

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, 29 OCTOBER, 2007**

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	4
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3	PUBLIC QUESTION TIME.....	4
4	APPLICATIONS FOR LEAVE OF ABSENCE	5
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
6	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
7	PUBLIC STATEMENT TIME	5
8	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	7
9	REPORTS OF COMMITTEES AND OFFICERS.....	8
9.1	CHIEF EXECUTIVE OFFICER.....	8
9.1.1	GENERAL ELECTORS MEETING - ACCEPTANCE OF ANNUAL REPORT	8
9.1.2	CENTENARY CELEBRATIONS - STREET PARTY KIT	11
10	DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 15 OCTOBER 2007	14
10.1	PLANNING	14
10.1.1	NO. 5 (LOT 12) SALISBURY STREET – GROUND AND SECOND STOREY ADDITIONS TO REAR OF DWELLING	14
10.1.2	NO. 37A (LOT 102) PEARSE STREET – PROPOSED DELETION OF BALCONY SCREEN – REQUEST TO CHANGE APPROVED PLANS	20
10.1.3	NO. 54 (LOT 2) MARGARET STREET – TWO-STOREY DWELLING WITH UNDERCROFT GARAGE, RETAINING WALLS, FRONT PLANTER WALLS AND SWIMMING POOL	27

11	WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 16 OCTOBER 2007	51
11.1	ADMINISTRATION	51
11.1.1	COTTESLOE TENNIS CLUB	51
11.2	ENGINEERING	53
11.2.1	COTTESLOE TOWN CENTRE - PARKING STUDY - LONG TERM PARKING	53
11.2.2	LOCATION OF NEW FLAGPOLE - COTTESLOE BEACH	59
11.3	FINANCE	61
11.3.1	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST, 2007	61
11.3.2	STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007	63
11.3.3	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 AUGUST, 2007	65
11.3.4	SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007	67
11.3.5	ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST, 2007	69
11.3.6	ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007	71
11.3.7	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 31 AUGUST, 2007	73
11.3.8	PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007	74
12	STRATEGIC PLANNING COMMITTEE MEETING HELD ON 17 OCTOBER 2007	75
12.1	GENERAL	75
12.1.1	DRAFT ACTION PLAN REPORT	75
13	COMMUNITY SAFETY & CRIME PREVENTION COMMITTEE MEETING HELD ON 5 OCTOBER 2007	78

13.1	GENERAL BUSINESS	78
	13.1.1 PROPOSED CHANGES TO BEACHFRONT CAR PARK TIME LIMITS	78
14	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	81
15	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING.....	82
	15.1 COMMUNITY AND LIBRARY ENDOWMENT STEERING COMMITTEE.....	82
	15.1.1 APPOINTMENT OF COMMITTEE DELEGATES	82
16	MEETING CLOSURE	84

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.41pm.

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

Mayor Kevin Morgan
Cr Jay Birnbrauer
Cr Greg Boland
Cr Patricia Carmichael
Cr Daniel Cunningham
Cr Jo Dawkins
Cr Bryan Miller
Cr Victor Strzina
Cr John Utting
Cr Jack Walsh
Cr Ian Woodhill

Officers in Attendance

Mr Stephen Tindale	Chief Executive Officer
Mr Andrew Jackson	Manager Planning & Development Services
Mr Geoff Trigg	Manager Engineering Services
Miss Kathryn Bradshaw	Executive Assistant

Apologies

Mr Graham Patrick	Manager Corporate Services
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Leave of Absence (previously approved)

Nil

Response to Previous Public Questions Taken on Notice**3 PUBLIC QUESTION TIME**

Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Dawkins, seconded Cr Strzina

That Cr Dawkins request for leave of absence from the November meetings be granted.

Carried 11/0

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Woodhill

The Minutes of the Ordinary Meeting of Council held on Monday, 24 September, 2007 be confirmed.

Carried 11/0

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor thanked those who were involved in the local elections. He extended particular thanks to the outgoing Councillors Arthur Furlong and Peter Jeanes for their time and input into the business of Council. Special recognition was given to the lengthy community service of Arthur Furlong.

The Mayor congratulated those who have been re-elected and those newly elected members. The Mayor had no doubts that this Council will be a great decision-making team.

The Mayor flagged an important meeting with the Minister for Planning and Infrastructure on 13 November 2007. The main objective of the meeting is to agree on the State and Council being involved in a community forum so that draft TPS3 can be settled and in particular, the contentious beachfront height limits issue.

The Mayor also made reference to a thank you letter he received from Tersilla De Nardi regarding the naming of De Nardi Lane in her late husband's honour.

7 PUBLIC STATEMENT TIME

Murray Casselton, Level 7, 182 St Georges Terrace, Perth – Item 11.1.3. No. 54 (Lot 2) Margaret Street – Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front planter Walls and Swimming Pool.

Mr Casselton, spoke as an objector on behalf of the owners of the neighbouring property at 56 Margaret Street. He commented that they are strongly encouraged by the recommendations being put to Council tonight and how it is not only a response to the concerns of height and privacy, but how the development must meet the town planning requirements.

There is still an issue regarding the plans based on the topography of Margaret Street sites. Being a fundamentally north-easterly lot it has been

filled-in to create a terrace. The new plans propose a pitched roof design that is still flat from the street side. The 1.8m retaining wall height will also be circumvented as the excess fill with raises the site greater than the retaining wall allowance which will result significantly increased levels. A request was made to Council to reduce the rear fill level by 500mm.

Tim Wright, 7 Margaret Street – Item 11.1.3. No. 54 (Lot 2) Margaret Street – Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front planter Walls and Swimming Pool.

Mr Wright said that he takes his architecture passionately and they are not just simply attempting to back-fill the site but to create a beautiful house. Mr Wright concurred there is some fill to the rear of the site but the rear property will be still be half a metre higher. Every attempt has been made to ensure that the design is appropriate but it must be considered that the adjoining house is higher and therefore something has to be done in order to get some northern sun. The development will still be within the height requirements set by Council. Mr Wright said that this is going to be a show-case of a house and that he has received much positive feedback on the design. He would like to proceed with the development and current positive theme. It will be a beautiful property.

Peter Goff, Planning Consultant – Item 11.1.3. No. 54 (Lot 2) Margaret Street – Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front planter Walls and Swimming Pool.

Mr Goff acknowledged that from a planning point of view, there have been a number of points in opposition raised with respect to the design and while it will only be half a metre lower than the rear property, the overall height is more than half a metre lower than the eight and a half metre scheme requirement. He made comment that the skillion roof design is creating the issue but this is because on the northern side there is a traditional roofed house and on the southern side also a pitched-roof house. What the proposed roof does is to create a visual bridge with the neighbouring eaves on the northern and southern sides. From a streetscape perspective, the dwelling has a lot of benefits. It effectively integrates a modern house style with traditional types. In relation to the wall height, he concurred it is higher than six metres on one side, but this is a product of trying to integrate with the existing streetscape. The less-satisfactory alternative would be to simply replace a bit of wall with roofing material which is going to be too steep in any event and have no beneficial effect.

Kristin Kestel, Owner – Item 11.1.3. No. 54 (Lot 2) Margaret Street – Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front planter Walls and Swimming Pool.

As the person who is going to be living in the residence Ms Kestel put to Council that of the two design options which have been recommened-upon by the Manager of Development Services, the first design is the best. While this option does not have strong endorsement from the southern neighbour, the environmental aspects of the design must be considered. It demonstrates sustainable building design such as grey-water use and a solar deck and allows the mature trees on the site to be retained. The design has already

been modified twice from discussion with the southern neighbours. After a complaint from the northern neighbours the terrace and wall heights were also modified. Her particular concern was the large three-storey dwelling to the north and trying to get out of its shadow. A request was made to Council to approve the design.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9 REPORTS OF COMMITTEES AND OFFICERS

SUSPENSION OF STANDING ORDER

Moved Mayor Morgan, seconded Cr Miller

That Standing Order 12.1 relating to the requirement to rise when addressing the Council through the Mayor be suspended for the duration of the meeting.

Carried 11/0

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 GENERAL ELECTORS MEETING - ACCEPTANCE OF ANNUAL REPORT

File No: SUB/383
Attachment(s): [Annual Report 2006/2007](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 24 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

A recommendation is made to accept the annual report for the 2005/06 financial year and to hold the general electors meeting on Wednesday, 21 November 2007.

BACKGROUND

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

5.27. Electors' general meetings

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

5.29. Convening electors' meetings

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

5.53. Annual reports

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

5.54. Acceptance of annual reports

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

*** Absolute majority required.**

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

5.55. Notice of annual reports

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

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

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

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

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

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

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

CONSULTATION

N/A.

STAFF COMMENT

The annual report (see attached) is made up of a number of reports including those of the Mayor and CEO, an overview of the plan for the future, the annual financial statements, the auditor's report and other statutory and prescribed reports and information.

The last General Meeting of Electors was held on Wednesday, 13 December, 2006.

Subject to Council's acceptance of the Annual Report, the earliest suitable date to hold the electors meeting will be Wednesday, 21 November 2007 (committee week).

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

9.1 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Council:

- (1) Accept the Annual Report for the 2006/07 Financial Year, and**
- (2) Call the General Meeting of Electors, to be held in the War Memorial Town Hall, Cottesloe Civic Centre, on Wednesday, 21 November, 2007 commencing at 7.00pm.**

Carried 11/0

9.1.2 CENTENARY CELEBRATIONS - STREET PARTY KIT

File No: SUB/10
Attachment(s): [STREET PARTY INFORMATION KIT](#)
[PUBLIC LIABILITY INSURANCE - QUOTATION](#)
[ROAD TRAFFIC \(EVENTS ON ROADS\)](#)
[REGULATIONS 1991](#)

Author: Miss Kathryn Bradshaw
Author Disclosure of Interest: Nil
Report Date: 24 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

This report recommends the approval of a Centenary Celebration *Street Information Party Kit* and that costs for the first 10 applicants be paid by the Town of Cottesloe from the 2007/2008 centenary celebrations budget.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The expenditure of \$226 per street party, for 10 applicants can be covered from within the budgeted expenditure of \$54,000 for Centenary Celebrations as approved by Council in the 2007/2008 budget.

BACKGROUND

At the June 2007 meeting of the Events Committee it was resolved:

That a street party information kit be developed and incorporated into the Centenary Celebrations. Council's role be that of a facilitator by assisting the public in the organisation of their own events.

Included in the street party information kit is the requirement to obtain public liability insurance and where applicable, the correct procedure and payment of a prescribed street closure fee where required.

CONSULTATION

Nil.

STAFF COMMENT

As it was suggested that the Centenary Celebrations might be a bit light on for events, the possibility of Council facilitating a series of street parties was investigated.

The *Street Party Information Kit* has been developed based on an example of the City of Melbourne project.

Initially there were issues obtaining a quote for the public liability insurance based on the nature of the request. However, after reviewing the documentation and Council's requirements, a reasonably priced quotation was obtained through Council's insurers on a per street party basis.

The basic costs attributable are:

Insurance Premium	\$143.00
Printing and Stationery	\$25.00
Prescribed Fee	\$58.00 (<i>street closures only</i>)

When it became apparent that the cost of facilitating a street party was relatively minimal, the possibility of Council meeting the cost of the first 10 successful applications was considered.

The *Street Party Information Kit*, public liability insurance quotation and associated legislation is attached to this report.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

- (1) Approve the *Street Party Information Kit*.
- (2) Approve the payment of costs for the first 10 applicants for street parties in 2007 to a maximum of \$226 each to be paid by the Town of Cottesloe from the 2007/2008 centenary celebrations budget.

AMENDMENT

Moved Mayor Morgan, seconded Cr Strzina

That the following changes are made:

- (1) **The payment of costs be increased from 10 to 20 applicants.**
- (2) **The following be included as item (3) that the kit includes a suggestion that the street party might be used as an opportunity to swap phone numbers with your neighbours to promote good neighbour relations and endorse a neighbourhood watch scheme.**

Carried 11/0

9.1.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Council:

- (1) Approve the *Street Party Information Kit*.**
- (2) Approve the payment of costs for the first 20 applicants for street parties in 2007 to a maximum of \$226 each to be paid by the Town of Cottesloe from the 2007/2008 centenary celebrations budget.**
- (3) The kit include a suggestion that the street party might be used as an opportunity to swap phone numbers with your neighbours to promote good neighbour relations and endorse a neighbourhood watch scheme.**

Carried 11/0

10 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 15 OCTOBER 2007

The agenda items were dealt with in the following order: Item 10.1.3 and then the balance in numerical order enbloc.

10.1 PLANNING**10.1.1 NO. 5 (LOT 12) SALISBURY STREET – GROUND AND SECOND STOREY ADDITIONS TO REAR OF DWELLING**

File No: 1263
Author: Mr Lance Collison
Author Disclosure of Interest: Nil
Report Date: 20 September 2007
Senior Officer: Mr Andrew Jackson

Property Owner: Mr Aaron Papandroulakis

Applicant: as above
Date of Application: 20 August 2007

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 900m²
M.R.S. Reservation: N/A

SUMMARY

The application is for ground floor alterations and additions and a new second storey.

These are located at the rear of the dwelling and result in effective urban design by virtue of the following:

- Preserves the streetscape presentation of the existing character dwelling.
- Reflects the form of surrounding dwellings, including a rear two-storey residence on the northern side.
- Manages built form by following the downward slope of the site, respecting established setbacks.

Overall, the proposed extension blends in well with the locality and suits the appearance of the dwelling.

The proposal as submitted and assessed here seeks building and wall height variations due to topography. Following liaison with officers the designer and owner have agreed to a condition to meet the building height and to require only a relatively minor wall height variation, which is considered acceptable in the site context and setting.

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

PROPOSAL

On the ground floor the existing house is being altered with a new kitchen and various walls being removed or shifted. The built envelope on the ground floor will be increased with a new W.I.R and ensuite added adjacent to the existing bedroom 1 to the southern side.

A new upper floor is being added. The rooms on this floor include games, bath, WC, linen store, two bedrooms and two W.I.Rs. A staircase links the two floors.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

- Building Heights Policy No 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 Building Height	6m maximum wall height 8.5m maximum building height	6.8m wall height (agreed to reduce to 6.5m) 8.8m building height (agreed to reduce to 8.5m)

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of a Letter to Adjoining Property Owners.

Submissions

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

BACKGROUND

A well established single storey residence can be found on the property. A solid front fence and a rear shed were approved in 1976. Rear additions to the residence were added in 1977 and a carport in 1981.

STAFF COMMENT

Natural ground level

The natural ground level is determined to be RL 12.07. This was calculated using a four-corner method. The existing residence occupies the centre of the block so the centre of the site method was not used. Council's Geographic Information System indicates that a 12m height contour runs through the middle of the lot and confirms the RL 12.07.

The lot slopes approximately 2.7m downwards from the southeast to the northwest corner of the lot, and this is a factor in the design of the rear additions.

Wall and building height

The wall height does not meet Town Planning Scheme No. 2 for two-storey dwellings. The proposal is for a 6.8m (or RL 18.87) wall height whereas 6m is the maximum permitted. The proposed building (roof) height is 8.8m (or 20.87) whereas 8.5m is the maximum permitted. Clause 5.1.1 of TPS2 as shown below refers:

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

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

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

In this circumstance a variation is warranted by reasons of topography and as an extension to an existing building. The existing single-storey residence has a split ground floor level to reflect the slope of the site. Most of the ground floor has a finished floor level of RL13.2 and the rear section including the family, linen and WC has a finished floor level of RL11.92.

The proposal entails building a second storey over the part of the residence which currently has an RL of 11.92 and 13.2. Achieving a second storey addition within the wall height limit above an existing split level ground floor is difficult. It is also noted the existing ground floor level in some sections of the residence is built-up towards 1m above natural ground level.

The floor-to-ceiling heights of the ground floor below the proposed second storey range from 2.4m for the meals area, bedroom 2 and bathroom to approximately 3.7m for the family and linen rooms. Therefore, it is seen as unreasonable to ask for the second-storey floor level to be lowered. This is because a habitable room is expected to have a minimum 2400mm floor-to-ceiling height under the Building Code of Australia.

Also, a split-level on the upper storey is undesirable and would require a complete redesign of the extensions. A split-level design may also result in a wall height variation for part of the upper storey.

The second storey floor-to-ceiling height is proposed to be 2700mm and this is not considered excessive. However, following liaison by officers the applicant is willing to reduce the floor-to-ceiling height to 2400mm. A reduction of 300mm would reduce the effective wall height to 6.5m above natural ground level at the centre of the site. This is recommended to be a condition of approval.

It should be noted that there have been no objections to this wall height variation and there is no direct impact or loss of amenity to the neighbours due to the generous side setbacks and no privacy variations. The height variation is located at the centre of the block and will give a stepped-effect from the street. It is considered that the bulk and scale will not be out of keeping with neighbouring properties.

It is also noted that the application is asking for a building height concession. An 8.8m (RL 20.81) building height is proposed. However, it is assessed if the wall height is reduced by 300mm then if the roof pitch angle is to be maintained, whereby the residence would be 8.5m (RL 20.57) high and in compliance with the Scheme standard. The applicant is willing to reduce the building height to 8.5m above natural ground level and this is also proposed to be in a condition of planning approval.

Other elements

The proposal easily meets all privacy, overshadowing, setback and open space requirements of the Residential Design Codes.

CONCLUSION

The design of the rear extension respects the existing dwelling, streetscape and neighbours and is a relatively modest proposal.

The wall height variation for the additions is supported as a response to the topography and as an extension to an existing built situation. The applicant is maintaining the façade of the well-established residence and has attempted to keep the additions of a similar style. The existing ground floor level varies and building a second storey above that is compliant with the Scheme is not easily achieved given the changing floor-to-ceiling heights of the various rooms on the ground floor.

There are no negative amenity issues and the application easily meets all RDC provisions. There have been no objections to this proposal. It is recommended that the application be approved subject to conditions, including a reduction in the wall height variation and compliance with the building height standard.

VOTING

Simple Majority

COMMITTEE COMMENT

The Planning Officer clarified that the applicant has provided information reducing the upper floor level from RL16.170 to RL15.870, to reduce the wall height from RL18.870 to RL 18.570, in accordance with the condition of approval, while maintaining a 2700mm second storey ceiling height and a habitable ceiling height for the ground floor.

Committee had no query or comment regarding this proposal.

10.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

That Council GRANT its Approval to Commence Development for the Development Application for Ground and Second Storey Additions to Rear of Dwelling at No. 5 (Lot 12) Salisbury Street, Cottesloe, in accordance with the plans submitted on the 20 August 2007, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**

- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (6) Revised plans shall be submitted for a Building Licence, showing the maximum wall height being reduced to RL 18.57 (6.5m) and the maximum building height being reduced to RL 20.57 (8.5m), to the satisfaction of the Manager Development Services.

Carried 11/0

10.1.2 NO. 37A (LOT 102) PEARSE STREET – PROPOSED DELETION OF BALCONY SCREEN – REQUEST TO CHANGE APPROVED PLANS

File No:	1210
Author:	Ms Delia Neglie/Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Report Date:	8 October 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Mr John Travers
Applicant:	Buildwise
Date of Application:	27 August, 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	338m²
M.R.S. Reservation:	N/A

SUMMARY

Construction of a residence at the subject property is nearing completion. Permission is requested to delete an approved privacy screen along the western side of the upper-level front balcony and replace it with a balustrade.

Given the history of assessments and approvals for the two dwellings at 37A and 37 Pearse Street and their interrelationships, from the further assessment undertaken, the recommendation is to decline to support the application.

PROPOSAL

A two-storey residence with basement parking for the subject site was approved under delegation in October 2005. Plans for the proposal included privacy screens on both sides of the balcony to the western and eastern elevations, in recognition of the usual privacy requirements. Approval was granted subject to a number of conditions, including providing the privacy screening to a minimum height of 1.65m above FFL.

Under this current amendment development application, the screening on the eastern side is proposed to be retained, but the applicant is requesting approval to not install the screening to the western side and to replace it with a balustrade.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2

Clause 5.1.2 provides as follows:

Notwithstanding the specific provisions of this Scheme in considering a proposed development, Council shall have regard to and may impose conditions relating to the following –

- (i) *in respect of privacy, the impact of verandahs, balconies and of large viewing windows above ground floor level;.....*

Clause 5.1.3 Privacy provides as follows:

In considering a proposed development, Council shall have regard to the likely impact on privacy enjoyed by neighbouring developments, and shall impose conditions requiring that windows overlooking backyards or neighbouring private spaces shall have a sill height of 75 cms and that balconies similarly overlooking backyards and private spaces shall have closed balustrading which cannot be seen through. Council may also place conditions on the locations of large viewing windows above ground floor levels and balconies in order to further protect the privacy enjoyed on neighbouring properties.

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 8 – Privacy	First Floor Balcony – 7.5m setback	1.2m setback	3.8.1 – P1

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

The application was advertised in accordance with the Scheme and R-Codes, by letter to the western neighbour, Mr David Rogers who lodged the following submission of objection:

Further to your request for me to consider an amendment to the balcony wall height on the first floor of the building currently under construction at the above address I advise that we have approached the owner in an attempt to discuss this plus other issues needing to be discussed in respect of the approved plans for 37 Pearse Street.

Our request for a meeting has been refused by Mr and Mrs Travers and I have visited the property and believe at this stage without further discussion I must oppose the proposed change.

BACKGROUND

- The approved dwelling is currently under construction.
 - A subsequent planning approval was granted in August 2007 for a front fence with wrought Iron gates.
 - Council in May 2007 approved a two-storey dwelling with basement parking for the adjoining lot at 37 Pearse Street to the west. That proposal was deferred by Council and revised several times, including in order to take into account the concerns of the owners of 37A Pearse Street.
 - The final revised and approved plans addressed the front of the dwelling in terms of the interrelationship to the subject eastern neighbouring dwelling under construction and the streetscape. In particular, the wall and roof heights were reduced, the front portion was setback further from the side boundary at both levels, and windows were rationalised. To ensure mutual privacy, a blank wall and side-screened balcony at first floor level, and a highlight window and alfresco area at ground level, will face the subject property's front balcony and alfresco areas. A condition was also imposed to address the detailed design of side dividing fencing and landscaping between the two front yards.
 - Following the negotiations which led to these changes to 37 Pearse Street, the owners of 37A Pearse Street now consider there is no longer a need for their balcony to provide screening on its western side.
 - In a brief letter the applicant, Buildwise, simply requests that the proposal *be assessed under the performance criteria for the following reason:*
 - As the Balcony is facing onto the front streetscape any overlooking will only be into the front yard of the neighbouring property which can also be viewed from the street.*
- No other justification is provided regarding the history of the approvals, design and amenity considerations or assessment against the privacy requirements of the Scheme and R-Codes.
- In advertising and assessing the proposal officers have discussed the matter with both parties and encouraged a dialogue, however, the respective owners have not wished to engage in any joint discussion.
-

- It is pointed-out that the front, north-facing yards of both dwellings, where open space is at premium in these long, narrow lots, are primary ‘private’ outdoor areas designed to be used, whereby a reasonable amount of privacy is a common objective.

SITE CONTEXT

- A site inspection has revealed as follows:
 - At present the dwelling under construction enjoys commanding, virtually panoramic views from the upper-level balcony.
 - From the front elevation, this affords an attractive outlook along the streetscape in both directions.
 - The eastern side elevation presently looks upon the side of the new dwelling next door and out to the streetscape but is to be screened. That dwelling has solid screening to the side of its front balcony in the normal manner to ensure privacy.
 - From the western side, the current outlook will be blocked by the approved dwelling next door and, were the balcony unscreened, it would be possible to view down into the ground level highlight window and forward outdoor spaces of that residence.
 - Hence it is apparent that screening to this side of the balcony as required is desirable for mutual privacy; in the same manner as the eastern side and as originally approved.
 - Screening to this side would still allow access to sky, light and air, with a sizeable gap above the screen to the roof, while also offering protection from the western sun and winds.
 - The balcony is off a family room and the plans show it containing an outdoor dining suite and space for a BBQ, whereby it would be well-used which emphasises the importance of privacy.
 - It is also apparent that the unscreened ground-level alfresco is another general privacy consideration, whereby it relies on the intended dividing fence for two-way privacy, and the fact of this open-aspect component influences the desire for privacy protection from the more obvious upper-level balcony.

PRIVACY ASSESSMENT

- The balcony has a 1.2m setback from the side boundary and under the R-Codes privacy provisions it would normally need to be setback a minimum of 7.5m were it unscreened.
- However, as the cone of vision setback of the proposed open-aspect side of the balcony does not comply with the Acceptable Development Standards of the R-Codes, assessment may be considered in terms of the Performance Criterion of Clause 3.8.1 (P1) of the R-Codes, which is:

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

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

- There is to be only a 2.2 metre separation between the subject balcony and the eastern wall of the proposed residence on the adjoining lot. At first floor level the outlook from the balcony would be to a blank wall and have a cone of vision towards a screened balcony. The outlook from the balcony would also be downwards to a highlight window to a living room, the unscreened ground floor alfresco and the front yard – not to the front yard alone as claimed by the applicant.
- It is clear that there would be an extensive side cone of vision encroaching from the unscreened balcony to various areas of the adjacent dwelling and outdoor spaces where privacy is desired and indeed expected. It is also clear that the design of dwellings with small side setbacks, and especially on long, narrow lots, needs to pay particular attention to respective privacy requirements. Hence the use of screening as the fundamental means of achieving privacy. This is the established regime in this row of three new dwellings. It is demonstrably effective as evidenced by the eastern dwelling; plus as initially applied for in anticipation of the usual requirements.
- In other words, there would be direct overlooking opportunities which would not meet the performance criterion of the R-Codes in relation to privacy, and in addition to actual overlooking would create a sense of being overlooked due to the open-aspect nature of the balcony. By way of comparison, the nature and degree of overlooking on this side would be more obvious than were the western side of the balcony left unscreened to that neighbour, yet the applicant has not requested that.
- A further consideration is that both 37A and 37 Pearse Street have been designed with increased front setbacks, which while beneficial to the streetscape, means that the outlooks take in more of the sides and front areas of each adjacent dwelling rather than being limited to the front yards only. It should be noted, too, that the side screens are to prevent looking backwards along the sides of both neighbours.
- There are also the principles of equity and consistency in managing the responsibility for screening between the balconies. In this regard the design of 37 Pearse Street was amended significantly to satisfy the amenity requirements of 37A Pearse Street, and that should be respected by maintaining the screening to the balcony at 37A. This situation and the interrelationships between the properties is outlined below:

Extracts from reports on 37 Pearse St:

The proposal asks for a variation to the front balcony and the proposal complies with the Performance Criteria of the RDC. The subject cone of vision faces the street and does not overlook any habitable rooms on the adjoining property due to a side screen wall. The balcony overlooks the front garden of 37A Pearse Street which is open to the street and not a private open space.

The Manager Development Services has liaised specifically with the designer and owner to elaborate on the aspects identified in the assessment so far and to explore design solutions, in particular adequate compliance with development requirements and the concerns raised by the eastern neighbours.

Upon receipt of the further revised plans the MDS met with the eastern neighbours to explain the process and modifications; and the neighbours have

confirmed that they raise no objection to these revised plans (with one proviso regarding the dividing fence, which can be covered by a condition of approval). In this respect, the plans indicate a 1.8m high masonry screen wall to the common side boundary forward of the proposed dwelling, however, discussions with the designer and neighbours have indicated that the fencing / screening treatment and landscaping here could be further refined to ensure an attractive interface between the two properties and to the street. This is a matter of detail that can be satisfactorily addressed by further liaison. [Note: a condition was imposed accordingly.]

A screen has been provided to the eastern side of the first floor balcony at the front of the site. In the previous plans, the screen was identified as being 1.8m in height, which complies with (and exceeds) the RD-Code requirement for a privacy screen. In the current plans, the screen has been reduced to 1.55m in height, which does not provide sufficient privacy, and no explanation for this has been given. It is recommended that a condition of approval address the screen height, which is required to be 1.65m above the finished floor level and can be easily accommodated.

The narrow site in order to achieve setback compliance in terms of privacy has required most windows to be minor openings, using raised sill heights (ie highlight windows) or obscure glazing. This affects the amenity of the proposed dwelling regarding natural light and ventilation. However, a proposed window is located in the upper-level indented wall which meets the skillion roof pitch. This is a skylight window, with a sill height of 2.5m above the finished floor level and will have no impact on the neighbour's privacy. It will increase the amount of natural light available to the master bedroom, which is a habitable room, and will also articulate the eastern elevation of the dwelling.

CONCLUSION

It should be appreciated that the purpose of the planning controls and of Council's approach to the approval of the dwelling has been to secure acceptable privacy outcomes.

From the above it can be seen that under the terms of the Scheme and R-Codes, and taking into account the history of the designs, assessments and approvals involved, it is difficult to sustain that the subject balcony ought to be unscreened. On this basis it is concluded that the proposal cannot be supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee had no query or comment regarding the recommended refusal.

10.1.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Birnbrauer

That Council:

- (1) **REFUSE** to grant its Approval to the Development Application for deletion of the intended privacy screen to the western side of the upper-level front balcony at No. 37A (Lot 102) Pearse Street, Cottesloe, for the following reasons:
- (a) The approved screen is required to provide privacy to the adjoining western property in accordance with the provisions of Town Planning Scheme No. 2 and the Residential Design Codes;
 - (b) Deletion of the screen would compromise the privacy interrelationship between the subject two properties and be inconsistent with the privacy regime applied to the design of the approved dwellings as well as to the eastern adjacent dwelling;
 - (c) Deletion of the screen would be contrary to orderly and proper planning generally in terms of privacy and amenity considerations.
- (2) **Notify the submitter accordingly.**

Carried 11/0

10.1.3 NO. 54 (LOT 2) MARGARET STREET – TWO-STOREY DWELLING WITH UNDERCROFT GARAGE, RETAINING WALLS, FRONT PLANTER WALLS AND SWIMMING POOL

File No:	1266
Author:	Mr Lance Collison / Mr Andrew Jackson
Author Disclosure of Interest:	Nil
Attachments:	Location plan Various attached including submissions, photos, plans Email from architect with photos and plan
Report Date:	21 September 2007
Senior Officer:	Mr Andrew Jackson
Property Owner:	Damian & Kristin Kestell
Applicant:	Wrightfeldhusen Architects
Date of Application:	24 August 2007
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	655m²
M.R.S. Reservation:	N/A

SUMMARY

This proposal for a new, architect-designed contemporary residence aims to achieve a number of desirable planning parameters, as well as seeks some variations on a performance-basis. The detailed design addresses the entire site and reflects a response to the topography, surrounding properties and streetscape.

A planning consultants report was provide in support of the application, as attached. The application plans attached include site data, floor layouts, elevations, streetscape profiles/images, heights/levels and cross-sections, shadow impacts (both upon and by the proposal, open spaces, privacy screening solutions and interrelationships with neighbouring properties.

Neighbour consultation has resulted in no objection from the southern side, some comments from the eastern rear (separated by the lane) and objection from the northern side. A wealth of information by way of letters from the parties and consultants involved elaborates on this in the attachments; together with the comprehensive plans from the applicant architects and report form their planning consultant.

To assess these aspects officers have liaised with the northern neighbour and his consultants on several occasions, including joint inspection from that property and of the subject site.

In addition, as part of the overall assessment process, officers have liaised with the applicant architects, who have provided revised and supplementary plans and images, and made a presentation to the Design Advisory Panel for feedback.

All of this material and dialogue has been useful input. Beyond that, this report provides a technical and evaluative assessment in the conventional manner, in order to distill the key aspects for consideration and determination, with a recommendation to conditionally approve the application.

URBAN DESIGN APPRECIATION

- The site sits near the end of a cul-de-sac and represents somewhat of a hollow relative to the surrounding topography.
- The existing vacant single-storey salmon-brick and green-tile era bungalow is a comparative anomaly in the urban landscape containing grander and more avant-garde architectural expressions.
- The site obviously lends itself to a typical two-storey (and undercroft) type of development to take advantage of the coastal orientation and opportunity for shared views in this locality, in keeping with the vernacular and eclecticism of Cottesloe.
- At the same time the design can be seen as an approach to constraints of the site, whilst respecting the built-form, streetscape and amenity characteristics of the vicinity.
- As a brief overview, from an urban design perspective the attributes of the proposal include:
 - A front setback satisfying the 6m standard and staggered between the setbacks of the dwellings either side.
 - Relatively normal-to-generous side and rear setbacks for good separation distances, effective use of space, northern exposure and management of privacy.
 - Positioning of the two-storey component towards the front in sympathy with the adjacent dwellings, and a narrower, lower single-storey plus terrace component at the rear.
 - This distribution of building bulk which matches the scale of the neighbouring dwellings avoids placing a two-storey component down the lot with mass and amenity implications to those properties.
 - A height and roof-line which steps-down the built form along the street, bridging the dwellings each side.
 - A fair degree of fill and retaining at the rear to enable the utilisation of fully-developed open spaces for outdoor recreation and service areas, having regard to the elevated northern lot next door.
 - Landscaping treatment of the front yard including planter boxes to suit the built-up nature on this section of the street.
 - Privacy controls entailing layout/outlooks, fixed screens and vegetative screening.
 - Design for climate and sustainability.
- Altogether, the proposal constitutes a contextual design which has attempted to work with the site as well as fit-in with the established built environment, combining architectural and planning objectives to create acceptable built-form and amenity outcomes.

- The tests of the proposal and this urban design approach are covered in the planning assessment section of this report.

PROPOSAL

A two-storey dwelling with undercroft parking, some side retaining walls, front planter-box feature walls and a swimming pool is proposed.

On the basement level, a four-car garage, steam room, shower room, laundry, cellar and sports storeroom are proposed.

On the ground floor, four bedrooms, four ensuites, a study, lounge, playroom and a small balcony are proposed. Externally a swimming pool, deck, drying court and landscaped lawn area with underground water tanks are proposed. New limestone retaining walls and boundary fencing are proposed on the northern and eastern side boundaries. Planter box walls are proposed in the front setback area.

On the upper floor, a dining, kitchen, lounge, powder rooms are proposed. A terrace, solar terrace and balcony are proposed externally. Staircases link the levels.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

POLICY IMPLICATIONS

- Building Heights Policy No. 005

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2

Clause	Required	Provided
5.1.1 Building Height	Maximum 6m wall height Maximum 8.5m building height	8.03m maximum to tip of skillion roof
5.1.4 Height of Retaining Walls	1.8m maximum height	Technically scales up to 1.9m at external steps at one point but effectively 1.65 at retaining wall/outdoor area

Town of Cottesloe Local Law

Local Law	Required	Provided
Fencing Local Law	Fence may be solid to 900mm and open-aspect above	Planter box walls solid to 1.3m at front boundary

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No. 3 – Boundary Setbacks	Ground North Wall – 3.2m setback	1.3 to 2.3m setback	3.3.1 – P1
No. 3 – Boundary Setbacks	Ground South Wall – 6.4m setback	1.9 to 2.8m setback	3.3.1 – P1
No. 3 – Boundary Setbacks	Upper North Wall – 2.2m setback	1.3 to 1.7m setback	3.3.1 – P1
No. 3 – Boundary Setbacks	Upper South Wall – 3.1m	2.4 to 2.9m setback	3.3.1 – P1
No. 6 – Site Works	Filling not more than 0.5m within 1m of a common boundary.	Up to 2.02m of fill adjacent to northern boundary, against existing retaining walls to neighbouring property.	3.6.1 – P1
No. 8 – Privacy	6m cone of vision setback – living room.	3.6m setback	3.8.1 – P1
No. 8 – Privacy	6m cone of vision setback – lounge room.	3.6m setback	3.8.1 – P1
No. 8 – Privacy	7.5m cone of vision setback – terrace.	7m setback	3.8.1 – P1
No. 9 – Design for Climate	Maximum 25% overshadowing.	30.25% overshadowing	3.9.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was advertised in accordance with the Scheme and R-Codes by letters to adjacent property owners.

Submissions

Four letters were sent out and three submissions received, one in support and two in objection; one of which entails follow-up letters by an architect and planning consultants for that owner. The submissions are summarised below:

Brett Purkiss on behalf of the estate of L Pearse – Unit 2/60 North Street

- *Object to the pool in its proposed location due to reduced privacy.*
- *Request that the residence complies with all planning requirements and building codes.*
- *Concerned the pool is at a level which is under the two main bedrooms of their property (across the lane).*

Scott Douglas & Kate Macdermott of 52 Margaret Street

- *They are satisfied the overshadowing of 30% instead of 25% will not affect their amenity.*
- *It is agreed that the window of the rear playroom will be deleted (facing their property).*
- *They have no objections and are pleased with the proposed design and believe the architecture of this quality will enhance the community.*

Kingsley Pearce Architect on behalf of Mr & Mrs Buckland of 56 Margaret Street

- *Object to the overall height of the proposal and the reduction of amenity to their property.*
- *Object to the residence being 1m higher than allowed under the RDC for residences with concealed roofs.*
- *Any reduction in height will alleviate the overlooking from the 1st floor living and alfresco areas and active courtyard area of 56 Margaret Street.*
- *They see no reason why the Scheme and Codes should not be complied with.*
- *The setbacks of the northern elevation appear closer to the boundary than allowed under the RDC.*
- *The windows of the ground floor sitting area overlook bedrooms of 56 Margaret Street.*
- *Object to the rear first floor alfresco area of 54 Margaret Street overlooking into the rear ground floor patio and alfresco area of their property.*
- *Concerned the proposed swimming pool will undermine the existing limestone wall (unless properly constructed).*
- *They will not allow the demolition of the retaining wall on the boundary as it may destroy the tiled and landscaped area to their rear alfresco.*
- *Request any new boundary fence be built within the land area of 54 Margaret Street.*
- *Object to the overshadowing variation to the southern neighbour (not to themselves).*

Kingsley Pearce Architect on behalf of Mr & Mrs Buckland of 56 Margaret Street – letter to applicant, copy sent to the Town

- The mature tree screening is not an appropriate method of preventing loss of amenity due to the overlooking from the proposed upper level alfresco area.
- Vegetation screening can die or be removed at any time.

The Planning Group on behalf of Mr & Mrs Buckland of 56 Margaret Street (late submission)

- The 1.03m height variation is considered to be a significant variation.
- The height variation will affect their quality of living, amenity and privacy.
- The height variation will also provide a bulk impact.
- The side boundary setbacks for the proposed ground floor wall do not meet the Acceptable Development Provisions of the RDC.
- The ground floor north wall should be setback 3.9m as per Table 2b of the R-Codes.
- The upper floor setback is also a variation.
- The 2.55 metre ground floor and 1.15 metre upper floor side setback variations are considered excessive.
- The ground and upper floor setback variations reduce ventilation, increase building bulk and reduce privacy enjoyed by both properties.
- The proposed upper floor balcony does not comply with the Acceptable Development Standards of the RDC.
- They do not like the idea of vegetation being used as a privacy solution.
- They object to the overlooking of their outdoor living and ground floor patio areas.
- The Town should ensure that any excavations do not interfere with the structural integrity of the wall.
- Request a dilapidation report before and after the pool is constructed.
- Object to the extensive use of fill which will create overlooking problems to their ground floor bedrooms.
- The new masonry wall and any new boundary fencing should be built adjacent to the side boundary within the subject site.
- Object to the overshadowing to the southern neighbouring property.

Responses to Submissions

The series of submissions were provided to the applicant architects for information and responses, which have been commented upon by their town planning consultants, further to their initial application report, as also attached in full and summarised below:

MGA Town Planning Consultants on behalf of the applicant

- The swimming pool at 2/60 North Street is separated by a ROW which is 6m wide which provides privacy.
- This neighbour is higher than the pool level and a dividing fence will not reduce privacy.
- The pools location is to retain the Norfolk Island Pine Tree.
- The objection regarding amenity impacts of the building height variation is unclear as 56 Margaret Street is 1.5m higher than this proposal.
- The terrace is to be compliant in regards to overlooking.
- The applicant notes that there is fill at the rear of 56 Margaret Street.
- The existing screen is to a height of 2.6m above the finished ground level of the subject site.

- *The pool setback does not involve Council granting any concessions.*
- *The applicant will provide structural details regarding the retaining wall at the Building Licence stage.*
- *The proposal does not overshadow 56 Margaret Street and that 56 Margaret Street overshadows this site.*
- *They believe the existing residence at 56 Margaret Street appears non-compliant with building and retaining heights.*

Second response to objections from MGA Town Planning Consultants

- *The revised plans were submitted following a meeting between the architects and neighbouring owners at 52 Margaret Street.*
- *These amendments are not cosmetic and involve changes to building height and windows.*
- *The proposed home has been designed to diminish the impacts of the existing residence at 56 Margaret Street.*
- *These impacts include a building height well in excess of 6m wall and 8.5m roof ridge, 3 storeys, retaining walls on the southern boundary over 1.8m high, overshadowing in excess of 25%, probable setback variations, overlooking from large unscreened balconies and openings.*
- *There are other examples of similar roof forms in the area.*
- *The skillion roof to the northern side of the building allows additional filtered light to be accessed without overlooking impacts.*
- *This additional northern light is important to the design and sustainability of the home as the existing residence at 56 Margaret Street blocks a large amount.*
- *The northern side boundary setback variation is to a stairwell window and they are not considered major openings.*
- *The rear terrace complies with the R-Code for overlooking.*
- *Unclear what impact the overshadowing will have on 56 Margaret Street as this property is to the north.*

Officer Observations on Submissions and Responses

The considerable comments submitted and the responses thereto are noted and acknowledged. They have been taken into account in weighing-up the design and technical assessment having regard to acceptable standards and performance criteria. It is important to avoid over-complicating matters and an argument versus counter-argument debate such as in an appeal, which risks deconstructing a proposal and failing to achieve meaningful solutions.

In perspective, the proposal represents a conscientious attempt to make the most of the site while accommodating the planning parameters, surrounding properties and evolving streetscape – it is at the better end of the design spectrum and another proposal might be cruder with more direct impacts.

Nonetheless, the proposal must of course be assessed against the various Scheme and R-Codes provisions, and this has identified the key issues for determination as set out in the remainder of this report. Overall, the basic design concept is sound and as is often the case some refinements may be required by conditions to manage certain facets.

PLANNING ASSESSEMNT

Natural ground level

The natural ground level is determined to be RL 17.27. This was calculated using the four-corner method. As the existing dwelling occupies the centre of the lot the centre-of-site calculation could not be applied. The rear of the lot (eastern boundary) is approximately 2.5m higher than the front, rising to the lane. The lot to the north has a higher ground level than the subject lot and has extensive retaining walls/fill to its southern boundary (being the subject northern boundary).

Building Height

The design approach to height responds to the site, neighbouring properties and streetscape. As explained by the architects and planning consultants, the built form and associated physical heights are intended to address the height parameters and manage amenity having regard to:

- A basement plus two-storey building typical of Cottesloe – the original plans were revised to lower the building in accordance with the basement standard.
- Capturing views, which while partially obscured by surrounding are still valued, and without blocking others' views.
- Striking a balance between coping with the shadow impact of the northern adjacent dwelling (for solar access) and casting a shadow impact upon the southern adjacent dwelling.
- Adapting to the relative dominance of the northern adjacent dwelling in terms of its higher position, three-level scale, overlooking, setbacks, retaining/fill, outdoor spaces and fencing/landscaping as design influences.
- Generating a streetscape profile with a roofline which steps and slopes from the eave of the northern adjacent dwelling to the apex of the southern adjacent dwelling.
- Establishing levels for the dwelling and open spaces for a fully-developed allotment including design for climate elements (eg, solar terrace).
- An architectural appearance that is articulated and offers cohesive mass, lines and materiality to the streetscape (ie, instead of being an individualistic-style project home trying to be a statement).

Interestingly, the taller part of the dwelling (relative to NGL) on the northern side presents as mainly a two and one storey building to the neighbour along that elevation, due to the fill on both properties, whereas the lower part of the dwelling on the southern side appears as more of a basement plus two-storey building, due to a different interplay of levels and the dispersal of building spaces.

It is confirmed the ceiling level of the undercroft (basement garage) is RL 17.456. This is less than 1m above the natural ground level at the centre of the front boundary (RL 16.5) so complies with TPS2.

Owing to the hybrid design (ie, not a basic two floors and pitched roof format), the modernist dwelling does not neatly fit the foundation height regime. However, it is assessed below in relation to those standards, while also having regard to how Council has dealt with similar such designs encountered in Cottesloe. The height assessment therefore evaluates the proposal not only against the height measures per se but also in terms of the tests of amenity, including any applicable discretion.

As indicated, the design heights do not automatically conform to the TPS2 requirements of a 6m wall height and 8.5m building height. The walls in this proposal

form into a skillion roof, which is not specified in TPS2, so the RDC may be referred to, which allow a 7m wall height for concealed roofs. Where it is considered that a skillion roof is closer to a concealed roof than a traditional pitched roof this is a useful guide.

In this light, the proposal has an 8.03m (RL 25.3) wall/skillion roof height at its northern uppermost point and the lowest part of the skillion roof is 7.33m (RL 24.6) to the southern side, which is closer to the 7m standard in the RDC. Note that in favour of the proposal, a strict interpretation of a wall as a vertical surface (as defined by the RDC) would consider the slanted wall/roof elements on the southern side as roofs only, thereby subtracting from the measured wall heights in those parts of the building and rendering it more compliant. In practice, nonetheless, as assessed in previous like approvals, these roof forms behave as walls.

This wall/roof situation is a design approach and also relies upon the topography as a basis for the exercise of discretion under TPS2, in order to provide basement parking in accordance with the TPS, a dwelling and useable open spaces, as elaborated in this report. The form of the dwelling is consistent with similar dwellings approved taking into account skillion etc roofs and their interrelationship with wall heights. It is considered difficult to see that this design treatment, which is becoming more common in project homes and architect-designed residences, should not be supported.

While on the one hand the wall maxima exceed the 6m TPS standard outright and the 7m RDC standard by a range of some 0.3-1m, on the other hand the roof or building heights are less than the 8.5m TPS standard by some 0.5-1.2m. Moreover, a pitched, mansard or curved roof could occupy the skyline to a higher point or for a greater area and cause more massive built form as well as increased shadow. A subtler, well proportioned and elegant approach to bulk and scale would seem preferable.

Concerning streetscape, the building form/height is in keeping with neighbouring properties, being a transition between the northern and southern dwellings and reflecting the natural ground levels.

The notion of possibly requiring a reduced building height has been contemplated and, while that would mean improved compliance with the height standards, it would also lead to an amended design (which may be another quantity altogether). Practically, a reduction in roof height to say 7.5m would marginally reduce overshadowing to the south and would also alter the privacy matrix (screening etc would still be required). Assuming a similar design it would not dramatically modify the mass of the dwelling to neighbours or from the street, but could make it appear squatter and less elegant.

In summary, a performance-assessment of how the height as designed works is:

- Suits the streetscape and the massing of adjacent dwellings.
- Does not grossly overshadow.
- Does not interfere with primary views.
- Reads legibly and logically as built form.

Therefore, it may be concluded that the tests of amenity in TPS2 and the RDC would allow the heights as reasonable variations.

Side Boundary Setbacks

It is noted that the proposal does not ask for any zero-setback parapet walls to the side or rear boundaries, which are often conceived and approved under today's planning framework. This affords physical separation (breathing-space), solar access, ventilation, outdoor areas and landscaping. It also assists the management of built form and scale in the streetscape.

The following side boundary setbacks of the proposed dwelling don't readily comply with the Acceptable Development standards of the RDC. Therefore, they are required to be assessed under the Performance Criteria of Clause 3.3.1 (P1) of the RDC, which are also below:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
Ground North Wall	Study – lounge	5m max.	13.5m	Yes	3.2m setback	1.3 to 2.3m setback
Ground South Wall	All	7m max.	28.5m	Yes	6.4m setback	1.9 to 2.8m setback
Upper North Wall	Balcony – lounge	8m	15m	No	2.2m setback	1.3 to 1.7m setback
Upper South Wall	All including teak screen to terrace	9m max.	21m	No	3.1m setback	2.4 to 2.9m setback

3.3.1 – Buildings Set back from the Boundary

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

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

The north ground floor wall has a boundary setback of 1.7m to 2.3m, where 3.2m is usually required. It has a wall height at its highest point of 5m and averages 4.5m at the boundary. This wall is considered to have a major opening from a habitable room from the staircase/lounge area. The setback provides adequate sun and ventilation to adjoining properties. The proposal is assessed neutrally in terms of bulk. Although the wall is closer than usually allowed, it is staggered and has a combination of wall, window and planting which reduces the effect of bulk. The wall may not satisfy privacy, as discussed later in this report. On balance, this setback is supported.

This proposal is to have a 1.9m to 2.8m setback to the side boundary for the ground south wall, where a 6.4m setback is usually required. This wall is penalized largely by the RDC which require a wall to be measured to its highest point – as some of this wall is 4m high (not 7m against which it is assessed) above natural ground level at the side boundary, which would require a lesser setback. The setback provides direct sun to the adjoining property. It provides for adequate ventilation to this property and the neighbour. The staggered setback also reduces the effect of bulk. Privacy may be a concern as there are several major openings on this wall, however, on performance this is considered acceptable as dense tree planting is proposed to prevent overlooking. The southern neighbour has no objection to the revised plans where a window from the staircase has been deleted. On balance, this setback is supported.

The upper north wall is setback 1.7m, where 2.2m is usually required. The wall meets the performance criteria of the RDC. The setback provides adequate sun and ventilation to adjoining properties. The proposal is assessed neutrally in terms of bulk. Although the wall is closer than usually allowed, it is staggered and has a combination of a window and screening, which reduces the effect of bulk. The wall satisfies the privacy criterion. On balance, this setback is supported.

The upper south wall is setback 2.4m to 2.9m, where a setback of 3.1m is usually required. This wall is penalized largely by the RDC, which require a wall to be measured to its highest point and some of this wall is 6.2m high (not 9m against which it is assessed) above natural ground level at the side boundary, which would require a lesser setback. This is largely due to the slope of the land. It is also noted that the fixed screen to the terrace is considered part of this wall. The setback provides direct sun to the adjoining property and for adequate ventilation to this property and the neighbour. The combination of screens and walls with differing materials reduces the effect of bulk. The setback satisfies privacy as there is no major opening in this wall. The southern neighbour has no objection to the revised plans and this setback is recommended.

Privacy

The design approach to privacy responds to the site and neighbouring properties and endeavours to design-in privacy measures. As explained by the architects and planning consultants, essentially the proposal entails:

- A floor plan arrangement of rooms and openings to facilitate privacy.
- The need to both give and gain privacy, particularly to and from the northern neighbouring property.
- Rear ground levels some half metre lower than the northern neighbour to assist mutual privacy.
- Placing the lesser portion of the dwelling at the rear, comprising one floor and the terrace above, with setbacks and screening for privacy, rather than a two-storey structure with windows and balconies.
- Optimising the setback for the terrace with screening, rather than claiming an unscreened deemed-acceptable setback or performance approval for no screening, which would not afford two-way privacy for the proposal and northern neighbour.

- Recognition that the northern neighbouring alfresco area is also setback from the boundary, is partially covered and that the back garden has extensive vegetative screening.

The following privacy (cone of vision) setbacks of the proposed dwelling don't readily comply with the Acceptable Development standards of the RDC. Therefore, they are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which is also shown below:

Room	Required	Provided
Living room	6m	3.6m
Lounge	6m	3.6m
Rear terrace	7.5m (to north – other sides setback and screened)	7m

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

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

The proposal asks for a variation to the ground floor living room cone of vision setback. This is assessed to be a variation as this portion of the dwelling is raised more than 0.5m above natural ground level. The 3.6m setback distance is calculated from the southern edge of the proposed aquarium, as the area to the east of the staircase is not considered to be part of the habitable room. The proposal partially complies with the Performance Criteria. A line of sight slightly upwards into a ground floor bedroom of the northern neighbouring property is possible. It is assessed that this ground floor bedroom is 0.5m higher than the proposed lounge room and the proposed boundary fence would not prevent overlooking (unless raised or screened). It is recommended that this window be obscured as a condition of approval or alternative privacy measures be applied to the satisfaction of the Manager Development Services through detailed design and treatments. This is because the architects have advised that the internal wall of cabinets backing the stairs on both levels and other techniques (including external screening, window film or internal fittings) are intended to provide a desired degree of privacy, which is yet to be detailed in the building licence plans. The architects have submitted an additional drawing and photos to illustrate this.

This condition would also assist to reduce overlooking to the northern property from the lounge on the upper floor. The lounge is separated from the northern edge of the dwelling by the width of a staircase. The plans indicate that the staircase window is clear-glazed up to a height of RL 22.914, which is 1m higher than the floor level of the lounge. It is assessed that there is a small cone of vision downwards from this lounge to the neighbouring property's bedrooms, if standing on the southern edge. These bedrooms have an RL of approximately 19.4. The condition outlined above would address this.

The proposal asks for a minor variation to the rear terrace on the upper floor's cone of vision setback. Overlooking is to the north only (as the other sides are adequately setback or screened) and the cone it is calculated from the northern edge of the terrace (ie, inside face of the planter), excluding the landing to the west of the external staircase which is not a habitable space. This is assessed to not meet the Performance Criteria – although given the 7m setback as proposed that could be contended – as it is considered that the terrace would look towards the outdoor entertaining area of the northern property. It is noted that the Performance Criteria do specify that there is a lesser need to *prevent overlooking of extensive back gardens*. It is also emphasised that were the terrace set back only a little to meet the 7.5m Acceptable Development standard, then as-of-right it could be approved without screening. Yet the increased half metre setback would be imperceptible and make no discernable difference to visual or social privacy.

It is apparent that screening relating to (but not necessarily on) this side of the terrace is desirable for the privacy of both properties, whether by fixed screening to the edge of the terrace or to the intervening boundary fence and supplementary vegetative screening as proposed. If the owners can agree with the northern neighbours, the boundary fencing screen as proposed would afford the terrace some openness as opposed to being hemmed-in. Alternatively, a 45-degree angled screen to the terrace would ameliorate the immediacy of a screen there, albeit contrastingly awkward and unaesthetic. However, the architects have on behalf of the owners reiterated that the design objective is to not have fixed screening to the northern side of the terrace, in order to experience an outlook to the rear yard and surveillance of the pool area. The perimeter planters of vegetative screening would filter views outwards and inwards. A condition captures all of these considerations for a privacy solution by design refinement to the satisfaction of the Manager Development Services and including consultation with the respective neighbours.

The solar terrace comprises solar panels along the ground. This area is not considered to be habitable space subject to privacy assessment. However, a condition is proposed to ensure that if the solar panels are removed in the future then privacy screening will be required.

The front balcony and dining room west-facing window are also variations to the RDC, whereby overlooking on an acute angle is possible to the north from the balcony and to the south from the dining room. This is a common occurrence with the view lines extending into the neighbouring properties' front gardens and to the street only. These variations meet the Performance Criteria.

The bedrooms 2, 3 and 4 windows are considered variations to the Acceptable Development standards of the RDC. This is because dense tree planting is used for screening and may not be permanent. However, the southern neighbour has no objection to the tree planting and a condition (for planting in perpetuity maintained by owners in succession to the satisfaction of the Town) is applied to control this.

On the topic of vegetative screening, it is noted that the R-Codes do rely on such as one means and Council has accepted this in other approvals; for example 45 Broome Street and 3 Seaview Terrace. The design trend of smaller lots and fully-utilised

open spaces invites vegetative screening as a worthwhile measure, especially where existing vegetation is removed for development, as well as in the interests of greening and sustainability. This enhances privacy plus amenity. It is quite possible to grow suitable species in this location, which is better-protected than Marine Parade. Indeed, the northern neighbouring property is an excellent example of how extensive planting contributes successfully to privacy and amenity, as evidenced by the planting to its front, sides and in particular rear, which has provided privacy from overlooking by properties on North Street. The subject proposal takes a responsible approach to tree retention and additional planting for vegetative screening and garden ambience.

Overshadowing

The proposal overshadows 30.25% of the southern neighbouring property compared to the standard of 25% and that owner did not object. This is assessed as satisfactory on performance.

Fill & Retaining

The design approach to the fill and retaining responds to the site and neighbouring properties and fundamentally is not a streetscape impact. As explained by the owners and their architects and planning consultants, essentially the proposal does as:

- Re-contours the rear sloping/concave portion of the site to facilitate development and usable open space and compensate for its excavated state.
- Follows the flow of the topography from the higher ground to the north-east from North Street and the northern neighbouring property down along the lane and Margaret Street.
- Recognises the retaining and fill done to the northern neighbouring property and structurally reinforces that retaining as well as to the lane.
- Sets a ground level some half metre lower to assist mutual privacy.
- Places the lesser portion of the dwelling at the rear, comprising one floor and the terrace above, with setbacks and screening for privacy.

Given the topography there is significant fill and retaining proposed. The fill will be predominantly contained within limestone retaining walls. The fill on the boundary is up to 1.65m high which complies with the TPS standard and sets a level below the northern neighbour.

The RDC under Clause 3.61A1.4 require *filling behind a street setback line and within one metre of a common boundary being not more than 0.5m above the natural level at the boundary; or retained in accordance Table 1, 2 and Figure 3 of the RDC.*

In this circumstance the retaining wall would need to be setback 1.5m to meet the Acceptable Development standard of the RDC, but that would not be efficacious. Hence the proposal is required to satisfy the Performance Criteria of the RDC, which supports *development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.*

It is assessed that the proposed fill generally meets the Performance Criteria. The area of fill would not be easily seen from the street as it is at the rear of the property and behind a gate and steps. It would lie against the fill already placed on the

northern neighbouring property. It would largely not be visible from that neighbouring property, except for the area at the top of the proposed external steps. This is because the northern neighbour's rear level commences further east than the proposal. The new retaining wall and boundary fencing would be noticeable only from the area around the external steps near the southern boundary of the northern neighbour. This is not an active habitable space but is an access/service area so is not considered to be affected by the fill.

It is noted that the proposed level for the lawn area is below the northern neighbour and the applicant is proposing to install underground water tanks, which is commendable.

With regard to the retaining walls, these are proposed to be located on the northern (neighbour) and eastern (lane) boundaries. The retaining walls do not readily comply with the RDC as ordinarily they should be setback from the boundary. The height of the northern boundary retaining wall varies significantly and is as low as 300mm in some sections, which complies. The retaining wall on the eastern boundary acts as a boundary fence to a height of 1.8m and complies in this regard.

Also, Clause 5.1.4 of TPS2 refers to a maximum height of 1.8m for retaining walls on or near boundaries, whereby the proposal of a maximum scaled height of 1.9m does not quite comply, but this is of negligible consequence at that point at the side steps area of the adjacent dwellings, and could be designed out in any case. This clause is a stand-alone provision separate from the building height provisions hence it can be considered independently. Its origin pre-dates the R-Codes and takes account of the local topography which generates the need for retaining/fill or benching to render sites developable and usable. The 1.8m measure reflects the standard dividing fence height.

The clause is somewhat ambiguous in combining mandatory and discretionary terms, and in practice Council has tended to exercise reasonable flexibility in acknowledgement of varying circumstances and modern-day designs. This echoes the performance-assessment approach of such provisions in the R-Codes. For example, as in this case, there may be an averaging of heights not exceeding the 1.8m benchmark. Also, where a retaining wall is to abut one existing and is lower, as in this instance, the height consideration is not about a new wall face presenting to a neighbour, so the amenity aspect falls away.

It is concluded that fill to a maximum of 1.65m and lower than the adjacent property is acceptable and a protective condition is applied that the retaining on the northern boundary not exceed this as proposed.

Swimming Pool

The northern neighbour is concerned about the proposed swimming pool against the boundary and potential undermining of the existing retaining wall.

In this regard Council has dealt with numerous applications for pools, many of which have been against a boundary. A dilapidation report if necessary and other normal engineering construction requirements are involved in the building licence process to address this – an advice note refers.

The swimming pool will be at a lower ground level and screened from the neighbour by the existing brushwood fence.

Open Space

The proposal complies with the Acceptable Development standards of the RDC for open space. It is also noted that the design makes effective use of open space in relation to outdoor living, sustainability, addressing the street and general amenity, including tree retention and additional planting.

Front Fencing

The proposal contains feature planter boxes with walls up to 1.3m high. There are three planter boxes within the front setback, which serve to define the pedestrian and vehicular entrances, partial retaining, demarcation of the property and landscaping. The one to the north of the proposed driveway is lower than 900mm and hence compliant with the Fencing Local Law.

The others are 3m wide parallel to the front boundary by 1.5m deep and range from 1.0 to 1.3m high. There are spaces of no fencing and open-aspect paving or lawn interspersed with all three planter boxes.

The planter box walls may be assessed as fencing and the Fencing Local Law ordinarily supports solid fencing to 900mm with open-aspect above to 1.8m. However, Council may exercise discretion, having regard to whether the fence affects:

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

The proposed planter boxes contribute towards these objectives for the design reasons described above and because they complement similar walling and planting to the fronts of adjoining properties in this part of the street – notably the northern neighbouring property. They are really a combination of a fence and landscaping, while being partially compliant and partially over-height, yet not to the maximum for a solid wall and still affording an open-aspect atmosphere.

Furthermore, it can be seen that the planters have been deliberately designed to match the height of the bottom of the plinth of the dwelling; that is, the cantilevered ground floor over the basement. By being visually in line in this way they help to anchor the building, which actually diminishes the sense of scale. They also form a continuum linking the alignment of the similar front fencing to the properties each side, for streetscape rhythm.

Therefore, it is assessed that they can be supported, and the alternatively would be to require their heights to be terraced-backwards or a maximum of 900mm, but this part of the proposal has not been of concern.

Design Advisory Panel

The proposal was presented by the architects to, and discussed by, the DAP on 26 September 2007. The Panel was generally supportive of the concept and noted the attributes of the design. The form, layout and outdoor spaces of the dwelling were explored and clarified, including the rear terrace and proposed privacy solutions. It was agreed to circulate plans and 3D CD to Panel members for further examination and any comments. Feedback is awaited and will be provided to Committee and Council as it comes forward.

CONCLUSION

The proposal can be seen as a well-considered design which satisfies a number of planning requirements while also seeking some variations. Starting with a site which has inherent constraints and impacts, it tries to deliver a dwelling to achieve several objectives while at the same time responding the reasonable needs and expectations of neighbouring properties.

The height and fill arrangements may be considered acceptable where they are matched with design for privacy and amenity in other respects, which have been assessed in considerable detail and conditions have been devised to manage these aspects by supplementing the design features incorporated.

Overall, redevelopment of the site and the resultant change is inevitable, and could entail a variety of design concepts and architectural styles, all with differing built form outcomes and amenity implications to be evaluated. The subject proposal adopts worthy planning principles such as building setbacks, managing privacy and northern orientation, and does make concessions to the surrounding properties. It also asks to be granted approval as a holistic design which integrates with the locality.

VOTING

Simple Majority

COMMITTEE COMMENT

Overall, Committee members praised the sustainable design but expressed concern regarding the building height and to a lesser extent the fill/retaining situation and southern setbacks as well as privacy considerations. It queried if the dwelling could be set lower by an order of about half a metre and discussed degrees of variation. It was also debated that the design was comprehensive, with building mass suitably positioned – it had to deal with the large dwelling at No. 56 and the alternatives could be much less satisfactory.

It was moved that the proposal be amended to comply with the 7m wall height standard.

The Manager Development Assessments summarised the consideration of the proposal so far and discussed Council's experience of managing differing designs in relation to the height parameters, advising that the wording of any height adjustment would affect the type of building/roof form intended so should be carefully formulated. He also offered to mediate a meeting between the parties, which despite invitations

to the neighbour had not yet occurred, to facilitate agreement on any design amendments prior to the Council meeting.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development to the Development Application for a Proposed Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front Planter Walls and Swimming Pool at No. 54 (Lot 2) Margaret Street, Cottesloe, in accordance with the amended plans received on 12 September 2007 and retaining wall plan received on 25 September 2007, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (c) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment 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.
 - (f) The applicant applying to the Town of Cottesloe for approval to modify the existing crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (g) 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.

- (h) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (i) 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.
- (j) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (k) If as a result of this development any replacement dividing fencing is required to the northern boundary, it shall be provided at the expense of this owner in consultation with the adjoining neighbour and to the satisfaction of the Manager Development Services.
- (l) Should the solar panels be removed from the solar terrace in the future, privacy screening shall be required to be provided by the owners of the property in succession, to the satisfaction of the Manager Development Services.
- (m) Revised plans shall be submitted at building licence stage detailing the following privacy measures, to the satisfaction of the Manager Development Services:
 - (i) for privacy from the rear terrace, it shall have a minimum setback of 7.5m from the northern property boundary to the inner-edge of the planter (excluding the staircase landing) and the proposed northern boundary screening shall still be provided, in consultation with that neighbour and with the Manager Development Services as mediator if required;
 - (ii) for privacy from the windows of Bedrooms 2, 3 and 4, tree planting, external screening and/or window design and treatment (eg, highlight windows, minor openings, obscure glazing); and
 - (iii) for privacy from the staircase windows on the northern elevation at both levels, external screening, obscure glazing, internal fixtures and fittings and/or other design treatments.

Advice Note:

Construction of the pool, retaining walls, earthworks and dwelling will be required to follow all necessary building applications, approvals and procedures in order to ensure structural integrity and protect the interests of adjacent properties.

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

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development to the Development Application for a Proposed Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front Planter Walls and Swimming Pool at No. 54 (Lot 2) Margaret Street, Cottesloe, in accordance with the amended plans received on 12 September 2007 and retaining wall plan received on 25 September 2007, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
 - (b) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (c) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (e) Air-conditioning plant and equipment 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.
 - (f) The applicant applying to the Town of Cottesloe for approval to modify the existing crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (g) 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.
 - (h) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.

- (i) 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.
- (j) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (k) If as a result of this development any replacement dividing fencing is required to the northern boundary, it shall be provided at the expense of this owner in consultation with the adjoining neighbour and to the satisfaction of the Manager Development Services.
- (l) Should the solar panels be removed from the solar terrace in the future, privacy screening shall be required to be provided by the owners of the property in succession, to the satisfaction of the Manager Development Services.
- (m) Revised plans shall be submitted at building licence stage detailing the following privacy measures, to the satisfaction of the Manager Development Services:
 - (i) for privacy from the rear terrace, it shall have a minimum setback of 7.5m from the northern property boundary to the inner- edge of the planter (excluding the staircase landing) and the proposed northern boundary screening shall still be provided, in consultation with that neighbour and with the Manager Development Services as mediator if required;
 - (ii) for privacy from the windows of Bedrooms 2, 3 and 4, tree planting, external screening and/or window design and treatment (eg, highlight windows, minor openings, obscure glazing);
 - (iii) for privacy from the staircase windows on the northern elevation at both levels, external screening, obscure glazing, internal fixtures and fittings and/or other design treatments; and
 - (iv) the design of the dwelling being amended to comply with the 7m wall height standard as applicable to a concealed roof building in accordance with the Residential Design Codes as related to Town Planning Scheme No. 2.

Advice Note:

Construction of the pool, retaining walls, earthworks and dwelling will be required to follow all necessary building applications, approvals and procedures in order to ensure structural integrity and protect the interests of adjacent properties.

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

AMENDMENT

Moved Cr Miller, seconded Cr Dawkins

That recommendation A in the addendum to this agenda be put to a vote.

Carried 8/3

10.1.3 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Dawkins

That Council:

- (1) GRANT its Approval to Commence Development to the Development Application for a Proposed Two-Storey Dwelling with Undercroft Garage, Retaining Walls, Front Planter Walls and Swimming Pool at No. 54 (Lot 2) Margaret Street, Cottesloe, in accordance with the amended plans received on 12 September 2007 and retaining wall plan received on 25 September 2007, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
 - (b) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
 - (c) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
 - (e) Air-conditioning plant and equipment 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.**
 - (f) The applicant applying to the Town of Cottesloe for approval to modify the existing crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.**

- (g) 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.
- (h) Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (i) 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.
- (j) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (k) If as a result of this development any replacement dividing fencing is required to the northern boundary, it shall be provided at the expense of this owner in consultation with the adjoining neighbour and to the satisfaction of the Manager Development Services.
- (l) Should the solar panels be removed from the solar terrace in the future, privacy screening shall be required to be provided by the owners of the property in succession, to the satisfaction of the Manager Development Services.
- (m) Revised plans shall be submitted at building licence stage detailing the following privacy measures, to the satisfaction of the Manager Development Services:
 - (i) for privacy from the rear terrace, it shall have a minimum setback of 7.5m from the northern property boundary to the inner-edge of the planter (excluding the staircase landing) and the proposed northern boundary screening shall still be provided if agreed between the parties, in consultation with that neighbour and with the Manager Development Services as mediator if required;
 - (ii) for privacy from the windows of Bedrooms 2, 3 and 4, tree planting, external screening and/or window design and treatment (eg, highlight windows, minor openings, obscure glazing); and
 - (iii) for privacy from the staircase windows on the northern elevation at both levels, external screening, obscure glazing, internal fixtures and fittings and/or other design treatments.

Advice Note:

Construction of the pool, retaining walls, earthworks and dwelling will be required to follow all necessary building applications, approvals and procedures in order to ensure structural integrity and protect the interests of adjacent properties.

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

Carried 8/3

11 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 16 OCTOBER 2007

The agenda items were dealt with in the following order: Item 11.1.1, 11.2.1, 11.2.2 and then the balance in numerical order enbloc.

11.1 ADMINISTRATION**11.1.1 COTTESLOE TENNIS CLUB**

File No:	SUB/236
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Report Date:	9 October, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to endorse an application to the State Government's Community Sporting and Recreation Facilities Fund by the Cottesloe Tennis Club. The application seeks a grant towards the upgrade of their hit-up wall.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Cottesloe Tennis Club originally sought funding from the Town of Cottesloe through our Community Grants Program. They decided to apply to the Department of Sport and Recreation as an alternate source of funds.

CONSULTATION

Nil

STAFF COMMENT

This application is for a project that will enhance the appearance of the club's warm up facility. It would seem to be an ideal project for funding from the Department of Sport and Recreation.

VOTING

Simple majority

DECLARATION OF INTEREST

Cr Dawkins and Cr Boland declared an interest of impartiality as members of the Cottesloe Tennis Club and left the meeting at 8.22pm.

Mayor Morgan declared an interest of impartiality as the patron of the Cottesloe Tennis Club.

Mr Andrew Jackson left the meeting at 8.22 pm and did not return.

Cr Cunningham left the room at 8.23pm.

11.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Miller, seconded Cr Strzina

That Council endorse the Cottesloe Tennis Club's Community Sporting and Recreation Facilities Fund application for the upgrade of club's Hit-Up Wall.

Carried 8/0

Cr Boland, Cr Dawkins and Cr Cunningham returned to the meeting at 8.25pm.

11.2 ENGINEERING**11.2.1 COTTESLOE TOWN CENTRE - PARKING STUDY - LONG TERM PARKING**

File No: SUB/582
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 2 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

At its meeting in September, 2007 and in relation to parking in the Town Centre it was resolved amongst a number of other things that Council:-

Request staff to provide a report to Council on an interim solution for additional and long-term parking, pending the development of Station Street long-term parking solutions, including the possibility that the interim solution also be the long-term solution.

Recommendations are made to:-

- (1) Prepare a presentation plan showing the development of two new long-term parking areas (including the provision of lighting and pedestrian access paths) with the first being on the Railway Street sump area opposite Vera Street and the second being on the Forrest Street median island.
- (2) Prepare a cost estimate for the development of each of the two sites excluding those costs associated with the conversion of the existing two sump sites into underground drainage water detention facilities.
- (3) Discuss with Procott a proposal that these two car parking areas become alternative long-term parking areas so that the 54 bay Station Street parking station can revert to being a 4-hour parking area rather than a long-term parking area.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

An amount of \$200,000 from the National Water Initiative Project is included in the 2007/08 budget for the conversion of the two sumps referred to in this report to be converted to underground drainage water detention systems.

There is no budget provision for the construction of new car parking areas.

Subject to the further development of Council's Parking Policy under proposed Town Planning Scheme No.3, there is potential for surplus income from the issue of parking infringements to be paid into the Parking Reserve Fund to fund the staged provision of the proposed new parking areas.

BACKGROUND

Elected members will be familiar with the debate surrounding the results of the SKM Parking Study and the proposal to install Meter Eye equipment throughout monitored parking areas.

The major hold up to the installation of Meter Eye equipment in the Town Centre is the perceived need to find sufficient alternative long-term parking areas in lieu of the car parking station at the corner of Station Street and Railway Street which is being used for all-day parking rather than 4 hour parking as originally intended.

Long-term parking is required in order to meet the needs of traders, their employees and the shopping public who need more than 4 hours parking time.

The provision of parking areas on the western side of the railway land would, for all intents and purposes, be impractical. It defeats the purpose of containing town centre development to the east of the railway land, is too far away from the shopping area, (particularly in bad weather) and there are security issues to be addressed in the absence of any human activity in the immediate area.

The land would have to be leased from the PTA and if our experience with land in Railway Street near the Vivien's Corner development is any guide, would attract inflated long-term lease rental fees.

CONSULTATION

This matter was generally discussed with the Procott Board by the Mayor and the Manager of Engineering Services on Wednesday, 26 September 2007 - particularly the Forrest Street median area.

Apart from CEO and senior officer discussions, no other consultation has occurred.

STAFF COMMENT

At the Procott Board meeting held on the 26 September, 2007 there was general discussion on works that will be undertaken in the town centre area by the Town of Cottesloe during 2007/08. Mention was made of the two open drainage sumps to be converted to underground detention facilities. These sites exist at the eastern end of the Forrest Street median island and immediately north of the Railway Street car park, west of Railway Street, on the road verge and opposite Vera Street.

\$100,000 for each sump conversion has been included in the current budget. The initial proposal was to leave a shallow trough above the underground storage facility which would then been mulched and planted with native shrubs.

Forrest Street Sump

A member of the Procott Board asked if the area over the Forrest Street sump could be converted to parking bays. This idea was generally supported by those present at the meeting. The discussion then moved on to the idea of the majority of the median island being converted into parking while retaining the existing Norfolk Island pines and making some allowance for additional native plantings.

A plan, shown in the attachments to this agenda, has been developed to illustrate the provision of 35 parking bays positioned on the Forrest Street median island.

Railway Street Sump

The idea has now been extended by Council staff to include the second drainage sump in the area – on the west side of the Railway Street road reserve opposite Vera Street.

Approximately 24 bays could be constructed over the existing site of this sump and they could be accessed from the existing parking area immediately to the south.

The draft car parking plan provides a vegetated boundary on all sides of the proposed Railway Street parking area which would provide screening for residents on the east side of Railway Street. This requires further thought as there may be some security issues with obscured vision.

Much of the water arriving at the existing sump has come from Railway Street and adjoining street surfaces east of Railway Street. These streets have been progressively equipped with side entry, kerbside soak pits, to reduce the volume of run off water.

It is still proposed to install a Gross Pollution Trap (GPT) and underground detention system to replace the existing open sump. The GPT would be installed north of the sump site. The required storage facility would be partially under the proposed car parking area.

The proposed 59 new parking bays compares well with the existing Station Street parking station which has 54 bays. It offers a partial solution to the long-term parking requirements of the Town Centre and allows the existing 54 bay Station Street parking area to revert to its 4 hour parking status.

From a parking management perspective, it makes good sense to provide long-term parking on the periphery of the town centre rather than close in.

Further design work is required if meaningful community consultation is to be undertaken. The provision of suitable pedestrian access path and lighting needs to be illustrated so that the community can gain a better understanding of what is being proposed. A construction cost estimate should also be obtained.

The existing lawn area within the Forrest Street median is currently watered with mains pressure drinking water. The proposed car parking development would allow

the use of such water to cease and low/no water use native species installed as a replacement to the lawn.

Depending on the availability of funds, there is also the option of staging the provision of the two parking areas, with Stage One being the Forrest Street median site, within the existing commercially zoned area.

The following example of a policy for the funding and maintenance of additional parking is the sort of policy that can be addressed under *Town Planning Scheme No.3* as part of the scheme's *Parking Policy* which Council partly completed but requires more work.

Funding

Council may fund the provision of car parking facilities, which includes both on and off-street parking, within the Town Centre by one or more of the following mechanisms:

Cash-in-Lieu

The payment of cash-in-lieu of the provision of on-site car parking spaces by developers, as provided for in the Town Planning Scheme;

Specified Area Rate

The application of a Specified Area Rate to all or part of the Town Centre that is deemed by Council to be receiving a benefit from the provision of parking;

User Pays Charges

The introduction of paid parking either on-street or in parking stations as deemed necessary and appropriate by the Council and the review of parking fees from time to time;

Fines and Penalties

The excess of revenue over expenditure, achieved from the policing of parking areas within the Town Centre being transferred to the Parking Reserve Fund;

Privately Funded and Operated Car Parking Facilities

The consideration and approval of any financially-viable, private option for the provision of public car parking facilities within the Town Centre.

Joint Venture

The provision of joint venture car parking facilities using a combination of private and Council funds.

All funds raised from the application of any of the funding mechanisms outlined above shall be placed in the Parking Reserve Fund for expenditure on the provision and maintenance of additional and existing car parking and associated facilities within the Town Centre.

Acquiring Land and Developing Car Parking

In order to ensure that car parking facilities within the Town Centre and the periphery are:-

1. strategically located,
2. sufficiently sized,
3. linked to supporting infrastructure,
4. support adjoining land uses, and
5. are appropriately priced and capable of redevelopment,

Council may pursue the reservation and or acquisition of land for car parking purposes.

The acquisition of land for the purpose of developing future car parking facilities shall be funded from the Parking Reserve Fund. The development of additional car parking facilities within the Town Centre shall generally be in accordance with a Town Centre Car Parking Strategic Plan.

Land for the development of future car parking facilities may also be ceded to Council by a developer as a requirement of development and or in replacement of a cash-in-lieu payment to Council for a car parking shortfall as provided for in the Town Planning Scheme.

It is intended that car parking facilities within the Town Centre operate as an interdependent shared network in a similar manner as the provision of public open space, which is provided and developed for the collective benefit of the overall district.

Multi-deck Car Parking

As car parking demands increase in the Town Centre and available land becomes a premium, the justification for multi-deck car parking increases.

Due to the impact multi-decked car parking facilities have on the streetscape and visual amenity Council intends to identify appropriate sites to sleeve parking structures behind 'single aspect' mixed uses such as retail or commercial.

Commercial developments shall be designed to capitalise on the street exposure whilst maintaining pedestrian amenity by not fronting the streets with parking. This may assist Council in cost recovery for this type of parking facility by enabling the leasing of commercial floor space.

Multi-decked car parking structures whether built on private or public property shall (where possible) be constructed as an integrated component of a development rather than a stand alone structure or single purpose land use. External appearance, such as bulk, design, colour, aesthetic and compatibility will be a high priority for Council when assessing the suitability of any proposed parking structure.

In addition issues such as security, pedestrian access, lighting, signage, parking fees, management structures, vehicular access, disabled access, colour, mixed land uses, integration, compatibility, visual amenity, linkages with adjoining uses, landscaping, traffic management, shelter and architectural merit will need to be addressed within the overall design of the structure.

VOTING

Simple Majority

12.2.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Prepare a presentation plan showing the development of two new long-term parking areas (including the provision of lighting and pedestrian access paths) with the first being on the Railway Street sump area opposite Vera Street and the second being on the Forrest Street median island.
- (2) Prepare a cost estimate for the development of each of the two sites excluding those costs associated with the conversion of the existing two sump sites into underground drainage water detention facilities.
- (3) Discuss with Procott a proposal that these two car parking areas become alternative long-term parking areas so that the 54 bay Station Street parking station can revert to being a 4-hour parking area rather than a long-term parking area.

Carried 9/2

11.2.2 LOCATION OF NEW FLAGPOLE - COTTESLOE BEACH

File No: SUB/207
Author: Mr Geoff Trigg
Author Disclosure of Interest: Nil
Report Date: 5 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The 2007/08 budget includes a provision of \$12,000 for a new aluminium flagpole at the main Cottesloe Beach.

This report covers the consideration of a location for the flagpole and recommends that Council arrange to have the new Cottesloe Beach Flagpole purchased and installed at Site 1.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$12,000 has been provided in the 2007/08 budget for the purchase and installation of this flagpole.

Internal costs of approximately \$4,250 per year will be required to cover the raising and lowering of the flag using Council Rangers for approximately 20 minutes per day.

BACKGROUND

This matter was originally discussed by Council in April 2006, in relation to Councillor Utting's request for a new flagpole and the need for the Australian flag to be raised and lowered every day in a place of prominence on the Cottesloe Beach foreshore.

A formal budget allocation was made in the 2006/07 budget for the purchase and installation of this new flagpole but not spent and has been carried through to this year's budget.

The flagpole would be aluminium, with an internal halyard system 'locked' inside the pole.

CONSULTATION

The author of this report has discussed this proposal with representatives of the Cottesloe Sub-branch of the RSL. The author, Councillor Utting and an RSL

representative have inspected several possible locations above the Cottesloe main beach area to arrive at a recommended site.

STAFF COMMENT

Two potential sites for the flagpole in the same general area are shown on the attached plan.

Both are at the south west corner of the No. 1 car park.

Site 1 is in the centre of the car parking bay adjacent to the south west corner steps from the beach to the car park. The car bay would be kerbed off and paved. This site does not lend itself to gatherings around the flagpole but is in a very prominent position and is easily accessed by Council staff.

Site 2 is on the lawn area immediately below the Option 1 site. It is far enough away from the retaining wall to reduce the chance of people climbing the flagpole from the railing fence on the outer edge of the dual use path. This site is better sited to gatherings around the flagpole.

VOTING

Simple Majority

Cr Boland left the meeting at 8.43 pm.

Cr Boland returned to the meeting at 8.44 pm.

OFFICER RECOMMENDATION

That Council arrange to have the new Cottesloe Beach flagpole purchased and installed at Site 1.

COMMITTEE RECOMMENDATION

That the matter be deferred and considered in conjunction with redevelopment plans for the Indiana Tea House.

AMENDMENT

Moved Cr Utting, seconded Cr Walsh

That the officer recommendation be put to a vote.

Lost 3/8

12.2.2 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That the matter be deferred and considered in conjunction with redevelopment plans for the Indiana Tea House.

Carried 8/3

11.3 FINANCE**11.3.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST, 2007**

File No:	SUB/137
Author:	Mr Graham Pattrick
Author Disclosure of Interest:	Nil
Period Ending:	31 August, 2007
Senior Officer:	Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 August, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD Net Profit or Loss of \$426,129 as at 31 August 2007. Operating Revenue is behind budget by \$105,147 (1.82%). Operating Expenditure is \$579,525 (40.5%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 August 2007 is shown on page 7.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$87,919) and depreciation expenses (\$148,248) for TRANSPORT as the depreciation process has not been run yet for this financial year.

VOTING

Simple majority

13.1.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 August, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.2 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007

File No: SUB/137
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 September, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Operating Statement on page 2 of the Financial Statements shows a favourable variance between the actual and budgeted YTD Net Profit or Loss of \$426,129 as at 30 September 2007. Operating Revenue is favourable to budget by \$26,669 (0.43%). Operating Expenditure is \$656,334 (31.7%) less than budgeted YTD. A report on the variances in income and expenditure for the period ended 31 August 2007 is shown on page 7.

The main causes of the lower than anticipated expenditure are: COMMUNITY AMENITIES - lower than budgeted expenditure on contractors in the area of sanitation (\$97,849) and depreciation expenses (\$222,328) for TRANSPORT as the depreciation process has not been run yet for this financial year.

VOTING

Simple majority

11.3.2 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 September, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.3 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 31 AUGUST, 2007

File No: SUB/150 & SUB/151
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 31 August, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Schedule of Investments and Schedule of Loans are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 12 of the Financial Statements shows that \$3,095,896.55 was invested as at 31 August, 2007

Reserve Funds make up \$1,218,152.81 of the total invested and are restricted funds. Approximately 66% of the funds are invested with the National Australia Bank, 26% with Home Building Society and 8% with BankWest.

The Schedule of Loans on page 13 shows a balance of \$285,920.03 as at 31 August, 2007. There is \$160,078.24 included in this balance that relates to self supporting loans.

VOTING

Simple majority

11.3.3 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 31 August, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.4 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007

File No: SUB/150 & SUB/151
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 September, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Schedule of Investments and Schedule of Loans are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Schedule of Investments on page 13 of the Financial Statements shows that \$5,046,063.50 was invested as at 30 September, 2007

Reserve Funds make up \$1,233,083.60 of the total invested and are restricted funds. Approximately 55% of the funds are invested with the National Australia Bank, 16% with Home Building Society and 29% with BankWest.

The Schedule of Loans on page 14 shows a balance of \$285,920.03 as at 30 September, 2007. There is \$160,078.24 included in this balance that relates to self supporting loans.

VOTING

Simple majority

11.3.4 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 September, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.5 ACCOUNTS FOR THE PERIOD ENDING 31 AUGUST, 2007

File No: SUB/144
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 31 August, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 8 of the Financial Statements:

- \$11,550.00 to Heritage Council for advisory service contributions
 - \$29,106.00 to DPI for contribution towards Travel Smart project
 - \$38,832.47 to WA Local Govt Super Fund for staff deductions
 - \$13,586.17 to WA Local Govt Super Fund for staff deductions
 - \$15,037.00 to Australian Taxation Office for PAYG deductions
 - \$36,789.00 to LGIS for 1st instalment of premiums
 - \$93,944.95 to Shire of Peppermint Grove for quarterly contributions
 - \$28,451.75 to Ocean IT for backup IT equipment
 - \$19,962.58 to Rinker Australia for soakwells
 - \$15,162.50 to WALGA for annual membership subscriptions
 - \$30,184.00 to LGIS for instalment of premiums
 - \$14,352.00 to Australian Taxation Office for PAYG deductions
 - \$30,997.50 to Porter Consultants for traffic study
-

- \$18,412.47 to Flexi Staff for temporary outdoor staff
- \$22,823.17 to WMRC for disposal and tipping fees
- \$63,000.00 to Claremont Asphalt for road repair work
- \$33,875.39 to Trum P/L for waste collection
- \$31,561.30 to Melville Mazda for new vehicle
- \$13,431.89 to Zipform for rates notices stationery
- \$103,490.70 for staff payroll

VOTING

Simple majority

11.3.5 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 31 August, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

11.3.6 ACCOUNTS FOR THE PERIOD ENDING 30 SEPTEMBER, 2007

File No: SUB/144
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 September, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The following significant payments are brought to your attention that are included in the list of accounts commencing on page 9 of the Financial Statements:

- \$19,866.77 to TAPSS for 6 months contribution towards operating costs
- \$14,741.43 to WA Local Govt Super Fund for staff deductions
- \$19,668.00 to Sigma Data Solutions for integration to Civica
- \$13,291.42 to WA Local Govt Super Fund for staff deductions
- \$21,353.49 to Rinker Australia for soakwells
- \$15,297.70 to Sinclair Knight Merckz for parking study instalment
- \$12,008.32 to WMRC for disposal and tipping fees
- \$41,979.83 to Trum P/L for waste collection
- \$95,950.80 to Optima Press for 2,500 copies of Cottesloe centenary book
- \$15,356.61 to Flexi Staff for temporary depot staff
- \$15,413.38 to Ocean IT for support contract
- \$10,340.00 to GC Sales for 120L & 240L bins

- \$29,662.38 to Town of Mosman Park for soakwells and road construction costs
- \$22,470.08 to Shire of Peppermint Grove for contribution to Library project
- \$31,055.28 to Giant Autos for purchase of new vehicle
- \$33,447.69 to Australian Taxation Office for PAYG deductions
- \$16,2736.40to Sinclair Knight Merckz for parking study instalment
- \$39,961.00 to Town of Mosman Park for soakwells
- \$116,121.77 for staff payroll

VOTING

Simple majority

11.3.6 OFFICER & COMMITTEE RECOMMENDATION & COUNCL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive the List of Accounts for the period ending 30 September, 2007, as submitted to the 16 October 2007 meeting of the Works and Corporate Services Committee.

Carried 11/0

**11.3.7 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 31 AUGUST, 2007**

File No: SUB/145
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 31 August, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 31 August, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 14 to 16 of the Financial Statements shows a balance of \$223,063.09 of which \$28,795.93 relates to the current month. The balance of aged debt greater than 30 days stood at \$194,267.16 of which \$130,154.52 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

VOTING

Simple majority

11.3.7 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive and endorse the Property Debtors Report for the period ending 31 August, 2007.

Carried 11/0

**11.3.8 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 SEPTEMBER, 2007**

File No: SUB/145
Author: Mr Graham Pattrick
Author Disclosure of Interest: Nil
Period Ending: 30 September, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 September, 2007, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 15 to 16 of the Financial Statements shows a balance of \$255,199.83 of which \$49,639.20 relates to the current month. The balance of aged debt greater than 30 days stood at \$205,560.63 of which \$130,154.52 relates to pensioner rebates that are being reconciled by the Senior Finance Officer.

VOTING

Simple majority

11.3.8 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council receive and endorse the Property Debtors Report for the period ending 30 September, 2007

Carried 11/0

12 STRATEGIC PLANNING COMMITTEE MEETING HELD ON 17 OCTOBER 2007**12.1 GENERAL****12.1.1 DRAFT ACTION PLAN REPORT**

File No: SUB/108
Attachment(s): [Report Update](#)
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 10 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

Following the adoption in July 2007 of the *Future Plan 2006 – 2010* for the Town of Cottesloe, an *Action Plan* has been prepared and is now submitted for the consideration of the Council.

BACKGROUND

The following strategies were identified by Council as priorities for 2007/08 at its July 2007 meeting.

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.5 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition that there are different techniques for different objectives.

The *Action Plan* breaks each of these strategies down into individual actions which will ensure that the strategies are realised in a timely manner and that through meetings of the Strategic Planning Committee, Council is kept informed of overall progress in reaching the strategic objectives.

CONSULTATION

Nil.

STAFF COMMENT

This agenda item represents an opportunity for committee members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

Mr Geoff Trigg left the meeting at 8.50 pm and did not return.

OFFICER RECOMMENDATION

- (1) That the Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the *Action Plan*.
- (2) That Council receive the updated *Action Plan* report.

COMMITTEE RECOMMENDATION

That Council receive the updated *Action Plan* report.

AMENDMENT

Moved Cr Dawkins, seconded Cr Strzina

That the following changes be made:

- (1) **At item 2.1, after the words traffic links, insert 'and Town Centre integration'.**
- (2) **Insert as a new objective at item 5.3 the words 'Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre', and the old 5.3 become 5.4 and so forth.**
- (3) **Flag the new item 5.3 as a priority and include in the current 2007/2008 priority list.**

Carried 11/0

12.1.1 COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Strzina

That Council receive the updated Action Plan report with the following amendments:-

- (1) At item 2.1, after the words traffic links, insert 'and Town Centre integration'.**
- (2) Insert as a new objective at item 5.3 the words 'Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre', and the old 5.3 become 5.4 and so forth.**
- (3) Flag the new item 5.3 as a priority and include in the current 2007/2008 priority list.**

Carried 11/0

**13 COMMUNITY SAFETY & CRIME PREVENTION COMMITTEE MEETING
HELD ON 5 OCTOBER 2007****13.1 GENERAL BUSINESS****13.1.1 PROPOSED CHANGES TO BEACHFRONT CAR PARK TIME LIMITS**

File No: SUB/551
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 24 October, 2007
Senior Officer: Mr Stephen Tindale

SUMMARY

This report recommends that Council introduce three hour parking restrictions at both the No.1 and No.2 car parks on a 24 hours a day, 7 days a week basis.

STATUTORY ENVIRONMENT

Part 3 of Council's *Parking and Parking Facilities Local Law* provides the following.

3.1 Determination of parking stalls and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs:

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Objective 1 of the *Future Plan* notes that:-

...Cottesloe and North Cottesloe beaches are very popular. The fact that the immediate community shares them with other western suburbs residents and those from wider Perth and, that they are also a tourist destination is accepted. This is due to their picturesque nature, accessibility, and predominantly low-rise facilities that cater to a range of age groups and activities, including the two historic hotels and some short-stay accommodation.

However, the presence of the many visitors causes disruption to the lifestyle of residents – in particular anti-social behaviour associated with liquor consumption, late trading hours, traffic congestion, pollution and car parking are problems...

The council is open to a number of inter related strategies to maintain and enhance the lifestyle of residents by engaging the community in ownership of solutions to problems caused by visitors attracted to the beach and hotels and to augment the existing outdoor recreational lifestyle with opportunities for more cultural formal events and activities.

Two of the major strategies identified in the *Future Plan* for protecting and enhancing the lifestyle of residents and visitors are:

- Develop an 'integrated transport strategy' that includes park and ride, Cott Cat, Travelsmart, limited parking and meeting the needs of pedestrians, cyclists and other non-vehicular traffic.
- Reduce beachfront hotel patron numbers to a sustainable level.

FINANCIAL IMPLICATIONS

There will be some costs associated with signage and the enforcement of parking time limits however these will be recovered through the issue of fines fairly quickly.

As the installation of Meter Eye is unlikely to proceed in the Town Centre in the current financial year, funds set aside in the current budget can be directed towards their installation in the No.2 carpark instead.

BACKGROUND

At the October 2007 Community Safety and Crime Prevention Services Committee meeting there was some discussion on how to limit the time that drinkers can spend at the beachfront by extending time limits to the two main beachfront car parks.

Currently the 3 hour time limit in the No.1 car park only applies at certain times during the day. In the No.2 car park there is no time limit.

CONSULTATION

Council's *Community Consultation* policy indicates that for changes to site specific areas Council will, in most circumstances, undertake community consultation by way of inviting submissions through advertisements in the *Post* and correspondence with adjoining land owners.

STAFF COMMENT

The current practice for some drinkers is to 'fuel up' in the car parks prior to attending the hotel sessions where the purchase of alcohol is more expensive. In the event of being too alcohol affected, drinkers can spend time in the car parks before or after closing time either sobering up and/or creating a disturbance and/or engaging in anti-social behaviour.

Staff believe that the implementation of round-the-clock 3 hour time limits will act as a deterrent to anti-social behaviour.

The recommendation gives effect to the aspirations of the *Future Plan*.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council undertake community consultation on a proposal to introduce three hour parking restrictions at both the No.1 and No.2 car parks on a 24 hours a day, 7 days a week basis.

AMENDMENT

Moved Mayor Morgan, seconded Cr Walsh

That the words after car parks be deleted and 'between the hours of noon every Sunday to 7.00am every Monday be inserted.

Lost 2/9

13.1.1 COUNCIL RESOLUTION

Moved Cr Woodhill, seconded Cr Strzina

That Council undertake community consultation on a proposal to introduce three hour parking restrictions at both the No.1 and No.2 car parks on a 24 hours a day, 7 days a week basis.

Carried 8/3

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

Nil.

15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**15.1 COMMUNITY AND LIBRARY ENDOWMENT STEERING COMMITTEE****15.1.1 APPOINTMENT OF COMMITTEE DELEGATES****File No:****Author:****Mr Stephen Tindale**

SUMMARY

That two delegates from this Council be nominated to stand on the Community and Library Endowment Steering Committee.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

A feasibility study will be conducted to ascertain community support for a fund raising campaign to ensure the venue is properly equipped with the best facilities and this fund is not limited for just the Library.

Two delegates from each Council are required to help the consultants identify who in the community might be worth approaching.

The committee will consist of council representatives from Cottesloe, Mosman Park and Peppermint Grove. The main purpose of the committee will to be steer the Feasibility Study conducted by Fundraising Management Consultants on behalf of the councils.

The feasibility study will research the viability and community support for conducting a fundraising campaign for an endowment fund for the library.

Each representative will be asked to make appropriate enquiries within their own councils for names of individuals and also put forward around five names themselves of individuals of interest to take part in the feasibility study.

The individual names put forward will not at this time be asked for a donation and the feasibility questionnaire will focus upon their opinions and thoughts as to whether the campaign would gain sufficient support.

Individuals to be invited to participate in the feasibility study should include CEOs of the largest employers in the area, opinion and business leaders, council members, community leaders and those with a vested interest in the library. The aim is to recruit around 35-40 individuals to take part in the study.

Fundraising Management Consultants will conduct the interviews for the study and report back to the committee with the findings and recommendations on next steps.

CONSULTATION

Nil

STAFF COMMENT

Nil

VOTING

Simple Majority

15.1.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Strzina

That Crs Dawkins and Birnbrauer be appointed members of the Community and Library Endowment Steering Committee.

Carried 11/0

16 MEETING CLOSURE

The Mayor announced the closure of the meeting at 9.17 pm.

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