and intended to address the noise situation raised by residents.*

4.2 PUBLIC QUESTIONS

Ms Patricia Carmichael – 14-116 Marine Parade, Cottesloe – Re. Cottesloe Beach Hotel

Ms Carmichael raised the following matters which were taken on notice for a formal response by the CEO.

- Q1. Delay in receiving noise report from the CBH.
- Q2. Plans for the acoustic attenuation “noise control” are not on the Town of Cottesloe website page.
- Q3. Proposed acoustic treatments – the effect on a number of areas may create a “sweat-box” which could lead to needing air-conditioning resulting in further noise pollution. Has Council considered this aspect of the planned treatments?
- Q4. If the Liberal government cannot find \$10 million for the farmers she is not sure where they can find \$200 million for proposed local government mergers.

A: The Mayor took that as a comment.

5 PUBLIC STATEMENT TIME

Mr Kingsley Pearce – 7 Brassey Street, Swanbourne – Re. Item 10.3.2 No. 52 (Lots 93 & 94) Forrest Street

Mr Pearce is representing Mr and Mrs Azzopardi as the project architect. He stated that from the Committee meeting the plan has been revised and they have reduced the roof height by 1.48m. The height is now identical with the ridge of the existing house. The overall height of the new building is now only 5m from the existing ground level. The project will require little fill or cutting.

The north east John Street neighbour who looks over the site doesn't actually join or is connected to the site. In her statement at Committee Mrs Barrett made the incorrect assumption that she was losing value in her house by losing view.

The amended plan is also now 2m below the overall height of the previous two-storey design that was approved by Council. This single-storey dwelling will provide less bulk and less height and therefore increase view to that that neighbour.

Mr Pearce therefore believed that the RDC performance criteria have been achieved and the proposal can be supported by Council.

Mrs Karen Azzopardi – 52 Forrest Street, Cottesloe – Re. Item 10.3.2 No. 52 (Lots 93 & 94) Forrest Street

Mrs Azzopardi stated that she would like to address and respond to comments made by Mrs Barrett at last week's Committee meeting that Mr and Mrs Azzopardi did not care about the neighbourhood. Mrs Azzopardi was insulted by Mrs Barrett suggestion that they chop down pine trees in the backyard which protect their privacy from the balcony of Mrs Barrett house, the design of which looks directly over their backyard.

Mrs Azzopardi referred to adjoining neighbour support and endorsed the proposed plan. The roof design is now almost 1.5m less than initially applied for, yet Mrs Barrett is still objecting.

Mrs Azzopardi referred to Cr Rowell's previous comments saying that "no one owns the view". She hoped that tonight Council will carefully consider their comments and support the officer recommendation.

Mr David Azzopardi – 52 Forrest Street, Cottesloe – Re. Item 10.3.2 No. 52 (Lots 93 & 94) Forrest Street

Mr Azzopardi stated that he attended last week's Committee meeting which discussed the original plan that was supported by the Town's planners and recommended for approval. As a consequence of the objection from Mrs Barrett and the Committee discussion they had altered the roof line with the architect. He noted that Mrs Barrett was still objecting based on a loss of view and referred to the fact that no-one owns a view.

Mr Azzopardi referred Council to the changed plans and the fact that they have worked to retain the existing heritage home as opposed to their previously approved application to build a 2 storey extension or the alternative of demolition of the existing building. He requested that Council support the Officer amended recommendation.

Mrs Kirsty Barrett – 45 John Street, Cottesloe – Re. Item 10.3.2 No. 52 (Lots 93 & 94) Forrest Street

Mrs Barrett thanked Council for listening to her objections at last week's Committee meeting.

She noted that the owners and architect had made an amendment to the plans, reducing the height of one section of the roof, thereby making a significant improvement to the non-compliance of the height regulations. However, the proposal is still non-complying by 60cm.

It is unfortunate that even with this reduction, she believed their ocean view would still be completely blocked. She indicated that compliance with the height regulation would give some ocean view hence should be adhered to. A partial view is definitely better than nothing.

Whilst we would prefer no development, we are not asking for that. We are also not complaining about the concessions given on the setbacks. We are simply asking the Council enforces the height restrictions, given the significant impact on our amenity and view.

So far the adjustment to one small section of the roofline was a relatively easy amendment with no real impact on the owner. To comply, they need to cut into the rear of the property by an additional 60cms. They have indicated not wanting to do this because of limestone rock. This argument appears weak as they will be rock-breaking/digging-out for the pool and for retaining on the eastern side of the block due to the sloping rear. As they will already be

requiring equipment necessary for this, the additional 60cm is not a significant burden to comply, and would make the world of difference for us. There simply is no real reason why they cannot comply with the ANGL requirement, they just don't want to.

There are regulations in place and they should be complied with. Where does the Council draw the line if it is not the regulations themselves?

Mr Tim Wright – 585 Stirling Highway, Cottesloe – Re. Item 10.3.1 No. 48 (Lots 92 & 500) Forrest Street

Mr Wright presented the architectural design with a 3D image and described how the modern extension would reflect the form and features of the original dwelling, emphasising the fine detail involved and quality materials and finishes intended; as well as the restoration works to be undertaken. The scale and appearance would suit the site and streetscape as a restrained contemporary addition.

Mr Wright thanked Committee for its unanimous support and specifically referred to the rendering of the front fencing walls.

In response to a question from an elected member Mr Wright indicated that the likely timeframe for the proposed building works is 12-16 months.

6 ATTENDANCE

Present

Mayor Kevin Morgan
Cr Greg Boland
Cr Jack Walsh
Cr Katrina Downes
Cr Yvonne Hart
Cr Sally Pyvis
Cr Peter Jeanes
Cr Robert Rowell
Cr Victor Strzina

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Strzina, seconded Mayor Morgan

That Cr Strzina request for leave of absence from the June round of meetings be granted.

Carried 9/0

7 DECLARATION OF INTERESTS

Nil

8 CONFIRMATION OF MINUTES

Moved Cr Strzina, seconded Cr Rowell

[Minutes April 22 2013 Council.DOCX](#)

The Minutes of the Ordinary meeting of Council held on Monday, 22 April, 2013 be confirmed.

Carried 9/0

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Tonight I would like to recognise former councillor Patricia Carmichael for her role as long on Council. Patricia represented Cottesloe in the Central Ward from May 2005 to October 2011, Patricia served as a member on the Development Services, Works and Corporate Services, Strategic Planning, Audit, Community Safety & Crime Prevention, Disability Services, Liquor Licence Working Group, Public Events Committee, the Aged Persons Support Service, Cottesloe Coastcare Association, Cottesloe Foreshore Working Group and Library Management Committees.

Ms Carmichael thanked the Mayor and all the existing councillors, and stated that it has been a pleasure to have been on Council and to make a difference for the community. She met many people as well as interstate and international and local people since she moved to Cottesloe in 1994. What she found out is that Cottesloe is a community people do look out for each other they are acting for the best interest of the community at large they don't get sidelined with minor issues. It is a wonderful community to live in and she thank everyone for time spent particularly a huge thanks to the staff who were

always available to answer her questions often asked prior to meetings. Her time in Council was great learning curve. Thank you again.

9.3 DEPUTATIONS

Nil

For the benefit of the members of public present, the Presiding Member determined to consider the following items first:

From the Development Services Committee items 10.3.1 and 10.3.2 were withdrawn for consideration.

The remainder of the Reports from the Development Services Committee number 10.3.3, 10.3.4 and 10.3.5 were dealt with 'En Bloc'.

From the Works & Corporate Services Committee no items were withdrawn for consideration and they were all dealt with 'En Bloc'.

10 REPORTS**10.1 REPORTS OF OFFICERS**

Nil

10.2 REPORTS OF COMMITTEES**10.3 DEVELOPMENT SERVICES COMMITTEE MINUTES - 20 MAY 2013****10.3.1 NO. 48 FORREST STREET (LOTS 92 & 500) - TWO-STOREY ALTERATIONS AND ADDITIONS TO A HERITAGE PLACE KNOWN AS BARSDEN'S**

File Ref: SUB/2661
Attachments: [3D Images 48 Forrest Street](#)
[Plans 48 Forrest Street](#)
[Extract of Council Minutes 48 Forrest Street](#)
[Neighbour Submission 48 Forrest Street](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 20 May 2013

Author Disclosure of Interest: Nil

Property Owner: Denby Roberts & John Georgiades

Applicant: Wright Feldhusen Architects

Date of Application: 23 April 2013

Zoning: Residential R20

Use: P - A use that is permitted under this Scheme

Lot Area: 1275m²

M.R.S. Reservation: Not applicable

SUMMARY

In December 2012 Council approved a previous design for two-storey alterations and additions to this heritage-listed property. A copy of the item is attached to be read for the background detail.

That architectural design was somewhat innovative and the owner would now prefer a more contemporary aesthetic, hence a new application by another architect. The current proposal is basically similar in terms of composition and layout, but with certain differences requiring further consideration. As before, the two lots are to be amalgamated.

This report presents the technical assessment of the revised design and again considers the heritage dimension. Approval with conditions is recommended.

BACKGROUND

The main, historical, dwelling is located on the larger lot, with a more recent “apartment” building (granny flat) located in the north-eastern rear portion and straddling the lots. The apartment was built in the mid 1970s and mimics the period architecture of the dwelling, but is not in itself of heritage significance.

Over the decades the original dwelling has undergone modernisation and extension at its northern end abutting the ROW. In 2008 Council approved complete redevelopment of this northern end in a single-storey form, demolition of the apartment and the addition of a lap pool. This was implemented, although retaining most of the apartment and without the pool. Subsequently new fencing to the street frontages has been approved and constructed.

The previous report and the earlier approval in 2008 for single-storey extensions elaborated on the heritage framework relating to the property and precinct. The 2012 application was supported by comprehensive heritage documents informing the design and determination, which remain a reference for the latest proposal.

Broadly, the overall planning consideration is a combination of development requirements, built form, heritage and streetscape. In adding a substantial modern two-storey element to this prominent period dwelling, the scale, appearance and materials/finishes of the extension are important to achieve acceptable balance and harmony.

PROPOSAL

The new design entails:

- Excavation of the northern portion of the site to create a large basement comprising a five-car garage and several ancillary rooms, with vehicular access via the existing crossover from Broome Street.
- Retention of the original dwelling with minor alterations internally and externally, as well as thorough conservation works.
- Demolition of the recent northern addition and redevelopment at ground floor level with increased setbacks and reduced boundary wall.
- Demolition of the apartment building.
- Introduction of a large second storey occupying the northern half of the dwelling, setback from all boundaries and set into the original roof.
- Re-roofing of the original roof in slate (previously to be zinc) and new roofing in matching Colorbond metal sheeting.
- An above-ground swimming pool centrally located along the eastern boundary with a terrace level adjoining perimeter garden beds.
- New retaining walls/garden beds to the northern, eastern and portion of the southern boundaries.
- Retention of the new limestone fencing to the street frontages, with a gate alternation and replacement historical-pattern steel infill panels, as well as extension eastward on Forrest Street.
- New landscaping.

This design and configuration echoes the previous design approved, although differs in the following ways:

- *The new ground floor extension adheres to being setback from the Broome Street boundary, yet assumes a stronger contemporary style in forming part of the two-storey extension.*
- *The new upper floor is increased in space to occupy a larger footprint than the ground floor and a greater proportion of the roof-scape. This includes a cantilevered element to the east facing the side yard as before, and adding a cantilevered element to the west facing Broome Street. The desired accommodation of stairway/passage/void, five bedrooms with en suites, playroom, storeroom and terrace produces the size of the upper-floor.*
- *A larger two-storey façade to Broome Street, with a stronger distinction between the old and the new.*
- *The two-storey addition features greater expanses of fenestration (windows) to its elevations than the former design, although still respecting privacy, and more articulated (segmented) facades with a richer mixture of materials and finishes reflecting the Cottesloe vernacular.*
- *The existing limestone fencing to the two street frontages is proposed to be retained and extended, together with replacement open-aspect infill panels and gates.*

Design analysis

- *As in the previous design, the architectural approach of the alternative design is for deliberate proportions, symmetry, rhythm and texture which serve to integrate the old and the new, even though the heritage and contemporary components of the dwelling are contrasted.*
- *This creates visual logic and aesthetic cohesion. For the addition, the clean horizontal lines, shallow roof pitch, expansive glazing, indentations and surface treatments subdue the impact of bulk and scale, helping to lighten the appearance of the two-storey element. Despite the upper-level being cantilevered, these techniques result in a floating effect with facades that recede due to staggered walls and eave/awning overhangs.*
- *This is true of the proposed upper-floor terrace to Broome Street, which in being five metres deep with the thin, elegant roof suspended above, together with architectural detailing, provides visual permeability to the addition to ameliorate the stature of this elevation.*
- *The heritage element retains a characteristic heavier, anchored presence with its plinth, verandah, columns, entablature, steep roof and chimneys.*
- *The two-storey addition is of significantly less height than the single-storey heritage element, fitting inside that envelope, and some three metres lower than the two-storey Pine Court heritage apartments to the north.*
- *Nonetheless, the two-storey element will be obvious on all elevations to varying degrees. From the south on Forrest Street it will be substantially concealed behind the original dwelling as a rear form, which while wider will in perspective fall away. From the east (facing the side open space) it will be subservient to the original dwelling, similar in size to the previous approval. From the north facing the lane it will be an elongated and entirely modern structure as if a wholly new dwelling. From the west on Broome Street it will be most noticeable, as a modern two-storey element occupying half the width of the total elevation and a forward position. While the existing and previously approved additions were also close to this side boundary, the proposal is larger, cubical and defined by a separate roof form.*

- This new two-storey element and façade to Broome Street proposes a marked change to the existing dwelling and streetscape, which in this block on both sides is characterised by period residential architecture or low-key modern dwellings, although there are some mundane non-heritage dwellings in the vicinity. The rise of the site from the streets and the plinth of the existing dwelling make the built form prominent. However, different architectural styles are not proscribed in the precinct, while the juxtaposition of historical and contemporary architecture is a recognised design approach in adding to or adapting heritage properties (as opposed to mock-historic mimicry). The subject design, while unashamedly contemporary and by no means small, has a planar, layered look both horizontally and vertically, which in reality will prevent it from appearing monolithic. Throughout the western suburbs and other areas of Perth there are numerous examples of heritage or older dwellings with contemporary or ultra-modern additions. As this new element is under the maximum building height and satisfies the setback to Broome Street, it is deemed acceptable in terms of development parameters. Beyond that, the matter relates to consideration of heritage and streetscape in evaluating the design. Reducing the mass of the addition to Broome Street would require relinquishing floor space and increasing its setback or even deleting the upper-level terrace, any and all of which would by the same token generate a disjointed form that loses its integrity and cohesion as a handsome two-storey statement.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2

Residential Design Codes

Various heritage listings and polices

Fencing Local Law

POLICY IMPLICATIONS

TPS2 Policy No. 12 Places of Cultural Heritage Significance

WAPC SPP 3.5 Historic Heritage Conservation

HERITAGE LISTING

Register of National Estate	Listed
State Register of Heritage Places	identified to consider
TPS2	Schedule 1
TPS2 Policy 12	N/A
Municipal Inventory	Category 2
National Trust	Listed

STRATEGIC IMPLICATIONS

Heritage is recognised as a cornerstone of the character and amenity of Cottesloe, which Council aims to foster through the planning approvals process and related measures.

FINANCIAL IMPLICATIONS

N/A

CONSULTATION**Building**

The building permit will need to manage how works adjacent to the lane are carried out in relation to retaining, walls along the boundary and stabilisation; whereby a civil engineer will be involved.

Engineering

The crossover to the basement is acceptable subject to its gradients.

Liaison by Architect

The current architect has liaised with the immediately adjacent owners to the north and east to discuss the new design.

Advertising by Town

The Town sent advertising letters to nine surrounding properties. Some of the owners/residents made enquiries or inspected the plans and offered passing comments, including:

- Observed the contemporary design with more windows and the upper-level terrace, as the introduction of a modern addition to the heritage dwelling.
- Supports the slate roof to the original dwelling.
- Concern for effective construction/traffic management in relation to the streets and lane. Officer note: this is addressed by a condition.
- Some concern about potential noise from the terrace reaching across the street; also that it is not protected from south-westerly wind. Officer note: there is no planning control for frontage terraces or balconies on opposite sides of streets, as the RDC overlooking standard of a 7.5m minimum setback from an adjacent property boundary is exceeded and noise is not deemed to be a deciding factor, albeit a general amenity consideration.
- Confirmation from the eastern neighbour of the plan details discussed with the architect in relation to the design and height of the boundary retaining wall/fence. Officer note: a condition covers this.

At the close of advertising one submission was received, as summarised and commented upon as follows:

Ellen Zink, 93 Broome St:

Expresses concern at the proposed modern addition to the streetscape environment, seen as inappropriate for this location, in relation to heritage values, visual unity and

well-mannered design in context. Also concerned about losing sky view and early morning sunlight.

Officer comment:

The opinion regarding heritage and streetscape character is acknowledged. The architect's design rationale and officer comments in the report (see *Design analysis* section and heritage-related sections) scope considerations in this regard.

The existing dwelling and the addition shadow its own site rather than across the street, while solar access will still be available as the subject site is removed from rather than adjacent to No. 93 and blocking of a sky view occurs in the case of all two-storey dwellings.

DEVELOPMENT REQUIREMENTS

The proposal is predominantly compliant with the development requirements of TPS2, the RDC and the Fencing Local Law, with some relatively minor variations sought. Due to the site being large, bounded by two streets and a lane and having spacious grounds, the existing dwelling and proposed addition are generally well-separated from surrounding properties, whereby direct impacts are minimised. Hence the design and amenity requirements of the RDC are readily satisfied; eg density, access/parking, open space, shadow and privacy standards are all met.

At the same time, as the proposal is for an extension to an existing dwelling, and concentrated at one end of the site in order to retain the heritage building, the proposal does involve variation to particular development requirements, as explained and assessed below.

Building height

The proposal achieves compliance with the TPS2 building height standard of 8.5m maximum for a two-storey dwelling by respecting the ridge height of the existing dwelling, which although single-storey as a period dwelling has high foundations, high ceilings and a high, steep roof pitch, hence equates to a two-storey building at its highest point. The existing ridge height of the original dwelling is 8m or 0.5m metre less than the maximum, while the proposed ridge height of the shallow roof to the modern addition is approximately 0.5m lower again, amounting to some 1m under the maximum.

The two-storey extension adopts the existing ridge height in order to be compliant as well as in sympathy with the existing dwelling; ie containing the extension within the roof envelope.

Basement

Under TPS2 basements are defined in relation to building height and non-habitable usage of that space, in order to not be regarded as a storey. Compliance with the height standard relative to natural ground (NGL) can be a design challenge in terms of topography, ramp gradient, vehicle headroom and other factors.

As previously approved, the proposed basement is premised on the existing floor height of the original and extended dwelling above. It is also constrained by excavation along the lane and in proximity to the original dwelling, as well as by the

profile of the verge which as a rule and because of the heritage-listed pine trees cannot be altered. For these reasons it does not satisfy the height standard measured against the NGL at the centre of the site or the centre of the Broome Street frontage, having 0.7m extra height.

While most basements are able to meet the height requirement, occasionally it can be difficult to comply and Council is asked to exercise discretion to allow a variation, to which Council has agreed as a rare exception where warranted. Although the Scheme does not provide express discretion in this regard, arguably there is broad discretion available to consider individual instances taking into account circumstances, merits and amenity. Moreover, the Scheme contains scope for flexibility taking into account natural ground form and extension of an existing building, which are applicable in this case. In addition, Part 6 of TPS2 provides discretion to vary development requirements having regard to heritage.

In distinguishing that such special discretion is justified, the design should contribute to, rather than detract from, amenity or associated matters. In this regard the proposed basement is preferable to the existing double garage, assisting in producing a dwelling better setback from the north-western corner of the site. Heritage-wise neither a modern basement nor double garage is true to the original dwelling, but the basement does offer the benefit of removing and not expanding the ground-level garaging, in the interest of the site's open space and the streetscape.

Whilst technically the height of the basement equates to a storey, in terms of design and visual appearance it is a sunken, recessive element effectively disguised by the rest of the extension. In particular, at its entrance and along the northern boundary the basement has only one storey above (for a small portion), with the bulk of the basement being buried under the dwelling out of sight.

The basement comprises car parking and several service or ancillary rooms compatible with the definition of non-habitable. The intended gym is not an activity mentioned in the definition and in essence is a habitable private recreational space, albeit used part-time by the occupants, so is perhaps a hybrid use. As a gym is not an entertainment room and would be used by for temporary periods solely for that purpose, it could be permitted with a condition preventing conversion to a habitable space (eg a study or guest room). Therefore the basement as proposed is supported on this proviso.

Wall height

The two-storey addition occupies the complete northern and half the eastern and western flanks of the dwelling, below the existing roof height and the TPS2 maximum building height. Despite the footprint of the addition, the visual result of the streamlined architectural design is to ameliorate the bulk and scale of the new walls, which while contained within the roofscape exceed the two-storey 6m wall height standard under TPS2.

Relative to NGL the calculated maximum height of the two-storey walls of the addition is up to 7.19m, but the as-to-be constructed wall heights measured from the adjacent ground/terrace levels are 6.1m, which is only slightly more than the 6m standard. Further, due to the very shallow slim-line roof, the measured building height is under the 7m standard for a flat roof design, at about 6.7m, whereby it

resembles a flat roof and fits within that envelope. The addition will appear tallest facing Broome Street, although the solid section of boundary fencing will reduce its height. It will also appear expansive along the lane, although the stepped and high boundary wall will likewise screen its prominence.

There is discretion in TPS2 to vary wall and roof heights for extensions to existing buildings and under Part 6 by reason of heritage. This recognises the design, construction and scale of existing buildings, and the common desire for extensions to have the same floor level, ceiling height or roof height as an older building. Extensions to heritage buildings are obvious candidates to maintain or match existing levels and heights when integrating the old and new, and as observed the original single-storey dwelling is characteristically tall. This discretion is assessed as appropriate to the proposal.

Setback

The proposal satisfies almost all setback requirements, including for the new second storey, with one exception.

To the northern two-storey elevation facing the lane, a minimum setback of 6.6m is required from the upper floor to the centre of the lane, based on the total length and height of the wall containing major openings, whereas a setback of 5.675m or 0.925m less is proposed. This variation therefore requires assessment under the performance criteria of the RDC in 6.3.1, as follows:

Provide adequate direct sun and ventilation to the building:

Ample sun and ventilation is available due to the lane width and separation from the adjacent dwelling. The north-facing bedroom windows are designed to access winter sun, while the roof eaves protect from summer sun and high-level openings provide for cross-ventilation.

Ensure adequate direct sun and ventilation being available to adjoining properties:

The property to the north of the lane is not overshadowed and ventilation is not inhibited.

Provide adequate direct sun to the building and appurtenant open space:

Direct sun is readily available and accessed by the building and outdoor areas.

Assist with the protection of access to direct sun for adjoining properties:

Solar access and ventilation of adjoining properties are not affected.

Assist in ameliorating the impacts of building bulk on the adjoining property:

The lane and setback of nearly 6m from its centre, the separation distance to the adjacent dwelling, the high boundary wall to the lane and design of the proposed dwelling combine to ameliorate the effect of its bulk.

Assist in protecting privacy between adjoining properties:

The only direct privacy interrelationship between the extension and a neighbouring property occurs along the lane opposite Pine Court to the north. As the upper-level

windows exceed the 4.5m cone of vision setback required for bedroom windows there is no technical overlooking.

In summary, on this basis the proposed northern setback as marginally varied is supported.

Site levels

The proposal respects the existing site levels as important to the original dwelling and the basis for the replacement northern extension and basement. As with the previous approval there are some areas of site fill for consideration, but these are less than in the former design.

There is still filling of about 1m for an entry porch to the addition on Broome Street. This is setback as required by the previous approval and is integral to the modern wing. It is necessary for human access and screened by the boundary fence.

The pool podium and perimeter garden beds on the north, east and south entail raised levels that relate to pool isolation, retaining, boundary fences, landscaping and privacy in a simplified design. All of these levels are appropriate to the interfaces with the lane, eastern adjacent property and Forrest Street front fencing in the south-eastern corner.

Fencing

As previously, boundary fencing to the two streets preserves that constructed as part of the earlier improvements, extends it at the eastern end of the Forrest Street frontage and modifies the pedestrian entry at the northern end of the Broome Street frontage. Previously the existing gates on Forrest Street leading to the front door of the original dwelling were to be relocated, but are now being kept, which is preferable. The existing infill panels are to be replaced with period-style ones. All of this enhances the open-aspect fencing to Forrest Street and is sympathetic to the dwelling and streetscapes consistent with the Fencing Local Law. A condition covers that the Forrest Street front fence extension conforms to the 0.9m maximum height solid plinth standard.

Summary

Comparatively few variations are requested. While building and wall height are fundamental considerations, in this case the specific variations are of limited consequence to the proposal itself, neighbouring properties or the streetscapes, and are not perceptible when read as an extension to the existing dwelling. Importantly, both the existing and proposed building components (crown of roof) comply with the TPS2 standard of 8.5m by being less. The basement variation is seen to be supportable. Setbacks and site levels are assessed as suitable. Privacy and fencing are also acceptable.

HERITAGE CONSIDERATIONS

As elaborated in the previous report (attached) a suite of heritage instruments and classifications apply to this heritage-listed property. Collectively they provide direction, principles and criteria for the consideration of proposals from a heritage perspective and the basis for decision-making.

A range of heritage considerations relate to the proposal. There is an established framework for assessment of planning proposals from the heritage dimension, which is important in general and in this instance. Together with the ordinary planning technical assessment involved (ie development requirements or standards), the heritage values and classifications of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.

This is an expected part of the development assessment process in the case of heritage-listed properties and those within recognised character or heritage areas. It is through this process that a balanced outcome can be achieved between the objectives of the proposal, the normal planning parameters and the heritage layer of consideration. It can be seen that a strong collection of heritage instruments and classifications relating to the place apply and that they provide clear guidance on how the assessment of proposals should be approached and the values of the place to take into account.

Barsden's is one of the grandest historical properties in Cottesloe and a local landmark given its commanding position, exposure to view, generous proportions and architectural treatments. This heritage significance is augmented by the setting of the place in the heart of the district, being an area characterised by a number of other well-known heritage properties, a general collection of period dwellings, the heritage-listed Norfolk Island Pine trees and the heritage-listed Sea View Golf Course.

In recent times other heritage properties in the area have undergone change and Council has aimed to ensure that the opportunity is taken to manage the heritage values of the places and to achieve development compatible with the properties and precinct.

The subject property has experienced previous alternations and additions, which have been relatively low-key and sympathetic, adopting a design ethos to reflect the historical architecture and detailing of the main dwelling. Much of the original dwelling has been retained intact and been fairly well maintained both internally and externally. In relation to the external presentation of the place, it is emphasised that due to the two street frontages and wide-open grounds, the form and fabric of the dwelling can be seen and enjoyed as a major contribution to the streetscape and public realm. The dwelling is known for its verandah columns and rooftop balustrade.

The previous application contributed heritage research and documents to inform the design approach. The advice of an independent heritage architect for the Town was relaxed about the degree to which the heritage qualities of the existing dwelling could be altered.

While against this framework it can be appreciated that the heritage significance of the property should not be underestimated, the current proposal as another design conception is assessed as supportable in terms of normal development requirements and in relation to heritage considerations.

CONCLUSION

The heritage significance of the place, which embodies the particular architectural elements of the original dwelling, is recognised by a range of heritage classifications. This framework supports carefully-designed additions/alterations, retention of heritage fabric, conservation/restoration works and documentation for the long term use and care of the place.

The application is assessed as an acceptable proposal for two-storey plus basement alterations and additions to a heritage dwelling entailing important considerations.

In terms of development requirements, the proposal is assessed as suitably compliant with TPS2, the RDC and the Fencing Local Law, and the overall streetscape and amenity outcomes are considered to be appropriate from a planning point of view.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee was supportive of the proposal while querying the approach to the design of additions to heritage dwellings generally, including input from the HCWA in this instance. The Manager Development Services elaborated on the design philosophy of creating a clear distinction between the old and the new, observing that the current proposal has a more restrained style than the previous approval. He explained that the HCWA is not formally involved in the process at this time as it has not assessed or classified the place and had declined to comment. Discussion ensued about obtaining further input from a heritage architect as previously, but an amendment accordingly was lost. Nonetheless, the MDS volunteered to seek such advice from Bernard Seeber Architects again, in time to feedback to the Council meeting.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pool, landscaping, retaining walls, fencing, demolition of the non-heritage apartment building and heritage restoration/conservation works at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 7 and 13 May 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.

3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the applicant's previous application.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
6. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.
7. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
 - a. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for a maximum 0.9m height for the solid plinth and for open-aspect infill panels.
 - b. The gate to the boundary fence to Broome Street shall be of open-aspect design.
 - c. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
 - d. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.

12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
13. The 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.
14. Any 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.
15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.

21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

AMENDMENT

Moved Cr Jeanes, seconded Cr Downes

That the item be deferred to the next meeting to enable the Town to obtain advice from a Heritage Architect on the proposal.

Lost 2/4

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pool, landscaping, retaining walls, fencing, demolition of the non-heritage apartment building and heritage restoration/conservation works at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 7 and 13 May 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
1. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.

2. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
3. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the applicant's previous application.
4. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
5. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.
6. At Building Permit stage the plans submitted shall address the following development and heritage requirements by way of design details and revisions:
 - a. The new boundary fencing to Forrest Street shall comply with the Fencing Local Law specifications for a maximum 0.9m height for the solid plinth and for open-aspect infill panels.
 - b. The gate to the boundary fence to Broome Street shall be of open-aspect design.
 - c. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
 - d. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
7. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
8. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
9. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
10. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and

soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.

11. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
12. The 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.
13. Any 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.
14. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
15. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
16. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.
17. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
18. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
19. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.

20. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.

21. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

COUNCIL COMMENTS

Cr Walsh as Chair of Development Services Committees, referred to the memo and plan circulated by the Manager Development Services including the proposed amendment to the committee recommendation.

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That the words "and 22 May 2013 (street-front fence elevations)," be added after '13 May 2013'.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council **GRANT** its Written Consent and Approval to Commence Development for two-storey alterations and additions to the existing residence, including basement, re-roofing, pool, landscaping, retaining walls, fencing, demolition of the non-heritage apartment building and heritage restoration/conservation works at No. 48 (Lots 92 and 500) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 7 and 13 May 2013 and 22 May 2013 (street-front fence elevations), subject to the following conditions, all to the satisfaction of the Manager Development Services:

1. Prior to any demolition, whether to parts of the original dwelling, to later additions or alternations, or to the apartment building, a full photographic and documented record, both internally and externally, of the existing buildings or portions thereof, features and fabric to be demolished shall be compiled and submitted to the Town as a heritage record.
2. All of the existing verandah columns and entablature to the verandah roof shall be retained in perpetuity and restored as required.
3. The application for a Building Permit shall include a comprehensive schedule of all conservation works and of all materials, finishes and colours to be used in the development and conservation works.
4. The conservation works shall include rectification of the deterioration of the concrete beams to the southern verandah, as identified in the Heritage Assessment report submitted with the applicant's previous application.
5. All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the completed development.
6. The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.
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 - b. The gate to the boundary fence to Broome Street shall be of open-aspect design.
 - c. Detailed design of the eastern boundary wall (dividing fence) in terms of its height in relation to the existing ground levels of 52 Forrest Street to the east and the interface with the Forrest Street front fences of both properties, in consultation with that owner.
 - d. The design of the dividing wall between the basement ramp and the right-of-way having regard to the need for a physical barrier and visibility for vehicles, cyclists and pedestrians.
8. The Building Permit plans shall include a comprehensive landscaping plan for the entire site, taking into account the contribution of landscaping to the cultural heritage significance of the place, especially in the setbacks from the streets to the original dwelling, as well as the

- setting created by the grounds as a whole in relation to heritage, architectural design and streetscape.
9. The gymnasium in the basement shall not be used as or converted to a habitable space or room at any time.
 10. All boundary walls facing the eastern abutting lot and the northern right-of-way shall be properly finished-off.
 11. Adequate storage disposal shall be provided to contain all stormwater on site in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserves, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for disposal of the stormwater runoff from roofed areas shall be included within the Building Permit plans.
 12. Wastewater or backwash water from the swimming pool filtration system shall be contained within the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
 13. The 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.
 14. Any 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.
 15. The Building Permit plans shall include details of all external plant, equipment or infrastructure, including all proposed installations to the roof, and shall demonstrate how those fixtures are to be located, housed, screened or treated to achieve visual and acoustic amenity and to respect heritage.
 16. Comprehensive dilapidation reports for the northern and eastern adjacent properties in relation to the development works shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit.
 17. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): maintaining
-

lane access for residents; traffic management and safety for the streets, lane and site; worker parking, including off-site, through consultation with and approval by the Town; and verge and tree protection.

18. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
19. All street trees (which comprise heritage-listed Norfolk Island Pine trees) shall be protected at all times from the demolition and construction activities and any stockpiled materials shall be kept clear of the trees and not built up around or leant against their trunks.
20. Any works to the existing crossover or visitor parking bays affecting the Broome Street verge shall be to the specification and satisfaction of the Town and prior-approved as required.
21. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the cost of the owner.
22. The two lots shall be amalgamated into one lot on one certificate of title prior to occupation of the completed development and conservation works to the property.

Advice Notes:

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of property for the residents as well as to the streetscape and locality.
2. This approval is to the proposed demolition, development and restoration works as required only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe planning scheme and any heritage classifications of the property.
3. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

10.3.2 NO. 52 (LOTS 93 & 94) FORREST STREET – SINGLE STOREY ADDITION TO THE REAR OF AN EXISTING DWELLING AND A BELOW-GROUND SWIMMING POOL

File Ref:	2627
Attachments:	Proposed Plans Previously Approved Plans with Current Proposal Images Neighbour Submission Justification Letter From Architect
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ronald Boswell Planning Officer
Proposed Meeting Date:	20 May 2013
Author Disclosure of Interest:	Nil
Property Owner:	Mr D Azzopardi
Applicant	Kingsley Pearse Architects
Date of Application	7 March 2013
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	704m²
MRS Reservation:	N/A.

SUMMARY

The Town has received an application to construct a single storey addition and a swimming pool to the rear of an existing single storey dwelling at 52 Forrest Street.

The proposed addition is over height for a single storey dwelling due to the slope of the block. The application is seeking concession for the increase in height and setback variation for this heritage listed dwelling, Municipal Inventory – Category 2.

No. 52 Forrest Street comprises two lots (one being a 3.3m wide strip of land) and existing development is built over both lots. Amalgamation is recommended to rectify this historical anomaly.

Given the assessment that has been undertaken it is recommended to conditionally approve this application.

PROPOSAL

The proposal involves the addition of single storey that is raised higher than the existing dwelling due to the block rising steeply towards the rear. The addition to the rear has been designed to complement the natural ground level of the block. Therefore the addition to the rear is split level to accommodate the rise of the block.

The finished floor level of the addition rises 1.2m above the finished floor level of the existing dwelling. Therefore upon completion, the roof of the extension will rise 1.2m above the existing crown of the roof. For this reason, the addition to the rear is over

the acceptable height requirement for a single storey dwelling and has been assessed under the discretion available to Council in the Scheme. The applicant does not wish to change the wall heights or the roof height of the addition to the rear as the applicant believes it will spoil the appearance of the heritage listed dwelling. The pitch of the roof of the addition to the rear has been designed to complement the existing pitch of the existing dwelling to the front.

The extension to the rear maintains the character of the existing dwelling. The existing dwelling is listed by the National Trust and is Category 2 heritage listed in the Municipal Inventory requiring high attention to detail to ensure that the character and the facade of the existing dwelling is maintained and not diminished. The extension to the rear includes interesting architecturally designed arches incorporated into the roof gables that resemble the arches seen on the verandah at the front of the existing dwelling.

The proposal involves a variation to the 6m single storey height requirement of Town Planning Scheme No.2 due to difficulty involved with the slope of the block at the rear and the inability to make major alterations to the heritage listed dwelling at the front of the property. The applicant had similar constraints when a two storey proposal was submitted to the Town and subsequently approved 24 May 2006. The two storey dwelling proposed was 1 meter higher than what is currently proposed and the bulk and scale of that proposal was much greater than what is currently proposed.

A site inspection and photos of the property revealed that two chimney stacks exist on the dwelling. The development application does not show the two chimneys, however, the applicant has informed the Town that the two existing chimneys shall be retained. As part of the approval for this development application, a condition will be obligatory to retain the two existing chimneys that characterise this dwelling.

This development application includes a below-ground swimming pool at the rear of the dwelling located on the north-east corner of the property. The pool's filtration system is to be located along the eastern side of the family room wall. The plans indicate that a glass pool fence will surround the western and southern perimeter of the pool, which existing boundary fencing exists along the northern and eastern sides of the pool.

The pool's dimensions are:

Width:	5.6m
Length:	5.2m
Overall depth:	1.7m

No neighbouring properties are adversely affected by overshadow. All overshadow falls on to the applicant's property.

BACKGROUND

The property at No. 52 Forrest Street is Listed in Schedule 1 of Town Planning Scheme No. 2 – Places of Natural Beauty and Historic Buildings and Objects of Historical or Scientific Interest, as well as on the Municipal Inventory as Category 2 and classified by the National Trust.

The existing dwelling is a brick and colorbond single storey with a wooden verandah, constructed around 1910. A free-standing double garage was built at the rear of the property in 1997, gaining access from the lane (ROW 32A).

No. 52 Forrest Street comprises of Pt Lot 93 and Lot 94 and the existing dwelling is built over both lots. Pt Lot 93 is a 3.3 wide strip of land which appears to have once been a laneway that was later included on the title for Lot 94.

The following planning approvals have previously been issued for this property:

- Two storey rear addition and swimming pool – approved by Council 24 May 2006.
- Two storey rear addition and swimming pool – re-approved 18 May 2007.
- Two storey rear addition and swimming pool – re-approved 3 June 2008.
- Re-Roofing and Ensuite WIR Additions to Dwelling – 23 February 2010.

STATUTORY ENVIRONMENT

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

PROPOSED LOCAL PLANNING SCHEME NO. 3

No changes are proposed to the zoning of this lot.

POLICY IMPLICATIONS

Nil

HERITAGE LISTING

- | | |
|-------------------------------------|------------|
| • State Register of Heritage Places | N/A |
| • TPS No.2 | Schedule 1 |
| • Municipal Inventory | Category 2 |
| • National Trust | Listed |

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No.2

Clause	Required	Provided
Clause 5.1.1 – Building Height	6m max crown height (from 33.4m ANGL)	8.08m (41.48 AHD)

Town Planning Scheme Policy

Policy	Required	Provided
N/A	N/A	N/A

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Buildings Set Back from the	Bed 1 plus existing dwelling wall 3.2m	1.5m	Clause 6.3.1 – P1

Boundary	from boundary		
Buildings Set Back from the Boundary	West wall total 4.5m from boundary	1.4m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	Family/laundry/existing dwelling wall – total 4.8m	1.75m	Clause 6.3.1 – P1

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

ADVERTISING OF PROPOSAL

Notification of the proposal was given to the adjoining neighbours.

Submissions

One objection has been received from the owners of the property on the diagonal to the rear at No. 45 John Street (Mr and Mrs Barrett).

In summary, the submission states as follows:

- *Strongly oppose any relaxation of the 6m single storey height restriction as it will have a significant impact on our amenity completely blocking our view of Fremantle Port, Garden Island and Carnac Island.*
- *The Residential Design Codes are designed to prevent this type of development from occurring where a building has a significant impact on a neighbour.*
- *We request that the owner complies with the Residential Design Codes and drops the height of the extension.*
 - *Can be achieved by reducing the pitch of the roof at the rear.*
 - *To excavate into the block for the extension so that the ANGL requirement is achieved.*
- *Heritage listed buildings should not be a reason or excuse for not complying with regulations as a solution can be easily achieved without any impact on the heritage listed dwelling.*
- *We built 10 years ago and were made to significantly excavate into the rear section of our property and retain 1.5m in height in order to comply with the ANGL requirement. Therefore the owner of this property should also be required to comply.*

In response to the objection, the architect and owner have both provided the following comments (summarised):

- *The addition to the rear mimic's the roof pitch of an existing single storey heritage listed house.*
- *The 26 degree pitch of the proposed new additions matches the existing building, and is in keeping with the Federation style of the category two building.*

-
- *Building a single storey from existing ground level that covers 38% of a sloping site.*
 - *A previous two storey dwelling was previously approved by Council.*
 - *Council should revere and respect the heritage buildings in Cottesloe particularly in the “Pines” precinct where we live.*
 - *Council has repeatedly declared support for those wishing to enhance and preserve heritage buildings.*
 - *We have specifically designed the extensions to complement the existing 100 year old dwelling.*
 - *Altering the pitch would seriously downgrade the aesthetics of the building.*
 - *Height concessions are allowable for heritage buildings under the Town of Cottesloe TPS.*
 - *All adjoining owners directly affected endorse our current plans.*
 - *The Barrett’s “views” to the south-west are achieved from the back of the second storey of a house that faces (or should be facing) John St. They obtain these views by overlooking a laneway, our back garden and existing house and only our back garden and house.*
 - *The R-codes seek to address and reduce overlooking. Full Council wholeheartedly agreed when approving our two storey plans at the time and I am confident would do so again if necessary.*
 - *The Barrett’s “view envelope” is undiminished as the structure in question is the apex of a roof sloping downward and not a solid mass.*
 - *That our plans can be approved under the allowable heritage concessions in the TPS by delegated authority.*
 - *Does not diminish the amenities of the adjoining neighbours through our proposed additions to the residence.*
 - *The Town of Cottesloe Town Planning Scheme allows for Council to grant a variation in the height requirements for heritage listed house in order to help preserve them and the historical character of the era.*
 - *The existing house has been classified as category two residence.*
 - *Views can still be seen either side of the pyramidal roof located in the centre of the building as proposed.*
 - *Our previous approved submission had a roof height 1.0 meter higher and a greater wall mass being two storeys.*
 - *We are improving the amenity of our neighbours in our new single storey submission.*
 - *Our proposal allows for less wall mass, less bulk and therefore increased views.*
 - *the measurement of height is consistent with the Residential Design Codes figure 17 method of measurement of height above natural ground and should be considered when assessing a difficult sloping site such as 52 Forrest Street Cottesloe rather than the ANGL method described within the Town of Cottesloe’s scheme which suggest that our ANGL floor level should be 33.40 which is lower than the existing residence’s floor level of 33.78 and way lower than the existing plateau level which varies between 34.94 at the top of the existing bank and stairs, and 35.65 at the northern corner of the site.*
 - *The site rises 3.0 metres from the front boundary to a flat plateau area situated at the rear.*
 - *38% of the area of the block is located within this plateau.*

- *Our proposal's floor level will be below the level of the northern ROW and 440mm below the adjoining garage on the eastern boundary.*
- *The floor level of the new additions has been designed to match the existing levels of the plateau area at the rear of the site.*
- *The level as shown will also allow for an easy transition between the existing carport and new addition.*
- *In our previous two storey addition the existing carport was not retained therefore floor levels could be lower.*
- *In our new submission the floor levels between the new and existing carport do need to coincide.*
- *The existing pencil pine tree hedge located within the lot, on the rear northern and eastern boundaries have a height which is higher than our proposed roof line and therefore the existing views to the south and west may have already been diminished.*
- *A variation to the policy in the calculation of the height is therefore warranted because of this unusual land topography, the position of the existing building and the preservation of the front category two heritage listed residence.*
- *We believe that the performance criteria of the Residential Design Codes have been achieved in regard to direct sunlight, adequate daylight and increased access to views in our submission.*
- *As there appears to be no disadvantage to the adjoining properties due to our proposed overall building height of the single storey addition, we request that the variation be permitted under the general provisions of the Town of Cottesloe TPS.*

STAFF COMMENT

The following technical assessment is made with respect to this development application.

Heritage Listing

The proposed dwelling is listed in Schedule 1 of Town Planning Scheme No.2 Clause 6.1.1 of the Scheme states that the "Council considers that the places in Schedule 1 should be conserved and preserved". Clause 6.2.3 of the Town Planning Scheme No.2 allows Council to approve development notwithstanding non-compliance with the Residential Design Codes.

The dwelling is also a Category 2 listing in the Town's Municipal Inventory. Its significance under the Inventory is stated as "*typical of many built in Cottesloe in the early years of the twentieth century. It is better preserved than most of its contemporaries. It has additional features of architectural interest such as the delicate timber work and the limestone footings*".

The category 2 management category provides for "*maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition*".

The dwelling is a fine example of Edwardian Filigree bungalow design, carried out in timber and limestone. It has a very high level of architectural quality, authenticity and integrity in its form, materials and retention of original and characteristic detailing. The place contributes to the aesthetic values of its setting because of its elevated

position on limestone pier foundations on a dramatic hilltop site at a high point of Forrest Street in view of the ocean and golf course.

The dwelling has historical significance because it was built for the prominent solicitor JH Barsden, who owned the neighbouring property at 48 Forrest Street upon which he later built the current house occupying that site.

This development application proposes to retain most of the existing original residence. The alteration to the existing dwelling includes the removal of the existing kitchen/family/dining area at the rear.

The proposal adequately addresses the heritage and streetscape significance of the property by locating additions to the rear of the property. The addition to the rear will be difficult to see from the street level, due to the block rising high above the road.

Amalgamation

Setbacks, open space calculations and the like have been assessed for this application on the basis that the property comprises of one complete land holding, rather than two separate lots. This existing dwelling is constructed over both lot 93 and 94. Although both lots are shown on the one certificate of title, it is considered opportunistic to rectify the historical anomaly and amalgamate the lots as a single entity.

Boundary Setbacks

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Buildings Set Back from the Boundary	Bed 1 plus existing dwelling wall 3.2m from boundary	1.5m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	West wall total 4.5m from boundary	1.4m	Clause 6.3.1 – P1
Buildings Set Back from the Boundary	Family/laundry/existing dwelling wall – total 4.8m	1.75m	Clause 6.3.1 – P1

The proposed side boundary setbacks do not comply with the Acceptable Development Standards and concessions under the Performance Criteria are required. Performance Criteria Clause 6.3.1 of the RDC stated the following:

- “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 protection of access to direct sun for adjoining properties;*
 - *assist in ameliorating the impacts of building bulk on adjoining properties;*
- and
- *assist in protecting privacy between adjoining properties.”*

The variation to the setbacks for the proposed addition to the rear although quite substantial reductions, they are considered to be minor in effect. The reduced setbacks do not adversely affect the neighbours' access to northern sunlight and privacy is not compromised. The addition has been designed so that it continues the similar setbacks of the existing dwelling to maintain an overall appearance of being part of the original dwelling.

The setback variations are considered to comply with the Performance Criteria of the Residential Design Codes and in the absence of any objection from the adjoining land owners it is recommended that they be supported.

Height

The centre point level of the site for the purpose of measuring heights under Town Planning Scheme No.2 was calculated at 33.4m ANGL. The Scheme generally requires a 6m roof height to the crown for a single storey addition.

In relation to the proposed development application, the permitted roof height to the crown is 39.4m. The roof height exceeds this and is 41.48m – a difference of 2.08m. The applicant has informed the Town that they do not wish to lower the pitch or the roof of the wall heights to achieve the basic height standard.

Clause 6.2.3 of Town Planning Scheme No.2 allows Council to grant approval to an application involving a place listed in Schedule 1, notwithstanding that the development or work involved does not comply with the Residential Design Codes or with any requirement or standard specified in the Scheme Text.

It is recognised that certain difficulties exist in achieving further reductions in the proposed dwelling height. The existing heritage residence is located forward on the block such that the finished floor level within the dwelling is raised substantially at the front. Due to the heritage significance of this dwelling, development is somewhat restricted. As such the rear addition is proposed behind the existing dwelling, however, development needs to deal with the existing floor levels and the gradient of the site which continues to slope upwards to the north of the block. The additional height does not adversely affect adjoining properties in terms of overlooking or overshadowing.

Objection was received regarding the loss of view from the owners of the property diagonally to the rear of the subject property and (separated by a ROW).

Obtaining and maintaining views is generally difficult to guarantee as is claiming ownership of views. Nonetheless views are part of the amenity enjoyed by people in certain areas and the Residential Design Codes state in the explanatory section of 6.7, Building Height Requirements, that “designers should take into account the desirability of protecting views enjoyed by neighbours, and in some cases, modify the design of dwellings accordingly”. However, while views are mentioned in this manner, there are no actual provisions to guide how views may be protected. The applicant has already scaled-down the proposal from a two storey dwelling that was previously approved by Council to a single storey addition. It would be reasonable to suggest that the current proposed plans have been modified to maintain greater access to views for the objecting neighbour to the rear.

Clause 5.1.2 of the Town's Planning Scheme states that: *"Council shall have regard to and may impose conditions relating to (a) the need for limitation of height or location of buildings to preserve or enhance views"*, however, there are no set criteria or performance indicators given against which to assess a proposal.

In practice, the concept of sharing views has emerged whereby over time the evolution of residential development results in dwellings capturing various views which in turn may not be lasting as further development adjacent or nearby occurs.

While a reduction in the height of the addition and/or excavating the site would assist a view for the objecting neighbour, that view will be diminished by any extension.

Given the circumstances involved with this site in terms of its heritage and the gradient of the block, and that the proposal is for a single storey addition, it is recommended that the variation in height and setbacks be relaxed in this instance.

The applicant has provided sets of plans that show a comparative analysis of the difference in high between the previously approved two storey dwelling and the proposed single storey dwelling – see attachments.

CONCLUSION

The addition to the existing dwelling has considered the heritage significance of the building by ensuring that minimal changes have been made to the original fabric and new development is placed to the rear.

The proposal complies with most of the design elements stipulated in the Residential Design Codes and TPS No.2, except for a variation to building height and setbacks. The setback variations satisfy the performance criteria of the Codes and can be supported.

Under the Scheme Council may relax the 6m single storey height requirement to approve the proposal.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the proposed height concession at length and considered that there could be some redesign to address the neighbour's concern about loss of a view and achieve greater compliance. The Manager Development Services explained the scope for discretion to allow additional height in the case of existing dwellings and referred to the rationale in the report from the architect and owner. He advised that the apex of the new roof was what created excess height and that were it deleted the height of the building would be more acceptable – he outlined a possible condition of approval for that. The MDS also advised that the setback variations were allowable and not at issue. Committee concluded to defer the item to Council for revised plans to be explored by the Town and applicant for reporting to that meeting.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That Council GRANT its Written Consent and Approval to Commence Development for a single-storey addition and below-ground swimming pool to the rear of the existing dwelling at No. 52 (Lots 93 & 94) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 18 March 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

- (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) The two existing chimneys shall be retained as part the character of the heritage-listed dwelling. The two chimneys shall be shown on the building permit plans submitted to the Town as “existing chimneys to be retained”.
- (4) 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.
- (5) 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.
- (6) The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified 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 and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation’s sewer.
- (8) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary.
- (9) Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.

- (10) The two subject lots being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.
- (11) A professionally-prepared photographic and drawn archival record of the parts of the dwelling to be demolished and redeveloped shall be submitted to the Town of Cottesloe to the satisfaction of the Manager Development Services prior to the commencement of any work.

AMENDMENT

Moved Cr Rowell, seconded Cr Walsh

That the item be deferred to the Council meeting on 27 May 2013 for discussion between the Town and applicant towards revised plans that lower the height of the proposal.

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That the item be deferred to the Council meeting on 27 May 2013 for discussion between the Town and applicant towards revised plans that lower the height of the proposal.

COUNCIL COMMENTS

Cr Walsh as Chair of Development Services Committees, referred to the memo and plan circulated by the Manager Development Services including the proposed amendment to the committee recommendation.

AMENDMENT

Moved Cr Walsh, seconded Cr Strzina

That in the officer recommendation the words “and 22 May 2013” be added after ‘18 March 2013’.

Carried 9/0

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Written Consent and Approval to Commence Development for a single-storey addition and below-ground swimming pool to the rear of the existing dwelling at No. 52 (Lots 93 & 94) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 18 March 2013, and 22 May 2013, subject to the following conditions, all to the satisfaction of the Manager Development Services:

- (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) The two existing chimneys shall be retained as part the character of the heritage-listed dwelling. The two chimneys shall be shown on the building permit plans submitted to the Town as “existing chimneys to be retained”.
- (4) 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.
- (5) 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.
- (6) The pool pump and filter shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that environmental nuisance due to noise or vibration from mechanical equipment does not exceed limits specified 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 and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the street drainage system or the Water Corporation’s sewer.
- (8) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8metres away from any building or boundary.
- (9) Air-conditioning plant and equipment shall be located closer to the dwelling than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
- (10) The two subject lots being amalgamated into one lot and a new Certificate of Title verifying this being created prior to the completion and occupation of the new development.
- (11) A professionally-prepared photographic and drawn archival record of the parts of the dwelling to be demolished and redeveloped shall be

submitted to the Town of Cottesloe to the satisfaction of the Manager Development Services prior to the commencement of any work.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 9/0

10.3.3 NO. 226B (STRATA LOT 6) BROOME STREET – FIRST-FLOOR ADDITION

File Ref:	2655
Attachments:	Photographs 226B Broome Street Applicant Submission 226B Broome Street Proposed Plans 226B Broome Street
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	20 May 2013
Author Disclosure of Interest:	Nil
Property Owner:	Elisabeth Harris & Terrence Murphy
Applicant:	As above
Date of Application:	18 April 2013
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	648.7m² (total lot size)
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's front setback resolution (2002) and the Residential Design Codes (RDC):

- Front setback;
- Setback to southern boundary.

Both of these aspects is discussed in this report and refers to plans received on 18 April 2013. The remainder of the proposal is compliant with Town Planning Scheme No. 2 and the RDC.

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

PROPOSAL

The application is for a first-floor addition to an existing strata-titled property comprising a large bedroom, front balcony, ensuite, WIR and study.

STATUTORY ENVIRONMENT

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

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes are proposed to the zoning of this strata lot.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town Planning Scheme No.2/Council Resolution**

Streetscape	Permitted	Proposed
	6m front setback (Council resolution 28/10/02).	3.37m to first-floor front balcony; 5.45m (approx.) to bedroom.

Residential Design Codes

<i>Design Element</i>	<i>Permitted</i>	<i>Proposed</i>	<i>Performance Criteria</i>
6.2 – Streetscape	6m front setback or corresponding to the setback of existing dwellings on each side fronting the same street or minimum 3m, average 6m.	3.37m to front balcony; 5.45m (approx.) to bedroom.	Clause 6.2.1 – P1
6.3 – Boundary setbacks	2m from first floor to southern boundary.	1.33m	Clause 6.3.1 – P1

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to six adjoining property owners. Advertising closes on 16 May 2013. No submissions have been received to date although the southern neighbour has signed the submitted plans in support of the proposed reduced side setback.

APPLICANT'S JUSTIFICATION

The main points raised by the applicant in support of the proposal are summarised as follows:

- The existing dwelling was extended in the 1980s and does not comply with the RDC in respect to its front setback and setback to the southern boundary. The proposed first-floor addition will not extend beyond the existing ground-floor footprint;
- There are many non-conforming structures in Cottesloe. Two examples of first-floor additions with reduced front setbacks include 101 Broome Street and 54 Marmion Street;
- The proposed addition is not built over any common property and complies with visual privacy and overshadowing requirements of the RDC;
- The relevant performance criteria have been addressed for the proposed reduced front and side setbacks;

- The streetscape would be enhanced by maintaining a 3.37m setback to match the existing ground floor;
- There would be minimal impact on the unwallled front garden area of the adjoining southern property and screening will be used to avoid overlooking;
- Adequate privacy and open space is maintained;
- Safety clearances for easements for essential service corridors is not an issue;
- Adequate sun and ventilation will maintained to the proposed addition and adjoining properties;
- Access to direct sun for the adjoining property would be maintained;
- The impact of building bulk on the adjoining property would be minimal;
- Privacy between properties is not affected as highlight windows and obscure glazing is proposed;
- It is extremely difficult to maintain the required setbacks and the proposed addition will assist with the symmetry of the building and thus street amenity.

PLANNING COMMENT

The following technical assessment is made in respect to this development application:

Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscapes, view corridors and amenity). The acceptable development standards of the RDC also require a minimum 6m front setback in an R20 zone, albeit that this may be reduced to 3m providing it averages 6m across the lot or where a reduced setback corresponds with existing dwellings on each side.

The proposed first-floor addition will be situated directly above the existing dwelling on the front strata lot and have a reduced front setback of 3.37m to a proposed balcony and approximately 5.45m to a new bedroom. The balcony will have a 7.5m high gabled colorbond roof with cathedral ceilings and be partially enclosed on its north and south sides with 1.65m high screens for visual privacy.

In addition to the existing dwelling having a reduced front setback following the approval in 1994 of a front lounge extension and patio, there is also an existing double garage on the northern side of the lot that was also approved in 1994 and which has only a 2m setback from the front boundary. The garage is therefore also non-compliant with Council's preferred 6m front setback and Policy for 'Garage and Carports in Front Setbacks Areas' which generally only allows a setback concession of up to 4.5m for garages that are perpendicular to the street, although Council does have discretion to allow lesser setbacks where it is satisfied certain criteria have been met.

The combination of these previous additions that were subsequently constructed mean that the existing dwelling does not satisfy the RDC in terms of having a minimum 3m setback, average of 6m, and the proposed upper floor will exacerbate this non-conforming situation.

The two-storey dwelling on the northern side of the lot was approved in 1991 with a front setback ranging from 6m to 8.5m (excluding a small pergola), whereas on the southern side there is an older-style, single-storey dwelling, with approximately a 6m

setback, so the proposed reduced front setback to the upper floor does not correspond to existing front setbacks of the dwellings on either side.

The relevant performance criteria of the RDC for street setbacks state:

Buildings set back an appropriate distance to ensure they:

- *contribute to the desired streetscape;*
- *provide adequate privacy and open space for dwellings; and*
- *allow safety clearances for easements for essential service corridors.*

This part of Broome Street is a low density residential area that has characteristically wide verges, Norfolk Island pines, and a generally open feel about it in terms of its overall streetscape due not in the least to the dwellings having maintained traditional front setbacks. Although the existing single-storey dwelling on this strata lot was previously approved with reduced front setbacks, a first-floor addition would be unlikely to contribute to the desired streetscape and therefore would not satisfy performance criteria even though it may otherwise satisfy privacy requirements, open space and not affect easements.

Council has mostly restricted allowing reduced front setbacks to R30 zoned areas or above with the exception of carports and garages which can be assessed under the Council's specific Policy for these types of structures and which generally don't have significant impact on the streetscape if designed well. Where exceptions have occurred such as at 101 Broome Street the specific location and context of the individual setting of the dwelling has had to be carefully taken into consideration before approval was granted to ensure that the dwelling contributed to the streetscape and there is no loss of amenity to adjoining properties. Furthermore, although balconies are sometimes supported in front setback areas these are usually only where they satisfy the definition of a minor projection in the RDC and are therefore restricted to project no more than 1m into the front setback and not exceed 20% of the frontage of the lot. The proposed balcony does not satisfy this requirement.

Side setback to southern boundary

The proposed upper floor will have a side setback of 1.33m in lieu of 2m required under the acceptable development standards of the RDC to align it with the existing ground floor.

This concession can be considered under the performance criteria of the RDC which state:

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 protection of access to direct sun for adjoining properties;*
- *assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *assist in protecting privacy between adjoining properties.*

The proposed reduced setback will not significantly impact on direct sun and ventilation to the dwelling or the adjoining property on the southern side as the first-floor addition will only affect the front portion of the adjoining lot, it satisfies overshadowing requirements, and will allow uninterrupted prevailing winds from the

south-west. There will also be approximately 5.3m from the proposed addition to the southern property due to the location of an existing driveway which will also assist in ameliorating the impact of building bulk and high-level windows and screens will ensure adequate visual privacy is maintained. In addition, the owner of the dwelling on the southern side has consented to the proposed reduced side setback.

CONCLUSION

The proposed first-floor addition has been designed to sit above the existing single-storey dwelling to minimise structural alterations and cost. The reduced setback to the southern boundary satisfies the performance criteria of the RDC and it also has the support of the adjoining owner.

The proposed reduced front setback intrudes into the Council's preferred 6m front setback and does not comply with the RDC due to the location of the existing structures in the front setback area. It is considered that the visual appearance of the first-floor will not contribute to the streetscape and will not complement the adjoining dwellings on each side. It is therefore recommended that the first-floor addition be setback a minimum 6m from the front boundary.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee felt that the plans could have been clearer and was nonetheless supportive of the proposal as recommended with the condition for a 6m front setback to the upper-floor addition.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council GRANT its Approval to Commence Development for the proposed first-floor addition at 226B Broome Street, Cottesloe, in accordance with the plans received 18 April 2013, subject to the following conditions:

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- 2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. Gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.**
- 4. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the Environmental Protection (Noise) Regulations 1997.**

5. Revised plans shall be submitted at building permit stage for approval by the Manager Development Services showing the first-floor addition, including the balcony, having a minimum 6m setback from the front boundary.
6. The southern side of the proposed balcony shall be screened to a minimum height of 1.6m to the satisfaction of the Manager Development Services.

Advice Note:

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

Carried 9/0

10.3.4 NOS 135 & 137 (LOTS 15, 58 & 59) CURTIN AVENUE – TWO, TWO-STOREY DWELLINGS WITH POOLS

File Ref:	2584
Attachments:	Photographs 135 and 137 Curtin Avenue Letter 135 and 137 Curtin Avenue Plans 135 and 137 Curtin Avenue
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	20 May 2013
Author Disclosure of Interest:	Nil
Property Owner:	Joshua Hunt
Applicant:	Webb Brown-Neaves
Date of Application:	25 February 2013
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	Lot 15 - 491m²; Lot 58 - 306m²; Lot 59 - 21m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Council's front setback resolution (2002) and the Residential Design Codes (RDC):

- Front setbacks
- Side setbacks
- Overshadowing.

Each of these aspects is discussed in this report and refers to amended plans received on 30 April 2013. The remainder of the proposal is compliant with Town Planning Scheme No. 2 and the RDC.

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

PROPOSAL

This application is to demolish the existing dwelling and outbuildings that straddle the lots and construct two, two-storey dwellings with pools.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

POLICY IMPLICATIONS

- Garages and Carports in Front Setback Area

PROPOSED LOCAL PLANNING SCHEME NO 3 (LPS 3)

The lots are proposed be zoned Residential R30 under LPS 3.

HERITAGE LISTING

Not applicable

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town Planning Scheme No.2/Council Resolution**

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	Lot 15: 5.1m - 6.3m ground floor; 4.5m - 5.78m first floor. Lots 58/59: 3.41m - 4.59m ground floor; 3.995m - 5.55m first floor.
Garages and Carports in Front Setback Areas	6m, but may be reduced to 4.5m, or less, where perpendicular to the street and if satisfies Policy criteria.	Lot 15 5.1m. Lots 58/59: 3.41m.

Residential Design Codes

Design Element	Permitted	Proposed	Performance Criteria
6.2 - Streetscape	6m front setback or corresponding to the average setback of existing dwellings on each side fronting the same street or minimum 3m, average 6m.	Lot 15: 5.1m - 6.3m ground floor; 4.5m - 5.78m first floor; Lots 58/59: 3.41m - 4.59m ground floor; 3.995m - 5.55m first floor.	Clause 6.2.1 - P1
	Garages permitted 4.5m from primary street.	Lots 58/59: 3.41m.	Clause 6.2.3 - P3
6.3 - Boundary setbacks	Walls built up to boundary behind front setback line.	Both garages proposed within front setback.	Clause 6.3.2 - P2

	<p>Lot 15: 2.1m from upper floor to northern boundary;</p> <p>Lots 58/59: 1.5m from ground floor to southern boundary;</p> <p>2.2m from upper floor to northern boundary.</p>	<p>Lot 15: 1.5m</p> <p>Lots 58/59: 1m</p> <p>1.762m-2.964m</p>	Clause 6.3.1 - P1
6.9 - Design for climate	Maximum shadow 25% of adjoining site area.	<p>Lot 15: 30% shadow of adjoining lot;</p> <p>Lots 58/59: 26% shadow of adjoining lot.</p>	Clause 6.9.1 - P1

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to four adjoining property owners. Advertising closes on 13 May 2013. No submissions have been received to date.

BACKGROUND

On 22 September 2008 Council approved two similar applications for two, two-storey dwellings on these lots submitted by Webb and Brown-Neaves.

The dwelling on Lot 15 was approved with minor setback concessions from the upper floor to the side boundaries, a garage on the southern boundary within the front setback, and a minimum 4.5m front setback to the ground and first-floor.

The dwelling on Lots 58/59 was approved with a minor setback concession from the upper floor to the southern boundary, a garage on the southern boundary within the front setback, 27% overshadowing of the southern lot, and a 2.5m and 3.6m front setback to the garage and porch respectively on the ground floor, and a 3.87m front setback to a balcony, although the remainder of the upper floor was approved at 7.76m from the front boundary.

APPLICANT'S JUSTIFICATION

The main points raised by the applicant in support of the proposal are summarised as follows:

No. 135 – Northern Boundary Setbacks

The variations to the RDC are considered in light of the performance criteria as follows:

- Any windows are screened effectively by fencing or are minor openings to provide privacy to No. 137;

- The orientation of the lots ensures that there is minimal shadow thrown onto the adjoining site, so the property at No. 137 has adequate access to northern sunlight;
- The northern wall incorporates articulation through the use of openings at both ground and first floor levels. Horizontal articulation is also provided due to varying setbacks to the first floor and ground floor, for a stepped effect. These elements will minimize the bulk of the building.

No. 137 – Southern Boundary Setback

A setback variation to the southern ground floor kitchen and family room wall has been identified. The variation occurs due to the length of wall and the openings, however, it is considered that there will be no negative impacts on the adjoining site for the following reasons:

- The houses have been designed in consultation and for the same owner, so they complement each other and there is no neighbour objection;
- The wall is only slightly longer (0.4m) than the 9.0m length restriction for the 1.0m setback and is single storey in height. The additional length will not produce excessive building bulk as the majority of the wall will be obscured behind a standard dividing fence;
- The windows to the kitchen and living room will not reduce the privacy of the adjoining site as they will be effectively screened by the dividing fence;
- Clause 6.3.2 A2i of the RDC could be applied to the wall as the homes are being simultaneously constructed. If this is accepted, the setbacks between the buildings are in excess of that which is required under the Acceptable Development provisions;
- The wall is at ground floor level on the southern side of No. 137. Some overshadowing of the adjoining site at No. 135 is proposed, however, the overshadowing calculations pitch off the first floor wall of the building (not the ground floor wall) and the first floor setback is compliant. Therefore, the reduced setback to the kitchen and living room wall does not increase the proposed shadow.

No. 137 – Northern Boundary Setback

The development of No. 137 will result in a rationalisation of cadastral boundaries by way of the amalgamation of Lots 58 and 59 into one site.

A minor side setback variation to the first floor wall remains, however, it is considered acceptable in accordance with Performance Criteria, as follows:

- The northern first floor wall variation occurs due to the angle of the northern boundary which converges towards the rear of the site;
- A variation of 0.44m is proposed, which is considered minor. It only applies to the first floor void area as the remainder of the wall achieves the 2.2m setback;
- The void is an open part of the structure, with no walls and only one supporting column. As such, building bulk is not considered to be excessive. The building

bulk applies to the Bed 1 and enclosed void, and both these spaces comply with the setback requirements;

- The portion of non-compliant void is approximately only 4.0m long, which is not considered to produce excessive building bulk;
- The external void is located on the northern side of the subject site, so will not produce overshadowing of any adjoining sites. The reduced setback will not restrict the neighbour's access to northern sunlight;
- As the void does not contain a floor or windows, there will be no overlooking of the adjoining properties. The privacy of neighbours is maintained.

PLANNING COMMENT

The following technical assessment is made in respect to the two proposed dwellings:

Front Setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscapes, view corridors and amenity). The acceptable development standards of the RDC also require a minimum 6m front setback in an R20 zone, albeit that this may be reduced to 3m providing it averages 6m across the lot or where a reduced setback corresponds with the average of the setback of existing dwellings on each side.

Lot 15

The proposed dwelling on the southern lot (Lot 15) has a front setback ranging from 5.1m (garage) to 6.3m (study) on the ground floor and between 4.5m (bedroom 3) to 5.78m (balcony) on the first floor.

Lots 58/59

The proposed dwelling on the northern lots (Lots 58/59) has a front setback ranging from 3.41m (garage) to 4.59m (study/bed 2) on the ground floor and between 3.995m (robe) and 5.55m (bedroom 3) on the first floor.

The existing streetscape in this part of Curtin Avenue comprises both older-style, single-storey dwellings, and newer contemporary, two-storey dwellings. The adjoining house on the southern side of Lot 15 is an older-style, single-storey dwelling with a large gabled porch that extends to within approximately 3m of the front boundary, whereas the dwelling adjoining Lots 58/59 on the northern side is a single-storey dwelling that fronts Pearse Street and has a reduced front setback and a zero setback to its garage on Curtin Avenue. The existing house (to be demolished) at 137 Curtin Avenue also has a reduced front setback of between approximately 1m and 3m.

The proposed dwellings will exceed the existing front setbacks on the lot and correspond to the average of the setback of the dwellings on each side thereby providing a transition between the corner property to the north and the existing dwelling to the south. The proposed front setbacks for both dwellings also exceed that previously approved by Council in 2008.

The proposed reduced front setback can be considered under performance criteria of the RDC which state:

Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to the desired streetscape;*
- *provide adequate privacy and open space for dwellings; and*
- *allow safety clearances for easements for essential service corridors.*

As previously mentioned, there are a number of other houses adjoining which have a reduced setback to Curtin Avenue and this section of road also has a particularly wide verge (approx. 27m) which further reduces the visual impact of the proposed dwellings on the existing streetscape. The modern contemporary design of the proposed dwellings will complement each other and the existing solid front wall along the frontage is proposed to be removed to give a more open aspect to the street which will assist in contributing to the desired streetscape. Adequate privacy and open space is retained for the dwellings and adequate clearances for easements for essential services appear satisfactory. Furthermore, these lots are proposed to be zoned Residential R30 under proposed LPS 3 which would permit a 4m front setback under the RDC.

Setback of Garages

The proposed double garages are an integral feature of the new dwellings but the garage on Lots 58/59 only has a 3.41m front setback, in lieu of 4.5m required under the acceptable development standards of the RDC. It is considered that the reduced setback to the garage can be supported under the relevant performance criteria of the Codes which states:

The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.

The juxtaposition of the proposed garage to the dwelling is sympathetic with the overall design and will not detract from the streetscape for reasons already discussed. Furthermore, the width of the garage is only approximately 50% of the lot frontage and will therefore not obstruct views of the dwelling from the street or vice versa.

Council Policy for 'Garages and Carports in Front Setback Area' (Policy TPSP 003) generally requires garages to be positioned behind the 6m front setback line. However, the policy does also allow for garages to be constructed with a reduced 4.5m front setback having regard to:

- *the relevant objectives of the RD Codes;*
- *the effect of such variation on the amenity of any adjoining lot;*
- *the existing and potential future use and development of any adjoining lots;*
- *existing setbacks from the street alignment in the immediate locality, in the case of setbacks from the principle street.*

Although this Policy does not specifically address walls on boundaries (see below) it is nevertheless relevant in this case and the setback variations sought for the proposed garages can be supported for the reasons previously discussed.

Walls on Boundaries

Double garages are proposed on the southern boundaries of Lot 15 and Lot 58 with a 5.1m and 3.41m front setback respectively, in lieu of a 6m front setback required under the acceptable development standards of the RDC for walls on boundaries. The length and average height of the proposed walls would otherwise be compliant with the RDC. The location of the walls can be considered under the performance criteria of the RDC which state:

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 location of the proposed garages on the boundaries make effective use of space particularly as the lots only have 12.19m frontages. Furthermore, the garage on Lot 15 will be located next to an existing driveway on the adjoining lot and will not be directly opposite any major openings and therefore is unlikely to have a significant adverse effect on the amenity of the adjoining property and potentially will enhance privacy. It also replaces an existing garage which is setback only approximately 1.5m from the front boundary, albeit setback 1m from the side boundary, and so it is not inconsistent with the existing streetscape. In addition, no submission has been received from the adjoining property owner at 133 Curtin Avenue following the advertising period for the application. The garage on Lot 58 will be on the boundary of the other proposed dwelling and will not have any significant adverse effect on the amenity of that property or significantly restrict direct sun or ventilation.

Side Setbacks

Side setback variations are sought for both proposed dwellings that can be assessed under performance criteria which state:

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 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.*

Lot 15

The proposed upper floor has a minimum 1.5m setback from the northern boundary, in lieu of a 2.1m setback required under the acceptable development standards of the RDC. This reduced setback will still ensure adequate direct sun and ventilation is maintained to the proposed dwellings and ensures that the southern boundary has the necessary setbacks from the boundary thereby not impacting on the adjoining southern neighbour. Furthermore, no major openings are proposed along this

elevation so privacy will be protected and the remaining side setbacks exceed the minimum requirements.

Lots 58/59

The proposed ground floor has a 1m setback from the proposed kitchen-family room to the southern boundary, in lieu of a 1.5m setback required under the acceptable development standards of the RDC and the proposed upper floor has a minimum 1.762m setback from the rear covered void area to the northern boundary in lieu of 2.2m. Both these variations are relatively minor and will still ensure that adequate direct sun and ventilation is available to the proposed dwelling and adjoining dwellings and that the impact of building bulk is ameliorated by the articulated design of the side elevations and because, in the case of the northern setback, the setback to the remainder of the upper floor exceeds the minimum requirements under the RDC and it is effected by an existing angled boundary which makes achieving the required setback more difficult.

Solar Access

Lot 15

The proposed dwelling on Lot 15 will overshadow 30% of the adjoining southern lot, in lieu of 25% permitted under the acceptable development standards of the RDC.

Lots 58/59

The proposed dwelling on Lots 58/59 will overshadow 26% of the adjoining southern lot, in lieu of 25% permitted under the acceptable development standards of the RDC.

These variations may be considered under performance criteria which state:

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

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

Due to the orientation of the lots the shadow cast by the proposed dwellings will generally avoid rear outdoor living areas and although there is a small porch on the northern side at the rear of the existing southern neighbour's property to Lot 15 this would be likely overshadowed by any proposed two-storey dwelling proposed on the lot. Furthermore, under the proposed R30 zoning for the lots up to 35% of the adjoining lots can be overshadowed under the acceptable development standards so the proposed variation is less than that which may otherwise be permitted once the new scheme is gazetted.

CONCLUSION

The proposed two, two-storey dwellings and pools can be supported with the setback and overshadowing variations sought as the proposal satisfies the relevant performance criteria of the RDC and is an acceptable variation to Council's policy pertaining to Garages and Carports in Front Setback Areas. The ridge height of the proposed dwellings are below the maximum height permitted under TPS 2 and this

will further assist in ameliorating their visual impact on the adjoining dwellings and the existing streetscape.

VOTING

Simple Majority

COMMITTEE COMMENT

The Presiding Member queried survey peg information on the plans and if boundaries were correct. The Senior Planning Officer advised that the survey was sound and supported by an advice note, plus that a condition covers location of the crossovers for retention of the verge trees. Committee was satisfied with the proposal.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council GRANT its Approval to Commence Development for two, two-storey dwellings and pools at Nos 135 & 137 (Lots 15, 58 & 59) Curtin Avenue, Cottesloe, in accordance with the plans submitted on 30 April 2013, subject to the following conditions:

- (1) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- (2) Stormwater runoff from the driveways or any other paved portion of the site shall not being discharged onto the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.**
- (3) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) The applicant applying to the Town of Cottesloe for approval to construct two crossovers, in accordance with Council specifications, as approved by the Manager Engineering Services or authorised officer.**
- (5) The proposed crossovers being located to ensure the retention of the existing street trees and the Works Supervisor determining the distance that the crossovers shall be located away from the base of the trees.**
- (6) The existing redundant crossover being removed, the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.**
- (7) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees (February 2005) where the development requires the protection or pruning of existing street trees.**

- (8) The roof surfaces 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.
- (9) Air-conditioning plant and equipment shall be located closer to the proposed dwellings 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.
- (10) The finish and colour of the southern boundary walls shall be to the satisfaction of the Manager Development Services.
- (11) Any fencing to the sites within the front setback area being of an "Open Aspect" design in accordance with Council's local law.
- (12) Lots 58 and 59 shall be amalgamated prior to occupancy of the dwellings.
- (13) The pool pumps and filters shall be located closer to the proposed dwellings 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.
- (14) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation sewer.
- (15) 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.

Advice Note:

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

Carried 9/0

10.3.5 PLANNING INSTITUTE OF AUSTRALIA 2013 NATIONAL CONGRESS - UPDATE

File Ref: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 20 May 2013

SUMMARY

On 25 February 2013 Council resolved to:

APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2013 National Congress in Canberra from 24-27 March 2013, and request that a report on the congress be provided within two months of attending the event.

The conference was attended and this report provides a summary of the topics discussed.

BACKGROUND

The Planning Institute of Australia is recognised nationally and internationally as the peak professional body representing town planners in Australia. The theme of this year's conference was *Celebrate the Value of Planning: Past, Present, Future* and it attracted speakers from Australia and overseas and was well attended by delegates from Western Australia and other States.

The main topics of presentation included:

- Achieving sustainable communities;
- Community participation and engagement;
- Climate change and sustainable city design;
- Sustainable urban transport corridors;
- New approaches to development assessment;
- Delivering successful Transport Orientated Development;
- Delivering successful urban outcomes for light rail in Perth;
- National and world heritage perspectives;
- Comparing metropolitan planning strategies for creating healthy cities;
- Successful place-making; and
- Challenges of urbanization and climate change.

A number of keynote speakers contributed to the program and the conference culminated in the presentation of the National Awards for Planning Excellence.

COMMENT

Key presentations are summarised as follows:

HRH The Prince of Wales (via video message)

The Prince of Wales gave his personal thoughts and ideas on town planning and the art of city-making and described the work of the Princes' Foundation for Building Community. He also discussed the planning principles used in the town of Poundbury, Dorset, UK, which is an experimental new town built on land owned by the Duchy of Cornwall. This Town is modelled on the Princes' own ideas of modern urbanism and has been described as an attractive, modern and pleasing place in which people can live, work, shop and play and where an emphasis is placed on the quality of design and materials, landscaping, and attention to detail - even down to street furniture and signage.

Mitch Silver, President, American Planning Association – The Value of Planning in the 21st Century

This presentation examined the massive rate of global urbanization that has occurred since the 19th Century and emphasized the responsibility of Planners to consider the 22nd Century (only 88 years away!). He suggested that we should be planning for an estimated 124 million more people in the USA in 50 years, and 16 million more people in Australia. He emphasized that Planners are the 'guardians of the future' and have a responsibility to protect public interest and therefore need vision, solutions, big ideas and courage to fulfill their responsibilities.

Prof. Dr Karl F. Fischer – Canberra: An international perspective

This presentation looked at the development and history of Canberra and the city's design which was based on a blueprint submitted by Chicago architects Walter Burley Griffin and Marion Mahony Griffin. The Griffins' plan featured geometric motifs such as circles, hexagons and triangles, and was centred around axes aligned with significant topographical landmarks in the Australian Capital Territory. It was influenced by the garden city movement and incorporates significant areas of natural vegetation that have earned Canberra the title of the "bush capital". The growth and development of Canberra were hindered by the World Wars and the Great Depression, which exacerbated a series of planning disputes and the ineffectiveness of a sequence of bodies that were to oversee the development of the city until Prime Minister, Robert Menzies, championed its development and the National Capital Development Commission was formed.

Danya Alexander – Collaborative Mapping Tool: Using Community Engagement to Solve Parking Issues in Subiaco

This presenter explained that between April and August 2012 the City of Subiaco undertook a city-wide parking study, led by technical consulting firm Arup. The study aimed to gather information to create an improved and sustainable approach to parking management in the City, addressing topics such as parking supply, demand and management. During this time, the City has sought feedback from residents, businesses, employees and visitors. However, rather than just restricting comments to persons living in the area, a collaborative mapping system on the City's website enabled anyone to be able to provide a comment and identify a particular problem area on a map. This may be an initiative that Cottesloe could consider for identifying issues associated with visitors to its main parking areas on the foreshore and town centre.

Phil Heyward – Collaboration: Falling Into Place, Not Falling Apart

This speaker discussed the need for a collaboration approach to planning, not just an essential method of community planning, but also as a driving force. He gave examples where following the Queensland floods the community had organized ways of working collaboratively to succeed in rebuilding communities and lives. Norman Creek in the Brisbane region was an example where a collaborative approach with the community has achieved multiple outcomes for the city including:

- strengthening the local economy;
- improving access and inclusion for all residents;
- making the city cleaner and greener;
- improving the health of the waterways and ecosystems;
- sport and recreational opportunities; and
- strengthening community connections (physical and social) within the catchment.

The Hon Chief Justice Robert French, Chief Justice of Australia

This presentation concentrated on the effects of planning decisions on the use and enjoyment of property rights. He explained how Planning Law and Practice exists within the general framework of administrative justice which seeks to ensure that public power is exercised lawfully, fairly, rationally and intelligibly. It is exercised within the framework of constitutional and statutory constraints and the great traditions of the common law applicable to the way in which our laws are interpreted and applied to all Australians in striking a balance between the public interest and the legitimate interests of individuals, communities and corporations in the use and enjoyment of their property.

Ross Holt, CEO, Landcorp

This presentation discussed the growth of the Pilbara Region and Landcorp's involvement with the State Government's 'Pilbara Cities' programme. The area is at the threshold of a new surge of industrial, commercial and population growth in the Pilbara and to capitalise on the opportunities that this future growth offers, it is necessary to rethink design responses to creating communities and shift from short term to longer term regionally specific responses. The scale and character of the existing Pilbara towns require strategic re-imagining for future urban and suburban development and the launch of the Pilbara Cities Vision by the Western Australian Government in 2009 proposed a complete transformation of towns across the region in order to provide centres that will attract new residents from Australia and overseas. Future transformation requires an almost complete regeneration of the existing urban form and includes major restructuring and activation of town centres in the Pilbara including densification and renewal of existing residential areas; development of new residential, commercial and industrial areas; and major upgrades and replacement of services and amenities infrastructure.

Brian Wyatt, CEO, National Native Title Council

This presentation examined the role of the National Native Title Council and discussed Indigenous property rights and the role of Native Title. He outlined where Native Title claims had been lodged and where they were been successful, and explained that the Council actively encouraged mining companies to negotiate

directly with Indigenous people in respect to property rights, rather than going through the State Government, as this often resulted in more successful agreements, such as with Rio Tinto, that has resulted in a good income stream, training and job opportunities for indigenous people.

Prof. Will Steffen – The Risks and opportunities of Climate Change for Urban Areas

This presentation outlined the effects of climate change and explained that 90% of global warming occurs in the oceans rather than on land due to the massive areas covered by water. This not only results in sea level changes that can be observed at the coast but also influences weather patterns resulting in increased rainfall in certain areas and droughts in other areas. He described, for example, how warming of the Indian Ocean had resulted in cold fronts being pushed further south that has resulted in the south-west of WA experiencing a drying climate. He also looked at opportunities that are presented to us as we strive towards lower emissions of greenhouse gases and these included exploring cleaner methods of energy production, alternative transport and changes in built infrastructure. This topic is particularly relevant to Cottesloe as climate change, flooding and coastal vulnerability are all issues that affect the foreshore and low-lying area.

Prof. John Stanley – Solutions for a Livable Australia.

This presentation looked at the effects of climate change and explored changes that we can make in the built environment to reduce pollution and carbon emissions. He examined the advantages of creating a Polycentric City which provides:

Central Areas:

- Major public transport investment to support urban agglomeration;
- Priority treatments to deliver competitive travel times;
- Local bus, walk, cycle for local circulation.

Inner Areas:

- Tram, bus, walk, cycle

Middle/Outer Areas

- Radial rail/bus for trunk services;
- Circumferential bus feeding nodes/clusters + bus for local circulation;
- Increase walking and cycling opportunities
- Promote health and safety;
- Create attractive road corridors that promote distinctiveness/liveability, such as boulevards.

Hank Dittmar, CEO, The Prince's Foundation Trust, UK

This presentation looked at examples in the UK of the work of the Princes' Trust and emphasized the importance in empowering neighbourhoods to make decisions that will enhance their locality and engaging stakeholders in design forums that lead to quality outcomes.

Clover Moore MP, Lord Mayor, City of Sydney

This was a visionary presentation that looked to urban renewal and consolidation as providing an effective response to population growth in an environmentally

sustainable way - so long as it is supported by clean efficient transport, a wide range of local community facilities, and more and improved open space. By 2031, metropolitan Sydney will have an extra 1.3 million people bringing it up to 5.5 million. The Lord Mayor welcomes these challenges and emphasized the benefits of density, such as lively and walkable neighbourhoods; easy access to quality local shops; quality community facilities and libraries; diverse cultural opportunities; and the possibility of greater sustainability. There are many comparisons between the infill and urban renewal that is occurring in Sydney with that occurring in Perth and this discussion provided an insight of how these challenges may be addressed in the planning system and emphasised the need for active community engagement for it to be a success.

CONCLUSION

The Senior Planner thanks Council for the opportunity of attending this conference which provided a high level of training and exposure to new ideas and concepts. It also provided an opportunity to see first-hand planning initiatives that had been developed in 'new towns' such as Belconnen, Gungahlin and Parks on the outskirts of Canberra which have had mixed success, but now were undergoing further intensification of housing, retail and office development with a growth of population in these areas. This has also created demand for a light rail system to be built to provide better public connectivity from these centres to the CBD, not unlike the transportation needs in Perth.

VOTING

Simple Majority

COMMITTEE COMMENT:

Committee commented on the interesting line-up of speakers at the conference and they were happy to endorse this event and receive this report.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

THAT Council receive this report on the 2013 Planning Institute of Australia National Congress.

Carried 9/0

10.4 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 21 MAY 2013**10.4.1 PROPOSAL FOR A THREE BIN SYSTEM IN COTTESLOE TO SEPARATE GREEN WASTE**

File Ref: SUB/375
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Darrell Monteiro
Principal Environmental Health Officer

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider the introduction of a third bin for “green waste” and the recommendation is to consult with the community in relation to this matter prior to finalising its decision and determining an implementation plan.

BACKGROUND

Residents of the Town of Cottesloe currently receive the following services:

- 1x 120L bin with a green lid for general rubbish collected weekly and
- 1 x 240L bin with a yellow lid for recyclables collected every fortnight.
- 2 x annual verge-side green waste collections in March and September.
- 2 x annual verge-side combined green and bulk waste collections in May and November.

General waste including green waste collected in the general waste bin is currently delivered to the Western Metropolitan Regional Council (WMRC) transfer station and presently this waste is transported to landfill. Green waste collected from the Town’s verge-side collections and tree pruning works is also delivered to the same transfer station and is recycled.

There is evidence to suggest that with the provision of a residential green waste bin, the Town would be able to divert at least 25% of the total residential general waste amounting to approximately 575 tonnes per annum. By providing all single-residential properties with a 240L bin for separation of green waste, the Town should be able to achieve three main objectives –

1. Provide the community with an improved service.
2. Increase the Town’s waste diversion rate in line with the Town’s sustainability focus and the Waste Authority’s Strategic Plan.
3. Reduce the Town’s annual waste disposal costs.

The project will require “start up” expenditure for the purchase of bins and lids and accordingly, this report has been prepared to inform Council and the community of the project and includes a recommendation to consult with the community prior to final determination.

Should Council decide to proceed with the project;-

1. A new contract with a green waste recycler would need to be entered into.
2. Samples or trials might need to be arranged.
3. The new bins and lids will need to be purchased and distributed
4. An information and education program and resources will need to be prepared and sourced.

The current waste collection contract with Cleanaway ends in November 2013 and a green waste collection can become part of the specification of a new or renewed contract.

Disposal of Residential Waste

In Cottesloe, residential putrescible waste including a percentage of green waste is collected weekly from the 120L general waste bins. It is possible that some green waste also contaminates the 240L recycle bin, which is emptied fortnightly.

Under the requirements of the Waste Delivery Agreement (WDA) with Western Metropolitan Regional Council (WMRC), Cottesloe must use the transfer station at Shenton Park for disposal of its putrescible waste. In 2013/14 the fee for disposal of general waste at transfer station will increase to \$192.92 per tonne (ex GST), while the disposal fee for green waste collected from the annual verge-side green waste collections will increase to \$65 per tonne (ex GST).

Primary Savings

If green waste from the 120L bin can be separated and processed as green waste, it presents the Town with an opportunity to save a considerable amount annually, with savings increasing every year due to the increasing cost of landfill disposal. The savings will vary depending on:-

- i. The number of tonnes of green waste diverted.
- ii. The cost of disposal of kerb-side green waste.
- iii. The cost of transportation of the kerb-side green waste to a facility other than the transfer station at Shenton Park.
- iv. Whether the number of annual verge side collection can be reduced.

Sustainability

Diverting green waste represents a Sustainable initiative as the separated green waste can be recycled and reused as compost. The state Waste Authority in its new Waste Strategy has set an ambitious target of achieving 65% waste diversion across metropolitan WA by 2020. Currently only 25-30% of Cottesloe's waste is being diverted from landfill, however this will change when the DiCom project is fully operational. By implementing a three bin system and separating green waste during kerbside collections it is estimated that Cottesloe's residential waste diversion rate could increase to an average 50%.

Supporting Data

The City of Nedlands introduced a three bin system similar to the one being proposed for Cottesloe in November 2006. A report provided by Bowman and Associates following their audit of the three bin system in Nedlands conducted in 2007 indicated that the properties that received a green waste bin were diverting up to 65.6% of waste from landfill. The report also summarised that the City of

Nedlands total waste disposal rate had increased to 46.9% in the introductory year of the program and that the rate of diversion could increase to 51.7% with increased education. The report also made mention of the fact that a 2004 audit found that their putrescible waste bin contained up to 41% green waste.

Based on the City of Nedlands' findings and also on discussions with the current waste collection contractor, Cleanaway; it is estimated (conservatively) that Cottesloe could divert 575 tonnes of green waste per year. This represents 25% of the total weight of residential putrescible waste that is currently delivered to the WMRC transfer station.

PROPOSAL

The New Three Bin System

Each single-residential property will have a minimum of:

- 1 x 120L bin with a red lid for general rubbish emptied weekly.
- 1 x 240L bin with a yellow lid for recyclables emptied fortnightly.
- 1 x 240L bin with a green lid for green waste emptied every fortnight alternating with the recycling week.
- 2 x annual verge-side green waste collections in March and September.
- 2 x annual verge-side bulk waste collections in May and November.

Note - To avoid confusion, comply with the Australian Standard and reduce contamination, it is proposed that the current green lid on the 120L putrescible waste bin be replaced with a red lid.

Information and Education Program

For the new system to work well and with minimal contamination of the bins, it is proposed that the Town devote sufficient resources to create and implement an information and education campaign.

Verge-side Collections and Tip Passes

With the introduction of the green waste bin; lawn clippings, tree prunings and small branches will be collected every fortnight. This would reduce the need to continue with the current four annual green waste verge-side collections. It is proposed that the number of green waste verge-side collections be reduced to two annually in March and September. The two remaining verge-side collections would allow for residents to dispose of larger branches and tree stumps which ideally should not be placed in the green waste bins.

No change to the two annual verge-side bulk/junk waste collections is proposed. Residential bulk waste will continue to be collected in May and November annually. Further, WMRC issues tip passes (as currently available) which will also be available for purchase by residents for disposal of green and bulk waste above and beyond these provisions.

Residential Verge Green Waste Removal

Currently, the Town's staff clean up green waste such as pine needles and leaves gathered by residents as required, in order to keep the Town looking tidy. With the provision of the green waste bin for disposal of green waste, this represents a potential further saving for the Town.

Exclusions

It is important to note that it is proposed that large multi-residential developments will not be provided with a green waste bin. This is because it has been found that with several people using the same bin, the level of contamination is potentially much higher and there is less accountability.

Higher levels of contamination equate to increased costs of disposal. If the percentage of contamination exceeds 5%, it represents a significant task and expense for composters to remove contamination and dispose of it and the final compost product inadvertently containing contamination in the form of plastics is of a very low grade.

Stakeholder consultation with WMRC

Following the budget review meeting, the Town has written to the WMRC seeking advice on the following:

1. *Is the WMRC supportive in principle of source separation of green waste?*
2. *Does the separation of green waste adversely impact on the DiCOM operations?*
3. *Is the transfer station able to process green waste from fortnightly kerb-side collections? If so, would the green waste processing fee be in line with the standard green waste processing fee (i.e. \$65/T for 2013/14)?*
4. *If the WMRC is unable or prefers not to process green waste at the transfer station, could the green waste be processed by a third party directly?*
5. *Would this have any bearing on the Waste Supply Agreement or Waste Delivery Agreement?*

WMRC's report to its Strategic Review Committee, indicates that:

1. WMRC is supportive of source separation of green waste.
2. The diversion of green waste would not impact on the DiCOM operations.
3. The transfer station is unable to process kerb-side green waste currently.
- 4/5. The Town of Cottesloe would receive an exemption from WMRC to deliver the green waste to a third party for processing.

Green Waste Processing

Having to source an external receiver for green waste adds an additional complication to the process. Further, the final savings will vary depending on the cost of disposal and the distance to transport the green waste.

Preliminary discussions with composting companies have commenced and the WMRC are investigating the possibility of receiving and processing green waste.

Possible State Government Funding

The WMRC stated in its report that, *"It is understood that the Waste Authority is preparing 'Best Practice Guidelines for Kerbside Collections' which are anticipated for release in mid-2013. Whilst the guidelines have not been released, WMRC understands the best practice guidelines will mirror the service proposed by WMRC in 2011 – which supports the implementation of a three bin system. Industry speculation suggests the Waste Authority has allocated \$7.5m over two years to assist Councils achieve the best practice."*

Any funding available that will reduce the set-up costs would be beneficial to the project and an application will be made to the Waste Authority accordingly.

STRATEGIC IMPLICATIONS

- The new three bin system will improve source separation of green waste. This is in line with the Waste Authority's Waste Strategy targets for increased waste diversion.

FINANCIAL IMPLICATIONS

There are no current resources allocated, and this will need to be considered as part of Council's budgetary process. However initial estimates suggest that there will potentially be significant savings to Council from year 2 onwards.

Areas where expenditure is anticipated during the introduction of the program:-

- Purchase of 240L bins for green waste collection.
- Purchase or trade of red lids for the current green lids on 120L bins.
- Consultancy fees for an information / education program to introduce the new system and ensure contamination is kept to a minimum.

The Town will save on:

- The difference in costs of disposal of putrescible and green waste for every tonne of waste diverted.
- The cost of the two reduced verge-side green waste collections.

STAFFING IMPLICATIONS

The introduction of fortnightly kerb-side green waste collections would eliminate the need for the Town's staff to spend time and resources for any additional residential verge clean-ups.

Staff time and resources would be used for the roll-out of the new bins and replacement of 120L bin lids.

Depending on the complexity of the project and the education program, there may be a need for some additional administrative or environmental health support.

SUSTAINABILITY IMPLICATIONS**Waste Management and Recycling**

- Commitment on reducing waste (e.g. reduced packaging, reduced material usage)
- Commitment on resource efficiency (reducing, reusing, recovering, recycling)

CONSULTATION

This report recommends that residents be consulted as to whether they would support a change to the new three bin system for green waste separation.

STAFF COMMENT

The proposed three bin system for source separation of green waste ensures:

An improved service

Each single residential property will receive an extra bin for green waste which will be collected every fortnight at no extra cost to the resident.

Enhanced green credentials

The Town will be diverting approximately 50% of its total waste from landfill.

Savings

The Town will save substantially on costs due to the difference between the disposal fees for general waste and green waste. It is anticipated that from the years following the initial costs of purchasing the bins and creating an education program, the savings in disposal costs, two reduced verge-side collections and staff resources will outweigh the added collection and transportation costs.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell noted that the 240L bins would be good for green waste such as grass clippings and small branches, however there would still be a need for the two annual green waste pickups provided by the Council, as larger green waste would not fit in the proposed bins. Cr Rowell queried whether it would be difficult to find a company other than WMRC to assist with the removal of such waste.

Cr Strzina as Council's representative to WMRC referenced the Officer report and advised that the separation of green waste would reduce the overall cost of disposal of the Town's waste and make the process more efficient.

The CEO confirmed that larger green waste items would still require removal via a kerbside pickup, and as such the kerbside pickup service would not be removed altogether, however the majority of the Town's green waste would fit in the 240L bins. The CEO further advised that there are a number of suppliers that offer a green waste removal service, and as the Town is due to go to tender for its waste removal in November 2013, the tender could include the additional service requirements.

Cr Strzina advised Committee that the Town could potentially benefit from a State Government trial on the efficacy of a 3 bin system, with the possibility of having the upfront costs funded. The Principal Environmental Health Officer confirmed that he had received information regarding an education campaign by the Waste Authority and that the Town's proposed 3 bin system could potentially be used to showcase the trial.

Committee discussed the way in which the community consultation would take place, with the CEO advising that the consultation process would follow Council policy, suggesting that hard copy and online surveys, adverts in local papers, the Cott Page and potentially other media coverage could be used to provide the message to the community, with feedback to be received by officers in varying form (e.g. email, letter etc).

Cr Hart queried whether the proposed project would be abandoned if the community provided negative feedback, with the CEO advising that the feedback would be presented to Council for consideration and discussion, but the expectation is that the Community would see the proposal positively.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council;

- 1. Support in principle, introduction of a third bin for residential green waste.**
- 2. Seek feedback from the community on the proposed new Three Bin System.**
- 3. Be presented with a report after July 2013 with the findings of the community feedback.**

Carried 9/0

10.4.2 REQUEST FOR FUNDING ASSISTANCE - NORTH COTTESLOE SURF LIFE SAVING CLUB

File Ref: SUB/1484
Attachments: [Letter of request NCSLSC](#)
[Donations Application](#)
[Flyer Lifeguard Towers](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson / Mat Humfrey
Manager Development Services / Manager
Corporate & Community Services
Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

This report advises Council of two requests for funding assistance from North Cottesloe Surf Life Saving Club (NCSLSC) including one for \$75,000 towards the completion of the expansion of the NCSLSC premises and one for \$50,000 as a donation towards the purchase of two life guard towers.

BACKGROUND

On 14 December 2009 Council supported an application for ground and lower ground floor alterations and additions (including an extension to the lease boundary) to the NCSLSC. This was subsequently approved by the WAPC on 3 May 2010, subject to conditions and advice notes.

On 13 December 2010 Council supported revised plans for the proposed ground and lower ground floor alterations and additions (including further modification to the lease boundary) for the NCSLSC. At the December 2010 meeting Council also supported an application submitted by the NCSLSC for landscaping and a new dual-use pathway to the north and west of the proposed works and an application for a partial road closure of Marine Parade to facilitate the approved alterations and additions.

On 28 February 2011 Council rescinded its resolution of 13 December 2010 with respect to the proposed landscaping and new dual-use pathway at the request of the NCSLSC and replaced it with a resolution to advertise a revised plan received from the Club on 1 February 2011, which showed landscaping and a concrete dual-use pathway, rather than a proposed boardwalk to the west of the proposed extensions. On 27 April 2011 Council resolved to support revised plans for the landscaping and concrete dual-use pathway following advertising and the application was subsequently approved by the WAPC on 7 July 2011. Building licence applications were received from the NCSLSC in June and July 2011 for the alterations and additions as well as for the landscaping and dual-use pathway.

On 27 October 2011 an application was submitted by the NCSLSC for another modification to the approved additions and lease boundary and was, according to the

applicant, necessary to accommodate fire tanks and pumps and satisfy FESA and BCA requirements. On 12 December 2011 Council considered and supported the NCSLSC proposal subject to conditions, to extend the previously approved lower ground floor area to their Clubrooms and lease area by 149m² to accommodate two water tanks and a pump room required to satisfy FESA and BCA requirements.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

A request for a financial contribution of \$75,000 has been received for assistance with landscaping, limestone steps and associated works. Responsibility for costing and funding the Club's redevelopment rests with the Club and at no time has Council contemplated or budgeted for a financial contribution, especially as the Town would not otherwise be undertaking the works now or in the foreseeable future.

Council contributed a donation \$4,000 to the NCSLSC for the upgrade of an inflatable rescue boat in the 2012/2013 budget. The NCSLSC has submitted a donation application for the 2013/2014 budget for \$50,000 towards the supply, assembly and installation of two Surveyor Beach Patrol Towers at North Cottesloe Beach.

Councils current (proposed) budget for community donations is \$40,000.

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

Council has consistently supported the proposed expansion of the NCSLSC, including the realignment of the dual-use pathway, the extension to the existing lease area and partial closure of Marine Parade, having due regard to its strategic policies (Beach Policy, Future Plan, Beachfront Objectives) and weighing up the risks of supporting the construction of a new building and pathway in an area potentially vulnerable to coastal erosion and flooding. The WAPC has subsequently approved each of the development proposals.

Support for the extension to the Club's leased area resulted in loss of and disruption to the public domain, and physical expansion of the building, was clearly premised on the affected infrastructure being re-established as an essential expectation, and at the Club's cost as developer. Likewise, the need for a fire service water supply solution was occasioned by the Club's proposal whereby it is an incumbent cost.

In the officer's opinion, at no time has Council contemplated or budgeted for a financial contribution. Council's recommendation and the Western Australian Planning Commission's approval included a condition that the Club performs full reinstatement and landscaping of the dual use path and open space: with the engagement of the environmental/landscape consultant being necessary to achieve that. The Club should not be considering reducing landscaping of the open space as suggested.

Council donates each year to local clubs and community groups in relation to their service activities (where it can afford to) and as part of its annual budget process operates a donations scheme. However, the Town should not be seen as a back-up source of funds by community organisations for development projects, and would not want to set a precedent in that respect. In the case of the request for the lifeguard towers, it is considered that this does represent an important service to the community. Council's current donation policy allows for relatively small requests of up to \$5,000 and subject to conditions. Its current proposed budget for 2013/14 is \$40,000. According to the information provided by the Club the cost of purchasing and installing two lifeguard towers is \$64,000 and the request to the Town is for \$50,000.

The request for assistance in respect of the costs associated with their building works and fire protection solution, as well as their indication to compromise other areas of the build including landscaping in the public areas, is of concern. It is recommended that Council decline the request and advise the Club that they must find a way to meet its obligations in accordance with their planning approval.

In relation to the request for a donation for two lifeguard towers it is recommended that Council consider a "one off" contribution of \$32,000 (the cost of one tower) in recognition of the work carried out by the Club in the area of surf life saving and that this be referred to Council as part of its consideration of the 2013/14 budget.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell discussed the positive impact that the NCSLSC has on the community, and stated that The Town of Cottesloe is one of the few local government authorities that does not provide premises for surf club operations. Cr Rowell commented that the NCSLSC are a self supporting service, that benefit both the younger and senior members of the community.

Cr Hart queried whether the Town would also consider similar funding for Cottesloe Surf Life Saving Club (CSLSC). The CEO advised that he had recently met with

CSLSC who are currently working on a proposal for a permanent tower with funding support from the State Government.

Committee queried whether the request from NCSLSC had been included in the 2013/14 draft budget, with the CEO advising that it had been highlighted for consideration and would be discussed at the upcoming workshop. Cr Strzina made reference to the two new proposed towers and queried the data regarding the increased use of the beach.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT COUNCIL;

- 1. Advise the NCSLSC that its request for \$75,000 funding towards the completion of the expansion of the NCSLSC premises has been declined.**
- 2. Advise the NCSLSC that Council will consider a donation of \$32,000 as part of its 2013/14 budget for the purchase and installation of one lifeguard tower.**

Carried 9/0

10.4.3 APPOINTMENT OF A COUNCIL REPRESENTATIVE TO THE LIBRARY MANAGEMENT COMMITTEE

File Ref: SUB/547
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Carl Askew
Chief Executive Officer

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider and appoint a representative member to the Grove Library Management Committee.

BACKGROUND

The Town has an Agreement with the Town of Mosman Park and Shire of Peppermint Grove to provide a joint library service at the Grove Library. The day to day operations of the library are managed by the Library Manager, with oversight provided by the Library Management Committee (LMC).

The Library Management Committee comprises a member of each of the three participating councils and meets bi-monthly. A senior staff member from each Council also attends these meetings (Manager of Corporate and Community Services from the Town) however they are non-voting. The Library Manager also attends these meetings.

In October 2011, as part of its appointment of Council members to various committees and groups, Council appointed Cr Jeanes as delegate and Cr Pyvis as deputy delegate to the Grove Library Management Committee. In April 2013 Cr Jeanes notified the CEO of his resignation from the position of Library Management Committee representative. This was subsequently advised to the Library Management Committee via the library Manager.

STRATEGIC IMPLICATIONS

Library Services fulfil a range of community outcomes for partner Councils. These include indoor recreation, early childhood literacy, support for students, cultural enrichment, preserving community history, placemaking and community cohesion, personal development, and social and digital inclusion.

An optimum range of library services facilitates maximum return on investment in infrastructure and services. Major cost components of the library operations include staffing and facility operating costs. Avenues for revenue raising are limited by statute and community expectations.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Library Board of Western Australia Act and Regulations provides for the Library Board to oversee the establishment and ongoing development of public libraries. The Library Board through its agent the State Library of Western Australia provides both in subsidies (provision of some library stock) and networked services (state-wide catalogue and interlending service, including a courier service, and Better Beginning) to statewide library network.

The Library Act Regulations state that local governments may not charge for core library services such as membership or lending (Section 8). They also state effectively that any citizen of Western Australia may become a member of any public library in Western Australia (Section 5 (4)).

Each local government is also bound by a Framework Agreement negotiated between WALGA and the Library Board, setting out certain undertakings with regards to the provision of library services, including standards to be followed regarding such matters as opening hours, staffing, and range of services to be offered.

FINANCIAL IMPLICATIONS

The primary cost for Library Management Committee is elected member and staff time. The Committee meets bi-monthly.

STAFFING IMPLICATIONS

Staffing is a major expense for the Grove Library with approximately 9.8 FTE. The Manager Corporate and Community Services attends the Library Management Committee as a non-voting member.

SUSTAINABILITY IMPLICATIONS

Sustainability is listed as one of key aspects of The Grove "culture". The library building itself has some of the most modern and environmentally sustainable systems available. While this provides for a sustainable building, the associated education and awareness programs provide further sustainable benefits.

CONSULTATION

Nil

STAFF COMMENT

Council is requested to appoint a representative to the Library Management Committee (LMC). The role of chair of the LMC is rotated between members and currently sits with the Town of Cottesloe. As such the newly appointed representative will assume the role of chair of committee for 2013. Should Cr Pyvis, the current deputy to the LMC decide to nominate for and be appointed to the role of Council delegate, it would also be appropriate to appoint a deputy delegate at this time.

VOTING

Simple Majority

COMMITTEE DISCUSSION

The CEO advised Committee that he had received an email from Cr Pyvis nominating herself to the Library Management Committee. The CEO advised that it would also be preferable to have a deputy delegate nominated to the Committee at this time.

Committee discussed the nomination from Cr Pyvis and Cr Downes nominated herself as deputy delegate. As a consequence Committee agreed to an amendment to part 1 of the officer recommendation.

OFFICER RECOMMENDATION

Moved Cr Strzina, seconded Cr Rowell

THAT Council;

1. Appoint Cr _____ to the Library Management Committee.
2. Notify the Library Management Committee of Council's decision.

AMENDMENT

Moved Cr Strzina, seconded Cr Rowell

THAT point (1) be amended to include Cr Pyvis' nomination as delegate and Cr Downes as deputy delegate.

Carried 5/0

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council;

1. Appoint Cr Pyvis to the Library Management Committee, with Cr Downes as Deputy.
2. Notify the Library Management Committee of Council's decision.

Carried 9/0

**10.4.4 ENDORSEMENT OF DRAFT LIBRARY AND COMMUNITY CENTRE
BUDGET 2013 / 2014**

File Ref: SUB/547
Attachments: [Final Library Financials March 2013 and draft budget](#)
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Mat Humfrey
Manager Corporate & Community Services
Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider the draft budget for the Grove Library, as presented to the Library Management Committee at its meeting on 19 April 2013.

BACKGROUND

The Towns of Cottesloe and Mosman Park, together with the Shire of Peppermint Grove have managed and delivered a combined library service for some time. The operations of the Library are overseen by the Library Management Committee, with some items referred back to participating Councils for endorsement. The budget is approved in this way, where the Library Management Committee approve the budget to be sent to the respective Council's for consideration.

At its meeting on 19 April 2013, the Library Management Committee resolved;

- 1. That the Library component of the budget be endorsed for submission to participant Councils.*
- 2. That the amended Community Learning Centre Budget be endorsed for submission to participant Councils, with a view that the Grove Review Committee will review business options for the Community Learning Centre in due course.*

The draft budget is now being presented for Council's consideration.

STRATEGIC IMPLICATIONS

There are no perceived strategic implications from this report.

POLICY IMPLICATIONS

There are no perceived policy implications from this report.

STATUTORY ENVIRONMENT

There are no perceived statutory implications from this report.

FINANCIAL IMPLICATIONS

The Town's process for setting its annual budget is well underway. The costs indicated in the library budget, as endorsed by the Library Management Committee are within the amounts allocated to date in the Town's budgeting process.

STAFFING IMPLICATIONS

There are no perceived staffing implications directly associated with this report.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications directly associated with this report.

CONSULTATION

The Library Management Committee have endorsed the attached budget for submission to the member Councils.

STAFF COMMENT

In recent years there have been significant operating cost increases associated with the new Library. From the evidence to date, these cost increases reflect the increased size of the library, which naturally has increased the operating costs.

This year, the overall increase in operating cost of the library is 2.96%. This is a remarkable achievement given that the biggest costs of the library (staff costs, cleaning and utilities) have all had "built in" cost increases above that figure. As we have recently been advised, electricity has increased 4%, water increased 6% and the EBA which covers library staff has an automatic increase of 4% as well. Further to this compulsory superannuation contributions have increased and inflation is projected at 2.1%. To keep overall cost increases to 2.96%, the library has taken a great deal of discipline and this is a credit to the management.

The "costs" of the community centre have also increased for many of the same reasons, however through efficiencies and review of income, the overall cost of the facility has decreased. There is a view with some members that the community centre should run on a "cost recovery basis", however, based on current policy it is likely that it will still require subsidisation for the foreseeable future.

The cost increase to the Town of Cottesloe is as follows

	Cost 2012/2013	Cost 2013/2014	% increase
Library General	534,715	556,084	4.00%
Library Projects / Awards	7,000	3,000	-57.17%
Community Centre	25,201	18,676	-25.90%
TOTAL	566,916	577,760	1.91%

The overall cost increase for the combined budgets of 1.9% is a good result for the Town, but one that would not likely be repeated. The costs savings in the special projects area are not possible in future years (without dropping the projects altogether) and the cost savings at the Community Centre are also a one off, with many efficiencies not available in later years. However, Library Management have

done an exceptional job in keeping control of cost increases, and the requested increase is well within the amounts allowed for in the draft budget as it stands at the moment.

There is a slight difference between the overall cost increase for the library and community centre and the amount of the Town's contribution. This has been caused by the use of the latest Census data, which shows that the Town's percentage of the population of the combined councils has increased from 42.47% to 42.89%. This has seen our contribution increase by the same percentage of the overall cost. Under the provisions of the Library Management Agreement, this ratio will be used as the basis for this calculation until the next Census is completed.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council endorse both components of "The Grove's" budgets as presented to the Library Management Committee and include the relevant contributions in Council's draft 2013/2014 budget.

Carried 9/0

10.4.5 MATERIAL VARIANCES FOR STATEMENTS OF FINANCIAL ACTIVITY

File Ref: SUB/1578
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Mat Humfrey
Manager Corporate & Community Services

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

Council is being asked to consider its level of materiality for statements of financial activity.

BACKGROUND

Under the Australian Accounting Standards an item is considered material if its omission or mis-statement could influence the decisions of the users of a financial report. An item may be material because of its size, nature or both.

Under the *Local Government (Financial Management) Regulations 1996* local governments are required to set their level of materiality for their Statements of Financial Activity every financial year. The materiality referred to is for the difference between the budgeted amount for an item and the actual income or expenditure that occurs.

Council is being asked to consider its level of materiality for the preparation of the 2012/2013 Statements of Financial Activity.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (r34(5)).

FINANCIAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

In a local government context, setting a level of materiality sets the level at which any variance to budgeted expenditure must be reported on both the financial statements, as well as a separate list of material variances. While it may be tempting to list every variance, this could result in information overload – and may in fact mean that important information is missed. By only including the significant items on the variance list (i.e. the items that are material) Council is more likely to be aware of and able to act on any items of importance.

The Town has had a level of materiality set at 15% for some time. What this means in a reporting sense is that any budget line item where actual expenditure varies from budgeted expenditure by 15% or more, it must be listed in a report called “Material Variances” as well as included in the Statements of Financial Activity.

This level is still considered to be appropriate as it eliminates any small variances caused by estimation or rounding, while still being low enough for Council to be aware of any trends that may be occurring in income or expenditure.

VOTING

Simple Majority

COMMITTEE DISCUSSION

Cr Rowell stated that the Town had a favorable surplus, and queried what would be done with the funds. The MCCS advised that the surplus did not include reserve transfers, as they take place at the end of the financial year, resulting in a much lower figure, he also highlighted that there is still two months of operating expenses (e.g. wages etc), and that a carry forward forecast would be presented at the budget workshop.

Cr Strzina commented that the Town is in a very good position and staff should be congratulated for achieving such high satisfaction ratings, and at the same time providing a favorable budget. He further congratulated the CEO, the MES and the MCC for getting works done in the Town. Lastly he stated that the finance / administration team have been very successful in getting the finances in a good state

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council in accordance with the *Local Government (Financial Management) Regulations 1996* set the level of material variance for the 2012 / 2013 financial year at 15%.

Carried 9/0

**10.4.6 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2012 TO
30 APRIL 2013**

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by Nature and Type, the statement of financial Position, and other supporting financial information for the period 1 July 2012 to 30 April 2013 as included in the attached Financial Statements.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Statement of Financial Activity on page 1 of the Financial Statements shows favourable operating revenue of \$654,257 or 34%. Operating expenditure is \$174,848 or 2% more than year to date budget. All material variances are outlined on the Variance Analysis Report on pages 7 to 11 of the attached Financial Statements. Capital expenditure is reported in detail on pages 30 to 33 of the attached Financial Statements.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Statement of Financial Activity, Operating Statements by Program and by Nature and Type, Statement of Financial Position, and other supporting financial information as included in the attached Financial Statements for the period 1 July 2012 to 30 April 2013, and as submitted to the 21 May 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.7 SCHEDULES OF INVESTMENTS AND LOANS AS AT 30 APRIL 2013

File Ref: SUB/150 & SUB/151
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 30 April 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 25 of the attached Financial Statements shows that \$3,710,917.62 was invested as at 30 April 2013. Approximately 40% of the funds are invested with Westpac Bank, 27% with the National Australia Bank, 20% with Bankwest and 13% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 26 of the attached Financial Statements shows a balance of \$5,870,772.29 as at 30 April 2013. Included in this balance is \$337,611.36 that relates to self supporting loans.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Schedule of Investments and the Schedule of Loans as at 30 April 2013. These schedules are included in the attached Financial Statements as submitted to 21 May 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.8 LIST OF ACCOUNTS PAID FOR THE MONTH OF APRIL 2013

File Ref: SUB/137
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the list of accounts paid for the month of April 2013, as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The list of accounts paid in April 2013 is included in the report on pages 13 to 22 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$36,108.56 to the Australian Taxation Office for the monthly Business Activity Statement.
- \$59,730.37 to Transpacific Cleanaway for the monthly waste and recycling service.
- \$48,400.00 to Focus Demolition & Asbestos Removal for stage 1 of the depot demolition.

- \$155,884.30 to the Shire of Peppermint Grove for Council's quarterly contribution towards the library service.
- \$450,000.00 to the Town of Cottesloe's business investment account.
- \$78,275.11 & \$82,607.42 to the Town of Cottesloe staff for fortnightly payroll.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the List of Accounts Paid for the month of April 2013 as included in the attached Financial Statements, as submitted to the 21 May 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

10.4.9 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 30 APRIL 2013

File Ref: SUB/145
Responsible Officer: Mat Humfrey
Manager Corporate & Community Services
Author: Wayne Richards
Finance Manager

Proposed Meeting Date: 21 May 2013
Author Disclosure of Interest Nil

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

BACKGROUND

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

SUSTAINABILITY IMPLICATIONS

Nil

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 27 and 28 of the attached Financial Statements shows a balance of \$76,956.52 as at 30 April 2013 of which \$54,640.77 related to the current month.

The Rates and Charges Analysis on page 29 of the attached Financial Statements shows a total balance outstanding of \$391,165.50. Of this amount, \$202,338.19 and \$62,971.86 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows a current asset rates balance of \$245,621 as compared to \$282,980 this time last year. Debt recovery action on outstanding balances is in progress.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Rowell, seconded Cr Strzina

THAT Council receive the Property and Sundry Debtors Reports as at 30 April 2013. These reports are included in the attached Financial Statements as submitted to the 21 May 2013 meeting of the Works and Corporate Services Committee.

Carried 9/0

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

Nil

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

Nil

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

Nil

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 7:39 PM.

CONFIRMED MINUTES OF 27 May 2013 PAGES 1 – 92 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: / /