

# **TOWN OF COTTESLOE**



## **DEVELOPMENT SERVICES COMMITTEE**

# **MINUTES**

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 18 FEBRUARY 2008**



## DEVELOPMENT SERVICES COMMITTEE

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

The Presiding Member announced the meeting opened at 6:00pm.

**RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)****Present**

Cr Jack Walsh (Presiding Member)  
Cr Jay Birnbrauer  
Cr Greg Boland  
Cr Jo Dawkins  
Cr Ian Woodhill

Mr Andrew Jackson Manager Planning & Development Services  
Mr Ed Drewett Senior Planning Officer

**Apologies**

Mr Lance Collison Planning Officer  
Ms Georgina Cooper Planning Services Secretary

**Leave of Absence (previously approved)**

Cr Victor Strzina

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**PUBLIC QUESTION TIME**

Nil

**APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Woodhill advised that he has previously applied for leave of absence for the April to June meetings.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Woodhill, seconded Cr Dawkins

**The Minutes of the Ordinary Meeting of the Development Services Committee held on Monday 10 December 2007 be confirmed.**

Carried 5/0

**ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**PUBLIC STATEMENT TIME**Items 1.4 & 1.5 – Mr Murray Etherington (architect)

Mr Etherington presented an overview of the development and scheme amendment proposals, aided by computer images. This demonstrated the comparatively small size of the site and building and the contribution of the proposal to the corner and streetscapes in the context of the evolving Town Centre. It could be seen that the intended café would add street activity and that the second apartment would create better balance to the built form, which the scheme amendment would facilitate. In response to questions it was advised that the kerbside parking bays to Railway Street would be retained and that the awning over the footpath would be some 1.2m wide.

Also regarding these items, Ms Jane Gascoine arrived late but was invited by the Chair to speak, whereby she referred to her comment in relation to laneway; which Committee noted is addressed in the report.

Item 1.6 – Mr Paul Sprague (owner) and Ms Kate Lamont (applicant)

Mr Sprague outlined how he and his wife are retiring and have liaised with the applicant to take over the premises with a kindred hospitality use suited to the Cottesloe Town Centre.

Ms Lamont outlined her proven track-record and the specialised nature of the proposal focussed on a niche market, and that the liquor licence application has drawn only one objection and is anticipated to be approved. She emphasised that the bulk of parking demand was expected to be in the evenings after normal business hours, and explained the limited economic capacity for what is essentially a small business to be able to pay any substantial cash-in-lieu. Ms Lamont also advised that the early half of the week was anticipated to be typically less-patronised and that the bulk of business with more patrons staying longer would occur in the evenings after normal trading hours, whereby parking would be readily available.

Item 1.3 – Mr Bill Clarke (designer)

Mr Clarke briefly explained the proposal and how it had been refined in consultation with planning officers and heritage officers to everyone's satisfaction.

**PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**REPORTS OF COMMITTEES AND OFFICERS****1 PLANNING****1.1 NO. 84 (LOT 63/64) NAPIER STREET – SINGLE-STOREY ADDITIONS**

<b>File No:</b>	<b>1339</b>
<b>Author:</b>	<b>Mr Lance Collison</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Photos Plans</b>
<b>Report Date:</b>	<b>4 February, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Vincent &amp; Helen Keane</b>
<b>Applicant:</b>	<b>Bella Casa Developments</b>
<b>Date of Application:</b>	<b>4 February, 2008</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>466m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

A single storey addition is proposed to a well established residence, with some minor variations which is considered acceptable.

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

**PROPOSAL**

At the front of the residence a new paved parking area will replace a paved area. At the rear a new store, bath, study, laundry, master bedroom, ensuite and WIR is proposed. The living and kitchen areas are also being altered. A rear alfresco is also proposed.

**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 building height – single storey	6.28m single storey house

### Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	1m setback – west wall	Nil setback	3.3.1 – P1
No 8 – Privacy	6m cone of vision setback	1.5m setback	3.8.1 – P1

## STRATEGIC IMPLICATIONS

N/A.

## FINANCIAL IMPLICATIONS

N/A.

## CONSULTATION

### REFERRAL

#### Internal

- Building

#### External

N/A.

### ADVERTISING OF PROPOSAL

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

The advertising consisted of Letter to Adjoining Property Owners.

## Submissions

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



**BACKGROUND**

A well established single storey weatherboard residence is found on the property. A small rear addition was approved in 1976.

**STAFF COMMENT**Natural ground level

There is a 1.4m slope of the natural ground level on site. The slope drops from the south east down to the north-west corner. The slope is more pronounced at the east of the lot, being higher than the west. The natural ground level at the centre of the site is RL 10.2 using a 4 corner average. The existing residence and the proposed additions are at an RL of 10.98.

Building Height

The building height does not meet Town Planning Scheme No. 2 for single storey dwellings. The proposal is for a 6.28m overall building height whereas 6m is the maximum permitted under the Scheme. The Scheme however allow variations as shown in Clause 5.1.1 below;

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

*Single Storey - Roof Height: 6.0 metres*

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

In this circumstance, the building height variation is recommended for support. The total height is only marginally increasing from present. The increase is approximately 250mm. The variation is partially caused by maintaining the same floor level of the residence through to the proposed additions. The existing weatherboard residence is already 780mm above natural ground level at the centre of the site.

The application proposes the same roof pitch for the additions. It is not recommended the roof height be reduced and it should be noted this variation only occurs for a small section in the middle of the dwelling, the roof then slopes downwards at the rear.

It should be noted that there have been no objections to this single storey roof height variation and there is no direct impact or perceived loss of amenity to the neighbours. The variation is minor and is not a streetscape concern.

Boundary Setbacks

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

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
West wall	All	3.5m	9.5m	No	1.5m	Nil.

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

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

This proposal is to have a nil setback to the side boundary for the west wall. This is usually required to be setback 1.5m from the boundary. The wall setback satisfies the Performance Criteria of the RDC as it makes an effective use of space. The wall does not significantly reduce sunlight into the neighbouring property and does not affect ventilation. The wall does not reduce privacy to both properties as no major openings from habitable rooms are proposed. There have been no objections to this proposal.

It is also noted, the RDC do allow as per Clause 3.3.2 A2ii *"In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary;"* This west wall proposal is only a small variation to this criterion and it is recommended for approval.

#### Privacy

The following privacy (cone of vision) setback of the proposed residence doesn't comply with the Acceptable Development standards of the RDC. The setback variations are required to be assessed under the Performance Criteria of Clause 3.8.1 (P1) of the RDC, which are also below:

<b>Room</b>	<b>Required</b>	<b>Provided</b>
Study	6m setback	1.5m setback on a 45 degree angle

*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 study's cone of vision setbacks. The proposal complies with the Performance Criteria of the RDC. The view to the neighbour is reduced by a high boundary wall and the window is assessed as overlook the carport of the neighbouring property rather than into any private space. It is noted that any overlooking is on an acute angle as the study window faces north while the potential overlooking is to the western neighbour. It is noted this neighbour did not object to this overlooking and the variation is recommended for approval.

**CONCLUSION**

The height variation for the single-storey additions is of little consequence. There are no amenity issues and there will be no impact on streetscape. The side setback variation complies with the Performance Criteria of the RDC. It is recommended that the application be approved subject to conditions.

**VOTING**

Simple Majority

**1.1 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Birnbrauer, seconded Cr Dawkins

**That Council GRANT its Approval to Commence Development for the Development Application for Single-Storey Additions at No. 84 (Lots 63 & 64) Napier Street, Cottesloe, in accordance with the plans submitted on 3 November 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 for a building licence.**
- (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 and treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- (6) **The finish and colour of the western side boundary wall facing the neighbour being to the satisfaction of the Manager Development Services.**

Carried 5/0

**1.2 NO. 5 (LOT 42) FLORENCE STREET – TWO-STOREY RESIDENCE, REAR GARAGE WITH STUDIO/STORE ABOVE, CELLAR, FRONT FENCING AND POOL**

**File No:** 1357  
**Author:** Mr Lance Collison  
**Author Disclosure of Interest:** Nil  
**Attachments:** Location Plan  
Correspondence from Applicant  
Submissions (2)  
Response to Submissions  
Photos  
Plans  
**Report Date:** 1 February, 2008  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Sarah Hope

**Applicant:** Paradigm Architects  
**Date of Application:** 6 December, 2007

**Zoning:** Residential  
**Use:** P - A use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 809m<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

A two storey residence, rear garage with studio/store above, cellar, front fencing and pool are proposed on the property.

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

**PROPOSAL**

On the ground floor an entry leads to an open dining, living and kitchen area. A guest/TV room, study, powder, laundry and activity rooms are also on this floor. Externally a garage on the ground floor with a studio and store above is found in a separate rear building. Two decks, a solid front fence, swimming pool, pergola, above and below ground rainwater tanks are also proposed.

On the first floor, four bedrooms, two bathrooms, WIR, sunroom and a deck is proposed. A cellar is also proposed in the basement.

**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 of Cottesloe Local Law**

<b>Local Law</b>	<b>Required</b>	<b>Provided</b>
Fencing Local Law	Fence can be solid to a maximum of 900mm and 50% open between 900mm and 1800mm in height	Front fence/retaining wall up to 1280mm high with a glass pool fence to 1200mm high above to provide for a swimming pool barrier. Side boundary fence solid to a maximum of 2.5m height

**Residential Design Codes**

<b>Design Element</b>	<b>Acceptable Standards</b>	<b>Provided</b>	<b>Performance Criteria Clause</b>
No 3 – Boundary Setbacks	1.5m setback – ground east wall	1.2-2.4m setback	Clause 3.3.1 – P1
No 6 – Site Works	Filling not exceeding 0.5m between the street alignment and building	Up to 0.9m of fill – area is partially filled at present	Clause 3.6.1 – P1

**STRATEGIC IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building

- Engineering

**External**

N/A.

**ADVERTISING OF PROPOSAL**

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

The advertising consisted of a Letter to Adjoining Property Owners.

**Submissions**

There were 6 letters sent out. There were 2 submissions received, of which 1 was an objection. Details of the submissions received are set out below:

*Lisa Corser of 5 Florence Street*

- *Do not object to the proposal*
- *Note the 8.8 metre height of the dwelling and 1.2m high front fence*
- *They are proposing a new home and note that this proposal includes outdoor living in the front garden*
- *They do not wish to be penalised if they propose a balcony in the front of the future proposed residence.*
- *Their proposed balcony would overlook the front outdoor living area of this proposal*

*McIntosh Marzec Architect on behalf of John and Gwenda McIntosh at 10A Chamberlain Street*

- *Concerned about the overlooking from the southern upper bedroom down into their only outdoor entertaining area*
- *Note the overlooking from the rear studio room has two west facing windows. They suspect these windows are planned purely for light and request they be screened or made opaque.*
- *Ask to increase the setback of the garage*
- *Concerned regarding use of the right of way during construction period as their only vehicular access is from the right of way*

**BACKGROUND**

An existing contemporary single storey residence is found on the site. There have been no approvals in recent years.

**STAFF COMMENT**Natural Ground Levels

The land slopes from the south-east corner downwards to the north-west with a fall of approximately 1.6 metres, being a material influence on the design and interrelationship with the surrounds. The slope is pronounced at the front of the residence where a slope of 0.8m is found within the front four metres. It is also noted there is a steep rise between street level and the front property boundary.

For the purpose of the proposal, the natural ground level of the site was determined using the contour survey provided by the applicant. The survey indicates RL 24.63 is a fair level to be used.

#### Building Height

Town Planning Scheme No. 2 provides a basic standard that buildings in the Residential zone shall be no more than two storeys and comply with a 6.0m wall height and 8.5m roof ridge height. The unique design features a number of gable-design walls. Gable walls are not included within the wall height calculation.

The revised elevations received on 15 January 2008 show a proposed maximum wall height is RL 30.63 or 6m and the building height is RL 33.13 or 8.498m. These heights are now in compliance with Town Planning Scheme No. 2. The applicant altered the ceiling level of the walls and angle of the roof to meet the height requirements.

#### Boundary Setbacks

The following side boundary setback of the proposed residence doesn't comply with the Acceptable Development standards of the RDC. The above setback variations 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 East wall	Living/activity	3m	12m	Yes	1.5m	1.2 to 2.4m

#### *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.*

This proposal is to have a 1.2 to 2.4m setback to the side boundary for the ground east wall. This is usually required to be setback 1.5m from the boundary. The setback meets the Performance Criteria of the RDC as it makes an effective use of space and does not have an adverse effect on the amenity of the adjoining property. The also ensures that direct sun and ventilation to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

There is a request by the western neighbour to increase the setback of the garage. It is setback 1.5m off the western boundary and this meets the requirement. An adequate turning circle for access into the garage is achieved and no conditions to alter this are proposed.

Angled Screens & Privacy

The applicant is proposing sun screening from several locations. These do not perform as privacy screening and are not required to do so as there is no variation to the RD Codes from any window of this proposal.

It should also be noted that the screens are projections into the side setback. However the angled screens are at their closest point setback 1m from the R.O.W to the west and 1.2m from the eastern neighbour. The screens are attached to the roofs' eave and it is argued that they do not reduce the amenity of neighbours.

In relation to the western neighbours privacy concerns the applicant says they are willing to review the screening at the building licence stage. This is in regards to the perceived overlooking from the first floor southern-most bedroom and rear studio windows. The applicant may alter the screening mechanism to limit distant views whilst still retaining the horizontal patterning and providing natural light and ventilation. As the Acceptable Development standards are met, no conditions are proposed and this offer is welcomed.

The Town of Cottesloe also notes the eastern neighbours' proposal to build a new house with a front balcony. It is acknowledged that this may overlook the proposed pool/deck area of this proposal. It is known that both parties are aware of this situation and if and when an application for a new residence on the eastern neighbouring property is received, normal consultation and development assessment procedures would also apply.

Front Fencing & Associated Fill

The proposed solid front wall (retaining wall) is of between 400mm to 1280mm in height from natural at the front boundary does not meet the open-aspect requirement of the Fencing Local Law, where it should not exceed 900mm in height. The proposed solid wall equates to 82.7% of the frontage. A clear glass pool fence is located directly above this solid wall. This is 1200mm high to meet pool safety regulations. The maximum height above natural ground level at the north-eastern corner of the combined fencing is 2480mm.

The natural ground level at the front boundary ranges from RL 23.35 to approximately RL 24.25. The existing retaining wall to a height of RL 24.35 will be increased in length by approximately 6m and in height by 280mm to this new RL 24.655. The proposed glass pool fence above this retaining wall is to a height of RL 25.855.

As the application does not comply with the Fencing Local Law, the standards may be varied if the following criteria are met. The Fencing Local Law states that 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 fence may assist the safe use of land and persons because it will provide a barrier against unwanted visitors. While a fence which is solid to only 900mm may provide better surveillance to the street, it is observed that the house will



sit up to 2.5m above the street due to rising natural ground levels and this alleviates this issue.

It is also assessed the fencing will have limited impact on the streetscape. Whilst the proposal would create bulk to the front setback area, the streetscape is currently disjointed. A ROW and a corner house with a side boundary fence to Florence Street can be found to the west, while a residence which is proposed to be redeveloped and some open front yards can be the east.

It is assessed that there is up to 900mm of fill proposed in the north-eastern corner. However, lowering the fencing may undermine the proposed adjacent pool and the additional fill is only 280mm above the existing retaining wall. The proposal is not significantly different to what currently sits on site except that the retaining wall will be marginally increased in height with a pool fence above.

The glass pool fence is proposed to be clear which will also reduce the perception of bulk. Some planting in front of the fence in the verge will also soften the appearance of this wall.

#### Side Boundary Fence

In regards to the masonry eastern side boundary fence (within the front setback area) this is wholly proposed within the applicant's property. It is solid of 1.3 to 2.5m at the boundary and the height variation is because the natural ground levels do rise 1.2m at the side boundary within the front setback area (first 6m). The fence also doubles as a retaining wall and pool fence safety barrier.

It is not recommended this fence be lowered as the fence doubles as a pool barrier and is required to be this minimum height to meet pool safety regulations. The fence is also not recommended to be made open aspect as it is within the property boundary and the eastern neighbour plans to redevelop the property and may propose a fence adjacent to this. However if Council requested this side boundary fence be open aspect, a fence will still be required to meet the Australian standard for pool barrier fencing.

#### Verge Development and Visitor Parking

The proposed crossover rationalisation and other development to the Florence Street verge are not supported as part of this application. It is noted that the applicant has a garage off the ROW. Council Policy does not favour the privatisation of verges and the proposal is excessive in this regard. In any case a separate application for any crossover changes is required to be submitted to the Works Department for consideration. A condition refers.

### **CONCLUSION**

The residence with several gable and angled walls and varying rooflines meets a majority of the planning regulations, especially height as revised. The residence sits on a large lot and has generous setbacks and extensive open garden areas. It also meets all privacy setback requirements and the proposed angled screens provide sun protection and reduce the line of sight to other properties.

In regards to front fencing, it is considered that the fencing meets the objectives of the Fencing Local Law. This is despite the length and is largely due to the significant rise in natural ground levels in this area. The two storey residence will also sit well above this area and is expected to dominate the streetscape, not the front fencing. It is recommended the application be approved subject to conditions.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee considered that conditions ought to be added regarding an open-aspect fencing design to improve the streetscape and for an advice note encouraging privacy screening as indicted by the applicant, and agreed to amendments accordingly. Committee also considered that the condition excluding development of the verge could be made more specific.

### **OFFICER RECOMMENDATION**

- (1) GRANT its Approval to Commence Development of a two-storey residence, front fencing, rear garage with studio and store above, cellar and swimming pool at No. 5 (Lot 42) Florence Street, Cottesloe, in accordance with the upper-floor plans received on 6 December 2007; the revised elevations received on 15 January 2008; and the revised site plan, ground and cellar floor plans, and garage and front fence elevations received 6 February 2008, subject to the following conditions:
  - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
  - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.
  - (c) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
  - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
  - (e) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
  - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

- (g) 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 system 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) The proposed crossover to Florence Street is not approved as part of this application. A separate application for a crossover shall be submitted to the Works Department of Council.
- (2) Advise submitters of Council's decision.

## 1.2 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Dawkins

- (1) **GRANT its Approval to Commence Development of a two-storey residence, front fencing, rear garage with studio and store above, cellar and swimming pool at No. 5 (Lot 42) Florence Street, Cottesloe, in accordance with the upper-floor plans received on 6 December 2007; the revised elevations received on 15 January 2008; and the revised site plan, ground and cellar floor plans, and garage and front fence elevations received 6 February 2008, subject to the following conditions:**
- (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
  - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights-of-way or adjoining properties, and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings for a building licence.**
  - (c) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
  - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**

- (e) The applicant complying with the Town of Cottesloe Policies and Procedures for Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
- (f) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (g) 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 system 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) The proposed development shown on the plans to the Florence Street verge, involving crossover alterations, a ramp footpath, retaining wall / letterbox and visitor parking, is specifically excluded and not approved as part of this application. Any alteration involving existing or proposed crossovers requires a separate application to the Works Department for determination against Council Policy, which generally does not favour unnecessary or excessive re-contouring, retaining, paving or other changes to verges.
- (l) Revised plans shall be submitted at building licence stage, to the satisfaction of the Manager Development Services, for suitably-designed open-aspect fencing to the front yard of the property, taking into account the requirement for pool fencing, in accordance with Council's Fencing Local Law, and the applicant shall liaise with the Planning Department to address this condition.

**Advice Note:**

As previously discussed, the applicant is requested to consider reviewing and enhancing privacy screening in relation to perceived overlooking from the first-floor southern-most bedroom and the rear studio windows to the western neighbouring property.

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

Carried 5/0

**1.3 NO. 4 (LOT 120) FORREST STREET, COTTESLOE – ALTERATIONS AND ADDITIONS (INCLUDING POOL AND SPA) TO AN EXISTING HOUSE KNOWN AS *KULAHEA* WHICH IS LISTED ON THE STATE REGISTER OF HERITAGE PLACES**

<b>File No:</b>	<b>1322</b>
<b>Author:</b>	<b>Mr Ed Drewett</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Photos Plans</b>
<b>Report Date:</b>	<b>4 February, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Robert and Susan Appleyard</b>
<b>Applicant:</b>	<b>William Clark Design</b>
<b>Date of Application:</b>	<b>12 November, 2007</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R20</b>
<b>Lot Area:</b>	<b>794m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

This application has been assessed specifically in the context of the property's heritage significance in addition to the relevant provisions of Town Planning Scheme No. 2 and the Residential Design Codes.

The current plans have evolved following detailed discussions between the applicant, the Town's staff and on advice from the Town's Heritage Adviser to ensure that the design and extent of works proposed are appropriate for a property of such high heritage significance and which address all statutory planning requirements.

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

**PROPOSAL**

To consider alterations and additions to an existing 2-storey single house listed on the State Register of Heritage Places, Schedule 1 of Town Planning Scheme No 2 and the Town's Municipal Inventory (Category 1).

The proposed internal alterations to the house are relatively minor and are considered necessary to enable the property to be renovated and restored for residential purposes.

A single storey more recent addition at the rear of the house is proposed to be demolished and replaced with a new extension to accommodate a living and dining

area together with a new deck area and pool/spa. A double garage is also proposed to the side of the proposed extension which will utilise an existing access from the rights of way at the rear.

The front garden is proposed to be partially retained and filled to level out the existing uneven topography. The existing front fence is also proposed to be replaced with a 1.2m high open style metal fence above a 300mm high limestone wall at its base and a small plinth is proposed in the south eastern corner of the lot.

### **STATUTORY ENVIRONMENT**

- Town Planning Scheme No 2
- Residential Design Codes
- Heritage Act

### **POLICY IMPLICATIONS**

- Proposed heritage incentives policy under draft LPS 3

### **HERITAGE LISTING**

- |                                     |                 |
|-------------------------------------|-----------------|
| • State Register of Heritage Places | Permanent Entry |
| • TPS No 2                          | Schedule 1      |
| • Municipal Inventory               | Category 1      |
| • National Trust                    | Recorded        |

### **STRATEGIC IMPLICATIONS**

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

### **CONSULTATION**

#### REFERRAL

##### Internal

- Building - no particular concerns with the proposal.

##### External

- Heritage Council of WA
- National Trust

The Heritage Considerations section of this report outlines the input to assessment of the proposal.

#### ADVERTISING OF PROPOSAL

The application was advertised in accordance with the Town Planning Scheme No 2. No submissions were received.

## **BACKGROUND**

The Heritage Council of WA provides details regarding the history of this property including that it is one of a number of substantial residential buildings constructed in Cottesloe in the late Nineteenth and early Twentieth Centuries that represent the development of the area as a prestigious beachside suburb, and which contribute to the historic character of the area today.

A recent inspection of the premises revealed that the property is currently vacant and is generally in need of significant internal restoration to make it habitable for normal residential use.

## **HERITAGE CONSIDERATIONS**

### **Introduction**

A range of heritage considerations relate to the subject property and to the proposal, as set out below.

There is an established framework for assessment of planning proposals from a heritage perspective, which is important in general and in this instance in particular.

Together with the ordinary planning technical assessment involved (ie development requirements or standards), the heritage values and classifications of a property have a significant bearing on the consideration of a proposal and the extent to which it is acceptable or may warrant some design modifications or conditions of approval.

This is an expected part of the development assessment process in the case of heritage-listed properties and those within recognised character or heritage areas.

It is through this process that a balanced outcome can be achieved between the objectives of the proposal, the normal planning parameters and the heritage layer of consideration.

In this instance, it can be seen that a strong collection of heritage instruments and classifications relating to the place apply and that they provide clear guidance on how the assessment of proposals should be approached and the values of the place to take into account.

### **Town Planning Scheme No. 2**

Clause 5.1.2 of TPS2 requires Council in considering a proposed development in relation to heritage to have regard to:

- *The need for preservation of existing trees or areas or buildings of architectural or historical interest.*
- *The choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.*



The subject property is included in Schedule 1 of TPS2, which is the highest listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie affording statutory heritage protection.

The Schedule lists the property as follows:

- *House No. 4 Forrest Street, Cottesloe. 2-storey brick and tile residence constructed circa 1904.*
- *Recorded by the National Trust.*

This invokes Part 6 of the Scheme: *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest*, requiring Council's written consent to proposals in addition to a planning approval under Part 7.

Broadly, Part 6 requires virtually any change to such a place to receive Council's consent, and in practice the making of a development application enables that step to be addressed.

Part 6 states that:

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

The matters covered requiring Council's consent include:

*clear, excavate or fill any land; fell, remove, kill or irreparably damage any tree; erect any fence; commence or carry out any renovation, modification, refitting, decoration or demolition of any building; alter or remove any building or object or any part thereof.*

### **Municipal Heritage Inventory**

The property is classified in the MHI as Category 1.

Category 1 is defined as:

*Highest level of protection appropriate: included in the State Register of Heritage Places, provide maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.*

The MHI description of the place is:

*Great historic and architectural interest/George Temple Poole for Charles Frederic North.*

**National Trust**

The National Trust has been consulted and advises:

*It is preferable that applications such as this should be considered in the context of a Conservation Management Plan (CMP) and involve a Heritage Impact Assessment. Given the substantial nature of the proposed works and in the absence of a CMP and Heritage Impact Assessment the National Trust opposes the application.*

*The National Trust is happy to reconsider this advice once a CMP is completed and a Heritage Impact Assessment is done for this specific application.*

**Heritage Council of WA**

This application has been referred to the Heritage Council of WA for approval as it has a permanent entry on the Register of Heritage Places.

In response to the original submitted plans the Heritage Council of WA advised that the proposed works were supported subject to 5 specific conditions being addressed by the applicant.

The Heritage Council subsequently advised on 28 December 2007 that the proposed works (as amended) now satisfied the conditions stated in their previous correspondence.

**LOCAL PLANNING SCHEME NO. 3 (DRAFT)**

No changes are proposed to the current classification of the existing house or zoning of this lot in the draft Local Planning Scheme No 3. That Scheme continues and strengthens Council's heritage approach.

**PLANNING COMMENT**

Following an initial assessment, the applicant was requested to submit revised plans (received 24 December 2007) addressing the requirements of TPS2, the Residential Design Codes and conditions of the Heritage Council of WA.

Orientation

The existing house is located on a north-south orientated lot that is bounded by rights of way (ROW) to the north and west. A two-storey house is situated on the adjoining lot to the east.

Site Works

Although Forrest Street generally rises from west to east, the subject lot is below street level and has been predominantly cut so that the existing gardens are lower than the surrounding natural ground levels. The existing house also has a limestone build-up at its base, so its floor level is raised with its front entrance reached via a small number of external stairs.

To compensate for the existing fluctuation in ground levels on the lot it is proposed to partially fill and retain the lower sections of garden to the front, side and rear to make these areas more accessible from the house and to ensure the proposed rear addition matches the existing finished floor level of the house. A small unobtrusive plinth is also proposed in the south eastern corner of the lot below the existing verge level, as a feature and viewing platform.

There is no objection to supporting the proposed new levels as these will not negatively impact on the existing house, the adjoining property or streetscape and are compliant with the acceptable development standards of the R-Codes.

Furthermore, although the proposed levels of the outdoor living areas to the front and rear exceed 0.5m above the existing ground levels on the lot, they are not raised significantly above the adjoining neighbour's ground level and there are no visual privacy concerns in this regard and the proposal is compliant with the R-Codes. A solid high wall also exists along the eastern boundary thereby effectively obscuring the proposed additions.

Overall, the property in a sense suffers from being sunken from the street and surrounded by substantial buildings to both sides and the rear, whilst the grounds have not been developed for effective use and are not particularly attractive. The landscaping proposal will overcome these deficiencies, creating an enhanced setting for the restored heritage dwelling and contributing to the streetscape.

#### Walls on Boundaries

The proposal also makes effective use of space on the lot by locating the proposed double-garage and pool store on the western and northern boundaries respectively. As these walls will be abutting two rights-of-way their setbacks are deemed compliant with the R-Codes as the required setback distances may be reduced by up to half the width of the adjoining ROWs.

#### Setbacks

The proposed rear extension has a sloping (skillion) roof with a maximum height of 4.7m above the adjoining ground level and a wall length of 7.1m (excluding eaves). A 1.1m setback is proposed from the eastern boundary which is compliant with the Residential Design Codes. All other setbacks to the proposed additions are also compliant with the Codes.

### **CONCLUSION**

The amended plans received on 24 December 2007 address the statutory provisions of TPS2, relevant Council's Policies and the Residential Design Codes.

Furthermore, notwithstanding the initial concerns raised by the National Trust, the Heritage Council of WA has advised that the proposed internal and external alterations, including the pool and spa, are acceptable from a heritage viewpoint and can be approved.

In summary, the proposal represents a worthwhile example of heritage restoration and the addition of modern facilities, in a manner which respects conservation practice and planning considerations.

## **VOTING**

Simple majority

### **1.3 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Dawkins

**That Council GRANT its Written Consent and Approval to Commence Development for the Alterations and Additions to the existing house (including pool and spa) at No. 4 (Lot 120) Forrest Street, Cottesloe, in accordance with the revised plans submitted on 24 December 2007, subject to the following conditions, all to the satisfaction of the Manager Development Services:**

- (1) Prior to any demolition a full photographic and documented record of the affected areas both internally and externally shall be compiled and submitted to the Town as a heritage record.**
- (2) All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed prior to occupation of the finished development.**
- (3) The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) All boundary walls shall be properly finished-off.**
- (5) Adequate storage disposal on site shall be provided to contain site stormwater in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve, right-of-way or adjoining properties, and the gutters, downpipes and soakwells used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings for a Building Licence.**
- (6) 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.**
- (7) Wastewater or backwash water from the swimming pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and located a minimum of 1.8 metres away from**

- any building or boundary. Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (8) Any air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (9) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.

**Advice Notes:**

1. The owner is encouraged to retain as much of any trees or significant vegetation on site as possible in relation to the demolition and development, in the interests of the heritage value of the place and the amenity of the property for the residents as well as to the neighbours, the streetscape and locality.
2. This approval is to the proposed demolition, development and required restoration works only. All future proposals for the property are subject to further applications, approvals and consents as required by the Town of Cottesloe Town Planning Scheme and any heritage classifications of the property.

Carried 5/0

**1.4 NO. 1 STATION STREET (LOT 15) – MIXED-USE DEVELOPMENT (OFFICE AND RESIDENTIAL)**

<b>File No:</b>	<b>1 Station Street</b>
<b>Author:</b>	<b>Mr Ed Drewett</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Photos Plans</b>
<b>Report Date:</b>	<b>5 February, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Onyx Investments Pty Ltd</b>
<b>Applicant:</b>	<b>Onyx Investments Pty Ltd</b>
<b>Date of Application:</b>	<b>4 December 2007 (Amended 4 February 2008)</b>
<b>Zoning:</b>	<b>Town Centre</b>
<b>Use:</b>	<b>AA - A use that is not permitted unless special approval is granted by the Council</b>
<b>Density:</b>	<b>R100</b>
<b>Lot Area:</b>	<b>417m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

This application proposes the redevelopment of 1 Station Street to create an interesting mix of professional offices and a residential use that is considered appropriate for this prominent corner site within the Cottesloe Town Centre.

The contemporary design, while three-storey, will enhance the existing streetscape and takes account of the surrounding topography and close proximity of the adjoining railway station and carpark. It will also be reflective of some similar more recent (Vivian's Corner) and older developments in the Town Centre.

Revised plans were submitted on 4 February 2008 to comply with the height requirements of TPS2. The associated demolition has recently received planning and demolition licence approvals and is being carried-out.

Ultimately the proponent wishes to be able to construct a second apartment, subject to Council agreeing to amend the scheme to permit that. A separate report refers and does not affect determination of this development application.

**PROPOSAL**

To consider a 3-storey mixed-use development comprising carparking on the ground level, offices on the first floor (GFA: approx. 395m<sup>2</sup>) with a 2-bedroom residential apartment above. A canopy/awning is proposed over the main entrance fronting Station Street. There is also potential to include a small corner coffee bar for streetscape activation.

Council has previously approved a similar two-storey concept for a modern office building with basement parking. That process served to scope design criteria for the site which the current proposal has embraced and enhanced.

As before, officers have liaised closely with the architects to guide the proposal towards an acceptable degree of compliance and urban design, and a high-standard of development is again intended.

### STATUTORY ENVIRONMENT

- Town Planning Scheme No 2

### POLICY IMPLICATIONS

- Vehicle Parking Requirements Policy No 001

### HERITAGE LISTING

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

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Residential Design Codes

Special Provisions	Acceptable Standards	Provided	Performance Criteria Clause
4.2 – Dwellings in Mixed Use Developments – Other boundary setbacks	2.7m setback from apartment building to eastern boundary.	0-2m setback	Clause 4.2.1 – P1

### STRATEGIC IMPLICATIONS

The proposal would contribute substantially to the development and upgrading of the Town Centre overall and this particular portion. The mixed-uses, scale and urban design are appropriate to the site and Station Street, as well as in terms of an edge to Railway Street opposite the railway and a corner statement with Station Street.

Council wishes to foster the improvement of Station Street, which has recently attracted other proposals for building improvements and new café-type businesses. In addition Council is addressing parking supply and management and use/development options for its landholdings in the area.

The proposal is also consistent with longer-term planning for a more vibrant and intensive concentration of development west of the Town Centre, based on the railway station, realignment of Curtin Avenue and surplus government lands. The proposal would interface well with that evolution of the Town Centre.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

## REFERRAL

**Internal**

- Building, Engineering and Health – No objections, subject to appropriate conditions.

## ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2.

One submission was received by email on 11 February 2008, on behalf of the owners of 2-10 Napoleon Street on the southern side of the right-of-way. The submission expresses no objection but draws attention to shared access via the ROW and requests that the proposal does not prejudice any future redevelopment of the southern properties.

By way of assessment, the ROW is a public thoroughfare and the proposal makes practical use of it for vehicular access. At 6m wide the ROW can cater for vehicular access and manoeuvring on both sides, whereby both the proposal and the southern properties can achieve access.

**Design Advisory Panel**

The Design Advisory Panel was supportive of the previous approved development for the site and has also reviewed the current proposal. In addition to expressing similar support for the new concept, the Panel commented on the positives of on-site parking provision and residential usage, as well as the high standard of design and finish of the proposal. It was also noted that the scale and setting back of the building echoes the Vivian's corner development and is quite compact in the context of the small site in its setting.

**BACKGROUND**

On 18 December 2006 Council approved a 2-storey office development with basement parking on this lot (Item 12.1.4). However, this proposal was not proceeded with and the site was subsequently sold.

The new owners have two proposals for the site. Firstly, this application seeks approval for a mixed-use development complying with the provisions of Town Planning Scheme No 2 and the Residential Design Codes, with the exception of a minor setback variation to the eastern boundary. If approved, this will enable works to commence on the site within a relatively short period of time.

The second proposal is similar but incorporates an additional 2-bedroom residential apartment on the second floor and a small café at ground level which will result in the overall development having a plot ratio in excess of that currently permitted under



TPS 2. (ie: >1:0). This therefore requires a Scheme Amendment before it can be approved as well as the submission of a separate planning application. The Scheme Amendment is discussed as a separate item on this agenda.

Planning approval for the demolition of the existing single storey buildings on the site has recently been approved under delegated authority. There was no objection to allowing this to proceed in view of Council's previous decision to allow redevelopment of the site and the owners desire to commence work during the quieter part of the year, as well as to remove the vacant premises and tidy-up the property.

### **COMMENT**

The proposed development is of contemporary design and provides for a 'mix of use' combining professional offices and residential that are both appropriate uses in the Town Centre. However, for the Town Centre Zone the zoning table lists these type of uses as 'AA' uses requiring the special approval of Council (as for many uses under the Scheme).

Specific reference is made in the Scheme for 'Combined Residential/Business Development' (Clause 5.4) which states:

*Council may approve combined residential/business developments on sites subject to the following conditions:*

- (a) *the residential component of the building shall be built in accordance with the Residential Planning Codes, the Development Guide Map and the Zoning Provisions of Part III and General Provisions of Part V of this Scheme as they apply;*
- (b) *the business component of the development shall be built in accordance with the Development Guide Map, the Zoning Provisions of Part III and the General Provisions of Part V of this Scheme.*

With respect to these provisions the following comments are made:

#### Land Use

The proposed use for professional offices is consistent with Council's objectives for the Town Centre to promote the centre's function as the commercial and administrative centre. The mix with a residential use on the site also will provide enhanced security through extended hours of activity as well as optimising the use of on-site parking through reciprocal use of car spaces.

All of the uses may be permitted as AA-type at Council's discretion as considered appropriate and having regard to the amenity of the zone taking into consideration integration, access/parking, landscaping and so on.

In this regard the Town Centre Zone Development Policy Plan is considered broadly supportive of a range of uses in the Station Street area and points towards redevelopment over time, as well as encourages upper-level residential use.

### Density

Under the Residential Design Codes the R100 density coding would, in principle, allow up to 4 multiple dwellings on the lot. Only 1 residential apartment is proposed (at this stage).

### Building Height

There are no dedicated building height provisions in TPS 2 relating to the Town Centre zone. However, the general policy set out in Part V, cl.5.1 (a) of TPS2 does apply whereby Council "*favours low rise development of no more than 2 storeys*" but also provides that "*Council may consider the circumstances and merits of each case in terms of amenity and development control provisions of this Scheme*". Council therefore has discretion to approve development in excess of 2 storeys.

The proposed development is 3 storeys and has an overall height of 9.0m which slightly exceeds the Scheme's preferred height maximum of 8.5m. However, the height of the building on the boundary will only be 7m to the top of the proposed terrace (balcony) as the 3<sup>rd</sup> storey apartment has a 2m setback thereby reducing the development's visual impact on the streetscape. Furthermore, to the west of the site the land is significantly higher (adjoining Cottesloe station) and there are other examples of similar 3 storey developments in the vicinity, such as the Vivian's Corner development (height: approx.11.3m) and at 85 Forrest Street (height: approx. 9.6m) so the proposed development is not inconsistent with the height of other developments approved by Council.

### Setbacks

#### *Non-residential:*

Clause 5.3 of TPS 2 indicates that ground and first floor walls may have a nil setback up to a height of 6m, but that walls above that for non-residential uses "*shall be setback from site boundaries a minimum of 2 metres for every 3 metres of height...*"

The walls for the non-residential use (offices) do not exceed the 6 metre height provision on the boundaries and therefore comply with TPS 2.

#### *Residential:*

Under TPS 2, the street setback to the proposed 3<sup>rd</sup> storey is required to comply with the Residential Design Codes. In this case, as the proposal is for a mixed use development a nil setback may be permitted under the 'Acceptable Development' standards of the Codes (cl. 4.2.1). It is somewhat unclear whether this was the intent of TPS 2 in view to specific reference in cl. 5.2.2 c to "*the ability to build up to the street boundary applies only to the first two storeys of a development*". However, this clause further states "*For storeys above second storey level the street setback requirement of the relevant Residential Planning Code applies*". As such, the proposed 3<sup>rd</sup> storey which has a 2m setback from both Station and Railway Streets exceeds the R-Code provisions and complies with TPS2.

The rear of the site is abutting De Nardi Lane (ROW). The proposed development is setback 6m from the ROW on the ground floor to provide sufficient car spaces and manoeuvring area for 5 additional car bays. The proposed offices on the first floor overhang these bays with a nil setback which can be supported in the Town Centre.

A setback of 2m (zero to part of proposed lobby) is proposed from the eastern boundary to the residential apartment, in lieu of a 2.7m setback required under the R-Codes. However, this variation is unlikely to significantly impact on the amenity or privacy of the adjoining commercial uses and would satisfy the relevant performance criteria of the Codes as no other residential dwellings are affected. Furthermore, the adjoining owner has raised no objection to the proposed development.

### Plot Ratio

The provisions of cl. 3.4.2 (b) of TPS 2 expressly provide that "*The maximum plot ratio within the Town Centre zone shall be 1.0...*". The proposed development, the subject of this application, has a plot ratio of 0.98 and therefore complies with the Scheme requirements.

### Parking

Clause 3.4.2 (c) of TPS 2 requires the proposed development to comply with the provisions of Table 2 – Vehicle Parking Requirements.

The parking bays required are:

Proposed Offices: 9.8 bays (10 bays) based on 1 bay per 40m<sup>2</sup> of GFA.

Proposed Residential Apartment: 1 bay, (on the basis that on-site parking for other users is available outside normal business hours).

Total bays required: 10.8 bays (11 bays).

Total bays proposed: 13 bays

Surplus: 2 bays

There is no objection to the on-site parking configuration or new access onto Railway Street subject to vehicles exiting in forward gear and the parking bays remaining available, free of cost, to all staff and visitors during normal business hours. It is observed that the proposed at-grade parking offers improved safety and parking convenience over the previous basement proposal.

### Landscaping

The applicant is proposing to plant new street trees adjoining the site on Station and Railways Streets to provide additional shade over the footpath and enhance the streetscape. New street paving is also proposed along the street frontages. Both these initiatives are supported and will be conditioned accordingly, ie: as a developer contribution at no cost to Council.

Proposed Local Planning Scheme No. 3

The proposed development is essentially consistent with the objectives for the Town Centre Zone under proposed LPS3, which are to:

- (a) improve amenity and function of the Cottesloe town centre;
- (b) provide for a wide range of land uses, including shops, offices, entertainment, health, and community facilities and services, consistent with the district-serving role of the centre; and
- (c) provide the opportunity for residential uses and development within the town centre.

The proposal is also compliant with the development requirements in draft LPS3 relevant to the Town Centre zone, ie: parking and height provisions.

**CONCLUSION**

The proposed development will enhance the existing streetscape and provide a functional use of the site. It also complies with the Scheme and R-code provisions with the exception of the minor setback concession to the residential apartment from the eastern boundary, as discussed in this report. It is therefore recommended for approval.

The development would anchor this corner of Station Street and stimulate on-going redevelopment of this part of the Town Centre. Overall, it is a quality proposal for the modest site.

Should the applicant's proposed Scheme Amendment be successful so as to allow an increased plot ratio on the site, then a new planning application will be submitted by the applicant to amend this approval and show the addition of a small café on the ground floor and second residential apartment on the third floor.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee expressed support for the proposal as a worthy improvement to the site and Town Centre and a good example of mixed-use development including a desirable residential component.

**1.4 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Birnbrauer, seconded Cr Dawkins

**That Council GRANT its Approval to Commence Development for the Mixed Use Development Incorporating Retail, Office and Residential) at No. 1 Station Street (Lot 15), Cottesloe, in accordance with the revised plans submitted on 4 February 2008, subject to the following conditions:**

- (1) **This approval is to the land use classes 'Professional Office' and 'Multiple Dwelling' under the Scheme only. Any additional use, change of**

- use, or physical or aesthetic change proposed for the development in the future shall require further applications for planning determination.
- (2) The applicant shall be responsible for the costs of all changes to the public domain outside the site required by the development, including (but not limited to) the removal of any redundant crossover and reinstatement of the verge and kerb, construction of any new crossover, any upgrading of verge pavements or landscaping, changes to or upgrading of the lane, and alteration of all services, signage and infrastructure. All such works shall be to the specification and satisfaction of the Town of Cottesloe.
  - (3) All off-street parking associated with the non-residential use (ie 12 bays) shall be available on-site during business hours for all staff and visitors, free of charge, to the satisfaction of the Manager Development Services. The off-street parking is also to be made available by arrangement of the building owners and occupiers for other residential visitors or service vehicles outside normal business hours.
  - (4) No goods or materials shall be stored, either temporarily or permanently, in the parking area or access driveway. All goods and materials are to be stored elsewhere within the building.
  - (5) The building licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services, and shall include:
    - (a) Full details of all proposed external materials, finishes and colours, including glazing, any awnings or screens and the roof cladding, all selected to be of low-reflectivity.
    - (b) Full details of all intended changes within the road reserves and laneway (ie verges, footpaths, kerbs, pavements, drainage, services, public domain signs and infrastructure, landscaping, and any other item.
    - (c) Full details of all plant and equipment and how it is to be located, designed, housed, screened, treated or otherwise managed to ensure amenity and compliance with the relevant environmental regulations.
    - (d) Detailed design of the bin store at a satisfactory size.
    - (e) Full details of all on-site and any off-site drainage management, including any necessary arrangements to utilise land outside the site and link into the public drainage system.
    - (f) A comprehensive signage strategy to manage convenience, amenity, safety and advertising without undue impacts, with pre-determined signage locations / panels and design guidelines, and actual signage shall require further approval under the Scheme or Signage Local Law as required.
    - (g) A comprehensive lighting strategy to manage convenience, amenity, security and advertising in relation to the building and surrounds without undue impacts.
-

- (h) All disabled access, energy efficiency and fire management requirements in accordance with the BCA, Australian Standards and other relevant regulations.
- (i) Detailed building design and traffic management methods, devices and treatments to ensure the satisfactory and safe operation of the vehicular access in relation to the public footpath, laneway and Railway Street.
- (j) A comprehensive Construction Management Plan and all construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13, Construction Sites.

Carried 5/0

**1.5 PROPOSED AMENDMENT NO. 45 TO TOWN PLANNING SCHEME NO. 2 – NO. 1 (LOT 15) STATION STREET – PROPOSED THREE-STOREY MIXED-USE DEVELOPMENT WITH ON-SITE PARKING**

**File No:** SUB/653  
**Author:** Mr Lance Collison / Mr Andrew Jackson  
**Author Disclosure of Interest:** Nil  
**Attachments:** Plans  
**Report Date:** 4 January 2008  
**Senior Officer:** Mr Andrew Jackson

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**SUMMARY**

- An old single-storey building has recently been demolished to enable redevelopment of this prominent corner site at the north-western entrance to the Town Centre.
- It is intended to develop a mixed-use building with a small corner café, a lobby and car park at ground level, offices on the first floor and two apartments on the second floor. This necessitates amendment of certain development standards to match the design.
- Consultants have liaised with the Town to formulate a concept development plan and prepare the amendment proposal for Council's consideration.
- This report presents the requested amendment and recommends advertising of the proposal.
- It should be read in conjunction with the related development application report for 1 Station Street also in this agenda. That proposal is for a building with only one apartment at this stage, under the present development standards.

**STATUTORY ENVIRONMENT**

- The Planning & Development Act 2005 provides for amending town planning schemes and the Town Planning Regulations guide the procedure.
- Town Planning Scheme No. 2 is the current scheme by which land use and development are controlled and which is able to be amended.
- As future Local Planning Scheme No. 3 is only at the point of advertising, amendments to TPS2 can still be made, as for other recent proposals (eg Eric Street shopping centre redevelopment).

**POLICY IMPLICATIONS**

- The amendment proposal does not relate to any planning policy regarding the mixed-use development.

**STRATEGIC IMPLICATIONS**

- A vibrant town centre is one of Council's aims for the district and TPS2 seeks to foster this end, while draft LPS3 shares this outlook.
- In relation to modern town planning, the objectives of mixed-use, housing diversity, activity centres, quality urban design and public domain amenity are all addressed by the proposed development that the amendment facilitates. It is also in keeping with regional planning strategies for sustainable urban development to which local governments are required to respond.

**FINANCIAL IMPLICATIONS**

- The amendment proposal does not represent a cost to Council.
- The future redevelopment may include improvements to the public domain such as footpaths, verge landscaping and minor road works / upgrades as a developer contribution.

**DEVELOPMENT PARAMETERS**

- The consultants initially liaised with officers and prepared a concept plan having regard to the viability of a mixed-use development, planning parameters, amenity aspects and architectural style.
- This scoped the development requirements and concluded that a scheme amendment would be in order where increased plot ratio and boundary wall height is proposed. A more detailed design was then completed and an amendment proposal prepared.
- The particular amendments are needed to allow a second apartment (plot ratio increase) and to suit the detailed design (boundary wall height increase). They will allow this development to occur, rather than the lesser development proposal with only one apartment under the current development requirements (related report refers).
- The reason for an increased plot ratio figure is to provide for the additional floorspace generated by the ground floor café and the upper level second apartment. This in turn requires a boundary wall height of up to 6.5m to cater for a practical floor-to-ceiling height for the café; whilst maintaining the relatively modest overall height of the stepped building for what is a small-site development.
- It is important to appreciate that, while technically the increased standards may appear significant, in the context of the site and surrounds they represent reasonable changes to accommodate the intended development which has been designed in detail. That is, the creation of a second apartment on the upper level of this corner site with two street frontages and a lane, and the construction of a boundary wall for the first two floors to a height to 6.5m, with the third level being set back, are consistent with an activity centre and built-up urban environment in this location.

**AMENDMENT PROPOSAL****Outline Documentation**

- A draft justification report submitted supports the amendment request and outlines the changes to the scheme provisions. This requires some refinement for the purpose, which officers will attend to.
- This will be the basis of the official amendment documentation to be prepared by officers and advertised, describing the intended redevelopment, required standards, indicative development plan and amended provisions.

**Amendment Methodology**

- Clause 5.4 of the Scheme provides for mixed-use development and applicable requirements. The Residential Design Codes also include a section on mixed-use development standards which provides for flexibility in the requirements – it is explained that to accommodate a residential component, mixed-use development



standards should not be too strict and are likely to rely on performance criteria rather than acceptable development standards, whilst still achieving amenity.

- The amendment takes a conventional approach to tailor some site-specific development standards to allow a detailed development plan to be implemented. The changes are made to relevant parts of the scheme text.
- A similar approach has been followed for other recent scheme amendments adopted by Council. These include Amendment No. 39 for 3 Clive Road (14 grouped dwellings) and Amendment No. 43 for 36 Eric Street (redevelopment of local centre). They included indicative development plans and set development requirements for future applications.

### Amendment Details

The amendment comprises three precise stipulations in the Scheme Text as follows. For changes one and two the existing clauses are quoted with the changes shown in bold type. For change three the new clause is stated.

1. In clause 3.4.2 (b), prescribing a plot ratio of 1.5:1 for the subject site.

#### 3.4.2 Town Centre Zone

(a) ....

(b) The maximum plot ratio within the Town Centre Zone shall be 1.0; except for those lots contained within the street block bounded by Jarrad Street, Stirling Highway and Brixton Street, where the maximum plot ratio permitted shall be 1.15:1; **and except for No. 1 (Lot 15) Station Street, where the maximum plot ratio permitted shall be 1.5:1.**

2. In clause 5.3 (a), prescribing a boundary wall height of 6.5m for the subject site.

#### 5.3 MOTELS, SERVICED UNITS AND BUSINESS USES

For the purposes of these General Provisions, business and entertainment include uses of a commercial nature generally as well as motels and serviced units.

- (a) Where the Development Guide Map indicates the minimum setback from a street boundary to be Nil, the Council may permit walls of up to 6 metres in height to be constructed up to site boundaries. In granting approval to the construction of walls to site boundaries, Council will have particular regard to the maintenance of privacy of occupants of the buildings on adjoining sites. Walls higher than 6 metres shall be setback from site boundaries a minimum of 2 metres for every 3 metres of height, such that a wall or portion of a wall which is 9 metres

or higher shall have a minimum setback of 6 metres from any site boundary. **For No. 1 (Lot 15) Station Street, Council may permit walls of up to 6.5 metres in height to be constructed up to site boundaries.**

3. In Schedule 5, prescribing the Indicative Development Plan that reflects these development requirements as the basis for a development application.

		COLUMN 1 PARTICULARS OF LAND	COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL
SP5	5	No. 1 (Lot 15) Station Street, Cottesloe	Council, when considering an application for development that is in accordance with the standards set out in clause 3.4.2 (b) and 5.3 (a) of the Scheme, will be guided by any Indicative Development Plan for the site that it has supported 'in-principle'.

## CONCLUSION

- The development proposal represents a positive contribution to the Town Centre and Station Street.
- The amendment proposal itself is a straightforward and relatively minor first step. It is a technical Scheme Text change to set particular development standards for the site and identify the Indicative Development Plan which reflects those standards.
- The normal development application phase will still apply as a second step for advertising, assessment and determination by Council.
- It is concluded that the amendment proposal merits advertising consent to call for public submissions

## VOTING

Simple Majority

## COMMITTEE COMMENT

Committee expressed support for the proposal as a worthy improvement to the site and Town Centre and a good example of mixed-use development including a desirable residential component.

## 1.5 OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Birnbrauer

**That Council:**

- (1) In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Town Planning Scheme No. 2 text by:

- (a) In clause 3.4.2 (b), prescribing a plot ratio of up to 1.5:1 for No. 1 (Lot 15) Station Street, as follows:

**3.4.2 Town Centre Zone**

(a) ....

- (b) *The maximum plot ratio within the Town Centre Zone shall be 1.0; except for those lots contained within the street block bounded by Jarrad Street, Stirling Highway and Brixton Street, where the maximum plot ratio permitted shall be 1.15:1; and except for No. 1 (Lot 15) Station Street, where the maximum plot ratio permitted shall be 1.5:1.*

- (b) In clause 5.3 (a), prescribing a boundary wall height of up to 6.5m for No. 1 (Lot 15) Station Street, as follows:

**5.3 MOTELS, SERVICED UNITS AND BUSINESS USES**

*For the purposes of these General Provisions, business and entertainment include uses of a commercial nature generally as well as motels and serviced units.*

- (a) *Where the Development Guide Map indicates the minimum setback from a street boundary to be Nil, the Council may permit walls of up to 6 metres in height to be constructed up to site boundaries. In granting approval to the construction of walls to site boundaries, Council will have particular regard to the maintenance of privacy of occupants of the buildings on adjoining sites. Walls higher than 6 metres shall be setback from site boundaries a minimum of 2 metres for every 3 metres of height, such that a wall or portion of a wall which is 9 metres or higher shall have a minimum setback of 6 metres from any site boundary. For No. 1 (Lot 15) Station Street, Council may permit walls of up to 6.5 metres in height to be constructed up to site boundaries.*

- (c) Amending Schedule 5 – Special Provisions to read as follows:

		<b>COLUMN 1 PARTICULARS OF LAND</b>	<b>COLUMN 2 EXEMPTIONS/CONCESSIONS THAT MAY BE GRANTED BY THE COUNCIL</b>
<b>SP5</b>	<b>5</b>	<b>No. 1 (Lot 15) Station Street, Cottesloe</b>	<b>Council, when considering an application for development that is in accordance with the standards</b>

			<i>set out in clause 3.4.2 (b) and 5.3 (a) of the Scheme, will be guided by any Indicative Development Plan for the site that it has supported 'in-principle'.</i>
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- (3) Upon payment of the Scheme Amendment fee by the applicant and preparation of the Scheme Amendment documents to the satisfaction of the Manager Development Services, the Chief Executive Officer shall adopt and endorse the Scheme Amendment documents on behalf of the Council.
- (4) Refer the proposed amendment to the Department of Environment for clearance prior to advertising, pursuant to section 81 of the Planning and Development Act 2005.
- (5) Advertise the proposed Town Planning Scheme amendment for public comment for a period of not more than 42 days by:
- (a) Placing a copy of the notice:
- (i) in The Post newspaper;
  - (ii) on the Council notice boards at the Council Offices and in the Town Centre; and
  - (iii) in the Library.
- (b) Placing a copy of the proposed amendment on display at the:
- (i) Council Offices; and
  - (ii) Library.
- (c) Notifying nearby landowners or interested parties by letter as determined by the Manager Development Services.
- (6) Provide the Western Australian Planning Commission with a copy of proposed Town Planning Scheme Amendment No. 45.

Carried 5/0

**1.6 PROPOSED CHANGE OF USE FROM KITCHEN SHOP AND COOKING SCHOOL TO TAVERN AT NO. 1-3/12 STATION STREET, COTTESLOE – FOR “LAMONTS COTTESLOE”**

<b>File No:</b>	<b>1367</b>
<b>Author:</b>	<b>Mr Lance Collison/Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Location plan Proposal from applicant Tavern Licence Application Submissions from adjoining owners (2) Plans</b>
<b>Report Date:</b>	<b>29 January, 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Paul Lenard &amp; Beverley Sprague</b>
<b>Applicant:</b>	<b>Lamonts City Pty Ltd.</b>
<b>Date of Application:</b>	<b>2 January, 2008</b>
<b>Zoning:</b>	<b>Town Centre</b>
<b>Use:</b>	<b>AA – A use is not permitted unless special approval is granted by the Council</b>
<b>Density</b>	<b>R100</b>
<b>Lot Size</b>	<b>404m2</b>

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**INTRODUCTION**

A change of use is proposed at 1-3/12 Station Street. A (restaurant-style) tavern is proposed to replace the existing cooking school and kitchen shop.

The proposal represents the virtual equivalent of a small bar in terms of scale, style atmosphere and sophistication. The recently-introduced liquor legislation reforms have reportedly stimulated a healthy number of such new establishments in Perth. This innovation provides for smaller, more intimate licensed premises, affording wider choice and better distribution of venues, as well as containing social impacts.

The proposal aims to effectively operate as a small bar, with two notable yet worthwhile variations. Firstly, to also sell take-away liquor (driven by the Lamont's wines brand), hence the need for a tavern licence as the only means to enable that. Secondly, an emphasis on food to accompany the consumption of wine etc, unlike a small bar or tavern, which immediately creates a lower-key type of licensed premises in terms of nature, clientele, hours and so on.

The proposal is akin to a traditional wine bar (eg Court Wine Bar) or a wine-based restaurant (eg Balthazar), which promote both wine and food in a convivial yet restrained environment. As indicated, the limited floorspace means that under any future operator of the tavern licence (if retained) the activity would most likely be similarly specialised. Indeed, without a food component a true tavern in such accommodation would perhaps not be feasible, whereby it may well be sought to convert to a small bar licence.

Given the assessment undertaken, the application is recommended for approval subject to conditions.

### STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No. 2 (TPS2).
- A tavern is defined under TPS2 as *land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended)*.
- Clause 3.4.3 (c ) (i) of TPS2 provides Council with discretion to approve a shortfall in parking requirement for a change of use in the Town Centre under certain circumstances as follows:

*Where the use of an existing building is to change to a use consistent with that nominated on the diagram at Appendix I of this Text - Town Centre Zone Development Policy Plan, the Council may permit such change of use notwithstanding the fact that there is insufficient parking on or near the site subject to Council having regard to the nature of the use to be made of the site, the known or likely volume of goods or materials, or the numbers of people moving to or from the site and the likelihood or otherwise of congestion of traffic on any road or in other public places in the vicinity.*

- Also clause 5.5.4 allows Council to waive parking requirements subject to the payment of cash-in-lieu as follows:

*Where land is proposed to be developed for a use which may be permitted in the Town Centre, Foreshore Centre, Business and Hotel Zones, Council may approve the development without the required number of parking spaces being provided on or (in Council's opinion) sufficiently near the land, subject to the applicant making arrangements satisfactory to the Council for the provision of off-street parking in the vicinity. In this regard Council may accept cash in lieu of parking spaces subject to the following -*

- \* *the cash in lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme plus the value as estimated by the Council of that area of his land which would have been occupied by the parking spaces;*
- \* *before the Council agrees to accept a cash payment in lieu of the provisions of parking spaces the Council must either have approved a public parking station nearby or must have proposals for providing a public parking station nearby;*
- \* *payments made under this clause shall be paid into a special fund to be used to provide public parking stations anywhere in the district.*

**POLICY IMPLICATIONS**

- There is no specific policy in relation to the proposal, however, the proposed parking policy under future Local Planning Scheme No. 3 aims to facilitate flexibility in parking requirements and management where appropriate.
- Council on 23 July 2007 considered a proposed new policy to provide guidelines for planning applications involving liquor licences and the issuing of Section 39 and Section 40 certificates under the *Liquor Control Act*, which provides guidance in this instance regarding the change of use.
- Council's TPS2 *Policy 001 Vehicle Parking Requirements - Town Centre* regarding parking for the Town Centre requires that for a range of uses (including tavern and eating house): *at least half of the total number of required spaces must be provided on, or adjacent to, the development site and arrangements made with the Council for the provision of off-street parking in the vicinity of the site for the balance of such spaces still then required.*

**STRATEGIC IMPLICATIONS**

- The proposal is essentially consistent with Council's outlook for activities within and enhancement of the Town Centre and for responsible licensed premises, and which should set a high standard for such establishments.
- Objective 5.3 of Council's Future Plan is to *develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.*
- Station Street is a focus of development proposals and Council endeavours to improve this part of the Town of Cottesloe.

**FINANCIAL IMPLICATIONS**

- Nil – the proposal causes no direct cost to Council
- Any cash-in-lieu would fund parking supply.

**CONSULTATION**

## REFERRAL

**Internal**

- Building
- Environmental Health

**External**

N/A.

## ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2 for 21 days.

The advertising consisted of a Letter to Adjoining Property Owners.

## Submissions

There were 3 letters sent out. Two submissions were received of which both were objections. These are summarised below:

### Alan McGillvray of Jamac Properties – 10 Station Street, Cottesloe

- *Objects to no parking being provided.*
- *Says that his shopping centre will provide parking for the 80 patrons of this business.*
- *The existing parking provided by his shopping centres are continually full.*
- *Should parking be provided by a cash-in-lieu payment then the Town of Cottesloe should use the funds to provide a decked car park in Station Street.*
- *Concerned about the future use of the premises as a tavern if the business changes ownership.*

### B Gregory of 14 Station Street, Cottesloe

- *Concerned regarding the use of the rear access to the restaurant.*
- *Issues such as parking, odours and noise are likely to have a direct impact on enjoyment of the current land holding.*
- *Support the need of an additional 20 parking bays as parking on Station Street is probably beyond a premium and will have a direct impact on the viability of other businesses.*
- *This is because the hours of the business coincide with the adjacent business.*
- *It is unlikely that a significant proportion of the patrons/staff will use public transport to get to Lamont's and this public transport is not available at all hours.*
- *The inclusion of a retail outlet encourages frequent short-stay parking.*
- *Concerned some parking will occur in rear laneway.*
- *Strongly request that physical parking is provided rather than any cash-in-lieu payment.*
- *Control of noise during the late evening should be by the Town Of Cottesloe.*
- *Concerned the amount of toilet facilities is inadequate.*
- *Concerned that an increase in waste will introduce health and odour issues.*
- *Request the Town review the waste disposal situation in relation to adjacent residential properties.*

In addition, the Town has received several letters in support of the proposal from persons/entities not formally advertised to. These support letters have been received from local Cottesloe, Claremont and Mosman Park residents, and Napoleon and Station Street businesses, as well as a Cottesloe church.

The main comments are summarised below:

- *The proposal will greatly complement the current existing restaurants in Cottesloe.*
- *The proposal will make our suburb a choice destination for up-market diners.*



- *The residents of Cottesloe, Claremont and Mosman Park are in a desperate need of a licensed venue that is not a pub but a place where you can match wine with food.*
- *The opportunity to have a licensed restaurant of this calibre should not be overlooked.*
- *It will be another attraction in the precinct and should increase the vibrancy of the Station Street which is very quiet once local retail businesses close.*
- *There is also ample parking nearby for such a modest sized venture.*
- *The idea of a local meeting place to learn about about and share good wine, food and conversation in a casual intimate setting will add to the diversity of business mix within the Village precinct and offer something unique to the wider community.*
- *Look forward to patronising the tavern when it is up and running.*

ProCott has also supported the Lamont's concept. Their comments are summarised below:

Katherine Kalaf – ProCott President

- *The original and interesting proposal premises to enrich the fabric of businesses in the Cottesloe Village.*
- *The Lamonts concept is a good fit with the wider promotional objectives of the organisation.*
- *The concept as outlined extends the mix of café and restaurants and offers a very interesting, alternative dining and socialising experience for clients.*
- *The Lamont brand established and associated with quality dining and wine experiences has potential to attract a client base beyond the western suburbs- an important objective identified by ProCott.*
- *The Cottesloe Village precinct is distinguished by diversity of owner operated businesses that focus on individual style and service, differing from mall-style developments.*
- *The original and interesting proposal put forward promises to enrich the fabric of businesses in the Cottesloe Village precinct and is a very welcome addition.*

## **BACKGROUND**

Lamonts Cottesloe proposes to convert premises located on the ground floor of the two-storey building at 12 Station Street, currently occupied by Amano Cooking School & Specialist Cookware, into a restaurant/small bar type of establishment. A small, intimate establishment is proposed, which includes a kitchen area, barista area, private tasting area for up to 12 guests, seating for 40 persons and a bar area for 20 persons. Tapas-style food is proposed to be served with specialised wine and boutique beers. The purchase of wine and other beverages to take-away will be possible.

The existing premises include a cooking school (Unit 3) at the rear, and retail outlet (Units 1 & 2) fronting Station Street. Offices and a fitness centre are located on the upper floor and are not subject to this application. A total of five car bays are provided on-site for the building of which two are allocated to the subject premises.

The existing two-storey building was approved in 1978 with retail and offices on the ground floor and offices on the upper floor. A change of use from an office to a cooking school for Unit 3 was approved in 1994 and undercover car parking of the rear was approved in 1999.

## STAFF COMMENT

### Land Use

The intended use is classified as a tavern by definition but it will be a restaurant-style operation with a small display area allowing the option of purchasing food and beverages for off-site consumption. A tasting area will be used for the promotion and education of wine and ancillary products. The applicant notes:

*"Lamont's Cottesloe will be modelled on the European Enoteca tradition, ie. a quiet, small and intimate restaurant that takes pride in selecting and recommending specialty wines and beers, many exclusive with an emphasis on both Western Australian and imported products for both on and off-premise enjoyment. A local meeting place to share good food, wine and conversation."*

Lamonts has applied for a tavern licence with the Department of Racing, Gaming and Liquor to allow the take away sale of alcohol in addition to the restaurant/bar use, which is the only type of licence to accommodate this arrangement. TPS2 defines a tavern as a use subject to a tavern licence and therefore, regarding land use, must be considered a generic tavern under the Scheme. The applicant notes that Lamonts own and operate three other food and wine venues where both on and off-premise alcohol (and food) sales occur simultaneously.

While defined, a tavern use is not listed in the zoning table of TPS2, hence it is deemed not permitted in any particular location unless special approval is granted at Council's discretion.

A maximum of 80 patrons and 8 staff can be expected on the premises at capacity. The number of patrons proposed is less than the 120 that would be permitted for a small bar under the Liquor Act.

The applicant does not intend to be a liquor store and only intends to sell a limited selection of exclusive premium wines and some international craft beers. The wine display area (for take-away purchase) will generally be limited to the front section of the premises. This area doubles as a casual dining/drinking area.

The premises are not designed to appear as a traditional liquor outlet nor a traditional suburban pub. The appearance of the business is closer to a licensed restaurant and the applicant notes that the menu will match recommended wine choices. A substantial tapas-style food offering will be available during opening hours.

The applicant advises that this fusion of wining/dining choices proposed is similar to several successful establishments found in Melbourne and throughout Europe.

Lamonts Cottesloe is intended to cater for an adult clientele in a sophisticated setting. The furnishings and quality of food and beverages on offer are proposed at a very high standard.

**Wine Tasting & Education**

The applicant proposes to have a tasting room at the rear of the premises. This is proposed to be utilised occasionally and generally in the early evenings, for guests to appreciate and be educated about wine and other beverages.

**Hours of Operation**

The hours of operation have not yet been decided and will depend on customer demand and seasonality. The applicant expects to be open six or seven days a week from 10am to 10pm with the possibility of trading to midnight Friday and Saturday evenings. Mornings are anticipated to be quiet, with the emphasis on lunch onwards. The business is differentiated from a coffee shop or café for early or casual eating.

**Signage**

The applicant proposes to maintain the structure of the existing signage with a simple name change. No approvals are required in this regard for re-badging the premises.

**Toilets**

Two unisex toilets and a unisex disabled toilet are available for the exclusive use of patrons and are located within the premises. Two toilets are also available on the upper floor for use by Lamonts patrons as well as others in the building and these are generally not used by other businesses after 6pm. The number of toilets meets the Town's requirements.

**Noise**

Council does not anticipate noise being a concern with this proposal. The applicant is required to complete an acoustic consultant's report with the building licence to ensure compliance with noise regulations. Live or amplified music is not proposed.

**Waste disposal**

The bin storage area is sufficient. The Town will monitor the waste disposal, as for other businesses in the Town Centre.

**Access**

The main access for the public will be via the front entrance off Station Street. The two entrances from the rear R.O.W will be used by disabled persons, staff or delivery persons. The Town is satisfied with this arrangement.

**Parking**

The application retains two car bays for the exclusive use of Lamonts at the rear off the R.O.W, ie for staff and deliveries.

There are two alternative ways to consider the approach to assessing parking under TPS2.

1. If the parking standard for licensed hotels and taverns was applied then the requirement is:

*1 space to every bedroom and 1 space to every 2 sq metres of floor or ground area open to the public for consumption of liquor provided that in the case of areas used as lounges and beer gardens and used solely for*

*seated customers the ratio may be reduced to 1 space for every 4 sq metres of floor or ground area. If provision is made for holding conventions or functions, Council shall require an additional space for every 4 sq metres that the convention function room is designed to accommodate. Where Council has granted approval for the use of a portion of a licensed hotel or tavern for entertainment purposes, parking shall be provided at the ratio of 1 space to 2 sq metres of gross floor area of the portion subject to the issue of an "Entertainment Permit" under the Liquor Act 1970 (as amended).*

Under this method 30 bays are required. As mentioned, a true tavern is not proposed; hence this standard is not consistent with the nature of the use.

2. If the parking standard for restaurants and eating houses was applied then the requirement is:

*1 space to every 4 persons the development is designed to accommodate.*

Under this method 20 bays are required.

The existing building was approved with only five car bays and no information can be found regarding what the requirement would have been at the time or whether cash-in-lieu was requested. The ground floor use was intensified when it was converted to the cooking school; yet parking was not considered a concern, although the number of students was restricted to twelve by the approval. The number of car bays that this would have required under TPS2 is difficult to determine as the requirement for the cooking school is at Council's discretion, so the assumption must have been made that there was no change from the former office use requirement. On this basis 8 car bays would have been required for the shop and office.

The current proposal would thus require either an additional 22 car bays if considered a tavern or and additional 12 bays if a restaurant; although realistically this difference should have been less as the cooking school is more intensive than an office.

As indicated, because the proposal is a change of use, Council has discretion to approve the parking shortfall as per clause 3.4.2(c)(i) of TPS2 or to request cash-in-lieu as discussed below.

#### Reciprocal Parking

It is fair to consider that day-time trade for Lamonts is likely to include multi-purpose visitors to the Town Centre and may include public transport users, locals walking to their local centre and also local workers at lunch and after work. The focus of Lamonts trade is proposed to be in the evenings when the availability of parking is more plentiful. It is also anticipated that as a licensed premises, some persons visiting Lamonts with the intention of drinking alcohol may either car pool, take a taxi or walk.

The applicant advises:

*"I expect that 80% of my customer traffic will occur after 5pm Monday to Friday and after 2pm on Saturdays, Sundays and public holidays. My research has*

*shown that business during the day will be from customers who are on a multi purpose visit to the town centre or who work within walking distance. They may come in for a takeaway coffee (though we are not a coffee shop and will not promote ourselves in that manner), quick lunch or to pick up a specialist wine order as part of their regular shopping. I expect to be a destination for after 5pm patrons, with the bulk of them arriving on their way home from work by car, foot or train, either for a meal, to have a drink with friends or to attend a tasting. We intend to run structured tastings for up to 18 guests on Saturday afternoons and on weekday evenings. The main purpose of opening at 10 (we will not serve cooked breakfast) is to get the store thoroughly cleaned and stocked and ready for the afternoon/evening trade."*

Council considered a draft parking policy under Local Planning Scheme No 3 (LPS3) during the scheme review. The draft policy aims to provide guidance to Council in the use of discretion. With regard to reciprocal parking it is intended to provide flexibility to: *take into account the overall reliance on public parking to meet the demands of the many small tenancies in the Town Centre, subject to the development proposal not requiring such a substantial amount of parking that it would be to the detriment of the utilisation of public parking for the Town Centre as a whole.* While the current proposal is required to be determined under TPS2, Council may have regard to proposed LPS3 and the draft policy in forming a view on the preferred approach to parking.

#### Parking Availability

A site inspection observed that there are 55 bays available in the Town's car park at the north-western corner of Station and Railway Streets (2-8 Station Street). In addition, there are 41 bays within the northern verge of Station Street and 24 bays in the southern verge. These bays are for general public use and many are subject to time limits which prevent all-day parking by office workers.

The remaining parking in the immediate vicinity includes public parking for Cottesloe Train Station, west of Railway Street and customer/staff parking for businesses along Station and Forrest Streets, as well as in the rights of way.

When considering Clause 3.4.2 of TPS2, it is assessed that the current parking provision in Station Street after 5pm weekdays and during weekends is sufficient to support the proposal. Site inspection by Council Rangers of the Station Street car park and verge during four days between 31 January and 3 February 2008 observed as follows:

<b>Date &amp; Time</b>	<b>Station Street car park corner Railway St – 55 bays available</b>	<b>Station Street verge – 65 bays available</b>
Thursday 31 January @ 6pm	15 cars	19 cars
Friday 1 February @ 6pm	12 cars	11 cars
Saturday 2 February @ 12 noon	30 cars	35 cars
Sunday 3 February @ 12 noon	3 cars	7 cars

On these figures even if Lamonts was at full capacity and every second patron drove to a car bay on Station Street there would be an oversupply of parking at these times.

### Parking Studies

Council has considered the parking situation in the Town Centre over the last few years, beginning with the Town Centre Study in 2005 which indicated community concern that parking be reviewed. More recently in September 2007, the Sinclair Knight Merz Parking Study and Analysis suggested improvements to increase the availability of short-term public parking bays. Council subsequently committed to provide further long-term parking bays. Council's Works Committee will soon be considering a proposal for further parking in Railway Street and Forrest Street, including the area covered by the existing open sump.

### Cash-in-lieu

Under clause 5.3.5 of TPS2 Council may use its discretion to allow a parking shortfall and require a cash-in-lieu payment. Council has used this clause for a number of proposals in the past, more particularly new developments or for a change of use that may be considered an intense, day-time, single destination use, such as the Boatshed on Jarrad Street.

Alternatively, Council has also used its discretion to approve a shortfall in parking under clause 3.4.2 of TPS2 for a number of changes of use proposals in the Town Centre, including the Leaf and Bean café at 29 Napoleon Street. The Scheme only allows this form of discretion for the Town Centre and the intent of this is to acknowledge the provision of public car parking and to encourage the retention of existing buildings by allowing appropriate changes of use and mix of uses to create a vibrant Centre.

Given the degree of the shortfall in parking provision, and for relative consistency, Council may wish to apply the cash-in-lieu requirement. In fairness, the parking requirement could be based on the difference between the parking requirements of the previous approved use and the proposed use, as the assessment focuses on the extent to which the existing situation is to change.

Another consideration is that the proposal could have been considered an eating house (restaurant) had it not included take-away alcohol. In any case, that retail component is ancillary to the restaurant / bar use and should not incur a further parking requirement (ie it is not a bottle-shop and is to serve primarily visiting patrons rather than casual purchasers, which in any event would be of little consequence). It is concluded that the actual parking demand would be more akin to a restaurant than a tavern and it is reasonable to consider the lesser parking requirement as applicable.

<b>Use and Parking Requirement (number of car bays)</b>	<b>Tavern</b>	<b>Eating House</b>
Requirement for proposed use	30	20
Requirement for previously-approved use	8	8
Difference in requirement	22	12
50% of difference in requirement	11	6

### Summary of Parking

The above overview of parking dynamics in the Town Centre generally and for this particular proposal concludes, on the one hand, that from a change of use perspective Council could decide that no additional parking requirement be imposed. That would have regard to the nature of the use and associated parking behaviour, the inability to provide additional on-site parking, the shared public parking regime for this activity centre, the approach taken to other change of use or development proposals, and Council's plans to manage parking supply and demand.

However, there is a discernable question of degree in term of the specific type of (change of) use, in that any eating/drinking establishment can be expected to be popular, to attract numerous patrons at various times and to generate a demand for longer-duration parking. These factors will influence the affect on parking and, while the information from the applicant and the officer technical assessment is that parking is anticipated to perform acceptably for the proposal, there is also the consideration of an impact on parking for other businesses and the public. That is, whether it is practical or equitable to waive a parking requirement in the interests of overall parking policy, physical provision of parking and the pattern of planning approvals (uses, distribution, parking required, parking available and concessions granted).

On the other hand, therefore, were Council to invoke the cash-in-lieu clause, based on a calculated shortfall of parking, then the dollar amount would need to be determined taking into account the number of bays required and their value, as well as the prerequisite that Council has provided or is in the process of providing a public parking station nearby (the latter is considered to be satisfied by Council's proposals to construct additional parking in the vicinity as outlined).

Also, under *TPS2 Policy 001 Vehicle Parking Requirements - Town Centre* promotes ideally a minimum of 50% of required parking bays to be on or adjacent to a development site, with the balance nearby by arrangement with Council. This implies (but is not entirely clear) that if at least half the required parking is say adjacent in the street reserve, then the remainder can be met by agreement with Council, including cash in lieu. Ultimately, this policy is not mandatory, and appears somewhat outmoded as TPS2 draws to an end.

In conclusion, it is considered reasonable to allow the use essentially on the basis of being closer to a licensed restaurant (eating house) than a fully-fledged tavern (which would unduly penalize the proposal and probably prevent it by rendering it practically and economically infeasible). This is subject to a combined parking waiver as a change of use with a cash in lieu contribution to the value of six bays (being half the shortfall of 12 bays as assessed), the value of which is to be ascertained by Council.

The alternatives would be to waive a parking requirement altogether, or to seek physical provision of a number of bays by way of lease or nearby private or public parking (if possible).

### **CONCLUSION**

On balance, it is considered that the proposal will make a positive contribution to the Town Centre, despite the parking shortfall in terms of on-site provision (rather than in overall supply and time of demand). It will contribute to the character of the Town

Centre and add vibrancy by providing an alternative wining/dining experience suitable scale in keeping with local amenity.

With regard to parking, it is considered that as the focus of the use is after-hours, and day-time users would tend to be on multi-purpose visits to the Town Centre, or work in the centre, there is adequate public parking available to meet the shortfall in parking provision, especially in comparison with the previous approved use.

There may be some concern that the tavern use/licence could be transferred to a future operator who may want to run a different type of establishment with a character contrary to local amenity. This may be circumvented by a planning condition/s to control the scale and character of the use. A similar proposal located in Subiaco was last year referred to the State Administrative Tribunal, who approved the use subject to such conditions.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee discussed at length the dynamics of parking in the Town Centre and the merits of the proposal, expressing support for it and seeing the need to not stultify development due to potentially onerous parking requirements, while also recognising the need for effective parking supply and management. Committee considered that, on balance, the proposal would function acceptably in terms of parking for a number of reasons. These include the particular nature of the proposal, the predominant evening hours of operation, the availability of parking in the area and during the main hours of operation, the discretion provided under the Scheme, the constraints represented by the cash-in-lieu mechanism, and the outlook to parking supply and management for the developing Town Centre.

Therefore Committee agreed upon the following amendments / elaboration in the recommendation:

- i. No condition for a cash-in-lieu requirement (ie deletion of condition (h)).
- ii. Including a requirement for a management plan promoting alternatives to private car travel (ie new condition (h)).

To assist, Mr Jackson explained the difficulty for a change of use or small development to afford cash-in-lieu compared to a large, high value project (eg suburban shopping centre) and undertook to provide further advice to Council regarding the planning approach to cash-in-lieu.

On a minor aspect Committee also agreed to an advice note regarding plant and equipment noise management under the relevant regulations.

### **OFFICER RECOMMENDATION**

That Council:

- (1) GRANT its Approval to Commence Development for the Change of Use Application from a Kitchen Shop and Cooking School to a Tavern at No. 1-3,



12 Station Street, Cottesloe, in accordance with the plans submitted on 3 January 2008 and 14 February 2008, subject to the following conditions:

- (a) The maximum number of patrons is not to exceed 80 patrons.
  - (b) Hours of operation are from 10:00 am to 12:00 midnight Monday to Saturday and 10:00 am to 10:00 pm Sunday.
  - (c) Hot and cold food must be available to patrons at all times during trading hours.
  - (d) No live or other amplified music is to be played from the premises.
  - (e) The tables and seating shown on the approved plans are to be available at all times during trading hours.
  - (f) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
  - (g) 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.
  - (h) The applicant paying cash-in-lieu for six parking spaces, prior to the issue of the building licence, at a value to the satisfaction of Council determined in the normal manner, which cost shall be borne by the applicant.
- (2) Advise submitters of this decision.

## **1.6 COMMITTEE RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Dawkins

**That Council:**

- (1) **GRANT its Approval to Commence Development for the Change of Use Application from a Kitchen Shop and Cooking School to a Tavern at No. 1-3, 12 Station Street, Cottesloe, in accordance with the plans submitted on 3 January 2008 and 14 February 2008, subject to the following conditions:**
  - (a) **The maximum number of patrons is not to exceed 80 patrons.**
  - (b) **Hours of operation are from 10:00 am to 12:00 midnight Monday to Saturday and 10:00 am to 10:00 pm Sunday.**
  - (c) **Hot and cold food must be available to patrons at all times during trading hours.**
  - (d) **No live or other amplified music is to be played from the premises.**
  - (e) **The tables and seating shown on the approved plans are to be available at all times during trading hours.**
  - (f) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**

- (g) 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.
- (h) Prior to occupation of the premises, the applicant shall submit a Staff and Patron Travel Mode Management Plan, to the satisfaction of the Manager Development Services, which shall identify all modes of private and public travel available to staff and patrons, in order to limit car parking demand (including walking, cycling, bus, train, taxis and car-pooling) and shall specify how those modes and services will be promoted to staff and patrons to encourage and facilitate the utilisation of those modes (including methods such as annotated menus/wine lists, leaflets, timetables, free taxi-calls, travel vouchers and loyalty/reward discounts or other incentives).

**Advice Note:**

The applicant is advised that the plant and equipment fit-out of the premises is required to comply with all relevant health and environmental regulations and standards regarding the limitation of noise.

- (2) Advise submitters of this decision.

Carried 3/2

**1.7 NO. 109 (LOT 38) BROOME STREET – OFFICE EXTENSION AND CIVIC CENTRE REFURBISHMENT / RESTORATION**

**File No:** 1375  
**Author:** Ed Drewett  
**Author Disclosure of Interest:** Nil  
**Report Date:** 13 February, 2008  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Town of Cottesloe

**Applicant:** Philip Griffiths Architects  
**Date of Application:** 15 January, 2008

**Zoning:** N/A  
**Use:** N/A  
**Density:** N/A  
**Lot Area:** 2.0993ha<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

This proposal has been through a relatively lengthy and complex process, the details of which are summarised in the 'Background' section of this report.

The current plans are therefore based on a schematic design that was supported by Council in 2006 which have subsequently been refined following input from the Design Advisory Panel and the Heritage Council of WA.

The improvements to the existing office space will provide staff with an enhanced working environment and enable customers to be better served.

Overall, the preliminary consultation, project management and detailed design processes have facilitated a development application which can formalise the proposal and is in order for approval.

**PROPOSAL**

To consider an application for an extension to the existing offices and refurbishment and restoration of the Civic Centre.

**STATUTORY ENVIRONMENT**

- Town Planning Scheme No 2
- Heritage Act

**POLICY IMPLICATIONS**

N/A

**HERITAGE LISTING**

- State Register of Heritage Places Permanent Entry
- TPS No 2 Schedule 1

- Municipal Inventory Category 1
- National Trust Classified

**STRATEGIC IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

A fixed fee has been agreed with the Architect and Council has approved of funding arrangements for the project.

**CONSULTATION**

## REFERRAL

Heritage Council of WA  
National Trust

## ADVERTISING OF PROPOSAL

Community consultation was undertaken following Council's previous resolution to conditionally support the Architect's original schematic design and support the principle of improving and maintaining the Civic Centre for all users.

**BACKGROUND**

In December, 2004 Council resolved to confirm its commitment to retaining the Civic Centre as its administrative centre. The decision was made with a view to ensuring that a good standard of office space was provided for staff and so that customers could be better served.

Considine & Griffiths Architects and conservation specialists were subsequently engaged to prepare architectural plans for potential additions to the Civic Centre.

Four options were put to Council at its June, 2005 meeting, namely:-

1. Expand Current Accommodation (Mustard Catering and Rangers to remain in existing locations);
2. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to relocate to Council offices);
3. Expand Current Accommodation (Mustard Catering to relocate to the Lesser Hall and Rangers to remain in Caretaker's Cottage); and
4. Construction of a New Administration Building on the Western Lawn

Council decided not to proceed with the exploration of Option 4. It also decided to obtain more information on usage options for the Civic Centre. These options were to provide either a commercial or community benefit (or both) with a view to optimising the use of the Civic Centre while at the same time meeting Council and community needs.

Subsequently a report, *Cottesloe Civic Centre – Options for Future Use*, was presented to the December 2005 meeting of Council recommending that all the existing uses (including catering arrangements) be retained on site if at all possible.

The recommendation was accepted and it was decided that a design brief should be prepared for Council's consideration for office extensions based on the relocation of Ranger staff from the Caretaker's Cottage, with private catering and events coordination remaining on site.

The design brief was presented to the September 2006 meeting of Council where the following resolution was passed.

That Council:

- (1) Support the removal of Mustard Catering and the kitchen from the main building of the Civic Centre;
- (2) Is willing to consider, subject to community consultation, any proposal for Mustard Catering and/or the kitchen to relocate to the Lesser Hall;
- (3) Confirm that a holistic approach is required in ensuring that any office additions and town hall improvements add to the heritage values and useability of the Civic Centre; and
- (4) Commission Philip Griffiths Architects to complete a schematic design for the proposed Civic Centre office expansion and upgrade as per their correspondence dated 13 September, 2006.

A further report to Council on 18 December 2006 asked to:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects;
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for 2007/08 budget setting purposes;
- (3) Subject to price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes;
- (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year;
- (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008; and
- (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2008 so that community consultation can take place.

Council at that meeting resolved to:

- (1) Confirm its support for the proposed schematic design from Philip Griffiths Architects, subject to input from the Design Advisory Panel as regards the

- proposed new administration entrance being more sympathetic to the aesthetics of the existing building;
- (2) Invite a fixed fee from Philip Griffiths Architects for design development, cost check and approvals for budget setting purposes;
  - (3) Subject to downward revision of price and price acceptability, commission Philip Griffiths Architects to complete design development, cost check and approvals for budget setting purposes;
  - (4) Confirm in-principle support for the sale of the Margaret Street drainage sump lot in order to fund the office extensions and refurbishment of existing administrative and civic areas in the 2007/08 financial year;
  - (5) Advise Mustard Catering that the existing kitchen facilities and the Civic Centre building are unlikely to be available for functions from early 2008;
  - (6) Advise Mustard Catering that any plans for the redevelopment of the Lesser Hall will need to be with the Town of Cottesloe within the first quarter of 2007 so that community consultation can take place; and
  - (7) Undertake community consultation prior to any budget-setting decision.

Points 1-7 have now been addressed and final plans are submitted for consideration for planning approval as required under Town Planning Scheme No 2.

### **HERITAGE CONSIDERATIONS**

Clause 5.1.2 of TPS2 requires Council in considering a proposed development in relation to heritage to have regard to:

*The need for preservation of existing trees or areas or buildings of architectural or historical interest.*

*The choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.*

The subject property is included in Schedule 1 of TPS2, which is the highest listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie affording statutory heritage protection.

The Schedule lists the property as follows:

*Civic Centre based on original home constructed 1889 and modified 1936.  
Grounds fenced with high limestone wall with ornate concrete ballustrading.  
Grounds and building recorded by the National Trust.*

This invokes Part 6 of the Scheme: *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest*, requiring Council's written consent to proposals in addition to a planning approval under Part 7.

Broadly, Part 6 requires virtually any change to such a place to receive Council's consent, and in practice the making of a development application enables that step to be addressed.

Part 6 states that:

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

The matters covered requiring Council's consent include:

*clear, excavate or fill any land; fell, remove, kill or irreparably damage any tree; erect any fence; commence or carry out any renovation, modification, refitting, decoration or demolition of any building; alter or remove any building or object or any part thereof.*

### **Municipal Heritage Inventory**

The property is classified in the MHI as Category 1.

Category 1 is defined as:

*Highest level of protection appropriate: included in the State Register of Heritage Places, provide maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.*

The MHI description of the place is:

*Historic and architectural significance including grounds and caretakers cottage.*

### **National Trust**

The National Trust has been consulted but no comments have been received.

### **Heritage Council of WA**

This application has been referred to the Heritage Council of WA for approval as it has a permanent entry on the Register of Heritage Places.

The Heritage Council has liaised with the Architect and Town's staff and is supportive of the proposed works.

### **LOCAL PLANNING SCHEME NO. 3 (DRAFT)**

No changes are proposed to the current zoning of the site in the draft Local Planning Scheme No 3. That Scheme continues and strengthens Council's heritage approach.

### **STAFF COMMENT**

The Civic Centre is on land reserved for 'Civic and Cultural' purposes and is in Schedule 1 of Town Planning Scheme No. 2. As such, the written approval of Council

is required under Parts II and VI of the Scheme and Council's approval to commence development is required under Part VII. There are, however, no specific development standards applicable for the proposed office addition and refurbishment/restoration.

Notwithstanding this, the application has been assessed with regards to Parts V (General Provisions) and Part VI of the TPS 2 and is considered consistent with these Scheme objectives.

An approval from Council is required to have regard to the purpose of the reserve and the continuation and preservation of the civic centre and administration offices is entirely consistent with this land use classification.

### **CONCLUSION**

Following Council's previous resolutions to conditionally support the Architect's original schematic design the current detailed design application can be recommended for approval as it addresses Council's initial requirements and is supported by the Heritage Council of WA. Staff have also been consulted both in terms of the accommodation layout as well as the approval process and implementation of the works.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Woodhill, seconded Cr Walsh

**That Council GRANT its written consent and Approval to Commence Development for the proposed office extension and refurbishment/restoration of the Civic Centre at No 109 (Lot 38) Broome Street, Cottesloe, in accordance with the plans submitted on 2 January 2008, subject to the following conditions, all to the satisfaction of the Manager Development Services:**

- (1) A full photographic and documented record of the relevant affected areas both internally and externally shall be compiled and submitted to the Town as a heritage record before and during the works as applicable.**
- (2) All restoration works proposed or required to the existing fabric of this heritage-listed building as detailed in the planning and building applications and approvals shall be carried out as part of the overall development approval and completed in conjunction with the finished development.**
- (3) The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) Adequate storage disposal on site shall be provided to contain site stormwater in accordance with Council's Local Law or requirements for the Civic Centre. Stormwater runoff from roofed or paved portions of the development shall not be discharged onto any street reserve, right-of-**



way or adjoining property and the gutters, downpipes and soakwells used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings for a Building Licence.

- (5) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (6) The application for a Building Licence shall include a comprehensive schedule of all materials and finishes to be used in the development and restoration works.

Carried 5/0

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

Nil.

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

Cr Birnbrauer asked about the Rosser Street landscaping home occupation and the question of excess parking in the street. Mr Jackson advised that officer investigation had found that the parking situation could be attributed to the several building projects in the street occurring at the same time.

**MEETING CLOSURE**

The Presiding Member announced the meeting closed at 8:00pm.