

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 20 SEPTEMBER 2010

CARL ASKEW
Chief Executive Officer

23 September 2010

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:05 pm.

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

Cr Jack Walsh	Presiding Member
Cr Jo Dawkins	
Cr Ian Woodhill	
Cr Jay Birnbrauer	
Cr Victor Strzina	
Cr Patricia Carmichael	
Cr Davina Goldthorpe	
Cr Greg Boland	Observer

Officers Present

Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer
Mrs Julie Ryan	Development Services Se

Apologies

Nil

Officer Apologies

Mr Carl Askew	Chief Executive Officer
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Leave of Absence (previously approved)**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Meaghan White re item 10.1.1, 28 Deane St

The architect presented the proposal including photos and plans to illustrate similar approved dwellings, the context of the setting and the design approach taken, elaborating on certain details and emphasising the recycling of the existing dwelling.

Claire Chapman re item 10.1.1 28 Deane St

The owner explained the aim to make the dwelling more liveable and modern as a sensitive design and sought support from Council.

Laurence Scanlan re item 10.1.2, 2 & 4 Athelstan St

Mr Scanlan explained that the plans had been further revised to be accurate and urged deferral to enable a more complete appreciation by all concerned and consideration with a better degree of clarity.

J Loh re item 10.1.2 2, & 4 Athelstan St

Mr Loh emphasised that the overall revised proposal had reduced the sizes of the dwellings and achieved closer compliance against the requirements.

Ian Hocking re item 10 re item 10.1.3, 2 Salvado St

Mr Hocking summarised the process and proposal leading to the revised plans as supported by the HCWA. He described various conservation and design details and how particular aspects were addressed to achieve the overall result, which should be a showpiece as part of the Special Control Area under LPS3. He also acknowledged the conditions of approval required by the HCWA and Council, including the vehicular access arrangement to be fine-tuned.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Strzina, seconded Cr Dawkins

[Minutes August 16 2010 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 16 August 2010 be confirmed.

Carried 7/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 PLANNING****10.1.1 28 DEANE STREET - MAJOR ALTERATIONS AND ADDITIONS TO TWO STOREY DWELLING INCLUDING SWIMMING POOL AND NEW GARAGE WITH DECK**

File No:	2037
Attachments:	28DeaneAerialPhoto.pdf 28DeaneSitePhotos.pdf 28DeanePlans.pdf 28DeaneSupportGraphics.pdf 28DeaneSupportTextandTurningPlan.pdf 28DeaneNeighboursSignatures.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	William Schaefer Planning Officer
Proposed Meeting Date:	20 September 2010
Author Disclosure of Interest:	Nil
Property Owner:	Dr D Fick and Dr C Chapman
Applicant:	Meaghan White Architect
Date of Application:	27 August 2010
Zoning:	Residential – R30
Use:	P - A use that is permitted under this Scheme
Lot Area:	569m²
M.R.S. Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Scheme, Policies, Local Laws or the Residential Design Codes:

- Front Setback.
- Building on Boundary.
- Side Setbacks.
- Privacy Setbacks.
- Vehicle Manoeuvre Space.

Each of these aspects is discussed in this report and refers to plans received on 27 August 2010.

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

PROPOSAL

The subject site occurs at the crest of Deane Street, between Avonmore Terrace and Broome Street. The topography of the area is unusual, with the subject property elevated up to 7.5m above the street level, behind a road cutting.

It is proposed to substantially enlarge the second storey of the dwelling, effectively creating a lightweight box that sits above a renovated ground floor. This design virtually eliminates the need to alter the building footprint.

At the rear of the property it is also intended to demolish the existing garage and build a new garage with deck, as well as construct a swimming pool.

The plans have been arrived at through liaison with Council's staff.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Council Resolution TP128A October 2002 – Front Setbacks

FINANCIAL IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No 2

Residential Design Codes

SUSTAINABILITY IMPLICATIONS

Nil

PROPOSED LOCAL PLANNING SCHEME NO 3

No changes to the zoning or density coding of the lot are proposed under LPS3.

HERITAGE LISTING

N/A.

MUNICIPAL INVENTORY

N/A.

NATIONAL TRUST

N/A.

VARIATIONS

Statutory Non-Compliance	Standard	Proposed
Resolution TP128a October 2002 - Front Setbacks.	6.0m front setback for new residential development	4.1m (4.5m to new upper- floor face of dwelling).

	in the district.	
RDC Discretionary Provisions	Required	Proposed
6.3.2 A2 - Buildings on Boundary - East Upper Wall.	Max wall height 3.5m.	Wall height 7.4m.
6.3.1 A1 - Buildings Set Back from Boundary - West Upper Wall; and East Garage/Deck.	3.0m (West Upper Wall); 2.5m (East Garage/Deck).	1.0m (West Upper Wall); 1.5m (East Garage/Deck).
6.8.1 A1 - Privacy Setbacks: Dwelling Deck - Looking North-East and North-West; and Garage Deck - Looking North.	7.5m in all instances.	Dwelling Deck: 2.0m (to North-East) and 2.4m (to North-West); Garage Deck: 4.5m (to North).
6.2.3 A3.2 - Setback of Garages and Carports.	6.0m permanently available manoeuvre space.	5.7m

APPLICANT'S JUSTIFICATION

The architect submitted a detailed report with the proposal. A copy of the report and other justification is attached.

A summary of the points that are particularly relevant is as follows:

- The second storey encroachment into the front setback area is the function of a considered approach that has exhausted every design alternative. For example, extending the dwelling to the rear would ruin the ocean view of the neighbour at No. 30 Deane Street, contrary to her wishes. A new dwelling that complies with the 6.0m setback requirement would also potentially compromise the views of this neighbour.
- The proposal ensures that the original dwelling is preserved, that its materials are recycled, and that an energy-efficient, modern dwelling is constructed.
- Due to the elevated site and the presence of dense screening vegetation, the proposed second storey would be scarcely visible from street level. In any event, the high-quality finish intended for the second storey would enhance the visual amenity of the area.
- A precedent exists next door, with the dwelling at No. 26 Deane Street set back 4.0m from its front boundary.

- The upper storey has been designed to float above the verandah below, reducing the effects of bulk and mass on the streetscape. It is noted that the setback of the existing verandah is 3.4m – the eaves of the upper floor are proposed to be setback further than this at 4.1m, with the face of the upper floor wall proposed to be even further set back 4.5m.
- The proposed second storey has been expressly supported by both affected neighbours.
- The two-storey wall on the eastern boundary makes use of an existing wall on the boundary. The affected neighbour prefers the prospect of a two storey parapet wall alongside little-used areas of her property to the prospect of an elongated house that jeopardises ocean views to the north-west.
- The setback of the upper western wall does not affect the neighbour's major openings/habitable spaces and satisfies the RDC Performance Criterion.
- Privacy matters have been considered during consultation with neighbours. The owners of No. 26 and No 30 Deane Street are supportive of the proposed decks.

Advertising

- The neighbours at No. 26 and No. 30 Deane Street, and No. 21 Pearse Street, were consulted by the applicant at various times during preparation of the proposal, and have signed plans in support.
- The application was advertised to one other neighbour as per Town of Cottesloe Town Planning Scheme No 2.
- The advertising consisted of a Letter to the Adjoining Property Owner.

PLANNING COMMENT

Front Setback

It is proposed to have a minimum front setback of 4.1m (4.5m to the face of the upper floor) whereas by Resolution TP128A, Council prefers front setbacks of 6.0m.

The proposal seeks a variation for the upper floor only, which would float above the existing verandah. It should be noted that the verandah is setback 3.4m from the front boundary, with the face of the existing ground floor being setback approximately 5.6m.

DESIGN RATIONALE

Following liaison with Council's officers, the applicant has provided justification for the reduced front setback. To begin with, the second storey encroachment into the front setback area is the result of considered design that exhausted alternative solutions.

The box-like upper floor additions provide space for the owners and reduce costs by utilising the existing second-storey slab. By adding to the front of the existing dwelling, extension to the rear of the dwelling is unnecessary and thus the wishes of the owners of No. 30 Deane Street to preserve views to the north-west are respected.

Another benefit of the box-like design is its role in preserving open space on the lot: the proposal would cover only approximately 39% of the lot, in lieu of the 55% permitted under the RDC in R30 areas.

URBAN DESIGN APPRECIATION/STREETSCAPE CONTEXT

From a planning perspective, the proposal would function without undue disruption to the streetscape. For example, the floating second storey would not be readily be visible from street level as the site is elevated up to 7.5m above Deane Street and is screened by dense vegetation (refer attached drawing "3D View from Street").

The upper storey would float above the verandah below. When compared to the full-height solidity of the dwelling at No. 26 Deane Street next door, which is set back 4.0m), the proposed floating upper floor would seem significantly less massive. The floating design is also expected to ameliorate the effects the upper floor's width, which extends almost the full width of the property.

The width of the upper floor is considered less than ideal, however, the flat roof design does ensure that the overall height of the dwelling is within the 7.0m limit and thus less impactful than an 8.5m high pitched-roof proposal. Streetscape drawings submitted by the applicant support this view, demonstrating that the contextual height of the dwelling would remain relatively modest.

In any event, as the site is well-screened and relatively isolated, the impact of bulk on the streetscape is likely to be low.

More generally, the high-quality, modern finish intended for the second storey would enhance the visual amenity of the area.

PRECEDENTS AND OTHER PLANNING CONSIDERATIONS

Council has favourably considered several similar front setback reductions in recent years. The proposed dwelling for 7 Avonmore Terrace was approved with a 4.5m primary street setback in May 2010. A 4.0m front setback was approved for the dwelling at 12 Salvado Street in December 2006. The proposed upper floor is in keeping with the mix of setbacks that are found in south Cottesloe generally, and is consistent with the R30 density-coding setback standards of the RDC.

No changes to the front fence are intended.

It is noted that the proposed second storey has been expressly supported by both affected neighbours.

In general terms, the variation is regarded as consistent with the spirit of the Town's Resolution, which was to prevent extreme setback reductions from being approved.

No written objection was received. It is considered that the variation can be supported.

Building on Boundary

It is proposed to increase the length and height of the existing 3.5m high, 16.0m long parapet wall to the eastern boundary.

Under RDC Acceptable Development Standard 6.3.2 A1 (iii), boundary walls in R30 areas may occupy 2/3 of the distance behind the front setback. By this rationale, a boundary wall of 26.33m in length would be permitted, whereas it is proposed to have a compliant wall of only 21.07m in length.

However, the new wall would be 7.4m in height, whereas RDC Acceptable Development Standard 6.3.2 A1 (iii) contemplates walls of only 3.5m in height.

It is therefore necessary to assess the proposed wall on boundary under the Relevant Performance Criterion, which allows for:

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;*
- *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 is not restricted.*

In this instance the wall makes effective use of space by utilising an existing parapet wall which enables the addition of floor space without increasing the footprint of the building. The owner of the adjoining property has supported the proposed over-height parapet on the grounds that it will facilitate the construction of additions to 28 Deane Street that are distant from important sea view corridors.

Site inspection has revealed that the affected area of the neighbouring property does not have major openings or active habitable spaces.

Lastly, as the wall on boundary does not affect the north facing windows of the dwelling or the outdoor living areas at the rear of the lot, the passage of direct sun to the building and its living spaces remains uninterrupted.

Side setbacks

The following setbacks do not comply with the Acceptable Development Standards of the RDC:

Wall	Setback Standard	Proposed
West Upper	3.0m	1.0m
Garage Deck	2.5m	1.5

It is therefore necessary to assess the setbacks under Performance Criterion 6.3.1 P1, which states:

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

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

- *Assist in protecting privacy between adjoining properties.*

The west upper wall is proposed to be setback 1.0m in lieu of 3.0m. As sunlight will freely enter the dwellings at No. 28 and No. 26 Deane Street from the north, and the passage of prevailing south-westerly sea breezes will not be affected, the variation would not compromise the provision of direct sun and ventilation to either building.

As revealed in the attached photographs, the 22m-long wall to the eastern elevation of the dwelling at No. 26 Deane Street is devoid of major openings and no active outdoor spaces occur in the area that would be affected by the variation. Thus, the privacy of the neighbouring property would be preserved, and the effects of building bulk would be minimal. Support for the variation has been expressed by the owner of the adjoining property.

Under Acceptable Development Standard 6.3.1 A1 (ii) of the RDC, unenclosed outdoor living areas are required to be setback as though they were major openings to habitable rooms with wall heights 2.4m above their Finished Floor Levels (FFL). The setback of the garage deck is thus required to be 2.5, whereas only 1.0m is proposed.

The low height of the garage deck balustrade ensures that direct sun and ventilation will be available to both the subject property and the property at No. 30 Deane Street. This low wall height also reduces the effect of building bulk. The neighbour at No. 30 Deane Street wishes to preserve the view corridor from her property and has supported the proposed deck on the basis that it *not* be screened.

Privacy Setbacks

The following privacy setbacks do not comply with the Acceptable Development Standards of the RDC:

Location	Setback Standard	Proposed
Dwelling Deck - Looking North-East and North-West;	7.5m	Dwelling Deck: 2.0m (to North-East) and 2.4m (to North-West);
Garage Deck - Looking North.	7.5m	Garage Deck: 4.5m (to North).

It is therefore necessary to assess the privacy issues in the light of Performance Criterion 6.8.1 P1, which reads as follows:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimized by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass. Where these are used, they should be integrated with the building design and have minimal negative effect on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.

The applicant has provided justification for the privacy encroachments on the grounds that written support has been obtained from all four of the neighbours, including those on the far side of the ROW. It is also noted by the applicant that the major openings/ active outdoor spaces of the properties at 21 and 19A Pearse Street (which is under construction) are orientated to the north, away from the garage deck.

Site inspection has revealed that the active outdoor spaces/major openings of neighbours would not be directly overlooked from either the dwelling deck or the garage deck (refer attached photographs).

Vehicle Manoeuvre Space

It is proposed to have vehicle manoeuvre space of 5.7m in front of the garage, whereas RDC Acceptable Development Standard 6.2.3 A3.2 (and Council's Engineering Policy) requires 6.0m of vehicle manoeuvre space to be available.

The proposed garage satisfies RDC Acceptable Development Provision 6.5.1 A1 (i), which requires two parking spaces to be provided on site. There is no practical alternative to accessing the property from the rear as the embankment in front of the property has rendered street access impossible.

The Engineer-certified vehicle turning circles show that safe entry and egress from the garage is feasible (refer attachment). Proposals for greater variations have recently been approved by Council at 31D Curtin Avenue, 217 Marmion Street and 223 Marmion Street, the latter of which has been completed and appears to be functioning well.

Council's Works Department has supported the turning circles and the variation may be approved on this basis.

CONCLUSION

The proposal reflects carefully-considered design that achieves modernisation and expansion of the existing dwelling while still respecting the amenity interests of neighbours.

Although the execution of the upper floor and its positioning extending into the front setback area may be seen as a somewhat bold expression, Council has favourably considered similar variations in the past. The relatively sheltered site and floating-design effect would ameliorate the built-form impression on the streetscape and ensure that the aesthetic consistency of the area is maintained.

The proposal could also be interpreted an excellent example of how an existing dwelling can be comprehensively upgraded without substantial change to building footprint. In the light of recent community concern about the number of large-scale new dwellings across Cottesloe, this type of redevelopment could prove encouraging.

Overall, the contemporary design reflects best architectural practice in Cottesloe and may be read as an intelligent, sensitive response to the context of the setting.

All other variations can be supported under the RDC or Council's Policies and Laws.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported retention of the existing dwelling and the design rationale as presented and assessed. Committee was also satisfied with the resultant two-storey wall on the eastern boundary in this context and under performance assessment.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Brinbrauer, seconded Cr Dawkins

THAT Council GRANT its Approval to Commence Development for the proposed major alterations and additions to the two-storey dwelling including a swimming pool and garage with deck on Lot 11 (No. 28) Deane Street, Cottesloe, in accordance with the plans dated 27 August 2010, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the *Environmental Protections (Noise) Regulations 1997, Regulation 13 – Construction Sites*.
- (b) The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (c) Stormwater runoff from any paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings submitted for a building licence.
- (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 shall comply with the Town of Cottesloe *Policies and Procedures for Street Trees, February 2005* where development requires the removal, replacement, protection or pruning of street trees.
- (f) The finish and colour of the wall on the eastern boundary shall be to the satisfaction of the Manager Development Services.
- (g) Air-conditioning plant and equipment shall be located closer to the subject dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- (h) Any future modifications to fencing within the front setback area shall be of an open-aspect design in accordance with Council's *Fencing Local Law* and the subject of a separate application to the Town.
- (i) Prior to the completion of works, a drainage soakwell shall be installed in the right-of-way adjacent to the development, to the specification and satisfaction of the Manager Engineering Services and at the applicant's cost; with the details being confirmed prior to the issue of a Building Licence.
- (j) Prior to the completion of works, the applicant shall make an agreed contribution to the upgrade of the footpath adjacent to the development,

to the specification and satisfaction of the Manager Engineering Services, with the details and payment to be confirmed prior to the issue of a Building Licence.

- (k) The pool pump and filter shall be located closer to the subject dwelling than the adjoining dwellings, and housed or treated to ensure that sound emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- (l) Wastewater or backwash water from swimming pool filtration systems shall be disposed of into adequate soakwells and contained within the boundary of the property.
- (m) A soakwell system having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary shall be installed to the satisfaction of the Environmental Health Officer.
- (n) Wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.

Advice Note:

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

Carried 7/0

10.1.2 NO. 2 & 4 ATHELSTAN STREET - FIVE AGED PERSONS DWELLINGS

File No:	2035
Attachments:	Plans 2 4 Athelstan.pdf ArchitectsComments2 4 Athelstan.pdf NeighbourComments 2 4Athelstan.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	20 September 2010
Author Disclosure of Interest	Nil
Property Owners:	M J Hansen, Regalstar Investments P/L, Lohsum P/L, T Loh, D L Court, M Cooley, Action Engineering P/L
Applicant	Lawrence Scanlan & Associates Pty Ltd
Date of Application	25 August 2010
Zoning:	Residential R20
Use:	P - A use that is permitted under this Scheme
Lot Area:	1667m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Town Planning Scheme No 2 (TPS 2), Council's Policies and/or the Residential Design Codes (RDC):

- Plot Ratio (affecting density bonus sought under RDC)
- Walls on boundaries; and
- Retaining/fill in front setback.

Each of these aspects is discussed in this report and refers to plans received on 25 August 2010.

Following an assessment of the application it is recommended that the application be refused for the same reasons given by Council in its previous decision of 22 February 2010 for a similar proposal on these lots.

Notwithstanding this, an alternative recommendation is also provided so Council can consider its options when reviewing the application.

PROPOSAL

This application is for the demolition of two single dwellings and construction of 5 two-storey aged persons dwellings.

The proposed dwellings are attached and comprise:

Ground floor

- Master bedroom;
- Ensuite;
- Study;
- Kitchen/living/dining area;
- Laundry;
- WIR (Units 2, 3 & 4);
- Powder room;
- Store; and
- Double garage.

Upper floor

- 2 bedrooms with ensuite(s) (Units 1, 3 & 5)
- One guest bedroom with ensuite and Carer's Suite including separate bedroom and ensuite (Units 2 & 4);
- Family room (Unit 1 only);
- Upper floor (garden) terraces.

The dwellings are all of contemporary design, two with pitched roofs, two with skillion roofs and one with a flat roof.

BACKGROUND

A summary of recent planning applications previously considered by Council for this site is as follows:

25 May 2009

Council considered an application for 5 Aged Persons Dwellings and resolved:

The item be referred back to administration at the request of the applicant for further consideration for a future meeting of Council to address the issues raised in the Officer's report and for revised plans to be provided.

22 February 2010

Council considered a re-submission of the application for 5 Aged Persons Dwellings and resolved to refuse the application for the following reasons:

- (i) *The proposed dwellings do not represent small-scale, specialised housing that satisfies the requirements of the Residential Design Codes for a density concession to be considered for aged or dependent persons accommodation; and*
- (ii) *The proposed excessive plot ratio and density concession could set an undesirable precedent for similar-sized aged or dependent persons accommodation being sought that is inconsistent with the low-density residential zoning of the locality.*

STATUTORY ENVIRONMENT

- Town Planning Scheme No 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO 3

No change is proposed to the zoning or density of these lots.

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Residential Design Codes**

Design Element	Acceptable Standards	Proposed Plot Ratio (based on applicant's calculations)	Performance Criteria Clause
7.1 – Special purpose dwellings	Maximum plot ratio for single houses and grouped dwellings – 100m ²	Unit 1 – 215m ² ; Unit 2 – 211m ² ; Unit 3 – 202m ² ; Unit 4 – 211m ² ; Unit 5 – 214m ²	Clause 7.1.2 – P2

Design Element	Acceptable Standards	Proposed	Performance Criteria Clause
6.3 – Buildings on Boundaries	Walls not higher than 3m with an average of 2.7m up to 9m in length to one side boundary	Eastern wall to Unit 5 has a length of 10.7m; Northern wall to Unit 1 has max. height of 3.7m, averaging 3.45m	Clause 6.3.2 – P2
6.6 – Site works	Excavation or filling between the street alignment and building, or within 3m, whichever is the lesser, not exceeding 0.5m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling	Up to 1m fill to Unit 1	Clause 6.6.1 – P1

CONSULTATION

The Application was advertised as per Town Planning Scheme No 2 and the Residential Design Codes. The advertising consisted of a letter to 11 adjoining property owners (same as previously advertised). Five submissions were received, including a letter headed from the 'Residents of Athelstan Road' and signed by 9 adjoining property owners. The submissions are summarised below:

Letter signed by: B. Moore, 1 Athelstan St; N Cruickshank, 3 Athelstan St; J Wade, 5 Athelstan St; D Pope, 6 Athelstan St; P Elder, 7 Athelstan St; K Purich, 8 Athelstan St; A. Sudlow, 9 Athelstan St; S Foulds, 10 Athelstan St; E Birchmore, 15 Athelstan St.

- Has a sense of déjà vu as proposal does not appear to differ significantly from the previous proposal that was rejected;
- Whilst some 'small' changes and/or concessions have been made there is basically nothing that would change our view that the proposal as it stands should not be approved by Council;
- Is in full agreement with the views expressed by other residents of the street as stated in a letter dated 13 September 2010;
- If there was a demand for this type of housing it would have been included in Local Planning Strategy No 3;
- There is a significant amount of accommodation that provides for this housing configuration without being zoned as over 55s;
- The issue here is the abuse of the Codes by a developer to achieve these outcomes. If the proposal met the requirements of the Codes it is unlikely the residents would be raising an issue;
- Other similar density housing such as in the Flour Mill development is on the other side of the cul-de-sac so has less impact to residents and is located on R30 zoned land;
- The concessions provided under the Aged and Dependent Persons requirements are not being adhered to and the reductions in size and bulk proposed by the developer are largely immaterial changes;
- This proposal is for 5 units of approximately 211m² when the Codes stipulate a maximum 100m² for each dwelling. This is still a 111% increase over the stipulated size. The proposed reduction in size is not a significant modification and is still a long way from meeting the Codes;
- These are all still double-storey, 3-bed, 3-bath dwellings, some with two living areas or a second kitchen, when these dwellings are typically single-storey and designed for one/two residents. At 211m² these are nearly as large as a family home and could feasibly each accommodate 6 individuals;
- The proposal could set a precedent in the area for aged persons dwellings well outside the Codes and could be used to justify other developments, impacting on other residents;
- Noise could be generated from the upper floor terraces fronting the street particularly with the proposed increased density;

- The west-end of Athelstan Street currently has 13 dwellings and houses approximately 35 people. The proposed development would significantly change the demographic of the street;
- The street will change from a low density, quiet, family-orientated street to one where there is significantly higher density and traffic;
- The proposed density is more appropriate in Subi Centro rather than a quiet street in Cottesloe; and
- The development will devalue properties in the street.

D Dures, 1 Haining Avenue

- Objects to five buildings on the lots as they will be too obtrusive as a group.

B & M Goodlet, 3 Haining Avenue

- Objects to proposal;
- There will be a loss of privacy and value to property due to proposed rear balconies – need clarification that proposed 1.6m high screening will be from the top of slab;
- If balconies are removed, it is requested that they be replaced by windows at sufficient height and/or of a material that doesn't overlook our yard;
- A minimum 1.8m high boundary fence/wall above our ground level is required along the rear boundary to avoid privacy concern from the ground floor;
- Roofing materials should be non-reflective; and
- The proposed living areas appear significantly higher than that recommended for the over 55s concession that the developer is requesting.

APPLICANT'S JUSTIFICATION

The applicant has submitted a detailed submission with the application in support of the proposal (refer attached). Although principally the same as that previously submitted, albeit updated to reflect the current application, additional comments have also been made specific to this proposal. These are summarised below:

- The proposed units have been substantially reduced in size since the previous submission;
- The development complies with all the planning guidelines save for the size of the individual units. However, if a standard three house development was constructed, over 1667m² of plot ratio is allowed, and the over 55s scheme as presented only uses a total of 1053m² – 63% of what is allowable;
- The overall massing as presented to the street is substantially less overbearing than a 3-house design and the external modelling of the façade together with the eclectic palette of materials selected will ensure that the dwellings will sit comfortably within the streetscape;

- The garage to Unit 1 is proposed on the north-west corner of the site off the slip road which makes for a gentler, domestic character to the development at the point of maximum visual exposure;
- Units 2, 3, 4 and 5 have had their first floor areas reduced with 2 and 4 completely redesigned;
- The principle of deep setbacks to the upper floors is maintained and increased with the reduction or elimination of some family rooms;
- Total area of units were reduced initially by 317m² and in this submission reduced by a further 114m². This equates to an average reduction of 63m² per unit;
- At first floor level the front street terraces will be screened by 1.6m high hedges;
- First floor accommodation is designed for guests, grandchildren or live-in carers; and
- The current proposal is lower and has less impact on adjoining properties with any issues previously raised having been addressed.

PLANNING COMMENT

The main planning issues have not significantly changed since the previous submission, although the proposal has been have modified and the plot ratio reduced.

The proposed development complies with TPS 2, relevant Council Policies and the RDC for aged and dependent persons, with the exception of the following:

- Plot Ratio;
- Walls on boundaries; and
- Retaining/fill in the front setback.

Each of these issues is discussed below:

Plot Ratio

Under Town Planning Scheme No. 2 the lot is zoned Residential R20. This would permit a maximum of 3 single or grouped dwellings on the amalgamated lots. However, Clause 6.1.3 of the RDC states:

For the purposes of an aged or dependent persons' dwelling, the minimum site area may be reduced by up to one third, in accordance with part 7.1.2 and 7.1.3.

If the 1/3 reduction is applied then the average and minimum lot area may be reduced as shown below:

Single house or grouped dwellings (without reduction)	Aged or dependent persons' dwelling (with reduction)
Min. 440m ² Ave. 500m ²	Min. 293.34m ² Ave. 333.34m ²

On this basis, the amalgamated lots would accommodate 5 aged or dependent persons' dwellings.

The proposed minimum lot areas range from 329.25m² to 330.64m² which are all in excess of the minimum lot area permissible. In this respect, the issue with the proposed development arises over the proposed plot ratio for each dwelling.

Under Clause 7.1.2 of the RDC the Acceptable Development Standards for aged and dependent persons' dwellings state, inter alia:

A maximum plot ratio area of:

- *In the case of single houses or grouped dwellings – 100m²*

Plot ratio is defined as:

The ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of any lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.

The proposed plot ratio for each of the proposed dwellings compared to the previous application is as follows:

Unit	Proposed Plot Ratio (based on applicant's calculations)	Plot Ratio (previous applications)	
Unit 1 (western end)	215m ²	266.86m ²	243m ²
Unit 2	211m ²	265.52m ²	237m ²
Unit 3	202m ²	264.68m ²	223m ²
Unit 4	211m ²	260.84m ²	235m ²
Unit 5	214m ²	247.03m ²	229m ²

All of the proposed units are still more than double the maximum permitted plot ratio area permitted under the acceptable development standards of the RDC.

Furthermore, an assessment of the submitted plans revealed that the proposed dwellings actually exceed the individual plot ratios stated by the applicant and therefore revised plans have been requested to accurately show the correct floor

layouts that are reflective of the figures provided based on the RDC definition; ie: for smaller dwellings than shown on the plans.

The relevant performance criteria of the RDC to consider a variation state:

Dwellings that accommodate the special needs of aged or dependent persons and which:

- *Are designed to meet the needs of aged or dependent persons;*
- *Are located in proximity to public transport and convenience shopping;*
- *Have due regard to the topography of the locality in which the site is located; and*
- *Satisfy a demand for aged or dependent persons' accommodation.*

The proposed development has been designed to take account of existing topography and will have reasonable access to public transport and shops (approx. 330m to the nearest bus stop and approx. 360m to the Eric Street shops based on a GIS assessment). This is walkable for the able-bodied.

The applicant has advised that the ground floor of the units will be designed to meet the needs of aged and dependent persons and the petition previously submitted by the applicant signed by local residents indicates that there may be demand for this type of housing.

Notwithstanding this, the plot ratio of each dwelling is still of concern, especially as the applicant has advised that the first floor accommodation is for guests and/or grandchildren, rather than being specifically designed to meet the needs of aged or dependent persons, albeit that a Carer's Suite is now included for Units 2 & 4.

The explanatory guidelines of the RDC further discuss the special purpose dwelling requirements and state:

The intention of this provision is to encourage the development of small-scale specialised housing in local communities, as an alternative to larger scale, relatively segregated complexes.

Because aged or dependent persons' dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the codes under acceptable development provision 6.1.3 allow the reduction of the site area by one-third of that provided for by the code applying to the site, together with reduced car parking standards.

To prevent these concessions from being abused, for example as a back-door way of increasing density for standard housing without re-coding an area, the concessions are subject to four constraints:

- *There is a limit on the size of such dwellings;*
- *They must be purpose-designed;*
- *There is a minimum of five dwellings in a single development; and*
- *They are subject to a legal agreement to restrict occupancy.*

The guidelines also state:

It is important that dwellings designated aged or dependent persons are designed to allow for aging-in-place whereby dwellings cater for an individual to remain in their chosen place of residence even though their physical and sensory abilities may change over their lifespan, with certain minimum standards, as set out in appropriate Australian Standards, that are part of construction or can be introduced with relative ease. In particular, this would include designs with minimal use of levels or stairs, adequate passageways and door widths, roofed car parking spaces, accessible utilities and slip-resistant floors for kitchens, laundries, bathrooms and toilets as described in the AS 4299-1995 Adaptable housing. This would result in such dwellings being more flexible to accommodate the changing needs of older people.

Although the applicant's supporting documentation may be taken into consideration, the proposed two-storey dwellings nevertheless do not represent small-scale specialised housing that meet the specific requirements of the Codes intended for a reduction in site area to be applied under the acceptable developments standards of the RDC.

This number of new two-storey dwellings would equate to an approximate density of R30, rather than the existing R20 code, and would have a greater visual impact on the existing streetscape than if the site were developed for 2 or 3 dwellings, albeit that the scale of such dwellings could potentially be larger than that proposed - although with greater separation and less continuous massing.

There is no objection to supporting 3 aged persons accommodation units on these lots with the proposed plot ratio (or larger) as this would satisfy the demand for providing this type of accommodation without compromising the existing R-Code density allocated to this area.

Alternatively, Council could approve the 5 aged persons dwellings as proposed under the relevant performance criteria of the RDC, or consider initiating a Town Planning Scheme Amendment to rezone the lots to Residential R30, which would permit the proposed density development 'as-of-right', rather than having to obtain a significant planning concession under the R-Codes. However, such a Scheme Amendment is likely to attract objections from residents and would generally be contrary to the existing R20 zoning proposed to remain under LPS 3 as recommended in the adopted Local Planning Strategy.

Building on Boundary

Unit 5 (eastern end) has a wall on the boundary that has a height varying between 2.1m and 3m, averaging 2.5m, which is allowable under the RDC, however, its proposed length is 10.7m which exceeds the maximum length permitted under the acceptable development standards of the RDC by 1.7m. Also, the height of the garage and store to Unit 1 along the northern boundary has a height up to 3.7m, averaging 3.45m, and so exceeds the maximum and average heights permitted under the acceptable development standards of the RDC, while its length is only 8.7m and therefore is otherwise compliant.

It is necessary to consider these walls on boundaries under the performance criteria of the RDC which state:

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

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

The proposed wall to Unit 5 will be setback behind the 6m front setback area and makes effective use of space considering that the proposed lot will be only 9.34m wide (less than the 10m width usually required for an R20 zone). It will also provide additional screening to the proposed wheelchair access ramp at the front of the unit without having a significant adverse effect on the amenity of the adjoining property.

The proposed garage/store to Unit 1 along the northern boundary makes effective use of space and is necessary to allow sufficient minimum headroom for vehicles entering or exiting the property, whilst also avoiding too steep a driveway gradient for seniors to use. The proposed wall should enhance privacy to the neighbour to the north and would be partially screened by existing trees and other vegetation to reduce its visual impact. No objection has been received from the adjoining property owner.

Retaining/fill in front setback

Fill and retaining up to 1m above NGL is proposed for the front of Unit 1 to provide a usable (flat) front garden area for the occupants with similar levels to the proposed finished floor level. This variation appears reasonable and can be considered under the performance criteria of the RDC which state:

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

It would have little visual impact on the streetscape due to the existing topography along this section of Athelstan Street and it is a practical measure to provide good accessibility to this area for elderly persons and can be supported.

Additional Comments

Street Tree

The submitted plans show the removal of a street tree in front of Unit 1. However, the applicant has since confirmed that this was an error as the crossover to this Unit no longer necessitates its removal.

Building Height

The calculation of building height stems from Council's determination of natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme No.2 expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height.

The Council's Policy in relation to Building Heights states:

Provided that it is satisfied that the amenity of the neighbouring area will not be adversely affected, the Council will...measure building height for attached houses and grouped dwellings from NGL as determined by Council at the centre of the area contained within the external walls of each individual house.

On this basis, the NGL at the centre of each proposed dwelling has been determined to be as shown in the table below, which has been derived using a site survey plan submitted by the applicant and drawn by a licensed surveyor.

ANGL (RL)	Unit 1 – 11.60 Unit 2 – 11.30 Unit 3 – 10.50 Unit 4 – 9.75 Unit 5 – 9.50
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Based on this NGL the permitted and proposed heights (RL) are as follows:

Height parameter	Unit	Permitted	Proposed	Proposed (previous application)
ANGL +6m	Unit 1	17.60	17.60	17.60
+8.5m		20.10	18.80	18.85
	Unit 3	16.50	15.80	14.11
+8.5m		19.00	17.00	
	Unit 4	15.75	15.40	16.02
+8.5m		18.25	16.70	
ANGL +7m	Unit 2	18.30	17.50	18.16
	Unit 5	16.50	15.50	15.27

On this basis, all the proposed dwellings comply with Council's Building height requirements and are generally well below the maximum permitted building heights.

CONCLUSION

The latest proposal is effectively a variation on a theme, yet is a relatively modest improvement over the previous application. The revised plans attempt to address some of the concerns raised before; eg the entries and ground floors will now meet the standards for aged and disabled persons accommodation required under the RDC. Plot ratio is still a substantial fundamental departure from the normal standard specified for this type of housing.

Neighbour objections have again been received, albeit fewer individual submissions were received at this time.

Should Council remain concerned about the proposed increased density on the lots, the proposed plot ratio for each of the aged persons dwellings, and the objections raised during advertising, then the applicant should be advised that the application is not supported.

Alternatively, should Council consider that the proposal has now has adequate merit and sufficient satisfies the relevant performance criteria of the RDC, then a recommendation of approval is outlined.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the prospect of a deferral and took advice from the Manager Development Services that, although the latest revised plans were quite similar to the initial plans and the basic issues were well-known whereby the proposal was capable of being determined, deferral would afford the benefits of additional advertising, liaison and reporting before a final, more considered decision by Council. Committee concluded in favour of allowing more time.

OFFICER RECOMMENDATION

Moved Cr Walsh, seconded Cr Dawkins

1. That Council REFUSE the proposed five aged persons dwellings at Nos. 2 & 4 Athelstan Street, Cottesloe, as shown on the plans submitted on 25 August 2010, for the following reasons:
 - (i) The proposed dwellings do not represent small-scale, specialised housing that satisfies the requirements of the Residential Design Codes for a density concession to be considered for aged or dependent persons accommodation; and
 - (ii) The proposed excessive plot ratio and density concession could set an undesirable precedent for similar-sized aged or dependent persons accommodation being sought that is inconsistent with the low-density residential zoning of the locality.

OR:

2. That Council GRANT its Approval to Commence Development of the proposed five aged persons dwellings at Nos. 2 & 4 Athelstan Street, Cottesloe, as shown on the plans submitted on 25 August 2010, subject to the following conditions:
 - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
 - (b) Stormwater runoff from the driveways or any other paved portion of the site shall not be discharged onto the street reserve/s, and right-of-way or adjoining properties, and the gutters and downpipes used for the

- disposal of stormwater runoff from roofed areas shall be included within the working drawings submitted for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
 - (d) The applicant applying to the Town of Cottesloe for approval to construct the proposed crossovers in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
 - (e) The existing redundant crossovers being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the specification and satisfaction of the Manager Engineering Services.
 - (f) Air-conditioning plant and equipment shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
 - (g) The finish and colour of the boundary walls facing the northern and eastern neighbours shall be to the satisfaction of the Manager Development Services, with details being submitted as part of the building licence application.
 - (h) The proposed development shall comply with the Acceptable Development Standards of the Residential Design Codes specific to Aged or Dependent Persons Dwellings, Clause 7.1.2 - A2 (iii) & (iv).
 - (i) At least one occupant of each dwelling must be disabled, a physically-dependent person, aged over 55, or the surviving spouse of such a person, and prior to issue of a Building Licence the owners shall enter into a legal agreement with the Town of Cottesloe binding the owners, their heirs and successors in title requiring that this provision be maintained. All prospective purchasers shall be advised by the owner/developer or agent of this requirement, which shall also be included as a notification on all titles by the owner/developer.
 - (j) The amalgamation of Lots 20 and 21 being finalised by the Western Australian Planning Commission before the commencement of development.
 - (k) No verge trees adjoining the site are to be removed and the trees shall be protected at all times during demolition and construction, to the satisfaction of the Manager Engineering Services.
 - (l) The owner(s) shall treat the roof surfaces to reduce glare if, in the opinion of Council, the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
 - (m) The design of the dwellings shall be modified to have plot ratios (in accordance with the definition of Plot Ratio in the Residential Design Codes) consistent with the plot ratios intended by the applicant as specified in the plans received on 25 August 2010. This shall be

accurately shown on the detailed plans submitted for a Building Licence, to the satisfaction of and for approval by the Manager Development Services.

3. Advise the submitters of the decision.

Advice Note:

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

AMENDMENT

Moved Cr Strzina, seconded Cr Dawkins

That at the request of the applicant the item is deferred to the October Council meeting to enable further consideration of the latest revised plans by submitters, officers and elected members.

Carried 6/1

COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Dawkins

That at the request of the applicant the item is deferred to the October Council meeting to enable further consideration of the latest revised plans by submitters, officers and elected members.

Amended Substantive Motion was Put

Carried 6/1

10.1.3 NO. 2 SALVADO STREET - ALTERATIONS AND ADDITIONS TO 'LE FANU' WHICH IS LISTED ON THE STATE REGISTER OF HERITAGE PLACES

File No:	1934
Attachments:	Site photos 2 Salvado.pdf Aerial2Salvado.pdf HeritageCouncil.pdf ModelPhotos.pdf Neighbours comments2Salvado.pdf PlanningImpactStatement.pdf Plans2Salvado.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	20 September 2010
Author Disclosure of Interest	Nil
Property Owner	S Wyatt and S Gibson
Documentation	Hocking Planning & Architecture in association with Zorzi Builders
Date of Application	1 April 2010 (Amended 20/8/10, 1/9/10; 6/9/10)
Zoning:	Residential R30
Use:	P - A use that is permitted under this Scheme
Lot Area:	1492m²
M.R.S. Reservation:	Not applicable

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 documentation received 20 August 2010 and revised plans received 1 & 6 September 2010 has evolved following detailed discussions between the applicant, the Town's staff, the Heritage Council of Western Australia (HCWA) and on advice from the Design Advisory Panel to ensure that the design and extent of works proposed are appropriate for a property of such high heritage significance and addresses the statutory planning requirements.

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

PROPOSAL

To consider extensive alterations and additions to the existing vacant and dilapidated building to enable it to be renovated and restored for residential use.

The proposed works, based on the submitted documentation, include:

Demolition

- Removal of four internal rooms, one of which has been significantly adapted and has lost its integrity, the other three are small former bedrooms of some significance;
- Removal of the northern verandah which was intrusively enclosed in the post World War II (WW2) period;
- Removal of existing ablution block which is an intrusive structure of post WW2 period;
- Excavation to basement level of the demolition area to permit basement parking; and
- Demolition of post-WW2 limestone boundary wall to Salvado Street to enable rationalisation of levels and prevent site drainage back onto Le Fanu.

Restoration/Reconstruction

- The original roof configuration, roof materials and roof details visible from the two street frontages are to be reconstructed, including the decorative gable treatments and the 'pepperpot' roof above the study;
- The extant chimneys are to be restored in appearance, but not to working order – all four chimneys within the retained portion of the existing building will be retained or reconstructed;
- The original verandah configuration, materials, roof, balustrade, flooring and upstand wall materials are to be reconstructed;
- The original leadlighted windows, sashes, fanlights and toplights are to be reconstructed;
- The whole of the interiors of the former ballroom, formal dining, study, north-south entry gallery and basement cellars are to be restored and minimally adapted;
- The study beside the side entry will be reconstructed;
- Part demolition of the eastern end of the existing kitchen, which was intrusively renovated, to enable a ramp access to the basement car parking from Salvado Street;
- The basement levels to the former ballroom and the cellar are to be retained and restored; and
- The limestone boundary wall to Marine Parade will be retained and reconstructed as necessary.

Adaption Strategy

Externally, adaption has been kept to a minimum with:

- The central bay of the Marine Parade frontage adapted to form a new entry;
- The rear of the existing kitchen rebuilt on the same line to facilitate construction of the ramp to the basement garage;

Internally, adaption has been confined to:

- Conversion of two small rooms of little significance into a new entry hall opening into the central gallery, which in turn will be adapted to open into the new formal entertainment area;
- The former kitchen will be adapted as a guest suite; and
- A powder room will be attached to the eastern end of the formal ballroom, utilising the large reconstructed stained glass window.

New development strategy

- New development will be confined to the demolition footprint, apart from cantilevering of the upper roof terrace over the existing roof behind the ridge lines visible from the two frontages;
- New development is to have its ground floor level consistent with the existing ground floor level of Le Fanu and the basement level related to the existing undercroft and cellar floor levels;
- Upper floor levels of new development is to be set 0.9m below the height of the ridge line to the Marine Parade frontage to enable panoramic views to the west whilst keeping the upper floor level as low as possible;
- The new development will respect the character of the original house, in its scale and proportion, use of materials, forms and details, whilst being discernibly of contemporary construction;
- The new development seeks to reinforce the presentation of Le Fanu to the two street frontages, whilst being more contemporary in character of the northern and eastern facades which are discreet from the street frontages;
- Carparking will be wholly below ground with access restricted to Salvado Street along the eastern boundary; and
- Sound-absorbent finishes are to be used for the garage and vehicle ramp.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

- WAPC SPP 3.5 Historic Heritage Conservation
- Proposed heritage incentives policy under LPS 3

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Heritage of Western Australia Act 1990
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO 3

It is proposed to include this lot into a special control area so as to strengthen the Council's heritage approach.

The objectives of this special control area are to:

- a) encourage conservation and restoration of the existing heritage buildings within Special Control Area 1;
- b) ensure that any future development with Special Control Area 1 does not unduly adversely affect the significance of the existing heritage buildings and their settings; and
- c) ensure that any future development with Special Control Area 1, including alterations and additions to the existing heritage buildings, will enhance the setting and protect the visual prominence of the existing heritage buildings.

In this special control area, the height of all development for any use shall conform to the general requirements for single-storey or two-storey development.

HERITAGE LISTING

- State Register of Heritage Places
- TPS 2 – Schedule 1
- Municipal Inventory – Category 1
- Register of the National Estate
- National Trust Classification

BACKGROUND

A brief chronology of this application is as follows:

- 1 April 2010
Planning application submitted for alterations and additions to existing dwelling;
- 12 April 2010
Following preliminary assessment, application forwarded to Heritage Council of WA as it is a statutory requirement that approval be sought prior to Council determining the application;
- 14 April 2010
Application and plans (Rec:1/4/10) advertised in accordance with TPS 2;
- 25 May 2010
Revised plans and documentation submitted by applicant;
- 2 June 2010
Presentation by applicant to Design Advisory Panel (DAP) for discussion;
- 23 June 2010
Correspondence received from Heritage Council of WA;
- 24 June 2010
Meeting held with applicant, Heritage Council and Town's staff to discuss proposal;
- 20 August 2010
New and revised documentation submitted by applicant;
- 25 August & 1 September 2010
Further correspondence received from HCWA;
- 1 & 6 September 2010
Revised plans submitted by the applicant.

CONSULTATION

The application and original plans were advertised in accordance with Town Planning Scheme No 2. 29 letters were sent to neighbouring property owners and 7 submissions were received which are summarised below:

M Bahen, 4C Salvado Street

- Supportive of the proposal and acknowledges the commitment of the owners to such a significant undertaking;
- Only objects to the height if it has material adverse impact on adjoining property;
- Screening should be used to avoid overlooking;
- A dilapidation report should be required to ensure there is no damage to adjoining property and dust from the site should be controlled; and

- Wishes the applicant all the best for this ambitious project and is confident that any issues that may arise would be resolved by discussion.

H Janssen, 1/8 Salvado Street

- Disappointed with proposal;
- Whilst not against some minor extensions, the essential house is to remain;
- What is proposed is (on a smaller scale) a Bank West tower situation in the City with the façade present and not much else;
- The original building will pale into insignificance and the profile of the building will be lost. Also queries whether chimneys will be retained;
- Objects to the structure over underground carpark and is reminded of the entrance to a city carpark or hotel;
- Proposal is not in-keeping with a heritage-listed building and it only confirms belief that a heritage precinct is a farce and that it is far too late for such an idea;
- If approved then it is only justice that Tukurua should be permitted to develop its curtilage as the owner sees fit; and
- Le Fanu will be developed once only and it is vital it is done with sensitivity and respect.

E Smith, Tukurua, 9 Rosendo Street

- Cottesloe Council, the Heritage Council and the people of Council should be grateful that people of means have at last taken on the job of refurbishing Le Fanu;
- Has no objection to proposed height but feels it will overlook Mrs Drake-Brockman's house and 4 Salvado Street, possibly to the detriment of their privacy;
- Dividing fences, walls and landscaping are to be addressed at a later date;
- No objection to underground parking but question the construction over the entrance to the carpark and feel it may not "fit in" with the heritage house;
- Only real concern is the sheer bulk of the extension. Le Fanu does not enjoy the same amount of curtilage as Tukurua and questions the context or perspective aspect of such a massive addition; and
- For too long in Cottesloe the height restrictions imposed have been for houses fit for pygmies with low ceilings. High ceilings and increased airflow are definitely a health benefit and impossible under current restrictions. Therefore any increased height is to be welcomed.

M Hanna, 3/5 Salvado Street

- Objects to proposed wall and roof height which represents a 30% concession. The height exceeds reasonableness from the point of view of adjoining property owners all of whom have had to abide to 6m requirements;
- Although nobody owns a view the Town has endeavoured to ensure that coastal developments are in-keeping with these already generous height

provisions and ensure that adjoining neighbours are not disadvantaged by over-zealous developers/owners;

- The concession sought of around 16% on the roof height is a material change; and
- Doesn't believe any change is required and Le Fanu should be restored in line with existing requirements and material concessions should not be granted.

S L Conlan, 5/6 Salvado Street

- Objects to proposed height concession as it will block ocean views from four west-facing windows of own property; and
- Purchased property 20 years ago for the purpose of having ocean views.

J Fenwick on behalf of F Drake-Brockman, 66 Marine Parade

- Keen to assist new owner in having a successful renovation process and giving the house a new lease of life;
- Has no issue with the design but requests the following be addressed:
 - (a) Details of fencing to be discussed to protect house from dust, rubbish and trespass;
 - (b) Security of property is to be maintained, including a minimum 6 feet high boundary barricade to be erected to lower site invasion, especially from dust;
 - (c) Area below existing ablution block will need to be retained as wishes to keep natural slope;
 - (d) There is obviously a privacy issue to rear bedroom and bathroom but is happy to add opaque film to these windows to maintain privacy;
 - (e) A dilapidation report is to be provided;
 - (f) Adjoining property is to be protected and retained during works to LeFanu's sewer connection;
 - (g) Existing front fence is to be protected and repaired by others if damaged;
 - (h) Drainage is to be investigated prior to work being done to prevent further stormwater and soil encroachment;
 - (i) A site management plan would be welcomed; and
 - (j) Would be grateful for consideration of a later start for any on-site activity that involves excessive noise, heavy machinery and vibration.

N Barbarich, 4B Salvado Street

- Strongly objects to any increase in the height of the dividing fence/wall as this would significantly impact on ocean views and amount of light to the front of our dwelling, the main living areas and courtyard. However, providing there is no increase to the wall then has no issue.

Applicant's response to neighbours' comments

The submissions received during advertising were forwarded to HP & A for consideration and a comprehensive response has been provided in the 'Planning Impact Statement' which is summarised below:

Height and Scale

- Sightlines from the neighbouring properties immediately to the east of Le Fanu are below the Le Fanu existing north-south ridge line of RL: 17.97;
- There are no sightlines between Le Fanu and the neighbouring Drake-Brockman house;
- The greater part of the roof of the second storey addition is below the height limit of 8.5m, and the raised gable section of the roof runs east-west minimizing intrusion on ocean views from properties further up Salvado Street;
- The roof form has been carefully considered following comments from HCWA and the DAP; and
- Whilst minimizing visual intrusion for neighbouring and overlooking properties, the roof form provides a satisfactory composition with the existing heritage property and enhances views of Le Fanu, which has been an element of the ongoing townscape.

Building Bulk

- It is a HCWA requirement that the extension does not intrude on the bulk and scale of the existing house and retains its heritage values;
- The HCWA recommendation is evidence that the bulk and scale of the extension is acceptable with the retention of the heritage values of the existing house;
- The extension has been designed in a character respectful of the original, but subtly and readily differentiating the new from the old; and
- The revised plans eliminate the rear overhang to the retaining wall leading to the carpark and treats the upper floor extension as a projecting and bracketed bay in a more traditional form which was favoured by the HCWA.

Visual Privacy

- During construction, the applicant will ensure privacy to Drake-Brockman's bedrooms, bathrooms and living areas through the use of a 1.8m high planted screen wall, applied film to glazing and other measures as suggested by the neighbour;

- Longer-term privacy will be ensured through 1.8m high planted screening to the terrace and northern boundary; and
- The view from the upper floor bedroom doors will avoid the neighbour's windows.

Chimneys

- Existing chimneys to the former ballroom and study are to be retained, restored and strengthened;
- The damaged chimneys to the dining room and family rooms are to be retained and partly reconstructed; and
- Only the chimney to the former kitchen will be demolished.

Views

- From comparison of the cadastral plan and aerial photograph it can be seen that the three properties east of Le Fanu do not have visual sightlines between Le Fanu or Drake-Brockman's house or over Le Fanu because the ridge height (RL: 17.97) is above the upper-floor sightlines from these houses;
- Only the fourth house east of Le Fanu and those properties further up the hill would see over the properties and have a wider ocean view, and then Le Fanu will just be one element within this view. This would also be the case with other properties higher up on the southern side of Salvado Street, along Avonmore Terrace and Rosendo Street; and
- Le Fanu will not result in a loss of any views of significance to neighbouring properties and its restoration will enhance the view of the property.

Site works

- No pile-driving is presently planned for the construction of the new basement. Boundary perimeter retaining walls are proposed to be constructed in a continuous ground sawing and concrete pouring process which removes the need for sheet or pile-driving. The feasibility of this process will be determined by geotechnical investigation;
- Requirements regarding hours of operation will form part of the builder's contract of works, to be agreed with Council at Building Licence stage, and will have due regard to neighbours;
- Normal site control procedures will be applied to reduce the nuisance of wind-borne construction dust. Floors will be sprayed, wetted and swept to keep down dust and all activities will separately controlled to minimise dust and nuisance to Council's requirements; and

- A vertical concrete retaining wall is proposed along the eastern boundary to the height of the neighbour's wall with selected render to all exposed surfaces. No further increase in height to this wall is proposed.

APPLICANT'S SUBMISSION

Following liaison with the Town's staff and the Heritage Council of WA the applicant submitted the following documents on 20 August 2010 that detail the proposal:

- Updated development application and Heritage Impact Statement;
- Conservation Management Plan; and
- Planning Impact Statement.

On 1 & 6 September 2010 revised plans were also submitted to the Town for assessment.

PLANNING COMMENT

The applicant appears to have made a genuine attempt to address the concerns raised by the adjoining property owners and the documentation and plans have been significantly revised since they were advertised having due regard to these issues.

Notwithstanding this, in addition to requiring the approval of the HCWA, the applicant also requires Council's approval for the concessions sought under TPS 2 and the RDC as well as the written support of Council under Clause VI of the Scheme for alterations to the Category 1 building.

In view of the complex nature of this proposal the assessment criteria to be considered by Council is discussed below:

DESIGN ADVISORY PANEL (DAP)

On 2 June 2010 the application was presented to the DAP for discussion based on revised plans submitted on 25 May 2010. The applicant was subsequently advised by the Manager Development Services the following:

- *After completion of the presentation and initial discussion then departure of the consultant, the attendees identified a number of chief recommendations for assessing the design of the proposal having regard to the planning and heritage framework.*
- *The height regime for determination of the proposal is TPS2, which contains some specific scope for the exercise of discretion; while intended LPS3 is more restrictive, with no flexibility. In this respect it is observed that the existing building is single-storey whereas the proposed addition is double-storey.*
- *The proposed addition is very large and amounts to virtually a second dwelling at the back of the existing building; ie the equivalent of a new, free-standing, two-storey dwelling, as well as being self-contained whereby the original rooms are ancillary entertainment spaces rather than main living quarters –*

that is, both the footprint and height of the addition could be significantly reduced by occupying the original dwelling as primary parts of the family home.

- The Burra Charter should be interpreted carefully and is not a mandate for mock-historic design or mimicry of detailing, nor for non-traditional design elements, clashes of architectural treatments or undue loss of valuable original fabric. Ready differentiation between the old and the new as the objective demands sensitive positioning of an addition, together with the particular style and materials/finishes. Traditional construction language if proposed can still consist of materials and details particular to it yet distinct from the original.*
- Physical separation rather than integration tends to be better. An addition ought to enhance and highlight an original building as the heritage focus, rather than dominate, compete or clash with it, and where similar styles or materials are used they should not be confused with or detract from the original. In this regard the design may be seen as flawed in seeking to build into and over the original dwelling, while the proposed addition, especially in relation to the upper level, can be seen as out of proportion, too busy and in need of better articulation.*
- The proposed upper-level verandah with its front edge coincident with the ridgeline of the original dwelling is not found in traditional construction. This compromises the integrity of the roof forms of the original dwelling and presents a discordant composition which is not sustainable as an innovation.*
- The proposed upper-floor roof forms impact on the traditional distinction between roofs to internal rooms and those to verandahs. In traditional dwellings as in this case the ridged and gabled roofs of the main building are pitched steeper than the lean-to roofs of the verandahs.*
- As mentioned above traditional construction does not feature cantilevers and it is apparent that there is sufficient space available to design so as to not force such a departure.*
- The alternative of a sympathetic contemporary design for the addition should not necessarily be dismissed, because such a solution would achieve a logical and clearly legible distinction between the original building and new construction. It would also allow lower floor-to-ceiling distances and flat roof forms to reduce overall height. Contemporary design is also able to better-handle intrusions into original construction; for example, non-traditional large expanses of glass (ie the western windows) and balconies (common today) to capture the ocean view.*
- A 3D scale model of the proposal would be a great help – including showing three components: the existing building, the portion to be demolished, and the addition.*
- The proposed conservation works appeared comprehensive and of quality, which will be vital to the appropriate heritage restoration of the place.*

Applicant's response to DAP comments

The applicant has responded to the above comments in the 'Planning Impact Statement' and submitted further revised plans on 1 & 6 September 2010 which address many of the concerns raised by the DAP. In brief the applicant's response to the DAP's comments are as follows:

- *The proposed height of the majority of the 2-storey development is close to compliance with the height requirements of TPS2. The gabled section of the roof is necessary for the composition of the new with the old and is placed to minimize intrusion onto view lines from elevated properties in the vicinity. That this increased height does not diminish the heritage values of Le Fanu is attested by the HCWA recommendation;*
- *The whole development, original and new, complies with site coverage requirements and is comparable in scale with other new development in the vicinity. The original section of Le Fanu does not contain bathrooms, kitchens or toilets. These would be intrusive elements in the original section of Le Fanu and, as far as possible, these have been located in the new build section;*
- *The original roof form has a variety of pitches, profiles and gables. Design of the new roofs: hipped roofs with gables only as features, verandah roofs to be bull nose, other roofs to have uniform eave details, gables to have sunscreens to east and west skylights derived from original gable detail;*
- *The applicants, being highly mindful of the Burra Charter, and being sympathetic to the character of the original, have demonstrated how new and old are subtly and readily differentiated;*
- *Physical separation was not an option in this situation, without significantly greater intrusion onto heritage zones and elements and loss of heritage fabric. There are historic examples of building into and over the existing dwelling which have not been considered flawed, other than from a polemical point of view. The revised design has satisfactorily addressed the other matters as demonstrated by the HCWA recommendation to the Town;*
- *A 3D perspective model has been developed for the project and the plans for the proposal have always been provided in colour codings for retained/reconstructed, retained/adapted and new build;*
- *The proposed conservation works would be comprehensive, as scheduled, and be incorporated into a heritage agreement between the applicant and HCWA. The conservation works are guided by a conservation plan;*
- *Hocking Planning & Architecture's (HP& A) record of 13 AIA Heritage and Conservation Awards, 6 MBA Heritage Awards and 2 HIA Heritage Awards attest to HP & A's competence in delivering the highest level of conservation works;*

- *The proposed upper-level verandah detail is unusual but not unprecedented, as the works of Hunt, Poole and other exponents of the Arts & Crafts style attests. Alternatives were tested but were less satisfactory than the proposed, which has been recommended for approval by HCWA;*
- *Differentiation between verandahs and roofs has in part been adapted with their edge detail. To fully differentiate between verandah and roof pitches would have resulted in much more of the roof exceeding the roof height, than as proposed;*
- *The reflection of original details in the new is interpreted in contemporary ways for new or differing purposes to the old;*
- *Existing chimneys to the former Ballroom and study are to be retained, restored and strengthened. The damaged chimneys to the dining room and family rooms are to be retained and partly reconstructed. The existing chimney to the former kitchen would be demolished;*

Again, the applicant has had regard to the constructive comments provided by the DAP and the revised documentation and plans are an attestation to this having resulted in a much more favourable design than that originally proposed.

HERITAGE CONSIDERATIONS

Assessment framework

There is a defined planning and heritage framework for assessment of the proposal, which includes the HCWA. This framework guides consideration of the design approach to the heritage place. The Burra Charter is a further guide to the heritage dimension, including consideration of the most appropriate design approach to combining the old with the new.

Together with the planning technical assessment involved (ie: development requirements or standards), the heritage values and classification 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.

In this instance, there is a strong collection of heritage instruments and classifications relating to the place and they provide guidance on how the assessment of proposals should be approached and the values of the place to take into account.

Statement of Significance (HCWA)

The Heritage Council's 'Statement of Significance' for this property provides the following description:

Le Fanu, a large single-storey, Federation Queen Anne style residence of architectural distinction, set within a garden enclosed by a limestone wall/retaining wall, has cultural heritage significance for the following reasons:

- *The place is an example of a grand beachside home, exhibiting in its scale and character the affluence which accompanied the gold boom of the 1890s;*
- *The place has considerable architectural value through its skilled use of diverse architectural elements to create visual interest and a landmark corner development;*
- *The place contributes an important element to the streetscape of Cottesloe Beach and, as part of the wider Cottesloe precinct, an important element of the gracious old residential building stock for which the suburb is renowned;*
- *The place forms part of an historic precinct, comprising Le Fanu, the neighbouring Tukurua, Belvedere and nearby Meath, indicative of the early residential form of Cottesloe and is an aspect of the historic foundation of the suburb;*
- *The place contains several internal spaces of considerable architectural significance which have largely retained their integrity and authenticity;*
- *The place has social significance as the residence of the Holmes family who had a significant effect upon the cultural life of Western Australia, through banking and charitable activities;*
- *The place also has social significance through the period of ownership by the Church of England Diocese of Perth, when the church, under the guidance of Bishop Le Fanu, continued the works first established by the Holmes family;*
- *The place is representative of the way of life when the female members of wealthy families did not undertake paid employment but instead organised good deeds for charitable organisations as part of their social role. It was part of a philosophy that privilege entails responsibility (noblesse oblige); and*
- *The place contributes to the community's sense of place by being representative of the style of the gracious turn-of-the century summer residences, built by the well-to-do, representatives of the foundation of the suburb but which are now rare.*

Municipal Heritage Inventory

The property is classified Category 1 in the MHI which is defined as:

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

The MHI description of the place is:

Very high historical and architectural significance, a landmark

Its significance is stated as:

This house is of considerable significance on a state level for its rare architecture and its historical associations. The original owners were prominent in business and charity. Examples of a breed rarely seen these days.

The property is described as:

Nestled in the dunes at the bottom of Salvado Street is "Banksia" built by Henry Diggins Holmes and his wife Marion between 1892 and 1897. The cluster of roofs trace the development of the complex building. The architect was the same as for the Ministering Children's League Hostel which was the Holmes house with eight bedrooms, a ballroom and a dining room which can seat forty people. The walls are course rubble-limestone with brick quoining around the Romanesque arched windows, doors and airvents. It had an iron roof now replaced with asbestos sheeting. The windows are laced to take advantage of the ocean views from three sides. The gables on all foursides have Tudor details, one has diamond shaped shingles and timber decoration. The southern façade is the most dominant with a candle snuffer roofed hexagonal bay with arched windows to the south-east. The eaves have decorative corbelling. The roof is topped with an elaborate cast metal finial. A dominant gable thrusting forward to enclose arched windows is supported on decorative masonry corbels and turned supports. There are remains of stained glass in the arches of this and the bay and remains of decorative corbelling to the sides of the windows. The verandahs are supported on simple square posts. The chimney stacks are stuccoed with an elaborate frieze and double corbel. The front door is solid wood with lights on either side and above. The house is in a very poor state of repair. The entire garden is enclosed by a limestone wall.

WAPC Heritage Policy

The WAPC State Planning Policy (SPP) 3.5 Historic Heritage Conservation was gazetted in 2007.

Its objectives are:

- To conserve places and areas of historic heritage significance;
- To ensure that development does not adversely affect the significance of heritage places and areas;
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making; and
- To provide improved certainty to landowners and the community about the planning process for heritage identification, conservation and protection.

The Policy describes the existing statutory framework for heritage conservation and the relationship and responsibilities of the HCWA, the WAPC and local governments. It also specifies policy measures and the means for their implementation and requires local governments to have regard to specific matters relating to heritage in considering applications for planning approval.

Those matters relevant to the subject proposal include:

- The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under a Scheme;
- Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development;
- The level of heritage significance of the place, based on a relevant heritage assessment;
- Measures proposed to conserve the heritage significance of the place and its setting;
- The structural condition of the place, and whether the place is reasonably capable of conservation.

The Policy also requires that the following development control principles should be applied for alterations or extensions affecting a heritage place:

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric;
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it;
- Development should be in accordance with any local planning policies relating to heritage.

Local government has a role in support of the policy through ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.

The applicant has responded positively to the WAPC's Heritage Policy requirements in the documentation and revised plans, by ensuring that the proposal is supported by the HCWA, and that it includes the retention and restoration/reconstruction of the street facades, original roof profile, gallery and hall and all major internal spaces.

The existing facades will be retained behind generous setbacks which will be simply landscaped to enhance the qualities of the existing house, which is in poor structural condition, has deteriorated to the point of fragility and needs to be conserved and returned to its landmark status.

Town Planning Scheme No. 2 (TPS2)

Clause 5.1.2 of TPS 2 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 also included in Schedule 1 of TPS 2, which is the heritage listing available in terms of local government heritage control, as a scheme has the force and effect of law, ie: affording heritage protection.

The Schedule lists the property as follows:

- *House No. 2 Salvado Street, Cottesloe at corner of Marine Parade - Large limestone house constructed circa 1900. Classified 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 in Schedule 1 should be conserved and preserved.

The matters covered requiring Council consent include to:

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

It is considered that the proposal satisfactorily fulfils the heritage requirements under TPS 2, albeit that the proposed crossover still needs to be satisfactorily addressed to ensure minimal disturbance within the public domain and retention of the verge trees in Salvado Street.

APPLICATION ASSESSMENT**Areas of Non-compliance****Town Planning Scheme No 2**

	Permitted	Proposed
Height	Wall height - 6m Ridge height – 8.5m	<u>Lower roof section</u> Wall height - 7.82m (RL: 19.82) Ridge height - 8.64m (RL: 20.64) <u>Upper roof section</u> Wall height – 9.34m (RL:21.34) Ridge height – 10.74m (RL: 22.74)

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
6.3 - Boundary setback (to Northern elevation)	4.6m to Guest-Entertainment Rooms (Ground floor)	4.1m – 13.3m	Clause 6.3.1 – P1
	4m to balcony (upper floor)	0.95m	
	2.1m to columns	0.785m – 9.9m	
	6.5m to bedroom-kitchenette/bar (upper floor)	1.955m – 11m	
6.8 – Privacy (to northern elevation)	4.5m to NE bedroom (upper floor)	1.95m	Clause 6.8.1 – P1
	7.5m to balcony (upper floor)	0.95m	

The proposed development, based on revised plans received 1 & 6 September 2010, complies with TPS 2, relevant Council Policies and the Residential Design Codes (RDC), with the exception of the following:

- Building height
- Setbacks
- Privacy
- Proposed crossover

Each of these issues is discussed below:

Building height

The calculation of building height stems from Council's determination of natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme No2

expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height. However, variations may be permitted in the case of extensions to existing buildings, having general regard to maintaining privacy, views and general amenity, and special consideration is considered warranted in this case in view of the heritage status of the building which prevents it from being demolished or original parts being significantly altered.

The NGL at the centre of the lot has been determined to be RL: 12.0 which has been derived using a site survey plan submitted by the applicant and drawn by a licensed surveyor. Based on this NGL the maximum permitted wall height is 6m (RL:18.0) and the maximum permitted ridge height is 8.5m (RL:20.5).

The proposed roof comprises of two sections: a lower hipped section which forms the majority of the first floor addition, and a smaller, elongated pitched and gabled-ended roof section which extends above the main roof and is orientated east-west.

The proposed height variations sought are as follows:

Proposed	Height variation sought
<u>Lower section:</u>	
Wall height - 7.82m (19.82)	1.82m
Ridge height - 8.64m (RL: 20.64)	0.14m
<u>Upper section:</u>	
Wall height – 9.34m (RL: 21.34)	3.34m
Ridge height – 10.74m (RL: 22.74)	2.24m

The general policy requirements in TPS 2 in respect to considering variations to maximum building heights appear to have been satisfactorily addressed in the submitted documentation and revised plans and are further discussed in the individual planning sections below. Council therefore has discretion to allow the proposed height variation having due regard to these relevant Scheme provisions.

In addition, as a reference guide, the relevant performance criteria of the RDC (Clause 6.7.1) in relation to height states:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance*

There are a variety of housing types in the locality including single-storey and two-storey houses as well as multiple dwellings, some which are on substantially retained lots, including 64 Marine Parade, immediately south of Le Fanu, which is currently being re-developed for 2 two-storey multiple-dwellings with a flat roof height of 8.7m above the determined NGL, as approved by Council in June 2009.

Although a significant height concession is sought for Le Fanu, the existing dwellings to the east have natural ground levels that are generally higher due to the natural rising topography along Salvado Street so these properties will be less affected by the proposed height than if they were all on a flat level. Furthermore, nearby heritage properties on the State Register, such as 'Tukurua' and 'Belvedere', have substantially higher ridge heights than the surrounding dwellings and are unique and visually attractive in their own right.

Le Fanu also has an existing raised ground floor level (RL: 12.45) above NGL and ceiling heights in excess of 3m making it extremely difficult to design any first floor addition without substantially altering or completely demolishing the existing dwelling, which is not an option.

The applicant has provided various streetscapes with the submitted documentation, photographs and photo/montages (received 6/9/10) showing Le Fanu in its street context and has commented:

The visual connection of Le Fanu, Tukurua and Belvedere would make a splendid set-piece at the heart of South Cottesloe and would encourage higher standards for new and heritage developments.

The location of the addition on the northern side of Salvado Street ensures that adequate direct sun and daylight will be maintained to adjoining properties despite the increased height proposed as winter shadow will generally be restricted to over the road reserve.

Views of significance are also unlikely to be significantly affected as the proposal has been amended so as to remove the original proposed north-south orientated gabled roof which would have had most impact on views. A more linear approach has been taken to the proposed roofing to make it less intrusive or obstructive on existing views.

In the addition, the HCWA is supportive of the proposed height and the applicant has provided further justification for the building height in the submitted 'Planning Impact Statement' which is summarised below:

- *The ridge of the upper gable roof is considerably less than one third of the whole roof and is located east-west to minimize disrupting views from some distance away and having no impact on the view lines of the eastern neighbours;*
- *The proposed height of the majority of the two-storey development is close to compliance with the height requirements of TPS 2. The gabled section of the roof is necessary for the composition of the new with the old and is placed to minimize intrusion onto view lines from elevated properties in the vicinity. That this increased height does not diminish the heritage value of Le Fanu is attested by the HCWA'S recommendation;*

- *Sightlines from neighbouring properties, immediately to the east of Le Fanu, are below the Le Fanu existing north-south ridge line of RL: 17.97 There are no sightlines between Le Fanu and the neighbouring Drake-Brockman house;*
- *The roof form has been carefully considered following the comments from the HCWA and the Towns Design Advisory Panel whilst minimizing visual intrusion*

On balance, the proposed height variation can be supported under TPS 2 and the performance criteria of the RDC and it warrants support in this case.

Setbacks

Due to the irregular-shaped northern boundary to the lot and, taking account the parts of the existing dwelling with highest heritage significance, setback concessions are sought on both the ground and upper floors to this boundary. These can be considered under performance criteria, which state:

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

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

The proposed reduced setbacks will not impact on direct sun or ventilation to Le Fanu or the affected adjoining property as any shadow cast from the winter sun will be over Salvado Street and there will be adequate space for air circulation for both the proposed development and the adjoining property. Furthermore, the neighbour on the northern side has not raised any objection to the proposed reduced setbacks.

Visual Privacy

The proposed upper floor north-facing bedroom windows and balcony do not comply with the acceptable development standards of the RDC for visual privacy and therefore needs to be considered under performance criteria which states:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.

The applicant is proposing to partially screen the upper floor balcony with full height lattice screening but a section may still result in some overlooking of the adjoining property and rear courtyard area.

The northern neighbour's courtyard is substantially overlooked from the rear of 4C Salvado Street, albeit that this has largely been addressed by the recent approval of a 0.85m vertical louvered privacy screen and additional landscaping along the boundary. The proposed new balcony will be approximately 6.8m away from the main outdoor living area and the majority of overlooking is likely to be towards the neighbour's side wall and upper floor bed/bathroom windows. In response, the neighbour has not raised any particular issue regarding visual privacy and has offered to add opaque film to these windows to resolve the issue.

Proposed crossover

Details regarding the proposed crossover gradient and transition to the undercroft parking area from Salvado Street were only incorporated in the revised plans received 1 September 2010. The Manager Engineering Design has subsequently reviewed the proposal and has advised:

- *There will be a major issue with the proposed cut of 1.63m at the property boundary for the proposed crossover and driveway;*
- *There will be services - power, water, gas, Telstra etc in the verge, some of which may need to be lowered to below the proposed new crossover levels, at the proponent's cost;*
- *The proposed cut in the verge would have to be battered back on a slope on each side to make it safe for people to walk along the verge without falling into a concrete walled trench on the verge. That battered or sloped edge to the new crossover levels will mean one and probably two sizable, good condition street trees having to be removed;*
- *The battered slope will mean the property on the east side of No 2 will lose a lot due to the battering of the crossover excavation and therefore a lot of the use of their verge;*
- *The proposed parking bay on the verge would make the crossover issue even more damaging to the verge levels and should be rejected.*

From a planning viewpoint, the location of the new crossover on the eastern side of Le Fanu, off Salvado Street, is still the preferred position so as to best retain the visual integrity of the building, although retention of the street trees and minimal excavation within the verge will be necessary. An alternative location off Marine Parade could also be considered although it would need to be supported by Council and the HCWA and is not favoured by the applicant as it would require undercutting the existing ballroom. Another alternative may be to consider a mechanical lifting device on the site to avoid the necessity of gradient changes within the verge or potential disruption to street trees.

Officers have reviewed this matter with the consultant, who has since liaised with the owners to consider potential options, then advised as follows:

We have looked at the issues discussed and would like Council to consider the application as previously submitted for adapting levels across the verge in order to achieve a 1 in 5 ramp to the proposed basement parking area.

We have discussed the suggestion to install a vehicle lift, which would be more complex and would be disruptive to neighbours. We do not wish to proceed with this alternative due to the visual intrusion of such a mechanism next to the heritage house, the visual impact of this element on the neighbouring property and the potential for noise intrusion at all hours to both households.

This situation is problematic. Strictly-speaking the application for planning approval is confined to the private property, and although for completeness the plans show the crossover intended on Council's verge, that requires a separate engineering works approval. It should never be assumed that proposals on private property can simply externalise their impacts on the public domain, affecting verge levels, services, infrastructure (footpaths, signs, light poles, etc), trees and landscaping. The introduction of significant cut or fill, re-contouring (berms) and retaining walls around trees (or the loss of trees) and so on is not supported. Essentially, the design of the proposal needs to be modified to address this matter on-site with minimal impact on the verge or neighbouring properties. The conservation of the place is considered insufficient cause to affect the amenity, character and heritage context of the public domain verge and Norfolk Island Pine tree-lined street defining Cottesloe. Hence an overall approval would need to be conditioned in this respect.

HCWA Assessment and Recommendations

The Heritage Council initially considered the application on 11 June 2010, and then considered new documentation and revised plans on 13 August 2010. A summary of its responses is as follows:

Consideration of plans dated 24 May 2010 – now superseded:

11 June 2010

The Council resolved to advise the Town of Cottesloe that the Heritage Council is broadly supportive of the conservation and adaptation of Le Fanu. However, in order to assist the Council in providing a formal view on the proposal, the Council has requested, as a matter of urgency, for the preparation of a Conservation Plan by an independent heritage consultant.

In terms of the proposal the Heritage Council wishes to provide the following comments:

- *The Council is concerned with the proposed development's impact on significant fabric;*

- *The Council is concerned with the bulk, scale and similarity in stylistics of new build and existing building. There is not enough differentiation in the styles to clearly delineate the old and the new.*

As outlined, the applicant addressed these concerns via revised plans and additional documentation, subsequently reconsidered by the HCWA.

Consideration of Documentation, Conservation Management Plan and Revised Plans received by HCWA 30 July 2010:

13 August 2010

The Heritage Council considered revised drawing received 30 July 2010 and resolved:

To advise the Town of Cottesloe that the revised proposal will be recommended to the Minister for authorisation due to the Conservation Order that is in place over the lot. The authorisation will be subject to conditions and that the Building License Application is to be referred to the Heritage Council for review and advice prior to works being undertaken on site.

The Council further advises that the assessment of the proposed development has been made from a heritage viewpoint. The matter of height is intrinsic to the discussion of bulk and scale which has been deemed acceptable.

The Heritage Council also resolved the following:

1. *Recommend to the Minister that the proposed works to Le Fanu are authorised subject to the following conditions:*
 - *A Heritage Agreement shall be entered into prior to the undertaking of the works associated with the proposed development;*
 - *The draft conservation management plan shall be reviewed and finalised prior to the issue of a building licence. The proposed works are to be revised to comply with the policies within the conservation management plan if changes arise out of the review process;*
 - *Physical interpretation of the progressive development of the place from a seaside cottage to a place as it stands shall be incorporated into the detailing of the interior spaces and finishes;*
 - *A Standard Archival Record of the Place shall be prepared prior to any demolition or soft strip out works being undertaken;*
 - *A landscape plan shall be submitted for review and advice prior to landscaping works being undertaken;*
 - *A material palette and colour scheme shall be submitted for review and advice prior to the issue of a building licence;*

- *The proposed tracked louvre doors or storm shutters to enclose the proposed upper terrace are not supported. The Council considers the solidity of the proposed storm shutters to be a sub-optimal solution and advises that the applicant should explore a glazed solution;*
 - *The breach in the front boundary wall facing Marine Terrace is not supported. The stairs up to the verandah and proposed front entrance facing Marine Terrace requires further consideration by the applicants;*
 - *The building licence application drawings are to be referred to the Office of Heritage for review and advice prior to any works being undertaken on site;*
 - *The first floor cantilevered section on the east elevation should be weatherboard or another lightweight cladding option;*
2. *Recommend to the Minister that once the Heritage Agreement has been finalised, the encumbrance of the Conservation Order can be removed from the place.*
 3. *Advise the Town of Cottesloe that the proposed works will be recommended to the Minister for authorisation subject to conditions and that the Building License Application is to be referred to the Heritage Council for review and advice prior to works being undertaken on site and further advice that the assessment of the proposed development has been made from a heritage viewpoint. The matter of height is intrinsic to the discussion of bulk and scale which has been deemed acceptable.*

As there is a Conservation Order on the place, a permit would be required from the Minister for Heritage and this is currently in progress.

10 September 2010

Subsequently, by letter of this date to the current owners, the HCWA has advised that the Minister for Heritage has now granted a permit to overcome the Conservation Order and allow the proposal to proceed, subject to the conditions contained in the HCWA resolution of 13 August 2010 above. The Town's decisions on the present planning and future building licence applications can proceed accordingly.

CONCLUSION

This complex application has evolved following extensive consultation between Hocking Planning & Architecture, on behalf of the applicant, the Town's staff and the HCWA, as well as DAP input and submissions from neighbours.

The documentation received on 20 August 2010 and the revised plans received 1 and 6 September 2010 are now considered to sufficiently address all of the relevant planning and heritage considerations which have arisen, to enable a conditional approval.

The HCWA has endorsed the proposed height of the proposal as intrinsic to the bulk and scale of the building, and recommendation that the proposed works to Le Fanu be authorised, subject to detailed requirements. The Minister for Heritage has since cleared the way for this to occur.

Council is the authority responsible to determine the planning application and in so doing is obliged to take on-board the advice and recommendation of the HCWA, including reflecting its specific conditions, in order to apply those requirements via a formal determination.

It is assessed that the revised proposal can now be supported, subject to attention to particular details to be addressed via completion of the heritage actions and pursuant to Building Licence and works approvals processes.

This will entail some subsequent liaison, design refinements, review, documentation and approvals, however, the commitment of all parties to the restoration, conservation and extension of Le Fanu can be expected to satisfactorily address these details.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee expressed support for Le Fanu to be restored at last and for the revised design of the extension, noting that the 3D images were very useful in demonstrating the final conservation and development. Committee commended the new owner/consultant in tackling this major task and the officer report in assessing the proposal. Clarification was sought and provided regarding the boundary wall fencing to the street frontages; the interface with the eastern neighbouring property; the vehicular access/verge treatment, which is governed by condition (8); and when the works were expected to be commenced and completed – a two year construction period is envisaged from early 2011.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, Seconded Cr Woodhill

That Council GRANT its Written Consent and Approval to Commence Development for the alterations and additions and associated conservation works to Le Fanu at No. 2 (Lot 121) Salvado Street, Cottesloe, in accordance with the documentation (Heritage Impact Statement, draft Conservation Management Plan and Planning Impact Statement) received 20 August 2010 and revised plans received 1 and 6 September 2010, subject to the following conditions:

- (1) The proposed works to Le Fanu are authorised subject to the following detailed requirements:**
 - a) A Heritage Agreement with the Heritage Council of Western Australia (HCWA) shall be entered into prior to the undertaking of the works associated with the proposed development.**

- b) The draft Conservation Management Plan shall be reviewed by the HCWA and finalised prior to the issue of a Building Licence. If changes arise out of the review process the proposed works are to be revised to comply with the policies within the Conservation Management Plan.
 - c) Physical interpretation of the progressive development of the place from a seaside cottage to a place as it stands shall be incorporated into the detailing of the interior spaces and finishes, to the satisfaction of the HCWA.
 - d) A Standard Archival Record of the Place shall be prepared and submitted to the HCWA prior to any demolition or soft-strip-out works being undertaken.
 - e) A landscape plan shall be submitted to the HCWA and the Town for review and advice prior to landscaping works being undertaken.
 - f) A materials palette and colour scheme shall be submitted to the HCWA and the Town for review and advice prior to the issue of a Building Licence.
 - g) The proposed tracked louvre doors or storm shutters to enclose the proposed upper terrace are not supported. The HCWA considers the solidity of the proposed storm shutters to be a sub-optimal solution and advises that the applicant should explore a glazed solution.
 - h) The proposed breach in the existing front boundary wall facing Marine Parade is not supported. The stairs up to the verandah and proposed front entrance facing Marine Parade require further consideration by the applicants, for review and advice by the HCWA pursuant to the Building Licence application.
 - i) The Building Licence application drawings are to be referred to the Office of Heritage for review and advice prior to any works being undertaken on site.
 - j) The first floor cantilevered section on the eastern elevation should be weatherboard or another lightweight cladding option, for review and advice by the HCWA pursuant to the Building Licence application.
- (2) The Building Licence plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and referred by the Town to the HCWA for review and advice prior to issue of the Building Licence, to ensure that all works proposed, including the abovementioned matters, are in accordance with the heritage requirements.
- (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 the Council and any approvals as required under the relevant heritage classifications.

- (4) 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 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.
- (5) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites.
- (6) Prior to the granting of a Building Licence, a comprehensive Dilapidation Report addressing the adjoining properties, together with a comprehensive Demolition and Construction Management Plan (which shall include dealing with any asbestos or other hazardous materials) shall be submitted to the satisfaction of the Town.
- (7) No verge trees adjoining the site are permitted to be pruned, damaged or removed and they shall be protected at all times during the demolition and construction works, to the satisfaction of the Town.
- (8) The proposed crossover design and resultant changes to the verge as indicated in the revised plans are not supported by Council. A separate approval for any works affecting the verges is required apart from the planning approval for the private property. Therefore, the applicant is required to redesign the proposed vehicular access in relation to the verge, subject property and proposed development, to the satisfaction of Council and the HCWA as may be necessary.
- (9) Any works affecting the verges shall be to the specification and satisfaction of the Town and prior-approved as required. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the applicant's cost.

Advice Notes:

1. This approval is to the proposed demolition, development and required restoration / conservation 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.
2. The applicant / owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.
3. The Town will advise the submitters of the decision.

Carried 7/0

10.1.4 NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB - PROPOSED PARTIAL ROAD CLOSURE ON MARINE PARADE TO FACILITATE ALTERATIONS AND ADDITIONS APPROVED BY COUNCIL

File No: 1825
Attachments: [151 MarinePdePlans.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 20 September 2010

Author Disclosure of Interest: Nil
Property Owner: The Crown (leased to NCSLSC)
Applicant: NCSLSC
Date of Request: 3 September 2010
Zoning: N/A
M.R.S. Reservation: Parks & Recreation (Club only)

PROPOSAL

To partially close a section of the Marine Parade road reserve adjoining the North Cottesloe Surf Life Saving Club (NCSLSC) to facilitate alterations and additions that were supported by Council on 14 December 2009 and approved by the Western Australian Planning Commission (WAPC) on 3 May 2010.

BACKGROUND

On 14 December 2009 Council resolved:

That with respect to the proposed alterations and additions to the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on the revised plans date-stamped received 9 December 2009 and labelled as Option B, advises the WAPC that the application, incorporating an extension to the lease boundary, is SUPPORTED...(subject to conditions and advice notes).

Following subsequent referral by the Town, the WAPC approved the application on 3 May 2010 subject to conditions and advice notes, including inter alia:

That the proposed amendment to the existing lease boundary is required to be approved by the Crown prior to commencement of development within the affected area.

In order to implement the planning approval the Club has now requested that the Town undertake the necessary administration to enable the partial road closure to be performed under the Land Administration Act (LAA).

PLANNING COMMENT

The Club is required to seek Council's support to the proposed road closure on Marine Parade to enable the subject portion of road reserve to be amalgamated with

its lease boundary in accordance with the planning approval for extensions to the club premises.

Under section 58 of the LAA, where a road dedicated for public use is proposed to be closed, the process is initiated by the Local Government. The Local Government is required to advertise the proposed road closure, allowing 35 days after the publication of a notice in a newspaper for any objections, and to consider any responses before requesting closure.

The Managers of Development Services and Engineering Services are supportive of the proposed partial road closure on Marine Parade pursuant to Council's support for the alterations and additions to the NCSLSC and the WAPC approval.

To facilitate this process the Town is required to advertise the proposal and consult with relevant authorities in accordance with the requirements of the LAA. Upon completion of that phase a further report to Council will be necessary to deal with any objections received and determine whether to continue with the closure.

In effect, Council has already given its support in-principle for the road closure and the purpose of this report / resolution is to now procedurally instigate the official process.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee supported this necessary process. Committee also asked that Council be reminded of the parking provision for the surf club in relation to the proposal. In this respect it is advised that on 14 December 2009 Council resolved to recommend as below and on 3 May 2010 the WAPC approved the planning application with such a condition:

The design, any construction, marking-out and signage for a maximum of three on-street parking bays for the exclusive use of the Club, as well as for the provision of a suitably-located access way and loading area required for the proposed bin enclosure, shall be to the specification and satisfaction of the Manager Engineering Services, and shall be provided at the Club's cost and coordinated as part of the overall development.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Strzina

THAT Council:

- 1. Supports the proposed closure of a portion of the road reserve along Marine Parade adjoining the North Cottesloe Surf Life Saving Club lease area, in order to enable the alterations and additions approved by the WAPC on 3 May 2010.**
- 2. Requests staff to carry-out the necessary procedures in accordance with Section 58 of the Land Administration Act; including advertising and**

consultations then reporting-back for Council to consider any responses received and determine whether to continue with the road closure.

3. Advise the NCSLSC of this resolution and the procedures and timeframe involved.

Carried 7/0

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

Nil

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

Nil

13 MEETING CLOSURE

The Presiding Member announced the closure meeting at 7:05 pm.