

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**ORDINARY MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
7.00 PM, MONDAY, 15 DECEMBER, 2003**

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 7.04pm.

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

Mayor Rowell (Chairperson)
Cr D Cunningham
Cr A Furlong
Cr P Jeanes
Cr B Miller
Cr K Morgan
Cr W Robertson
Cr A Sheppard
Cr V Strzina
Cr J Utting
Cr J Walsh

Officers in Attendance

Mr S Tindale	Chief Executive Officer
Mr S Sullivan	Manager Development Services
Mr A Lamb	Manager Corporate Services
Mrs J Peers	Executive Assistant

Apologies

Mr M Doig

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**Mr P Chant**

At the November meeting of Council Mr Chant asked a question to the effect of whether the salt content of bore water in other areas of Cottesloe was any different to the salt content in the bore water being reticulated to the Sea View Golf Course.

The Mayor agreed to take the question on notice.

On the 9th December 2003 the Chief Executive Officer wrote to Mr Chant as follows:

“At this point in time I am unable to advise you of what the differences are however I expect to be receiving advice on the matter from the Waters and Rivers Commission shortly. Once I have their advice, I will copy it to you.”

Mr D Bibby

At the November meeting of Council Mr Bibby asked a question as to whether the proposed bores for the Sea View Golf Club would be adequate.

The Mayor agreed to take the question on notice.

On the 9th December 2003 the Chief Executive Officer wrote to Mr Bibby as follows:

“I am advised that the proposed bores are test bores and until the results of tests are known, it is not possible to state with any certainty as to whether they will be adequate.

You also asked a question as to when the Sea View Golf Club would be entering into a contract with Water Direct. My enquiries indicate that they have entered into a contractual relationship with Water Direct and that it occurred some time ago.”

4 PUBLIC QUESTION TIME

Mr D Bibby, 5 Rosser Street – Groundwater Petition

Mr Bibby asked for confirmation that it would be the end of April 2004 before an answer to the groundwater matter would be available to the public?

The CEO advised that April 2004 is considered to be the latest for endorsement of any bore by the Department of Environment and that it could be February at the earliest.

Mr Bibby also raised conflicting messages on Cottnet. Will the proposed management plan for the golf course be signed off after the lease is signed?

The CEO advised that the intent is to have a management plan in place prior to the lease being signed off.

Ms R Harms, 37 Elizabeth Street – Item 10.1.1 - Annual Electors Meeting – Proposed Redevelopment of Cottesloe Beach Hotel

Mrs Harms attended the electors meeting and was heartened to hear that the community want the 12 metre height limit to remain. She asked Councillors to consider and represent the people of Cottesloe when they vote on the recommendation.

Ms Harms asked whether the Town Planning Scheme No. 3 will restrict height limits to 12 metres?

The Mayor replied that there was uncertainty as to what will be in the Town Planning Scheme No. 3 until further consultation has been undertaken.

Mrs V Frearson-Lane, 65 John Street – Item 10.1.1 Proposed Redevelopment Cottesloe Beach Hotel & Item 11.1.14 Options for Beachfront Development

Mrs Frearson-Lane asked whether the proposed heritage workshops to be held in March 2004 form part of the process of reviewing Town Planning Scheme No. 3?

The Mayor advised that the proposed heritage workshops did not form part of the reconsideration of the draft Town Planning Scheme No. 3.

Mrs Frearson-Lane asked whether heritage considerations would form part of the Town Planning Scheme No. 3?

The Mayor advised that the Town Planning Scheme provides only general comments on how a property is heritage listed.

Mrs Fearson-Lane has heard the suggestion from some Councillors that development should be undertaken in the “tired and old areas” of Marine Parade. Surely redevelopment is the responsibility of the owner and not the community?

The Mayor stated that this was supposition. The Council has to work out what is most appropriate and incorporate it into the Town Planning Scheme for later community consultation.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Furlong, seconded Cr Strzina

The Minutes of the Ordinary Meeting of Council held on Monday, 24 November, 2003 be confirmed.

Carried 11/0

7 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.1 Correspondence

- A letter has been received from a Tasmanian visitor who complimented the Cottesloe Rangers and beaches and on the way that Seniors are looked after in our community.
- The City of Nedlands have advised that they will be constructing the “feathers” statue in the middle of the Marine Parade/North Street roundabout.
- The Department of Planning and Infrastructure have requested Council’s input on the development of the railway reserve.
- Multiplex have requested a meeting with Councillors to provide and seek feedback on their recent public consultation process for the proposed redevelopment of the Cottesloe Beach Hotel.

7.2 Electors Meeting

The Annual Electors Meeting was held on Wednesday 10 December 2003. 123 people attended the meeting.

8 PUBLIC STATEMENT TIME

Ms J Kelly, 5 Curtin Ave – Item 11.1.1 – No. 3 (Lot 1) Curtin Avenue

Ms Kelly is concerned with the 2nd storey windows overlooking her main bedroom. Ms Kelly's frontage is 7 metres and the proposed 4 metre frontage will block her view.

Mr J Hammond, 36 Railway Street – Item 11.1 14 – Options for Beachfront Development

Mr Hammond spoke as the President for the Keep Cott Low Committee. Mr Hammond urged the Council to oppose the committee recommendation. He believes there is no mandate for a change of this nature and stated that the Design Advisory Panel members have no credibility. Mr Hammond suggested that the public be consulted on changes to the town planning scheme and that the height limit be kept at 12 metres.

Mr P Robinson, 254 Marmion Street – Sea View Golf Club

Mr Robinson spoke as Captain of the Sea View Golf Club. Water Direct are undertaking a groundwater study and the preliminary findings were presented to the Works & Corporate Services Committee on 9 December 2003. Water Direct have indicated that:

- the monitoring bores indicate no adverse effects;
- the Sea View Golf Club has good monitoring practices in place;
- there are no upward trends in salinity levels;
- an additional bore seems feasible.

A copy of the final report will be provided to the Water & Rivers Commission for their review and approval, then presented to Council.

Mrs Amanda Battley, 11a Hamersley Street – Beach Boys Concert

Mrs Battley requested approval for a Beach Boys concert to be held on the Cottesloe beach on Sunday 8 February 2004. The event will be coordinated by Creative Events Management. Details of the event are as follows:

- hessian fencing will be used;
- the stage will be in front of the groyne;
- security, insurance and all other costs will be met by Creative Events;
- the concert will run from 7pm – 10pm;
- the fencing will be removed by the following morning;
- a \$25,000 fee will be paid to Council;
- the concert will be limited to 5000 people;
- a liquor licence will be obtained for the event;
- toilets will be hired from Coates Prestige Hire.

Mrs M Ewing, 11 Rosser Street – Item 11.1.14 – Options for Beachfront Development

Mrs Ewing spoke in relation to the proposed incorporation of the Design Advisory Panel recommendations into Town Planning Scheme No. 3 and the action being seen as fitting into Multiplex's proposed development. She asked the Council to consider the motion that was moved at the Annual Electors Meeting. Mrs Ewing stated that wider public consultation on the Design Advisory Panel's proposals is required, other than simply providing copies of the recommendations at the Library and Council Offices. She suggested not to hold the consultation period over January.

Ms J Walker, 190 Broome Street – Item 12.1.1 – Reinstatement of Cottesloe CAT

Ms Walker spoke on behalf of the Care for Cottesloe Committee. She asked Council to grant the reinstatement of the CAT bus. It will assist to attract visitors to Cottesloe and encourage them to use public transport. Last year it was well patronised and provided a positive impact on people's judgement of our town and State.

Ms E Spoor, 60 John Street – Item 11.1.11 – No. 58 John Street

Ms Spoor endorsed the recommendation and sought clarification that obscure glazing be used or the window removed.

Mr V Strzina, 3B Deane Street – Item 11.1.4 – No. 3A Deane Street

Mr Strzina spoke in relation to the requested front setback of 5 metres for the balcony. The remainder of the house is set further back. There are 15 houses on Deane Street that have set backs of less than 5 metres. The reason for the wall height on the eastern side is due to the garage being underneath the house, and it is not possible to go any steeper. The house has been designed as passive solar and therefore the ceiling heights are an important aspect of this design. Mr Strzina thanked the Councillors and staff for their consideration of this matter.

Mr T Clarke, 38 Forrest Street – Beach Boys Concert

Mr Clarke spoke in support of the Beach Boys concert as he sees it as an opportunity for Cottesloe.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

9.1 PETITION - GROUNDWATER SUPPLIES

File No: X8.25
Author: Mr S Tindale
Author Disclosure of Interest: Nil
Report Date: 4 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

The following recommendations are made:

- (1) That Council approach the Water and Rivers Commission with a view to implementing a sustainable groundwater management plan for the Cottesloe peninsular and the Town of Cottesloe in particular.
- (2) That Mr John Davis be informed of Council's decision.
- (3) That Claire and Brian Nockolds be advised that Council has adopted a precautionary approach to the extension of reticulated verges and that it must therefore defer consideration of their request for the time being.

STATUTORY ENVIRONMENT

Section 3 of the Local Government Act provides, in part, as follows:

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

3.2. Relationship to State Government

The scope of the general function of a local government in relation to its district is not limited by reason only that the Government of the State performs or may perform functions of a like nature.

3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
 - (2) In performing its executive functions, a local government may provide services and facilities.
 - (3) A local government is to satisfy itself that services and facilities that it provides —
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
-

- (c) are managed efficiently and effectively.

Within Part 3 of the Waters and Rivers Commission Act 1995 the following powers and functions are granted to the Waters and Rivers Commission.

10. Functions

- 2) In addition the Commission has the functions of
- (a) advising the Minister on all aspects of policy in relation to water resources;(b) assessing water resources, and carrying out works under Part 4;
 - (c) planning for the use of water resources;
 - (d) promoting the efficient use of water resources;
 - (e) undertaking, co-ordinating, managing, and providing practical and financial assistance to, activities and projects for the conservation, management or use of water resources;(f) developing plans for and providing advice on flood management;
 - (g) carrying out, collaborating in or procuring research or investigations relating to water resources; and
 - (h) publishing information and material relating to water resources.

11. Powers

- (1) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting subsection (1) or the other powers conferred on the Commission by this Act or any other written law the Commission may, subject to section 12 —
 - (a) acquire, hold, manage, improve, develop, dispose of and otherwise deal in real and personal property; and
 - (b) act in conjunction with —
 - (i) any person or firm, or a public or local authority; or
 - (ii) any department of the Public Service or any agency of the State or the Commonwealth.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Town of Cottesloe's mission is "To preserve and improve the unique village character of Cottesloe by using sustainable strategies in consultation with the community."

An environmental objective for the Council is "... to promote community awareness of issues affecting the whole environment in relation to sustainability, cleanliness, greening, community safety and conservation."

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its last meeting, Council received the following petition from 299 signatories:

We the undersigned electors in the Town of Cottesloe are concerned that the amount of water currently being drawn from the aquifer beneath the Town for the irrigation of the Sea View Golf Course will result in the pollution of this limited water resource by sea water jeopardising the supply underground water not only for the golf course turf but also for the verges, public and private gardens, Norfolk Island pines and playing fields within the Town.

We therefore petition Council to determine with the utmost urgency the allowable quantity of safe water draw from the aquifer by each of the individual large water usage organisations, including the Council, and to develop a water management plan to protect the current and future needs of the electors.

It was resolved to refer the petition through to this meeting for further consideration.

A copy of correspondence from Mr John Davis to the Sea View Golf Club has also been received "... suggesting that the Council request an immediate reassessment of the total draw off from the Cottesloe sub area."

Claire and Brian Nockolds have also written to Council requesting the reticulation of the southern Forrest St verge between Broome St and Marine Parade.

CONSULTATION

Nil.

STAFF COMMENT

The relevant legislation (see above under the heading of Statutory Environment) allows the Town of Cottesloe to take a liberal approach in determining what functions it can take on.

Managing the groundwater supply might well be such a function – particularly on Council lands and reserves.

However Council is bound by legislation not to inappropriately duplicate the services or facilities provided by the State or any other body or person, whether public or private.

The reality is that responsibility for the overall management of the groundwater supply currently rests with the Water and Rivers Commission. Whatever they do in terms of managing the groundwater supply must inevitably impact on how the Town of Cottesloe uses the groundwater resource in turn.

To put it succinctly, despite the Town of Cottesloe's best intentions, it can no more control the "allowable quantity of safe water draw from the aquifer" than can the individual householder. We can influence, but we can't control.

Control of the groundwater resource rests with the State Government.

Things are further complicated by a State Government policy which encourages the unrestricted use of groundwater supplies by individual householders by way of the provision of subsidies for household bore installations.

Cottesloe has already been identified as an unsuitable area for the provision of garden bores because of potential saltwater interference problems (<http://www.wrc.wa.gov.au/atlas/>). Unconstrained private household access to the ground water resource would therefore seem to act against the principles of long-term sustainability – particularly in Cottesloe.

However, it is not surprising then that whenever a household bore goes salty, that blame should be laid at the feet of the largest individual consumers of the resource rather than the collective. Other climactic factors may be having a greater impact than one or two large users.

In the Cottesloe district, the Town of Cottesloe and the Sea View Golf Club (and even the Cottesloe Tennis Club) are easy targets in this regard –particularly where there no comprehensive groundwater management plans in place. It is often easier to blame someone else than accept a shared responsibility in the face of uncertainty.

The Water and Rivers Commission advises that

The water table at any given point shows an annual variation related to the seasonal pattern of rainfall and evaporation. Other factors being equal, the changes are likely to be greatest in clayey soils (several meters) and least in coarse sandy soils (typically less than one metre). The water table tends to follow the ground surface, but is constrained by the ocean and rivers and streams, so groundwater mounds tend to develop in regions where the topography is higher than surrounding areas. There is a slow (10 to 100 metres per year) horizontal flow of water outwards from the mounds under the influence of gravity.

In the Perth region, part of the Swan Coastal Plain, the superficial aquifer is on average about 50 metres thick. ... Below the superficial aquifer there are a number of confined aquifers, the largest and most extensive of which are the Leederville, which is typically several hundred metres thick, and the Yarragadee, which is often greater than 1000 metres thick. ...

In areas close to the coast and the Swan River estuary, the fresh superficial groundwater overlies a wedge of salty water extending up to a kilometre inland. Excessive pumping from bores in these areas can increase the size of the salt water wedge at the expense of the fresh water, so that the bores start to pump salty water. Once this occurs it can take decades with no extraction before the system can recover. Similar potential problems occur at Carnarvon and other country areas.

To provide data on groundwater water quantity and quality, there are approximately 3000 monitoring bores in the coastal plain around Perth between Moore River and Mandurah, and a similar number distributed throughout the rest of the state. Water levels and samples for chemical analysis are taken at regular intervals, most commonly monthly or quarterly, providing a growing historical record of the state of the aquifers. This is the basic information from which policies are developed to protect our groundwater supplies and the wetlands and vegetation which also rely on groundwater.

Given that there is

- a. an annual variation related to the seasonal pattern of rainfall and evaporation,
 - b. an ever-present threat of saltwater intrusion in Cottesloe, and
 - c. an increasing number of domestic bore installations
-

it is altogether too simplistic to suggest that saltwater intrusion problems (as yet undocumented) in Cottesloe are entirely the fault of large consumers of the underground water resource.

In a similar vein, the apparent death of a Norfolk Island pine in Forrest Street has been simplistically attributed to a golf club bore - but there could well be a number of contributory factors at play.

Nevertheless the concerns of the petitioners are legitimate – particularly when placed against a backdrop of Council's desire to act in a sustainable manner. Responsible use of the groundwater supply is an imperative.

While the Water and Rivers Commission has overall responsibility for groundwater management, there is nothing to prevent the Town of Cottesloe from working collaboratively with the Waters and Rivers Commission to find sustainable outcomes for the whole district.

It is important that we draw on their knowledge base so that we can understand the nature of the problem we are dealing with in the first instance.

From there, the Town of Cottesloe can then look to putting defensible groundwater management regimes in place for the land under its immediate control. A higher objective would be to encourage others in the community to take a like-minded approach.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee felt that a deadline was required in terms of ensuring that a plan was implemented.

OFFICER RECOMMENDATION

- (1) That Council approach the Water and Rivers Commission with a view to implementing a sustainable groundwater management plan for the Cottesloe peninsular and the Town of Cottesloe in particular.
- (2) That Mr John Davis be informed of Council's decision.
- (3) That Claire and Brian Nockolds be advised that Council has adopted a precautionary approach to the extension of reticulated verges and that it must therefore defer consideration of their request for the time being.

9.1 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Morgan, seconded Cr Sheppard

- (1) **That Council approach the Water and Rivers Commission, with a view to reporting back to Council at its April 2004 meeting, on the implementation of a sustainable groundwater management plan for the Cottesloe peninsular and the Town of Cottesloe in particular.**

- (2) That Mr John Davis be informed of Council's decision.
- (3) That Claire and Brian Nockolds be advised that Council has adopted a precautionary approach to the extension of reticulated verges and that it must therefore defer consideration of their request for the time being.

Carried 11/0

10.1 CHIEF EXECUTIVE OFFICER**10.1.1 BEACH BOYS CONCERT – SUNDAY 8 FEBRUARY 2004**

The Chief Executive Officer informed the meeting that he had the delegated power to approve one significant beachfront event a month. Creative Events had sought and received permission for a Beach Boys concert to be held in January or February 2004 subject to a hire fee being agreed.

Negotiations over the hire fee had broken down and the matter was referred to the Works and Corporate Services Committee meeting for their informal advice. The view of the meeting was that the type of event was not welcome in Cottesloe and that Creative Events should not be granted permission for the event.

In the meantime, Creative Events had engaged the Beach Boys on the understanding that the Cottesloe Beach venue was available. The Chief Executive Officer subsequently confirmed that the venue was no longer available. Mrs Amanda Battley had been invited to the Council meeting to present her case for a concert on Sunday 8 February 2004.

Moved Cr Miller, seconded Cr Furlong
That Council refuse the request.

Lost 4/7

10.1.1 COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Robertson

That direction be given to the Chief Executive Officer that the preferred date for the concert is Monday 9 February 2004.

Carried 8/3

10.1.2 ANNUAL ELECTORS MEETING – PROPOSED REDEVELOPMENT OF COTTESLOE BEACH HOTEL

File No: X4.8
Author: Mr Stephen Tindale
Author Disclosure of Interest: Nil
Report Date: 11 December, 2003
Senior Officer: Mr Stephen Tindale

SUMMARY

Council is asked to confirm that it will abide by the town planning requirements imposed by Town Planning Scheme No.2 in the event of a development application being received for the Cottesloe Beach Hotel site.

STATUTORY ENVIRONMENT

Section 5.33 of the Local Government Act requires that all decisions made at an electors meeting are to be considered at the next ordinary Council meeting where practicable.

If Council makes a decision in response to a decision made at an electors meeting, then the reasons for the decision are to be recorded in the minutes of the Council meeting.

BACKGROUND

The following resolution was passed at the Annual Electors meeting held on 10th December, 2003.

That Council:

1. be requested not to agree to any development on the Cottesloe Beach Hotel site over 12 metres as prescribed by Town Planning Scheme No.2: and
2. that the realignment of Marine Parade not take place.

CONSULTATION

Nil

STAFF COMMENT

In the absence of a town planning scheme amendment proposal, I believe it is open to Council to confirm that it will abide by the planning requirements imposed by Town Planning Scheme No.2.

Having said that, resolving **not** to do something does not make for particularly good government and simply adopting the Annual Electors meeting resolution should be avoided.

Views change, interpretations change and Councils change.

For example, assume that Council supported the Annual Electors meeting decision concerning the proposed realignment of Marine Parade. If staff were to later argue

that the relocation of the proposed realignment one metre to the East was a far better and quite different proposition, would Council stand by its original decision?

Could it be argued that Council was dealing with an entirely different beast from that which was known to the electors at the Annual Electors meeting? At a practical level, how would Council defend a changed view of things?

The reality is that negative motions are not particularly useful. They can be simply undone by the passing of a positive motion. A motion to rescind the earlier motion is not even required. When this occurs, it reinforces the somewhat cynical views that some pundits have of local government.

Motions in the negative can also be forgotten about with the passage of time until someone with a mission drags them out and quotes them to their own advantage as somehow reflecting the collective wisdom of an earlier and more learned time.

Negative motions should be avoided like the plague. The exception of course, is where specific approval matters are under consideration and the Council is acting within an established regulatory framework.

Furthermore, a motion in the negative in this particular situation (where Council has yet to verify the facts of any particular development application) could be construed as denying the principles of natural justice to the would-be developer.

If that fact were to be discovered in a town planning appeal tribunal, it may ultimately cost the community dearly. In other words, prejudging the development application is a somewhat foolhardy action at this early stage.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's mission is "To preserve and improve the unique village character of Cottesloe by using sustainable strategies in consultation with the community".

One of its objectives is to "define, enhance and preserve the Marine Parade precinct".

FINANCIAL IMPLICATIONS

Nil

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Morgan, seconded Cr Furlong

That Council confirm that it will abide by the town planning requirements imposed by Town Planning Scheme No.2 in the event of a development application being received for the Cottesloe Beach Hotel site.

AMENDMENT

Moved Mayor Rowell, seconded Cr Jeanes

In the event of Cottesloe Council receiving a development application for the Cottesloe Beach Hotel site Council confirms it will be dealt with under Town Planning Scheme No. 2.

Lost 3/8

AMENDMENT

Moved Cr Walsh, seconded Cr Miller

That the motion be amended to read:

That Council confirm that it will abide by the town planning requirements imposed by Town Planning Scheme No.2 in the event of a development application being received for the Cottesloe Beach Hotel site and that realignment of Marine Parade for commercial reasons would not be supported.

Lost 5/6

The vote was recorded as follows:

For:

Cr Miller
Cr Sheppard
Cr Utting
Cr Strzina
Cr Walsh

Against:

Mayor Rowell
Cr Cunningham
Cr Furlong
Cr Jeanes
Cr Morgan
Cr Robertson

AMENDMENT

Moved Cr Utting, seconded Cr Walsh

That the motion be amended to read:

That Council:

- (1) confirm that it will abide by the town planning requirements imposed by Town Planning Scheme No.2 in the event of a development application being received for the Cottesloe Beach Hotel site; and

- (2) ensure that Town Planning Scheme No. 3 is drafted in such a manner that height of buildings is restricted to a height of three storeys, 12 metres along Marine Parade.

Lost 2/9

The vote was recorded as follows:

For:

Cr Utting
Cr Walsh

Against:

Mayor Rowell
Cr Cunningham
Cr Furlong
Cr Jeanes
Cr Miller

Cr Morgan
Cr Robertson
Cr Sheppard
Cr Strzina

10.1.2 OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

That Council confirm that it will abide by the town planning requirements imposed by Town Planning Scheme No.2 in the event of a development application being received for the Cottesloe Beach Hotel site.

Carried 10/1

11 DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON 8 DECEMBER 2003**11.1 PLANNING****11.1.1 NO 3 (LOT 1) CURTIN AVENUE – PROPOSED TWO-STOREY SINGLE HOUSE WITH BASEMENT**

File No: 3 Curtin Avenue
Author: Ms Lilia Palermo
Attachments: Location Plan
Plans
Correspondence from applicant (1)
Submissions (3)

Author Disclosure of Interest: Nil
Report Date: 26 November, 2003
Senior Officer: Mr S Sullivan

Property Owner: C & A Atkins

Applicant: Odden Rodrigues Architects
Date of Application: 26 November, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 344m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a two-storey residence at No. 3 Curtin Avenue, Cottesloe.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1 – Building Height	2 storeys	A store with windows in the basement level

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 2 - Streetscape	Front Setback – 4.0	Curtin Ave – 1.5 – 2.5	Clause 3.2.3 and 3.2.1
No 3 – Boundary Setbacks	North Upper – 2.0	1.2 – 2.7	Clause 3.3.1 – P1
No 3 – Buildings on Boundaries	South Basement – 1.5	0.2 – 2.0	Clause 3.3.2 – P2

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 2 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

1 Curtin Avenue

Points raised in the letter dated 11 November 2003:

- Northern deck on 1 Curtin Avenue is used as a primary outdoor living area and it will be overshadowed by the proposed two storey house on 3 Curtin;
- The proposed building is over height;
- The upper balcony is setback only 3.3m from Marine Parade, Council's requirement is 6.0m;

Letter dated 24 November 2003:

- Concerns raised previously were resolved;
- The owner of 1 Curtin Avenue would prefer a greater setback to Marine Parade.

5 Curtin Avenue

- Windows on the northern wall, first floor will overlook our master bedroom window and should be made smaller and be moved to the base of the roof or provided with permanent screening;
- Side boundary setback requirements under the RDC to the northern wall should be complied with or appropriate screening provided;

BACKGROUND

The subject property has a street frontage to Marine Parade and to Curtin Avenue. The applicant is proposing reduced setbacks to both streets. The proposed building exceeds the wall height requirement under Town Planning Scheme No. 2.

STAFF COMMENT**Number of Storeys**

The applicant is proposing the following areas to be located in the undercroft level: store; cellar, bathroom and a stairwell. The Town of Cottesloe TPS 2 Clause 5.1.1 states the following:

"In exercising height controls policies Council will not regard as a storey undercroft space used for lift shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council."

The above quoted Clause 5.1.1 does not list storerooms or cellars as areas being permitted to be located in the undercroft level. Council has previously approved cellars and workshops in the basement level providing that such areas are not used for habitable purposes.

The applicant was requested to supply a cross-section drawing of the undercroft area in order to determine if the proposed uses of the undercroft is in accordance with the TPS 2.

The plans show the proposed cellar has a window on the southern side, which would provide access to natural light for this room. If the intent is to use the proposed storeroom for non-habitable purposes only, it does not require access to natural light. It is recommended that the applicant submit an amended plan showing the windows to the storeroom being deleted.

Boundary Setbacks

The following side boundary setbacks don't comply with the acceptable development standards (Table 1 of the RDC).

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
North Upper	Balcony, Studio, Bed 3, Bed 2	6.5	15.0	No	2.0	1.2 – 2.7
South Basement	Whole	0.0	17.9	No	1.5	0.2 – 2.0

The reduced setback to the North Upper wall will be considered under the performance criteria of the Design Element 3 which state the following:

Clause 3.3.2 – “Boundary Setback Requirements”

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 reduced setback to the northern upper floor (Bed 3 and Bed 2) will not affect direct light and ventilation to the proposed residence or adjoining residence to the north.

The owner of the adjoining property to the north (5 Curtin Avenue) submitted an objection stating that windows on the upper northern wall will affect the privacy of their master bedroom. The objector requested that the window be moved higher, made smaller or provided with screening.

The windows to the Studio, Bedroom 3 and Bedroom 2 have a sill height of 1.65m. The definition of the major opening in the RDC states that an opening *that has a sill height not less than 1.6m above floor level* would not be considered a major opening.

The applicant submitted a response to the objections received during the advertising period stating the following:

“...the visual penetration is quite minimal with only head height and above being visible. Our clients intention is to install Venetian blinds to these windows to negate any privacy issues from the adjoining neighbour. However, if the position of these windows in light of the submitted drawing is still deemed to be an issue of concern our client is willing to consider, moving the horizontal band of windows to a higher position to negate the concern of overlooking.”

The administration considers that the reduced setback to the Upper Northern Wall complies with the performance criteria of the Design Element 3 – “Boundary Setbacks” and should be allowed. The highlight windows to the Studio, Bedroom 2 and Bedroom 3 are not major openings and are not considered a source of overlooking.

Buildings on Boundary

The applicant is proposing a basement wall with a 0.2m setback to the south boundary. Acceptable development standard Clause 3.3.2 A2 (iii) states:

“In areas coded R30 and higher, walls not higher than 3.5m with an average of 3.0m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary”

The proposed boundary wall to the basement complies with the acceptable development standard quoted above.

Street Setback

The subject property has frontage to Marine Parade and Curtin Avenue. The applicant is proposing reduced setbacks to both streets. The following setbacks are proposed:

Marine Parade:	Ground Floor – 4.2 -5.4 Upper Floor Balcony – 3.3 -4.7
Curtin Avenue	Ground Floor Garage – 1.5 – 2.5 Upper Floor – 1.5 – 2.4

The Residential Design Codes define a secondary street as being one of the frontages of a property that has access to two streets, with those streets intersecting. A reduced setback is provided for the minor street.

However, in this situation, the two streets do not intersect. Therefore, the normal street setback applies to both streets, not a secondary street setback.

The Curtin Avenue frontage is the primary frontage for Nos 1 to 23 Curtin Avenue. Nos 1 to 7 Curtin Avenue, currently have their rear yard at the Marine Parade frontage. No. 6 Marine Parade (rear of No. 9 Curtin Avenue) is the first of the Marine Parade properties to have the primary frontage to that street.

In assessing the application for street setback, the streetscape for each of the streets has been assessed.

Curtin Avenue Frontage

The main entrance for the proposed dwelling is located on the southern side boundary (and about midway along that boundary) with access from Curtin Avenue. A two storey building is proposed to front into Curtin Avenue with the lower level being a double garage.

However, it is proposed to use the Curtin Avenue as a secondary street setback for the proposed dwelling. This involves having a two storey building to within 1.5m to 2.5m from the street boundary. The lower level is a double width garage and a workshop/store to the side of the garage.

The existing house is single storey to Curtin Avenue. A verandah is setback approximately 2.3m to 5.6m from the street boundary and the wall of the main building is setback 4.5 to 7.5m from Curtin Avenue.

The applicant has stated in their letter dated 1st December 2003 that the proposed setbacks to Curtin Avenue comply with the acceptable development standards in the RDC. The proposed setback to Curtin Avenue does not comply with the acceptable development standards of the RDC as Curtin Avenue is not a secondary street in this case.

A secondary street is defined as follows in the Residential Design Codes as follows:

"In the case of a site that has access from more than one public road, a road that is not a primary street but which intersects with or adjoins that road."

In the case of the subject lot, Curtin Avenue does not intersect with or adjoin Marine Parade and therefore both streets should be considered as primary street frontages and appropriate front setbacks should be applied.

The adjoining properties to the north and south of the subject property utilise Curtin Avenue as their primary frontage. The property to the south (1 Curtin Avenue) has a street setback of 4.3m to a single storey portion of the building. The property to the north is single storey to Curtin Avenue, has an open aspect single storey porch located 2.0m from the street boundary at its closest point and the wall of the building is approximately 4.6m from the street boundary at its closet point.

The proposed reduced setback of 1.5 to 2.5m to a two-storey solid structure on Curtin Avenue will have a negative effect on the streetscape and the amenity of the adjoining properties.

It is recommended that the applicant be required to amend the design of the residence, which would increase the setback to Curtin Avenue to 4.0m, which would be in line with the setback of the solid portions of the buildings on the adjoining properties. This will also result in a more open aspect to the property, consistent with the adjoining properties.

A closer lower level setback could be allowed if the applicant is willing to have an open aspect carport instead of a garage fronting Curtin Avenue.

Marine Parade Setback

The applicant has stated that the proposed Marine Parade setback complies with the acceptable development standards, as Table 1 of the RDC specifies that 4.0m (with averaging) is a required front setback in areas coded R30.

The applicant is using Marine Parade as a primary frontage with the access to the garage from Curtin Avenue. The applicant has stated in their letter dated 1st December 2003 that the proposed setback to Marine Parade complies with the requirements of the RDC for the area coded R30 and is in accordance with the information supplied to the applicant by Council's officers prior to the design process. Council's Planning Officers did not advise the applicant that an average 4.0m front setback would be in accordance with Council's requirements, as the planning department is aware of Council's October 2002 resolution which stated that:

"When assessing applications for Development Approval, Council will:

(a) generally insist on:

(i) A 6.0m setback for residential development in the District, which does not include averaging"

Council has consistently sought conformity with a 6.0m setback with no averaging.

The adjoining property to the south, which is an old weatherboard residence (1 Curtin Avenue) is setback approximately 1.2m from Marine Parade. The property to the North has a setback greater than 6.0m (approximately 7.0m at its closest point).

The applicant is proposing a reduced front setback to both ground and the upper floor of the residence. The proposed reduced setback will affect the view lines of the adjoining property to the south.

Clause 5.1.2(a) of the Town Planning Scheme text states the following:

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

(a) the need for limitation of height or location of buildings to preserve or enhance views;

It is also considered that a reduced setback to Marine Parade will not contribute to the desired streetscape. However, a variation to the front setback could be considered taking into account the:

- unusual configuration of the property to the south;
- configuration of the subject site;
- the dual street frontages;
- potential for a reduced secondary street setback from Marine Parade (unless Council requires a greater setback);
- views from this site as well as the adjoining properties;
- design of the adjoining property of the north; and
- consistent setbacks along Marine Parade.

It is recommended that the applicant be required to comply with a 6.0m setback from Marine Parade, with an open balcony to within 4 metres of the street boundary.

CONCLUSION

The administration considers that the proposed setbacks to Marine Parade and Curtin Avenue would affect the amenity of the adjoining properties and have a negative affect on the streetscape.

It is recommended that the application be deferred and the applicant be requested to submit amended plans showing an increased setback to Marine Parade and Curtin Avenue.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee members commented on the reduced setback and a majority agreed to a minimum setback of 4m to Marine Parade with an average of 6m. This was considered appropriate due to the unusual shape of the site.

It was also considered by a majority that a reduced set back to Curtin Avenue was appropriate.

The Committee requested that the application be approved as per the plans with standard planning conditions and condition (3)(a) be amended to requiring the front setback to Marine Parade to be average to 6m from the centre of the Marine Parade frontage with a minimum setback of 4m and conditions (3)(b), (c) and (d) being deleted.

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Odden Rodrigues Architects for a two storey single house plus basement at 3 Curtin Avenue, Cottesloe;
- (2) Delegate its authority to the Development Services Committee to make a determination on the application under Clause 7.10 of the Town Planning Scheme text;
- (3) Request the applicant to submit revised plans incorporating modifications to the design so as to comply with the following, the:
 - (a) setback to Marine Parade being increased to 6.0m for the main building, with an open balcony to within 4.0m of the street boundary;
 - (b) setback to Curtin Avenue being increased to 4.0m;
 - (c) south facing windows to the storeroom in the basement level being deleted; and
 - (d) front fencing to Curtin Avenue being of "open aspect design" in accordance with Council's Local Law.
- (4) The submitters be advised of Councils decision.

COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

- (1) That Council GRANT its Approval to Commence Development for the proposed two storey single house with basement at No. 3 (Lot 1) Curtin Avenue, Cottesloe in accordance with the plans submitted on 21 October, 2003 subject to the conditions outlined below;
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (f) Revised plans being submitted for approval by the Manager, Development Services, showing the design of the proposed residence being modified to show a front setback average of 6m from the centre of the Marine Parade frontage with a minimum setback of 4m;
 - (g) The basement is not permitted to be used as a habitable room.
- (2) The submitters be advised of Councils decision.

AMENDMENT

Moved Cr Furlong, seconded Cr Jeanes

That recommendation (1) be amended to read:

- (1) That Council GRANT its Approval to Commence Development for the proposed two storey single house with basement at No. 3 (Lot 1) Curtin Avenue, Cottesloe in accordance with the plans submitted on 21 October, 2003 and revised plans received on 11 December 2003 (option A) subject to the conditions outlined below;

Carried 8/3

11.1.1 COUNCIL RESOLUTION

- (1) That Council GRANT its Approval to Commence Development for the proposed two storey single house with basement at No. 3 (Lot 1) Curtin Avenue, Cottesloe in accordance with the plans submitted on 21 October, 2003 and revised plans received on 11 December 2003 (option A) subject to the conditions outlined below;
- (g) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (h) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (i) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (j) 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.
 - (k) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (l) Revised plans being submitted for approval by the Manager, Development Services, showing the design of the proposed residence being modified to show a front setback average of 6m from the centre of the Marine Parade frontage with a minimum setback of 4m;
 - (g) The basement is not permitted to be used as a habitable room.
- (2) The submitters be advised of Councils decision.

Carried 8/3

11.1.2 NO 15 (LOT 87) CURTIN AVENUE - 2 STOREY SINGLE RESIDENCE

File No:	15 Curtin Avenue
Author:	Mr D Heymans
Attachments:	Location plan Plans Correspondence from applicant (2)
Author Disclosure of Interest:	Nil
Report Date:	27 November, 2003
Senior Officer:	Mr S Sullivan
Property Owner:	Mr & Mrs Barrett
Applicant:	Odden & Rodrigues Architects Pty Ltd
Date of Application:	23 October 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R30
Lot Area:	291m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to construct a 2 storey single residence at No. 15 Curtin Avenue. Given the assessment that has been undertaken, the recommendation is to Approve the Application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town of Cottesloe Town Planning Scheme No 2 - Text**

Clause	Required	Provided
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5.1.1	6.0m wall height	6.65m
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Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3	Setback to sth boundary from basement of 1.5m	Nil	Clause - 3.3.1
3	Setback to sth boundary from bathroom of 2.5m	1.8m	Clause - 3.3.1
3	Setback to sth boundary from entry of 1.1m	Nil	Clause - 3.3.1
3	Setback to nth boundary from basement of 1.5m	1.2m	Clause - 3.3.1
3	Setback to nth boundary from Bed 1&2 of 1.5m	1.2m	Clause - 3.3.1
3	Setback of eaves from nth boundary of 750mm	500mm	Clause - 3.3.1
3	Setback of eaves from rear boundary of 750mm	500mm	Clause - 3.3.1
8	Visual Privacy Setback to nth boundary from balcony of 7.5m	1.2m	Clause - 3.8.1
9	Overshadowing of adjoining lot of 25%	72%	Clause 3.9.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. Two submissions were received both supporting the development.

BACKGROUND

The property is located on a slip road on Curtin Avenue between Sydney Street and Marine Parade. The lot slopes down from the street to the rear by about 2.5m.

STAFF COMMENT

Front Setback

The applicant proposes a front setback of 4.0m. The Residential Design Codes, which were implemented in October 2002 changed the front setback requirement for land coded R30 from 6.0m to 4.0m. At the October 2002 Council meeting Council made a resolution stating that

“When assessing applications for Development Approval, Council will:

(a) generally insist on:

- (i) A 6.0m setback for residential development in the District, which does not include averaging”*

An assessment of the surrounding development highlighted that the building located to the south of the subject property is setback 6.0m and 5.0m from the balcony and the building to the north is setback 10.0m and 4.0m to the single storey garage.

A setback of 4.0 metres for the proposed dwelling would be inconsistent in its setting with the adjoining properties. Furthermore, it would create a precedent for further ad hoc setbacks without regard for the overall streetscape and therefore, is not supported.

Other Setbacks

The applicant is seeking a number of side setback variations. Some of these are for boundary walls to the basement which is partially underground and at worst would result in a boundary wall height above natural ground level of 2.2m. Other setback variations have been deemed to comply with the relevant performance criteria.

Eaves Setbacks

The Residential Design Codes state that eaves should be setback a minimum of 750mm from a side boundary and rear boundary. In this instance the applicant is proposing to have eave setbacks of 500 mm on the rear and northern boundaries.

The Building Codes of Australia require a minimum setback of 450 mm to the nearest boundary for fire reasons.

Therefore the performance criteria need to be satisfied which state:

“Minor incursions and projections not to detract from the character or the streetscape.”

In this instance the administration believes that there will be no affect on the streetscape or character of the area.

Building Height - Clause 5.1.1

Council is required to determine the natural ground level at the centre of the site. From that point, the height controls for the development are calculated.

The applicant has argued that Council previously calculated the average of the natural ground from the 4 corners. The Scheme states that natural ground level shall be determined by Council. The administration has calculated natural ground level utilising a number of different means. Generally the first method is to go to the centre of the site and determine natural ground level, however the averaging of the 4 corners has also been used in the past.

The natural ground level at the centre of the site was determined to be 8.25m

The average natural ground level utilising the 4 corners is 8.325.

Regardless of which method is used the building still exceeds the permissible wall height limit.

Based on the determination of the natural ground level, the proposed wall heights exceed the permissible limits outlined in clause 5.1.1 (b) & (c) of the Town of Cottesloe Town Planning Scheme No. 2 by about 650 mm.

Council has generally allowed an additional 1.0 metre for a parapet wall for flat roofs. However in this instance the highest point of the parapet is about 1.8 metres above the wall height limit.

The applicant has further argued that the adjoining properties were approved by Council, even though they exceeded the height controls of the scheme.

Unfortunately investigation of Council's records fails to indicate how the heights of the building to the south were calculated. However, it appears that Council used its powers of discretion in relation to the calculation of the natural ground level as the minutes from the November 1996 Committee meeting state that:

The Committee allowed a variation of the natural ground level having regard to:

- *Narrow width of the lot;*
- *The fall in the site;*
- *The small nature of the variation 0.2m – 0.5m.*

The scheme allows Council to grant a variation when calculating the natural ground level, the scheme states:

"Except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished."

In this instance the ground formations are similar to the property to the south and therefore the administration believes that a variation on the calculation of the natural ground level is warranted. In addition the proposed dwelling has a similar finished floor level to the existing single storey dwelling on the lot.

Therefore the administration recommends that Council should use it's discretion and allow a natural ground level calculation of RL 9.5m.

Visual Privacy

The cone of vision applied to the balcony shows that there is the possibility to overlook the adjoining property at No. 17 Curtin Avenue. In this instance the relevant performance criteria need to be satisfied which state:

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

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

The overlooking does not affect any habitable windows or outdoor living areas of the adjoining property at No. 17 Curtin Avenue.

Overshadowing

The Residential Design Codes allow for 35% overshadowing of an adjoining lot at the winter solstice. This proposal results in 72% overshadowing of the adjoining lot. Therefore the relevant performance criteria need to be satisfied which state:

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

- *Outdoor living areas;*
- *Major openings to habitable rooms;*
- *Solar heating devices; or*
- *Balconies or verandahs.*

In this instance the proposal does not overshadow any courtyards as they are located in the front setback area. There are two windows on the ground floor level of 13 Curtin Avenue that will be overshadowed, however both of these would already be in partial shade as a result of the existing dwelling. The rear balcony will not be in shadow and the overshadowing will not affect any heating devices.

Therefore the administration recommends that Council permit a variation on the overshadowing as the proposal complies with the performance criteria.

Furthermore the adjoining owner has not objected to the overshadowing of their site.

CONCLUSION

That the application be approved subject to the following conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of the Committee agreed that a 6m front setback was unnecessary and not in keeping with surrounding properties and condition (8) was deleted.

Further, the majority of the Committee were satisfied that a variation to the height controls were warranted in this particular proposal.

OFFICER RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for the 2 Storey Single Residence at No 15 (Lot 87) Curtin Avenue, Cottesloe in accordance with the plans submitted on 23 October 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
- (6) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (7) The applicant making an agreed contribution to the upgrade of the footpath adjacent to the development.
- (8) Revised plans being submitted for approval by the Manager, Development Services, showing the building being modified to have a 6.0 metre street setback.

11.1.2 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

That Council GRANT its Approval to Commence Development for the 2 Storey Single Residence at No 15 (Lot 87) Curtin Avenue, Cottesloe in accordance with the plans submitted on 23 October 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
- (5) The right of way located at the rear, adjacent to the property, being paved and drained to the satisfaction of the Manager of Engineering Services, with details of the proposed works being submitted in accordance with Council guidelines and approved prior to the commencement of works.
- (6) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
- (7) The applicant making an agreed contribution to the upgrade of the footpath adjacent to the development.

Carried 8/3

11.1.3 NO 40 (LOT 56) RAILWAY STREET - TWO STOREY SINGLE HOUSE

File No:	40 Railway Street
Author:	Mr Stephen Sullivan
Attachments:	Location plan Plans Correspondence from applicant (3) Submissions (3)
Author Disclosure of Interest:	Nil
Report Date:	25 November, 2003
Senior Officer:	Mr S Tindale
Property Owner:	R. Lloyd
Applicant:	Lawrence Scanlan & Associates Pty. Ltd
Date of Application:	22 October, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	377m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in a receipt of an application for a two-storey single residence on 40 Railway Street. The application cannot be dealt with by the Manager Development Services under the delegated authority as the applicant is proposing a reduced front setback.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Buildings on Boundary	South Lower – 1.5	Nil – 1.9	Clause 3.3.2 – P2
No 3 – Boundary Setbacks	South Upper – 2.4	1.2 – 2.3	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	East Lower – 1.5	1.0	Clause – 3.3.1 – P1
No 3 – Boundary Setbacks	East Upper – 2.7	1.2 – 2.5	Clause – 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 4 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

78 A Napier Street

- Overshadowing is not acceptable;
- All the living areas on 78B Napier would be dominated by the proposed building;
- The proposed building is not suited to the site;
- The applicant does not have any consideration of the adjoining properties to the south;
- The proposed boundary wall to kitchen adds to the problem;
- The proposed development affects the amenity of 78A and 78B (light, prospect, and a sense of air and space);
- I urge the Planning Committee to defer the application until it is redesigned to minimise the negative effect on 78A & 78B Napier.

78 B Napier Street

- Proposed wall on the southern boundary does not comply with the Residential Design Codes and has an adverse effect on the amenity of 78A;
- The proposed development restricts direct sun to major openings to habitable rooms and outdoor living areas of 78A;
- The proposed boundary wall is not necessary to enhance privacy or make effective use of space;
- Reduced setbacks on the southern boundary affect the amenity of 78A due to the building bulk and overshadowing of habitable rooms and outdoor living area;

BACKGROUND

The subject property has frontage to Railway Street and also has a ROW abutting its Northern boundary. The applicant is proposing a reduced setback to the garage from the front boundary. The issues of overshadowing and building bulk on the southern boundary were raised by the adjoining properties to the south.

STAFF COMMENT**Front Setback**

The applicant is proposing to have the following setbacks to the front boundary:

- Garage on the ground floor - 2.0 – 4.0m
- Activity Room (upper floor) – 5.4m
- Verandah – to 1.8m

Town Planning Scheme Policy No. 3: Garages and Carports in Front Setback Area requires carports and garages to be positioned behind the front setback line in accordance with Table 1 of the Residential Design Codes, which on land coded R20, is 6 metres. The policy further states that Council may, in a particular case, allow lesser setbacks including a nil setback to the primary street in the case of a carport.

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

*That the carport does not significantly affect view lines of adjacent properties;
Adequate manoeuvring space for the safe ingress and egress of motor vehicles shall be maintained;
The effect of such variation on the amenity of any adjoining lot;
The existing and potential future use and development of any adjoining lots; and
Existing setbacks from the street alignment in the immediate locality.”*

The applicant is proposing parallel parking with an access to the garage from the ROW abutting the northern boundary. The proposed setback to the garage is 2.0m at its closet point. The garage structure is proposed to be 3.2m in height.

The two properties to the north of the development site are set well back from the street boundary with the adjoining property to the north being setback approximately 10m from the street boundary near the right of way.

It is considered that due to the location and height of the proposed garage, it will adversely affect the streetscape. It is recommended that the structure should be setback 4.5m from the street boundary, taking into account the adjoining properties to the south and north.

Further, the setback of the garage door from the northern boundary of the right of way does not provide an adequate manoeuvring space for the safe access and egress of motor vehicles. The width of the ROW is 3.8 m. The setback to the garage from the northern boundary is 1.2m. This allows a 5.0m manoeuvring area for vehicles, which is not in compliance with the RDC requirement of 6.0m under the Design Element 5 – “Access and car parking” nor appendix II of the Town Planning Scheme text. It is recommended that the applicant comply with the 6.0m turning area requirement under the Residential Design Codes and the Town Planning Scheme text.

The building is proposed to be setback 5.4m at the upper level. The combined length of the building and southern setback will adversely impact on the adjoining properties to the south. Therefore to reduce the affect on overshadowing on properties to the south, it is recommended that the upper floor activity room be setback 6.0m from the front boundary.

Boundary Setbacks

The following side boundary setbacks do not comply with the acceptable development standards under the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
East Lower	Whole	3.0	10.5	No	1.5	1.0
East Upper	Whole	5.5	9.5	Yes	2.7	1.2 – 2.5

The proposed variations to the side boundary setbacks will be considered under the relevant performance criteria, which are as follows:

- Buildings set back from boundaries other than street boundaries so as to:*
- *Provide adequate direct sun and ventilation to the building;*
 - *Ensure adequate direct sun and ventilation being available to adjoining properties;*

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

The proposed reduced setback to the eastern side boundary would not contribute to overshadowing of the adjoining properties. There is a balcony located on the upper eastern wall, which has a potential to create overlooking of the rear yard of the adjoining property to the east. It is recommended that the applicant provide screening for the eastern balcony up to the height of 1.65m measured from the floor level in accordance with the RDC.

Buildings on Boundaries

The applicant is proposing a wall to the laundry and kitchen to have a Nil setback to the southern boundary.

Council received objections from the adjoining property owners to the south stating that the amenity of their outdoor living areas will be affected due to the height of the boundary wall.

The applicant submitted a response to the objection stating that the height of the proposed boundary wall as seen from the adjoining properties to the south would only be 2.8 – 2.2m high.

During the site inspection it was noted that the ground level of the rear of the adjoining properties is considerably higher than the proposed finished floor level of the kitchen and laundry with the nil setback to the common boundary. The height of the proposed boundary wall will be approximately 300mm higher than the existing solid thatch fence.

The height of the proposed boundary wall measured from the natural ground level at the boundary would comply with the acceptable development standards of the Clause 3.3.2 A2 iii, which states:

“Except where otherwise provided for an adopted Local Planning Policy, walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of Element 9:

In areas coded R20, walls not higher than 3.0m with an average of 2.7m for a length of 9.0 of the boundary behind the front setback, to one side boundary.’

Council does not have an adopted Local Planning Policy regarding boundary walls. However, Council has passed the following resolution at its October 2002 meeting:

That Council:

- (1) *When assessing applications for Development Approval, will:*
 - (a) *generally insist on:*
 - (i) *A 6.0m setback for residential development in the District, which does not include averaging; and*
 - (ii) *Boundary walls being setback from the side and rear boundaries;*

The area subject to overshadowing of the adjoining property to the south, 78 A Napier Street is 31%, which does not comply with the acceptable development standard of the Design Element 9 – “Design for Climate”. This is outlined below.

Overshadowing

The applicant submitted an overshadowing diagram showing that 31% of 78A Napier Street and 15% of 78B Napier Street would be in shadow on midday on 21st June.

Overshadowing of 78A Napier Street is not in accordance with the acceptable development standard of the Design Element 9 – “Design for Climate”, which specifies that in the areas coded R20 the acceptable area of overshadowing of the adjoining properties is 25%.

The sizes of the affected adjoining properties 78A and 78B Napier Street are considerably smaller than the minimum and average lot sizes specified in the Table 1 of the RDC for R20 density (440m² - minimum and 500m² -average).

Although the small size and the North – South orientation of 78A and 78B Napier Street, with the outdoor living areas located at the rear makes it more difficult for the new development proposed on 40 Railway Street to comply with the acceptable development standards for overshadowing, the applicant is proposing a design that is not sensitive to the location of the outdoor living areas and north facing habitable room windows of the adjoining properties.

During the site inspection it was noted that there are existing shade structures located at the rear of 78A& 78B Napier Street, are not permanent shade structures, although this was mentioned in the letter submitted by the owner of 40 Railway Street in response to the objections from the adjoining properties.

Taking into the consideration that the rear courtyard is the only outdoor living area of 78A Napier Street and the shadow from the proposed residence on 40 Railway Street would affect access to direct sun for this courtyard area, the amenity of the adjoining property would be considerably diminished.

Clause 5.1.2(f) of the Town Planning Scheme text states:

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

(a) ...

(f) *the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole;*

It is recommended that the applicant be required to submit amended plans showing compliance with the performance criteria of the Clause 3.9.1, which might require some redesign of the building or increase of the building setback from the southern boundary.

CONCLUSION

It is recommended that the application be deferred subject to the applicant submitting amended plans showing:

- Compliance with the performance criteria of the Design Element 9 – Design for Climate;
- Setting the upper floor activity room back 6.0m from the street boundary;
- Increasing the setback to the garage from the right of way in order to achieve a 6.0m turning circle;
- Increasing the front setback to the garage to 4.5m;
- Setting back the verandah so as not to protrude more than 1.0m into the setback area of 6.0m; and
- Screening of the eastern balcony to a height of 1.65m above FFL.

Also, it is recommended that the Development Services Committee be delegated authority to make a determination on the revised plans.

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of the Committee agreed that the site was difficult to construct a residence on that complied with all the R Codes, address the amenity of the area and concerns of the neighbours.

The majority of the Committee moved that consideration of the application be delegated to the Manager, Development Services with the applicant addressing points (3)(a), (c), (e) and (f) of the officers recommendation. Further, the building should be modified to comply with the southern side boundary setbacks specified in the Residential Design Codes.

OFFICER RECOMMENDATION

That Council:

- (1) Defer consideration of the application for Approval to Commence Development submitted by Lawrence Scanlan & Associates for a two storey single house at No. 40 Railway Street, Cottesloe;
- (2) Delegate its authority to the Development Services Committee to make a determination on the application under Clause 7.10 of the Town Planning Scheme text;
- (3) Request the applicant to submit revised plans incorporating modifications to the design so as to comply with the following:
 - (a) Compliance with the performance criteria of the Design Element 9 – Design for Climate;
 - (b) Setting the upper floor activity room 6.0m from the street boundary;
 - (c) Increasing the setback to the garage from the right of way in order to achieve a 6.0m turning circle;
 - (d) Increasing the front setback to the garage to 4.5m;

- (e) Reducing the verandah to a maximum eaves overhang of 1.0m into the setback area;
 - (f) Screening of the eastern balcony to a height of 1.65m above FFL;
 - (g) Setbacks to comply on the southern side.
 - (h) Front fencing to Railway Street being of “open aspect design” in accordance with Council’s Local Law.
- (4) The submitters be advised of Councils decision.

11.1.3 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **Delegate its authority to the Manager, Development Services to make a determination on the application under Clause 7.10 of the Town Planning Scheme text;**
- (2) **Request the applicant to submit revised plans incorporating modifications to the design so as to comply with the following:**
 - (a) **Compliance with the performance criteria of the Design Element 9 – Design for Climate;**
 - (b) **Increasing the setback to the garage from the right of way in order to achieve a 6.0m turning circle;**
 - (c) **Reducing the verandah to a maximum eaves overhang of 1.0m into the setback area;**
 - (d) **Screening of the eastern balcony to a height of 1.65m above FFL;**
 - (e) **Setbacks to the southern side of the proposed development complying with the Residential Design Codes.**
- (3) **The submitters be advised of Councils decision.**

Carried 8/3

11.1.4 NO 3A (LOT 3) DEANE STREET - TWO-STOREY RESIDENCE PLUS BASEMENT

File No: 3A Deane Street
Author: Ms Lilia Palermo
Author Disclosure of Interest: Nil
Attachments: Location map
Plans
Correspondence from applicant
Submissions (4)
Report Date: 28 November, 2003
Senior Officer: Mr S Sullivan

Property Owner: VI & KD Strzina

Applicant: Neil Robertson Architect
Date of Application: 28 November, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R30
Lot Area: 361m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a two-storey residence on 3A Deane Street, Cottesloe.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
5.1.1	Wall Height – 15.6	16.0

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks	West Basement – 1.5m	1.0m	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	West Upper – 3.9m	3.3m	Clause 3.3.1 – P1
No 3 – Boundary Setbacks	East basement – 0.75m	Nil	Clause 3.3.2 – P2
No 3 – Boundary Setbacks	East Lower – 0.75m	Nil	Clause 3.3.2 – P2
No 3 – Boundary Setbacks	East Upper – 1.2m	Nil – 0.8m	Clause 3.3.2 – P2

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 17 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

5 Deane Street

- The owners of 3A Deane and 5 Deane agreed that revised plans will be submitted by the applicant showing a change to the balustrade of the front balcony;
- The wall height is over 6.0m;
- The use of the basement does not comply with the definition of the undercroft in the Scheme;
- The 6.0m front setback requirement should be required

5A Deane Street

- Problem with the house coming further forward than 6.0m

BACKGROUND

The application for Planning Approval was submitted on the 1st October 2003. After initial check of the information submitted, it was determined that the application was incomplete. The applicant was advised on the 3rd October 2003 that the application will not be progressed until the additional required information is submitted.

The applicant submitted additional information on 14th October and 5th November 2003.

STAFF COMMENT**Wall Height**

The wall height of the proposed two-storey residence exceeds the 6.0m wall height restriction under the Town Planning Scheme No.2.

Clause 5.1.1(c) – Measurement of Building Heights states the following:

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

Single Storey Roof Height: 6.0 metres

*Two Storey Wall Height: 6.0 metres
Roof height: 8.5*

*Subsequent Storeys Wall height: 6.0 metres plus; 3.0 metres per storey
Roof height: 8.5 metres plus; 3.0 metres per storey*

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

The Natural Ground Level (NGL) at the centre of the site was determined by the administration to be 9.60 RL. The required wall height under the TPS 2 Clause 5.1.1 (c) is 15.60 RL or lesser. The applicant is proposing to have a wall height of 16.02 RL, which exceeds the statutory height limit by 420mm.

Height limitations set out in the Clause 5.1.1 are statutory requirements. It is recommended that the applicant submit an amended plan showing that the proposed development is brought into compliance with the wall height of 6.0m measured from the NGL at the centre of the site determined by the administration as being 9.6 RL.

Front Boundary Setback

The applicant is proposing a setback of 5.0 m to a section of the balcony on the upper level and to the balcony pillars on the lower level.

A front setback of 4.0m is required for areas coded R30 under the acceptable development standard of the Design Element 2 – “Streetscape” of the RDC. The acceptable development standards also allow for averaging of the required setback.

However at the October 2002 Council meeting Council made a resolution stating that

“When assessing applications for Development Approval, Council will:

(a) generally insist on:

- (i) A 6.0m setback for residential development in the District, which does not include averaging”*

Council has consistently sought conformity with a 6.0m setback with no averaging.

The proposed reduced front setback will affect the view lines of the adjoining properties to the east.

Council received an objection from the consultant acting on behalf of the owners of 5 Deane Street and from the owner of 5A Deane Street stating that the applicant should be required to comply with the 6.0m setback regulation.

After negotiations with the owners of 5a Deane Street the applicant submitted amended plans showing the screen wall to the balcony on the eastern side was replaced with an open aspect balustrade in order to improve views from 5A Deane Street. Although the owners of 5A Deane Street are supportive of the changes to the eastern screen wall of the balcony they still request in their objection prepared by the Planning Consultant that the applicant be requested to comply with the 6.0m front set back.

Clause 5.1.2 of the TPS 2 states the following:

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

- (a) the need for limitation of height or location of buildings to preserve or enhance views;*

The proposed 1.0m incursion of the building into the 6.0 m front setback will affect westerly views of the properties to the east. Approval of the reduced front setback on Deane Street will create a precedent for other applicants seeking similar concessions. It is recommended that the applicant set the building back from the boundary.

Boundary setbacks

The following boundary setbacks don't comply with the acceptable development standards under the Table 1 of the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
West Basement	Garage	0.5	12.0	No	1.5	1.0
West Upper	Whole	5.5	16.7	Yes	3.9	3.3

The proposed variations to the required boundary setbacks will be assessed under the performance criteria of the Design Element 3 Clause 3.3.1 (P1), which states the following:

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

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

The proposed reduced setbacks to the western boundary from the basement and upper wall would not affect direct sun and ventilation to the proposed two-storey residence or the adjoining properties. It is considered that the building bulk would not cause a negative impact on the amenity of the adjoining property to the west, as only an 8.0m portion of the upper western wall is not in compliance with the required setback, the other two portions of the wall to the ensuite and the balcony are setback 4.0m from the boundary.

There are major openings on the upper western wall that would cause overlooking into the rear yard of the property to the west, which is a single storey strata property. A concession is sought for the setback of the proposed major openings to a living room and balcony on the upper western wall, which are located to take advantage of the views to the west. The applicant is also stating that privacy of the adjoining property would not be affected.

Council did not receive any objections from the owners of the property that would be affected by overlooking. There is mature dense vegetation, which would provide some screening for the single storey property to the west. There is also an existing patio structure screening the windows of the affected residence.

Buildings on Boundaries

The subject property is a part of a strata plan. The pedestrian access way linking the rear dwelling and Dean Street is marked as part of the rear lot on the strata plan. The applicant is proposing a nil setback from the eastern lower and upper wall to the boundary of the pedestrian access way.

The following is stated in the RDC: *"The Codes now require development of each Grouped Dwelling to individually comply with the Codes in relation to strata lot area, setbacks, car parking, etc."*

The applicant is proposing a nil setback from the undercroft, lower level and a portion of the upper level to the boundary of the pedestrian access way serving the rear lot.

It is also stated in the RDC Clause 3.3.1 A1 that *the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian accessway or battleaxe access leg to a maximum reduction of 2m.*

The following setbacks do not comply with the acceptable development standard of the Design Element 3 – “Buildings on Boundary” for R 30 density. (required setback distances were calculated taking into account Clause 3.3.1 A1 quoted above)

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
East Upper	Whole	6.3	16.6	No	1.2	Nil – 0.8
East Basement	Whole	0.6	16.0	No	0.75	Nil
East Lower	Whole	3.0	18.0	No	0.75	Nil

The proposed building on boundary will be assessed under the performance criteria P2 of the Design Element 3, Clause 3.3.2 – “Buildings on Boundary”, which states the following:

“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”.*

Currently the portion of the existing residence encroaches into the 1.5m area required for pedestrian access way under the current regulations. The design of the new residence would improve the situation with the pedestrian access way as the portion of the existing building protruding into the 1.5m required access way strip would be removed.

The proposed Nil setback to the access way would not affect privacy of the proposed residence or the adjoining property as all the windows on the eastern wall are not considered to be major openings. The windows at the lower level have a sill height of 1.65m and are less than 1m² in area. The windows to the bedroom, dressing room and ensuite on the upper level are fixed and provided with obscure glazing.

The proposed open aspect balcony would cause overlooking into the adjoining property to the east. The owners of the adjoining property to the east are not concerned with the overlooking into their property and would prefer an open aspect balustrading to the balcony in order to keep the westerly views.

It can be argued that the amenity of the rear property would be affected by the proposed Nil setback to a two storey building. The residents of the rear strata would have to use the accessway on a regular basis and it would be a more pleasant

entrance with the building being setback in accordance with the acceptable development standards rather than located on the boundary.

Both of the strata properties 3 and 3A Dean Street are owned by the same owners and therefore there were no comments from the rear strata residents in regards to the proposal.

There will be no increase in overshadowing of the adjoining properties due to the proposed Nil setback to the 1.5m wide accessway.

It is considered that the proposed development would in fact improve the situation with the pedestrian access to Dean Street for the rear strata property as it would make the whole length of the accessway 1.5m. It is recommended that the proposed Nil setback to the eastern wall be approved and a condition be placed requiring the applicant to arrange for the strata plans to be modified to reflect the change to the pedestrian accessway.

CONCLUSION

It is recommended that the application be approved subject to the applicant complying with a 6.0m front setback and reducing the wall height to 15.6 RL to comply with the Clause 5.1.1 of the TPS 2 – Building Heights.

VOTING

Simple Majority

DECLARATION OF INTEREST

Cr Strzina made a declaration of interest and left the room at 8.40pm.

COMMITTEE COMMENT

The majority of the Council were of the opinion that the topography of the land was such that a variation to the formulae to calculate height controls set out in the Town Planning Scheme was required and therefore, supported a variation to the height controls.

The majority of Council also supported the proposed 5.0m setback based on the setback of other buildings in the street.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its Approval to Commence Development for the Two-Storey Residence and basement at No 3A (Lot 3) Deane Street, Cottesloe in accordance with the plans submitted on 28 November, 2003 and additional plans submitted on 27 November subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.

- (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) The applicant complying with the Town of Cottesloe –Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (g) The applicant making agreed contribution to the upgrade of the footpath adjacent to the development
 - (h) The applicant making arrangement to change the strata plans to reflect the changes to the pedestrian accessway as a result of the proposed development
 - (i) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the front boundary setback being 6.0m
 - (ii) the wall height of the proposed development being reduced to 15.60 RL to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;
- (2) Advise the submitters of this decision.

AMENDMENT

Moved Mayor Rowell, seconded Cr Furlong

That the following be deleted from the Committee Recommendation:

- (j) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (iii) the front boundary setback being 6.0m
 - (iv) the wall height of the proposed development being reduced to 15.60 RL to comply with the requirements of Clause 5.1.1 of the Town Planning Scheme Text;

Carried 8/2

11.1.4 COUNCIL RESOLUTION**That Council:**

- (1) GRANT its Approval to Commence Development for the Two-Storey Residence and basement at No 3A (Lot 3) Deane Street, Cottesloe in accordance with the plans submitted on 28 November, 2003 and additional plans submitted on 27 November subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
 - (f) The applicant complying with the Town of Cottesloe –Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**
 - (g) The applicant making agreed contribution to the upgrade of the footpath adjacent to the development**
 - (h) The applicant making arrangement to change the strata plans to reflect the changes to the pedestrian accessway as a result of the proposed development**
- (2) Advise the submitters of this decision.**

Carried 10/0

Cr Strzina returned at 8.47pm

11.1.5 NO 7 (LOT 15) HENRY ROAD - PROPOSED TWO STOREY SINGLE HOUSE

File No:	No. 7 Henry Road
Attachment(s):	Location plan Correspondence from applicant
Author:	Mr S Sullivan
Author Disclosure of Interest:	Nil
Report Date:	1 December, 2003
Senior Officer:	Mr S Tindale
Property Owner:	G & E Shepherd
Applicant:	Webb & Brown-Neaves
Date of Application:	4 November, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	607m²
M.R.S. Reservation:	N/A

SUMMARY

Council is in receipt of an application for a two storey single house.

Consideration of the application was deferred at the November 2003 meeting and Council requested revised plans.

It is recommended that the application be approved, subject to final confirmation of overshadowing calculations.

PROPOSAL

To construct a two storey single house.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3.9 – Design for Climate	Overshadowing of 25%	27%	Clause 2.9.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submission

The owner of No. 5 Henry Street expressed concern in relation to the extent of overshadowing and overlooking.

BACKGROUND

Council deferred consideration of this matter at the November 2003 meeting of Council and advised the applicant as follows:

- (1) *That Council:*

- (1) *Defer consideration of the application for Planning Consent for a two storey single house, submitted by Webb and Brown-Neaves for No. 7 Henry Street, to the December 2003 meeting of Council.*
- (2) *Request the applicant to submit revised plans incorporating modifications to the design so as to comply with the performance criteria of Design Element 9 – “Design for Climate” so as not to overshadow windows to habitable rooms of the adjoining property to the south at 5 Henry Street.*
- (3) *The submitters be advised of Councils decision.*

Part (2) of the resolution requested the applicant to modify the proposed development to comply with the design codes, so as not to impact, through overshadowing, the habitable rooms of the adjoining property.

The following is an extract from the report relating to the matter of overlooking:

Overlooking

Council received an objection from the adjoining property owners, which expressed concerns about possible overlooking from the lower and upper floor windows of the proposed two storey residence on 7 Henry Street.

The window shown on the southern elevation would not be considered a major opening and as such, would not pose any overlooking issues for the adjoining property.

The following windows are located on the southern elevation:

- *Kitchen - highlight window with the sill level of 1.65m;*
- *Passage/staircase – opaque glazing*
- *Bathroom - opaque glazing up to 1.65m height from floor level*
- *WIR – small highlight window less than 1m²;*
- *Bedroom 1 – two small (less than 1m²) highlight windows.*

STAFF COMMENT

Revised plans were received on the 1 December 2003, including an accompanying letter from the owner. The letter indicates that there was an error in the calculation of the overshadowing. Instead of being 34%, the revised overshadowing figure is 27%.

The applicant and the owners have discussed this matter with the adjoining property owner. At the meeting, it was agreed that the:

- roof pitch of the proposed dwelling being reduced from 35 degrees to 33; and
- proposed floor level being lowered by 125mm.

These changes would then reduce the overshadowing down to 26%.

Consequently, the adjoining property owner has submitted a letter dated 28 November 2003, stating that if the revised calculations are correct, they will withdraw their objection.

The revised plans submitted to Council still have the old floor level and roof pitch.

CONCLUSION

Due to the revised plans being received on the 1 December, it has not been possible to check the revised plans prior to completion of this report item. On the assumption that the plans are correct, a recommendation of approval has been prepared,

including special conditions identified in the letter from the owner, relating to the roof pitch and the level of the proposed dwelling.

Further comments will be made to the Committee following completion of the assessment of the revised plans.

VOTING

Simple Majority

11.1.5 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **GRANT its Approval to Commence Development for the Proposed two storey single house at No 7 (Lot 15) Henry Road, Cottesloe in accordance with the plans submitted on 4 November, 2003, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) **The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
 - (f) **Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
 - (g) **Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (i) **the roof pitch being a maximum of 33 degrees;**
 - (ii) **the finished floor level being lowered to a level of RL10.815;**
- (2) **Advise the submitters of this decision.**

Carried 11/0

11.1.6 NO 28 (LOT 91) WILLIAM STREET - 2 STOREY SINGLE HOUSE PLUS BASEMENT

File No:	28 William Street
Author:	Mr D Heymans
Attachments:	Location plan Plans Correspondence from applicant (2) Submission (1)
Author Disclosure of Interest:	Nil
Report Date:	28 November, 2003
Senior Officer:	Mr S Sullivan
Property Owner:	James Loader
Applicant:	Philip Nikulinsky
Date of Application:	23 October, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	300m²
M.R.S. Reservation:	N/A

SUMMARY

The applicant is proposing to construct a two storey single residence at No. 28 William Street. Given the assessment that has been undertaken, the recommendation is to approve the application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
3	Setback to western boundary from eave of 750mm	650mm	Clause – 3.2.1
8	Visual privacy setback from western boundary from balcony of 7.5m	6.0m	Clause – 3.8.1
8	Visual privacy setback from northern boundary from deck of 7.5m	1.2m	Clause – 3.8.1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

23 Congdon Street

The owners objected to the following points:

- The proposed deck on top of the garage would cause sever overlooking of their habitable windows on the eastern side and also overlook their front yard;
- Solid screening of the deck would restrict light and air flow into their property;
- The screening provided would not restrict overlooking as it was slatted timber and only 1.0m high;
- The garage is setback only 3.0m from Congdon Street.

BACKGROUND

The property is located on the corner of Congdon Street and William Street. The lot is the result of the subdivision of No. 21 Congdon Street. The site slopes down about 1.0 metre from the southern boundary to the northern boundary.

STAFF COMMENT**Eaves Setbacks**

The applicant is seeking a variation to the minimum setback for eaves. The codes allow for eaves to come within 750 mm of a side boundary, however the applicant is seeking a 650 mm setback. The Building Codes of Australia require a minimum setback of 450 mm for fire safety.

The proposed setback will not have an adverse affect on the character or streetscape of the area and therefore the administration recommends that this variation be approved.

Visual Privacy Setbacks

Assessment of the application has shown that two aspects of the proposal do not satisfy the acceptable development standards of the codes.

Firstly, the proposed balcony on the northern side of the building is setback 6.0m from the western boundary and overlooks No. 26 William Street, however assessment of the cone of vision illustrates that the overlooking is not of concern.

Secondly, the applicant is proposing to construct a deck above the garage with screening to prohibit overlooking onto No. 23 Congdon Street to the north. Assessment of the application has revealed that the screening proposed is not in accordance with the Residential Design Codes as it is not visually impermeable and it is not to a minimum height of 1.65m.

The administration believes that if the screening is increased in height and the screening is visually impermeable then it will comply with the acceptable development standards of the codes.

Furthermore the owner of No. 23 Congdon Street has strongly objected to the deck as it may diminish the value of their property, will overlook and restrict light and air flow into their property.

The administration cannot determine the impact on the value of the adjoining property, however if the screening is constructed in accordance with the Residential Design Codes then it will not allow any overlooking of the adjoining property. The restriction on light will be minimal as the windows are on the southern side of the adjoining property and therefore there would be no direct sunlight at present. The affect on airflow would also be minimal as the proposed garage wall is setback 1.2m from the boundary and the adjoining building is also setback 1.2m from the boundary to give a combined setback of 2.4m between buildings.

To lessen the impact on the adjoining property the administration believes that the screen wall should be a continuation of the garage wall and that it be to a height of 1.65 m and finished to the satisfaction of the Manager of Development.

In addition the administration believes that the garage should be setback 2.0m from the boundary and that this area be landscaped to further reduce the visual impact on the neighbours.

Undercroft

The applicant is proposing to construct an undercroft with a cellar and laundry and store. There are 4 windows to the cellar. Clause 5.1.1 of the Town of Cottesloe Town Planning Scheme No. 2 controls the heights of buildings in Cottesloe. In particular this clause states that Council:

"will not regard as a storey an undercroft space used for lifts shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles"

Council has consistently sought the removal of windows to undercroft spaces as it considers these to be a sign that the real intention of the room is for habitable purposes, which is not the intent of the Scheme.

In this instance the administration recommends that these windows should also be deleted to ensure that this space is utilised for non-habitable purposes.

CONCLUSION

The application be approved subject to the following conditions.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee agreed that the garage and the privacy screening on top of the garage be retained at a set back of 1.2m as proposed by the applicant.

The Committee recommendation numbering has been amended as the Officer Recommendation was incorrectly numbered as there was no condition (f).

Condition (i)(i) of the Officer Recommendation (now condition (h)(i)) was amended to show a setback of 1.2m and condition (i)(v) of the officer recommendation was deleted.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the 2 Storey Single House plus basement at No 28 (Lot 91) William Street, Cottesloe in accordance with the plans submitted on 23 October, 2003, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.
 - (g) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (h) The basement not being used for habitable purposes.
 - (i) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) The garage and screen wall being setback 2.0m from the northern boundary;
 - (ii) The screening on the deck being increased in height to 1.65m above the FFL of the deck;
 - (iii) The screening to be of brick material in accordance with the garage wall and the finish of the wall to be to the satisfaction of the Manager Development Services;
 - (iv) That the area between the northern boundary and the garage be landscaped to reduce the visual impact of the screen and wall to the satisfaction of the Manager Development Services.
 - (v) The windows to the basement being deleted.
 - (2) Advise the submitters of this decision.
-

11.1.6 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) **GRANT its Approval to Commence Development for the 2 Storey Single Residence plus basement at No 28 (Lot 91) William Street, Cottesloe in accordance with the plans submitted on 23 October, 2003, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) **The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
 - (f) **Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.**
 - (g) **The undercroft not being used for habitable purposes.**
 - (h) **Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (i) **The garage and screen wall being setback 1.2m from the northern boundary;**
 - (ii) **The screening on the deck being increased in height to 1.65m above the FFL of the deck;**
 - (iii) **The screening to be of brick material in accordance with the garage wall and the finish of the wall to be to the satisfaction of the Manager Development Services;**
 - (iv) **That the area between the northern boundary and the garage be landscaped to reduce the visual impact of the screen and wall to the satisfaction of the Manager Development Services.**
- (2) **Advise the submitters of this decision.**

Carried 9/2

11.1.7 NO 242 (LOT 6) MARINE PARADE – SECOND STOREY ADDITIONS TO AN EXISTING SINGLE HOUSE

File No:	242 Marine Parade
Author:	Mr D Heymans
Attachments:	Location plan Plans Submissions (1)
Author Disclosure of Interest:	Nil
Report Date:	26 November, 2003
Senior Officer:	Mr S Sullivan
Property Owner:	Mr & Mrs Rutherford
Applicant:	Lawrence Scanlan
Date of Application:	2 October, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	364m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek Council approval to the development of an upper storey addition to an existing residence. Given the assessment that has been undertaken, the recommendation is to Approve the Application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
Element 9 – Design for Climate	Maximum amount of overshadowing on adjoining lot - 25%	48.8%	Clause 3.9.1 – P1
Element 8 – Privacy	Visual privacy setback from balcony 7.5m	5.1m.	Clause 3.8.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 3 letters sent out. There was 1 submission received, which was an objection. Details of the submission received is set out below:

238 Marine Parade

The owners objected to the following:

- Overlooking from the proposed balcony into their property;
- Overshadowing of 238 Marine Parade and believes that overshadowing diagram is not accurate;
- Also suggests that the additions are in the wrong location and should be at the front to gain better views.

BACKGROUND

Council has granted two previous approvals for similar upper floor extensions. The most recent approval was granted at Council's meeting in October 2002 with a condition requiring the screening to the balcony to be extended forward to prevent overlooking. The adjoining neighbour at No. 238 Marine Parade made similar objections to the development at the time.

STAFF COMMENT

The proposal comprises a second storey addition over the rear of the existing residence, which has access to both Marine Parade and Margaret Street (via an easement over abutting Lot 44 [No. 61] Margaret Street). The existing residence is split level, and appears as a two-storey house from Marine Parade and a single level house from the Margaret Street end. Development is of a conventional form with a standard gabled roof and a small, west-facing balcony which is screened on its southern and northern ends.

Solar Access

The shadow diagram submitted by the applicant indicates that the development on No. 242 Marine Parade will overshadow the southern property by 48.8%. This figure is not exact as it was based on the topography of the development site and not the block that will be overshadowed. Nevertheless, it should give a reasonable indication of the amount of overshadowing that will occur. In addition, a second shadow diagram indicates that the existing development on No. 242 overshadows No. 240 by 41.9% indicating that the addition proposed by this application represents less than 10% of the total overshadowing of No. 240.

As No. 240 Marine Parade is undeveloped, it is difficult to demonstrate that the performance criteria can be achieved. Notwithstanding, the shadow diagram indicates that the rear of No. 240 (potential living area) and the front setback will not be overshadowed at the winter solstice. In addition, taking into account the angle of shadow, it is probable that only the lower storey of a 2 storey dwelling at No. 240 will be in shadow, thus allowing sufficient light and sun to penetrate the upper floor.

The submitter suggests that he would not be opposed to a third floor bedroom at the front of No. 242 where the shadow would predominantly fall over any house that may be built on No. 240. As already stated, the addition represents only a small amount of the overshadowing on No. 240 and in any event, this is not considered appropriate as a three storey dwelling in this zoning is contrary to Scheme provisions.

Visual Privacy

The other issue pertinent to this development is that of overlooking or the loss of privacy that may result if the proposed addition is approved. Application of the cone of vision indicates that the balcony does not meet the required 7.5 metre setback from the boundary of the adjacent lots. This may be overcome by extending the proposed screening on the northern and southern ends of the balcony forward to prevent overlooking into the adjoining properties.

CONCLUSION

That the application for approval to commence development be approved.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee discussed the issue of overshadowing. Having regard to Design Element No. 9 of the Residential Design Codes and Clause 5.1.2(f) of the Town Planning Scheme text, the majority of the Committee were of the opinion that the gables to the north and south could be removed to reduce the impact of overshadowing on the adjoining property to the south, with modification to the roof of the existing building. Condition (1)(h) was modified accordingly.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the 2 Storey Additions to existing dwelling at No 242 (Lot 6) Marine Parade, Cottesloe in accordance with the plans submitted on 2 October, 2003, subject to the following conditions:-
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) Revised plans being submitted for approval by the Manager, Development Services, showing the screening on the northern and southern sides of the balcony being extended to prevent overlooking onto the adjoining property.
 - (2) Advise the submitters of this decision.
-

11.1.7 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its Approval to Commence Development for the 2 Storey Additions to existing dwelling at No 242 (Lot 6) Marine Parade, Cottesloe in accordance with the plans submitted on 2 October, 2003, subject to the following conditions:**
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (h) Revised plans being submitted for approval by the Manager, Development Services, showing:**
 - (i) the screening on the northern and southern sides of the balcony being extended to prevent overlooking onto the adjoining property.**
 - (ii) deletion of the proposed north and south gables to reduce the impact of overshadowing of the adjoining property to the south.**
- (2) Advise the submitters of this decision.**

Carried 11/0

11.1.8 NO 193 - 195 (LOTS 18 AND 19) BROOME STREET – RE-SUBMISSIONS OF PROPOSED EXTENSION OF AN EXISTING 3.0M HIGH FENCE ALONG THE REAR OF NO. 193 AND 195 BROOME STREET

File No:	No. 193 and 195 Broome Street
Attachment(s):	Location map Site plan & elevations Correspondence from Owner
Author:	Mr Stephen Sullivan
Author Disclosure of Interest:	Nil
Report Date:	3 December, 2003
Senior Officer:	Mr Stephen Tindale
Property Owner:	Mr Van Beem
Applicant:	Owner
Date of Application:	6 October, 2003
Zoning:	Residential
Use:	N/A
Density:	R20
Lot Area:	Both lots are 675m²
M.R.S. Reservation:	N/A

SUMMARY

Council refused to grant its Planning Consent for the proposal at its October, 2003 meeting.

The owner has re-submitted the application and requested Council to re-consider their decision.

It is recommended that the application be approved subject to conditions.

PROPOSAL

No's 193 to 197 Broome Street are owned by the one property owner. The proposal involves extending an existing fence, which is 3.0m in height and located along most of the rear boundary of No. 193 Broome Street, along the rest of this boundary as well as No. 195 Broome Street.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
 - TPS No 2 N/A
-

- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory N/A
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

Not required.

The applicant has previously sent a letter by registered mail to the owner of No. 2 Ozone Parade. A phone conversation by staff with the applicant confirmed that they had spoken with the owner of No. 2 Ozone Parade and they had no objections to the proposed fence height. No submission received.

BACKGROUND

The following is a copy of the background report taken from the October 2003 report to Council:

No. 193 – 197 are in the ownership of one person.

The property at No. 193 has an existing fence abutting the right of way of approximately 3.0m in height. This fence is located on the southern section of the right of way (refer to site plan). The fence is approximately 8m in length.

It is proposed to extend this fence across the rest of the rear boundary of No. 193 Broome Street and the rear boundary of No. 195 Broome Street. The new fence will replace fences that are currently 1.8m in height, with the northernmost section being 2.1m in height.

No. 197 Broome Street, which is not part of this application, already has a rear fence that ranges in height from 2.1m to 3.2m.

The proposed 3.0m fence extension is located opposite to an existing garage that is 3.6m in height for half of the length of the rear boundary of No. 2 Ozone Parade. The increased fence height is proposed to prevent overlooking between the Broome Street properties and the Ozone Parade property. A swimming pool has been built at the rear of No. 2 Ozone Parade – refer to accompanying information.

The matter was considered by Council at its October, 2003. At that meeting, Council resolved not to support the committee's recommendation of approval. However, there was no refusal issued for the proposal.

The applicant has submitted a new request for approval.

STAFF COMMENT

It is considered that the additional height of the fence will not detrimentally affect the adjoining property owners in Broome Street nor the property owner of No. 2 Ozone Parade, who has verbally not objected to the height of the wall. The main purpose of the wall is to screen overlooking into 2 Ozone Parade.

Furthermore the right of way directly abutting the area where the wall is proposed to be constructed was recently filled and as a result, the paved access way on No. 193 Broome Street to the right of way, was apparently covered over by fill from the right of way works.

The Residential Design Codes permit a person to fill up to 0.5m. A standard fence on top of the filling would allow for an overall height of 2.3m. The difference between what could be permitted and what is proposed is a difference of 0.7m.

The applicant has also stated that the rear yard may be used as a tennis court in the future and filling of the site would be required to provide a level surface. He has also stated a 3.7m high tennis court fence could be allowed under Council's Town Planning Scheme Policy. The administration believes that this fact should not have any impact on the current proposal as a tennis court fence has to be an open wire mesh material.

Notwithstanding all of the above, Council at its previous meeting stated that the proposed wall would have an adverse impact on the locality due to the walls height, loss of security and loss of vehicular access into the property.

The administration does not believe that the amenity of the locality will be detrimentally impacted, as an 8.0m long section of this wall already exists. There may be a loss of security for the owners, however as the majority of fences along right of ways are solid, then all have a loss of security, regardless of height.

Access into the property from the right of way will be restricted, however the wall could be removed at a later stage if access was required.

If council is not prepared to support the applicants request for approval of the application as submitted, the following compromise may be a solution:

- a standard height wall of 1.8m;
- retaining to 0.5m; and
- link mesh fencing to a height of total overall of 3.0m

VOTING

Simple Majority

COMMITTEE COMMENT

Committee moved that the wording be altered in condition (2)(c) to include the words "measured from the right of way".

OFFICER RECOMMENDATION

GRANT its Approval to Commence Development for the boundary wall at the rear of No 195 (Lot 6) Broome Street, Cottesloe in accordance with the plans submitted on 3 December 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (2) Revised Plans being submitted to the satisfaction of the Manager Development Services showing;
 - (a) retaining to a maximum of 0.5m;
 - (b) a standard height wall of 1.8m; and
 - (c) link mesh fencing to an overall height of 3.0m.

11.1.8 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

GRANT its Approval to Commence Development for the boundary wall at the rear of No 195 (Lot 6) Broome Street, Cottesloe in accordance with the plans submitted on 3 December 2003, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**

- (2) Revised Plans being submitted to the satisfaction of the Manager Development Services showing;
- (a) Retaining to a maximum of 0.5m;
 - (b) A standard height wall of 1.8m; and
 - (c) Link mesh fencing to an overall height of 3.0m measured from the right of way.

Carried 9/2

11.1.9 NO 303 (LOT 6) MARMION STREET - CHANGE OF NON- CONFORMING USE FROM “RETAIL SHOWROOM / OFFICE” TO “OFFICE”

File No: 303 Marmion Street
Author: Mr D Heymans
Attachments: Location plan
 Correspondence & plans from applicant
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Sullivan

Property Owner: Merle Hansen

Applicant: Justin Davies
Date of Application: 2 December, 2003

Zoning: Residential
Use: N/A
Density: R20
Lot Area: 847m²
M.R.S. Reservation: N/A

SUMMARY

The applicant is requesting to change the non conforming use of the building from “retail showroom / office” to “office”. Given the assessment that has been undertaken, the recommendation is to Approve the Application.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

N/A.

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 4 letters sent out. There were 4 submissions received, of which none were objections. All of the letters supported the applicant's change in use.

BACKGROUND

The premises at No. 303 Marmion Street are located near the corner of Grant Street, adjoining Daisies Delicatessen. The site has non-conforming use rights under Part IV of the Town Planning Scheme, as a "retail showroom / office". The site had previously been used as a "butcher shop" for a number of years until April 2002 when Council approved a change of non-conforming use from "retail butcher shop" to "retail showroom / office".

STAFF COMMENT**Change in Use**

Clause 4.4 of the Scheme deals with changes of non-conforming uses which states:

“Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is in the opinion of the Council less detrimental to the amenity of the locality than the non-conforming use and is in the opinion of the Council closer to the intended uses of the zone or reserve.”

The proposal is for a boutique real estate agent to occupy the entire building. The applicant has stated that only himself and a part time assistant will be in the premises at any one time.

The proposed use is considered not to have any detrimental impact on adjoining residents as it is regarded as less intrusive as a retail showroom and is closer to the intended use of the site.

The applicant has supplied details of proposed opening hours, those being:
Monday to Friday 10.00am – 5.00pm

It is considered that these opening hours are substantially less than the hours of the neighbouring deli, and are not excessive for a residential area. Furthermore, the business is generally offered by appointment to professionals, so there will be a limited number of customers walking off the street.

Three parking bays are existing at the rear of the site, with access from a right of way off Grant Street. These may be utilised for staff or customers.

The parking requirement for an office is less than that for a retail showroom and therefore it is believed that there will not be any parking issues.

CONCLUSION

The applicant be approved subject to the following conditions

VOTING

Simple Majority

COMMITTEE COMMENT

The majority of Council believed that the extended hours of operation would not conflict on the amenity of the adjoining locality.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for the Change of Non- Conforming Use from “Retail Showroom / Office” to “Office” at No 303 (Lot 6) Marmion Street, Cottesloe in accordance with the plans submitted on 2 December, 2003, subject to the following conditions:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
- (2) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (3) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (4) The hours of operation for the business are restricted to the following, and any changes to these hours must be the subject of further application to Council:
Monday to Friday 9.30am – 5.30pm

AMENDMENT

Moved Cr Walsh, seconded Cr Morgan

That the hours of operation be amended to 8.30am – 5.30pm.

Carried 7/4

11.1.9 COUNCIL RESOLUTION

That Council GRANT its Approval to Commence Development for the Change of Non- Conforming Use from “Retail Showroom / Office” to “Office” at No 303 (Lot 6) Marmion Street, Cottesloe in accordance with the plans submitted on 2 December, 2003, subject to the following conditions:

- (1) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- (2) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, right-of-way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- (3) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- (4) **The hours of operation for the business are restricted to the following, and any changes to these hours must be the subject of further application to Council:**
Monday to Friday 8.30am – 5.30pm

Carried 10/1

11.1.10 NO 12 (LOT 42) HAINING AVENUE - TWO STOREY SINGLE RESIDENCE

File No: 12 Haining
Author: Ms Lilia Palermo
Attachments: Location plan
Plans
Author Disclosure of Interest: Nil
Report Date: 24 November, 2003
Senior Officer: Mr S Sullivan

Property Owner: J. French

Applicant: Oswald Homes
Date of Application: 24 November, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 454m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a two-storey single residence on 12 Haining Avenue, Cottesloe.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – Boundary Setbacks			
Front Setback	6.0m	5.0m	Clause 3.2.1 – P1 Clause 3.2.2 – P2
North Upper	4.1m	2.7m	Clause 3.3.1 – P1
West Lower	1.5m	1.0m	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

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

BACKGROUND

The application was received by Council on 23d September 2003. The preliminary assessment of the application indicated that the information provided was incomplete. The applicant was advised by fax on 30th September 2003 that the application will not be processed until the required information is submitted.

The required additional information and amended plans was submitted on 14th October 2003.

STAFF COMMENT

The applicant is seeking Council's discretion in regards to the following:

- 5.2 m front setback;
- 2.7 m setback to North Upper Wall (4.1m required)
- 1.0 m setback to North Lower Wall (1.5m required)

Front Setback

The applicant is proposing a setback of 5.2 m from the proposed porch on the lower level and balcony on the upper level to the front boundary - Charles Street.

A front setback of 6.0m is required for areas coded R20 under the acceptable development standard of the Design Element 2 – "Streetscape" of the RDC. The acceptable development standards allow for averaging of the required setback.

At the October 2002 Council meeting Council made a resolution stating that

"When assessing applications for Development Approval, Council will:

(a) generally insist on:

- (i) A 6.0m setback for residential development in the District, which does not include averaging"*

The proposed setback is 5.2 m, however the required setback is 6.0m. Council has consistently sought conformity with a 6.0m setback with no averaging.

The proposed variation to the front setback will be assessed under the performance criteria of the Design Element 2 – "Streetscape", which states the following:

"Buildings setback an appropriate distance to ensure they;

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors."*

The subject property is located on the corner of Charles Street and Haining Avenue. Charles Street is used as a primary street for the proposed development. The proposed setback of 1.5 m to Haining Avenue complies with the acceptable development standard under the RDC for setbacks to secondary street.

The proposed reduced front setback on the subject site would not negatively affect the existing streetscape along Charles Street. There are four properties with the

frontage to Charles Street. The existing buildings on the western side of the street use Charles Street as their secondary street and have larger setbacks to Eric Street (Boy Scouts Hall), Haining Avenue and Athelstan Road.

The existing buildings on the eastern side of the street have a setback of 6.0m and larger to Charles Street.

The proposed incursion of 0.8m into the front setback to Charles Street on the subject property would not affect the existing streetscape as the existing setbacks to the street are currently less than 6.0m due to the properties having two street frontages.

The proposed reduced front setback would not affect privacy, open space or provision of services.

Clause 3.2.2 of the RDC states:

"A porch, balcony, verandah, chimney, or the equivalent may (subject to the building Code of Australia) project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level"

The proposed development complies with the acceptable development standard quoted above, as the width of the portion of the building incurring into the 6.0m setback area is not more than 20% of the street frontage.

Also given the unusual shape of the proposed lot (triangular) and that only a small part of the house is located within the front setback it is recommended that the proposed development be approved with the average front setback of 6.0m.

Boundary Setbacks

The following boundary setbacks do not comply with the setbacks specified in the Table 1 of the RDC:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
North Upper	Whole	6.3	13.8	Yes	4.1	2.7 – 8.0
West Lower	Whole	2.9	14.7	No	1.5	1.0 – 2.0

The proposed variations to the required boundary setbacks will be assessed under the performance criteria of the Design Element 3 Clause 3.3.1 (P1), which states the following:

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

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

The proposed reduced setbacks would not affect direct sun and ventilation to the proposed residence or to the adjoining properties, as the property is North-South orientated and most of the shadow from the proposed residence would be cast onto the street.

The proposed reduced setback on the ground floor is to the garage wall, which is not a habitable space and therefore would not cause any privacy issues.

The reduced boundary setback to the northern upper floor wall might create overlooking of the adjoining property to the North, which is a building used for public assembly purposes (Boy Scouts Hall).

It is considered that the potential overlooking would not be an issue as the affected property is not a private residence. It is recommended that the proposed variation to the boundary setbacks be approved as they comply with the relevant performance criteria.

CONCLUSION

It is recommended that the application be conditionally approved in accordance with the submitted plans. The administration considers that a minor incursion into the front setback would not affect the desired streetscape or the amenity of the adjoining properties. The proposed variation to side boundary setbacks comply with the relevant performance criteria.

VOTING

Simple Majority

11.1.10 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council GRANT its Approval to Commence Development for the Two Storey Single Residence at No 12 (Lot 42) Haining Avenue, Cottesloe in accordance with the plans submitted on 24 November, 2003, subject to the following conditions:

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

- (5) The applicant applying to the Town of Cottesloe for approval by the Manager, Engineering Services, to construct a new crossover, where required, in accordance with the local law.**
- (6) Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.**
- (7) The applicant complying with the Town of Cottesloe – Policies and procedures for the Street trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.**

Carried 10/1

11.1.11NO 58 (LOT 122) JOHN STREET – PROPOSED BASEMENT, ALTERATIONS TO EXISTING RESIDENCE AND UPPER FLOOR ADDITION

File No: 58 John
Author: Ms Lilia Palermo
Attachments: Location plan
Plans
Correspondence from applicant
Submissions (2)
Author Disclosure of Interest: Nil
Report Date: 24 November, 2003
Senior Officer: Mr S Sullivan

Property Owner: L. A. Shilton

Applicant: Don Sanders Architect
Date of Application: 24 November, 2003

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 620m²
M.R.S. Reservation: N/A

SUMMARY

Council is in receipt of an application for a basement, upper floor addition and alterations to existing residence on 58 John Street, Cottesloe.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS No 2 N/A
- Town Planning Scheme Policy No 12 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory Category 3
- National Trust N/A

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

Clause	Required	Provided
Clause 5.1.1 – Building Height	Wall Height – 16.5RL	17.2RL

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
No 3 – “Boundary Setbacks”			
East Undercroft	1.5	Nil	Clause 3.3.2 – P2
West Ground	4.8	1.0	Clause 3.3.1 – P1
East Ground	5.1	0.4	Clause 3.3.2 – P1
West Upper	1.5	1.0	Clause 3.3.1 – P1
East Upper	4.2	1.2	Clause 3.3.1 – P1

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

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

The advertising consisted of:

- Letter to Adjoining Property Owners

Submissions

There were 5 letters sent out. There were 2 submissions received, of which 2 were objections. Details of the submissions received are set out below:

56 John Street

- Upper storey windows overlook my property, non-transparent glass should be used.

60 John Street

- We understand that ground floor kitchen window is opaque;
- First floor children's room window is overlooking our back garden, entertainment area, living room and kitchen;
- Construction of cellar on the eastern side can damage our retaining wall;
- No air conditioners should be placed on the eastern wall

BACKGROUND

The subject property is listed in the Town of Cottesloe Municipal Inventory as a Category 3 building, which has the following recommendation:

“Significant as an Individual Building

Retain and conserve is possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.”

STAFF COMMENT**Wall Height**

Clause 5.1.1(c) – Measurement of Building Heights states the following:

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

Single Storey -Roof Height: 6.0 metres

*Two Storey Wall Height: 6.0 metres
Roof height: 8.5*

*Subsequent Storeys Wall height: 6.0 metres plus; 3.0 metres per storey
Roof height: 8.5 metres plus; 3.0 metres per storey*

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

The Natural Ground Level (NGL) at the centre of the site was determined by the administration to be 10.50 RL. The required wall height under the TPS 2 Clause 5.1.1 (c) is 16.50 RL or lesser. The applicant is proposing to have a wall height of 17.20 RL, which is exceeding the statutory height limit by 700mm.

Clause 5.1.1 quoted above states that variations may be permitted in the case of extensions to existing buildings. The existing residence on 58 John Street is listed as category 3 in the Municipal Inventory and is described as being significant as an individual building. It is also located within the draft John Street heritage precinct.

Council did not receive any objections from the adjoining property owners regarding the wall height of the proposed extensions. The shadow cast from the existing building on the 21st June (in accordance with the RDC) is mainly onto the subject site itself and the street due to the North-South orientation of the property.

The applicant is proposing extensions to the existing residence in keeping with the style and character of the existing building. It is recommended that Council use the discretion under the Clause 5.1.1 of the TPS 2 to allow the proposed variation to the wall height of the proposed second storey extension.

Number of Storeys

The applicant is proposing a cellar and a dry-store to be located in the basement level. Town of Cottesloe TPS 2 Clause 5.1.1 states the following:

"In exercising height controls policies Council will not regard as a storey undercroft space used for lift shafts, stairways, or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than 1 metre above the footpath level measured at the centre of the site along the boundary to which the space has frontage or where that space is below the natural ground level measured at the centre of the site as determined by Council."

The above quoted Clause 5.1.1 does not list storerooms or cellars as areas being permitted to be located in the undercroft level. Council previously approved cellars and workshops in the undercroft level providing that such areas are not used for habitable purposes.

It is indicated on the plans that the proposed cellar has a opening on the northern side, which would provide access to natural light for this room. If the intent is to use the proposed storeroom and the cellar for non-habitable purposes only, it does not require access to natural light. It is recommended that the applicant submit an amended plan showing the northern entrance/opening to the basement being deleted and a condition be placed on the approval stating that the areas in the basement level are to be used for non-habitable purposes only.

Boundary Setbacks

The assessment of the application indicated that the following concessions are sought for boundary setbacks:

Wall ID	Wall Name	Wall Height	Wall Length	Major Openings	Required Setback	Actual Setback
East Cellar	Cellar	1.5	10.5	No	1.5	Nil
West Ground	Robe, Ensuite, Laundry, Study	4.5	22.5	Yes	4.8	1.0
East Ground	Kitchen, Family Room	4.8	22.5	Yes	5.1	0.4
West Upper	Bathroom, new bedroom	7.0	9.5	No	1.5	1.0
East Upper	New bedroom, New Children's room	7.5	11.5	Yes	4.2	1.2

The above boundary setbacks do not comply with the setbacks specified in the Table 1 of the RDC and will be considered under the performance criteria of the Design Element 3, which state the following:

Clause 3.3.2 – “Boundary Setback Requirements”

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.*

Clause 3.3.2 – “Buildings on Boundary”

“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 reduced side boundary setbacks on the ground floor are in line with the setbacks of the existing one storey residence. Proposed second storey extension will not contribute to overshadowing of the adjoining properties due to the North-South orientation of the property.

Council received comments from the adjoining property owners to the east and west of the subject site raising possible privacy issues. The windows referred to in the letter from the owners of 56 John Street are the two small windows to non-habitable spaces (bathroom and a staircase) on the upper level. The bathroom and the staircase windows are smaller than 1m² in area. These windows would not be considered as sources of overlooking in accordance with the RDC.

The owner of the adjoining property to the east referred to the kitchen window on the lower eastern wall and the children’s room window on the upper eastern wall as being the sources of overlooking.

The applicant specified that the kitchen window will be glazed with obscure glass or provided with screening. The window on the eastern upper wall is a window to a habitable room (children’s room) and is more than 1m² in area. The children’s room window would be considered as a source of overlooking as it doesn’t have a sufficient setback from the property boundary. It is recommended that a condition be placed on the approval requiring the applicant to provide the window with obscure glazing up to the level of 1.65m measured from the floor level.

It is recommended that the proposed reduced side boundary setbacks be approved by Council subject to the eastern lower and upper floor windows being provided with obscure glazing up to the level of 1.65m measured from the floor level.

CONCLUSION

It is recommended that the application for additions/alterations to the existing residence on the subject site be conditionally approved. The proposed additions/alterations are in keeping with the style and character of the existing residence, which is a Category 3 building on the Municipal Inventory. The administration considers that the variations sought by the applicant to the wall height and the side boundary setbacks would not affect the desired streetscape or the amenity of the adjoining residents.

VOTING

Simple Majority

COMMITTEE COMMENT

Mrs Saleeba addressed the Committee and expressed concern in relation to the upper level window that faces towards her property.

The Principal Building Surveyor advised that the proposed window to the kitchen needed to comply with the Building Codes of Australia.

The Committee agreed that the:

- (i) glazing in the kitchen had to be obscure glazing or removed.
- (ii) upstairs eastern bedroom window should be fixed obscure glazing to a height of 1.65m or the sill height being 1.65m
- (iii) bathroom window on the west side should also be subject to option in (ii) above.

The Committee also resolved to delete condition (h)(ii).

OFFICER RECOMMENDATION

That Council:

- (1) GRANT its Approval to Commence Development for the alterations to the existing residence and basement and upper storey additions at No 58 (Lot 122) John Street, Cottesloe in accordance with the plans submitted on 24 November, 2003, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.

- (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development requires the removal, replacement, protection or pruning of street trees for development.
 - (f) The applicant making an agreed contribution to the upgrade of the footpath adjacent to the development.
 - (g) Any front boundary fencing to the site being of an “Open Aspect” design and the subject of a separate application to Council.
 - (h) Revised plans being submitted for approval by the Manager, Development Services, showing the kitchen window on the lower eastern wall and the children’s room window on the upper eastern wall being provided with opaque glazing up to the level of 1.65m measured from the floor level in accordance with the Residential Design Codes.
 - (i) The basement not being used for habitable purposes;
 - (ii) Northern entrance to the basement being deleted.
- (2) Advise the submitters of this decision.

COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) GRANT its Approval to Commence Development for the alterations to the existing residence and basement and upper storey additions at No 58 (Lot 122) John Street, Cottesloe in accordance with the plans submitted on 24 November, 2003, subject to the following conditions:
 - (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
 - (b) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
 - (c) The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.
 - (d) The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.
 - (e) The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development

requires the removal, replacement, protection or pruning of street trees for development.

- (f) The applicant making an agreed contribution to the upgrade of the footpath adjacent to the development.
 - (g) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the kitchen window on the lower eastern wall being deleted or provided with glass blocks;
 - (ii) the children's room window on the upper eastern wall and the bathroom window on the western side being provided:
 - (A) with fixed obscure glazing up to 1.65m measured from the floor level in accordance with the Residential Design Codes; OR
 - (B) the sill height of the opening being a minimum of 1.65m above the floor level in accordance with the Residential Design Codes.
- (i) the basement not being used for habitable purposes; and
- (2) Advise the submitters of this decision.

11.1.11 COUNCIL RESOLUTION

That Council:

- (1) **GRANT its Approval to Commence Development for the alterations to the existing residence and basement and upper storey additions at No 58 (Lot 122) John Street, Cottesloe in accordance with the plans submitted on 24 November, 2003, subject to the following conditions:**
 - (a) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
 - (b) **Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve, rights of way or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
 - (c) **The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
 - (d) **The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining, or nearby neighbours, following completion of the development.**
 - (e) **The applicant complying with the Town of Cottesloe – Policies and Procedures for the Street Trees, February 2000, where development**
-

requires the removal, replacement, protection or pruning of street trees for development.

- (f) The applicant making an agreed contribution to the upgrade of the footpath adjacent to the development.
 - (g) Any front boundary fencing to the site being of an "Open Aspect" design and the subject of a separate application to Council.
 - (h) Revised plans being submitted for approval by the Manager, Development Services, showing:
 - (i) the kitchen window on the lower eastern wall being deleted or fire rated window with obscure glazing or glass blocks;
 - (ii) the children's room window on the upper eastern wall and the bathroom window on the western side being provided:
 - (A) with fixed obscure glazing up to 1.65m measured from the floor level in accordance with the Residential Design Codes; OR
 - (B) the sill height of the opening being a minimum of 1.65m above the floor level in accordance with the Residential Design Codes.
- (i) the basement not being used for habitable purposes; and
- (2) Advise the submitters of this decision.

Carried 10/1

11.1.12 NO 293 (LOT 6) MARMION STREET – CLEARANCE OF SUBDIVISION CONDITIONS

File No:	293 Marmion Street
Author:	Mr D Heymans
Attachments:	Location plan Photo Correspondence from owner (2)
Author Disclosure of Interest:	Nil
Report Date:	25 November, 2003
Senior Officer:	Mr S Sullivan
Property Owner:	Glen Buckley
Applicant:	As above
Date of Application:	12 September 2003
Zoning:	Residential
Density:	R20
Lot Area:	665m²
M.R.S. Reservation:	N/A

SUMMARY

The purpose of this report is to seek clearance of subdivision conditions which the applicant has requested Council waive in order to retain an existing house. Given the assessment that has been undertaken the recommendation is to approve the request from the owner.

STRATEGIC IMPLICATIONS

N/A.

STATUTORY ENVIRONMENT

- Residential Design Codes
- Building Codes of Australia

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

BACKGROUND

The applicant has received subdivision approval for the creation of three lots from two existing lots. The properties in question are located on the corner of Hawkstone Street and Marmion Street.

The subdivision approval allowed for the retention of two existing houses on the lots. The older house, which is located on the corner of Hawkstone Street and Marmion Street, is required to be upgraded to a suitable standard in accordance with the Building Codes of Australia. In addition, two parking bays, one of which is to be covered, are also required to be provided in accordance with the conditions of the subdivision.

The house dates from around 1905 and has considerable character. The applicant has stripped the old house of all wet areas, so that now no toilets, bathrooms or kitchen exist. The applicant wishes to give potential purchases the option of retaining the building or demolishing it.

The applicant has further stated that it is not financially viable to upgrade the house at this stage and would prefer not to demolish the house now, but give an opportunity for the house to be retained by a future owner.

Furthermore the applicant has stated that the house is also not habitable at this point in time and that when the property is sold the new owner would either have to demolish the house or upgrade the house in accordance with Council's requirements.

DISCUSSION

The house is clearly not habitable at this stage and requires significant renovations to bring it into compliance with the Building Codes of Australia. Allowing the building to be retained in its current state for a lengthy period of time is also not an attractive option either.

Notwithstanding, the sale of this property would most likely result in either a demolition application or a development application for extensions and alterations.

The prospect of this building being retained may be high as the building is only located approximately 2.5m from the front boundary and 200 mm from the side boundary and therefore variations to setbacks may be available for any new development subject to Council's approval.

The administration believes that the existing dwelling should be allowed to be retained in its current status without the conditions of subdivision being complied with.

Therefore the recommendation is to clear conditions No. 4 and 6 of subdivision approval No. 122231 for 291 & 293 Marmion Street Cottesloe without the works being undertaken.

CONCLUSION

It is recommended that the request from the applicant be approved.

VOTING

Simple Majority

11.1.12 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council advise the applicant that it is prepared to clear conditions No. 4 and 6 of subdivision approval 122231 for 291 & 293 (Lot 3 & Pt Lot 16) Marmion Street Cottesloe.

Carried 11/0

11.1.13 NO 68 (LOT 37) BROOME STREET - SURVEY STRATA REFERRAL

File No:	68 Broome Street
Author:	Ms Lilia Palermo
Attachments:	Location Plan Correspondence from WAPC Tax map
Author Disclosure of Interest:	Nil
Report Date:	14 November, 2003
Senior Officer:	Mr S Sullivan
Property Owner:	Y. R. Quann
Applicant:	Brown McAllister Survey Consultants
Date of Application:	14 November, 2003
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Density:	R20
Lot Area:	1251m²
M.R.S. Reservation:	N/A

SUMMARY

Council is required to send a response to the WA Planning Commission in regards to a proposed survey – strata subdivision of 68 Broome Street, Cottesloe. It is proposed to subdivide the subject lot into two survey strata lots.

Given the assessment that has been undertaken, the recommendation is to recommend to the WAPC that Council does not support the application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

N/A.

HERITAGE LISTING

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

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town of Cottesloe Town Planning Scheme No 2 - Text

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

Town Planning Scheme Policy/Policies

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

Residential Design Codes

Design Element	Acceptable Standards	Provided	Performance Criteria Clause
N/A	N/A	N/A	N/A

STRATEGIC IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

N/A.

Consultation

REFERRAL

Internal

- Building
- Engineering

External

N/A.

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

It is proposed to divide 68 Broome Street into two survey strata lots, one lot being 811m² and the other 440m². The proposed lots would have frontage to Broome Street. The existing structures on 68 Broome Street are proposed to be demolished.

STAFF COMMENT

The subject lot is zoned Residential, with R20 density assigned to it. The proposal to divide the existing 1251m² lot into two survey strata lots (811m² and 440m²) complies with the minimum site requirement of 440m² and average site requirement of 500m² in accordance with the RDC.

However the proposed survey strata subdivision proposal does not comply with the 10m frontage requirement under the RDC for lots in areas coded R20. It is proposed that lots would have frontage of Lot B 9.73 m and Lot A - 9.76 m.

Proposed Lot B is an irregular shape lot having a narrow frontage with the side boundaries being over 66m long. The following is stated in the Planning Commission's Development Control Policy Manual – Policy 2.2 "Residential Subdivision":

"Single residential lots should be rectangular in shape to accommodate project housing, with preferably a greater depth than width to maximise private space, privacy and amenity together with an economy of street frontage. Frontage to depth ratios of between 1:1.5 and 1:2 have been common in practice and have proved effective".

The proposed lots have a frontage to depth ratio of 1:6 and 1:4, which is exceeding the recommended ratio of 1:2. The proposed narrow frontage will affect the existing streetscape, as the majority of the properties along Broome Street have a frontage of 20m and above.

The sizes of lots between Rosser and Jarrad Street with the frontage to Broome Street would not allow for further subdivision, unless the area is rezoned to a higher density. If the proposed survey strata subdivision of 68 Broome Street is supported it would result in a creation of two lots with frontages that are inconsistent with the width of the existing street frontages in the locality.

The subject lot has sufficient area to accommodate a battleaxe design, which might be a better option in this case as it would allow for a wider frontage, a better frontage to depth ratio, and lot sizes that are more consistent with the sizes of the existing lots in the locality.

CONCLUSION

It is recommended that Council advise the WAPC that it does not support the proposed subdivision as the proposal does not comply with the required 10m frontage for lots in R20 density area, proposed lot B is of irregular shape and both of the proposed lots have frontage to depth ratio that is inconsistent with the recommended ratio of between 1:1.5 and 1:2. The proposed narrow frontage of less

than 10m will create a negative effect on the streetscape of the locality due to the proposed frontage width being inconsistent with the existing frontages of surrounding lots.

VOTING

Simple Majority

11.1.13 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That:

- (1) **Council advise the Western Australian Planning Commission that it objects to the proposed subdivision at No 68 (Lot 37) Broome Street, Cottesloe (WAPC Ref No: 1248-03) for the following reasons:**
 - (a) **The proposal is inconsistent with the requirement of the Residential Design Codes relating to minimum frontage of 10m,**
 - (b) **The proposed survey strata subdivision will have a negative effect on the streetscape of the locality as the frontage width of the proposed lots is inconsistent with the existing lot frontages in the area.**
- (2) **A copy of the officer's report be sent to the Western Australian Planning Commission**

Carried 9/2

11.1.14 OPTIONS FOR BEACHFRONT DEVELOPMENT

File No: D4.14
Author: Mr S Sullivan
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

To seek Council direction in relation to the recommendations from the Beachfront Workshops.

STATUTORY ENVIRONMENT

The matters raised in the recommendations could be impacted by the following legislation:

- Town of Cottesloe Town Planning Scheme No. 2
- Metropolitan Region Scheme
- Heritage of Western Australia Act 1990
- Land Administration Act
- Local Government Act 1995

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

If the recommendations are to be incorporated into the proposed Town Planning Scheme, then the work would need to be undertaken by consultants to progress this matter as it will require major changes to the draft Town Planning Scheme or the existing Town Planning Scheme. Budgeting may be an issue depending upon the path Council seeks to follow.

BACKGROUND

Council has carried out five workshops to formulate recommendations that provide a direction for development of the public domain and the private land that fronts onto that public domain. The boundaries of the study area included the area that encompassed the beachfront between Forrest Street/Cottesloe groyne through to the south side of the Grant Street Marine Parade Park, and those properties fronting onto Marine Parade.

The recommendations cover various matters including objectives for this space, standards and future work/studies.

At its November, 2003 meeting, Council resolved as follows:

- (1) *That a formal meeting of the Design Advisory Panel be convened to "sign off" on the outcomes of the beachfront development workshops.*
- (2) *That any proposals of the Design Advisory Panel on beachfront development be referred through to Council for further consideration.*
- (3) *That discussion on the remainder of the aspects of Town Planning Scheme No. 3 be carried out in an expedited process and all matters be put to community consultation as soon as practicable.*

On the 1 December 2003, a meeting of the Design Advisory Panel was held to consider the recommendations from the workshops that were held with the Design Advisory Panel, Councillors and the Manager, Development Services.

At that meeting, the Panel reviewed the recommendations of the workshop. There were certain changes made to the document. A copy of the revised draft recommendations from the workshops are part of the attachments to this agenda.

STAFF COMMENT

Council has now reached a stage where is at point (2) of the November 2003 resolution of Council. That is, Council now needs to give further consideration to the recommendations that have been developed from the various workshops and which direction it wishes to take in this matter.

Once council has reviewed those recommendations, then there are a number of options Council could choose and these include:

Option 1 – Community Consultation

Formulate a community consultation process to engage the community to ascertain their views on the recommendations. Following the consultation process, determine the next steps in the process.

Option 2 – Modify the Draft No. 3 Town Planning Scheme

Instruct the Manager, Development Services to amend the draft Town Planning Scheme to incorporate the appropriate recommendations into the draft Town Planning Scheme.

Option 3 – Modify the Existing Town Planning Scheme

Instruct the Manager, Development Services to prepare a draft Amendment to the existing Town Planning Scheme.

Option 4 – Do nothing at this stage

Take no further action for the time being.

Variations to these options are possible depending upon the direction Council wishes to follow.

Changes to the current or proposed Town Planning Scheme would require Consultants to be engaged to ascertain those matters that are covered by the Town Planning Scheme and formulate the relevant scheme provisions.

The current consultant is carrying out work on the draft Housing Strategy. However, with her recent appointment, she would not be able to continue with any additional work. She has progressed the draft Local housing Strategy to where it could be classed as a first stage report.

Changes to the Scheme Map following the proposed January workshop would impact on any further work that she needed to do to finalise the Local Housing Strategy. Consequently, she has been requested to complete the work as a first stage report. Any additional work would need to be undertaken by new Consultants.

Further, if Council undertakes any further workshops or changes to the draft Town Planning Scheme, then it would need to engage new Consultants to undertake that work.

CONCLUSION

Once Council has reviewed the recommendations of the Beachfront Workshops, it then needs to determine what action it wishes to take in relation to this matter.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee agreed to proceed with option 2. They were also of the opinion that the documents relating to the beachfront workshops be displayed at the library and Council offices for the public to view and comment on.

NOTE: The recommendations from the workshop were inadvertently not included in the attachments to the agenda for the December Development Services Committee meeting. The recommendations have been included as an attachment to the Development Services Committee Minutes and Council agenda.

OFFICER RECOMMENDATION

For determination by Council.

COMMITTEE RECOMMENDATION

Moved Cr Furlong, seconded Cr Jeanes

That Council:

- (1) Request the Manager, Development Services to amend the draft Town Planning Scheme to incorporate the appropriate recommendations into the draft Town Planning Scheme.
- (2) Place the recommendations from the beachfront workshops on display to the community at the Library and Council offices for their information and comment.

AMENDMENT

Moved Mayor Rowell, seconded Cr Furlong

That the following be added to the Committee Recommendation:

- (3) That the draft Town Planning Scheme No. 3 go out for public consultation by 30 April 2004.

Lost 5/6

AMENDMENT

Moved Cr Morgan, seconded Cr Cunningham

That the Committee Recommendation be amended as follows:

That Council place the recommendations from the beachfront workshops on display to the community at the Library, Council offices, on Cottnet and the newsletter in the Post for their information and comment.

Carried 9/2

11.1.14 COUNCIL RESOLUTION

That Council place the recommendations from the beachfront workshops on display to the community at the Library, Council offices, on Cottnet and the newsletter in the Post for their information and comment.

Carried 9/2

11.1.15 REPORT ON THE STATUS OF THE MUNICIPAL INVENTORY AND HERITAGE IN COTTESLOE

File No: D3.3
Author: Mr S Sullivan
Author Disclosure of Interest: Nil
Report Date: 27 November, 2003
Senior Officer: Mr S Tindale

SUMMARY

To seek direction from Council in relation to this matter.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Heritage of Western Australia Act 1990

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 12

STRATEGIC IMPLICATIONS

The report seeks to establish a strategic direction from Council in relation to heritage within the Town of Cottesloe.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

At its October 2003 meeting, Council considered a report from the staff in relation to the Municipal Inventory and heritage. Council resolved to defer consideration of this matter and requested an education session to be arranged.

On the 19 November 2003, Mr Patric de Villiers (Chair of the Heritage Council), Mr John Woodhouse (Watts and Woodhouse) and the Manager, Development Services addressed Councillors on heritage matters.

STAFF COMMENT

Following on from the heritage session, this matter is now referred to Council for direction.

VOTING

Simple Majority

COMMITTEE COMMENT

The Mayor moved that a Heritage Workshop be held in March 2004 to deal with heritage.

OFFICER RECOMMENDATION

For determination by Council.

11.1.15 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council conduct a Heritage Workshop in March 2004 to consider heritage matters.

Carried 11/0

11.1.16 NO 94 (LOT 6) GRANT STREET – REQUEST FOR REMOVAL OF PROPERTY FROM MUNICIPAL INVENTORY AND TOWN PLANNING SCHEME POLICY NO. 012

File No: 94 Grant Street
Author: Mr D Heymans
Attachments: Location plan
Correspondence from owner
Photo
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Sullivan

Property Owner: Mrs Dyer

Applicant: As above
Date of Application:

Zoning: Residential
Use: P - A use that is permitted under this Scheme
Density: R20
Lot Area: 686m²
M.R.S. Reservation: N/A

SUMMARY

Council has received a request to remove the building at No. 94 Grant Street from the Town of Cottesloe Municipal Inventory and Policy No. 012 – Places of Cultural Heritage Significance. The recommendation is to defer the application.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

POLICY IMPLICATIONS

- Places of Cultural and Heritage Significance Policy No 012

HERITAGE LISTING

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

STRATEGIC IMPLICATIONS

Application for removal of properties from various heritage listings such as Municipal Inventory, Policy No.12, Schedule 1 and Draft Heritage Areas should be deferred until such time as Council makes a decision regarding the appropriate procedure for dealing with heritage issues.

FINANCIAL IMPLICATIONS

N/A.

CONSULTATION

ADVERTISING OF PROPOSAL

The application was not required to be advertised.

BACKGROUND

The property is located on the northern side of Grant Street between Elizabeth Street and Griver Street. The building was originally constructed around 1915 and is a weatherboard cottage with a zincalume roof. The building is one of the few remaining weatherboard cottages of this period in North Cottesloe. The building has undergone recent renovations including the façade which the Municipal Inventory acknowledges.

STAFF COMMENT

The property at No. 94 Grant Street is classified as a Category 2 building under the Town of Cottesloe Municipal Inventory. Category 2 is summarised as:

"2.- Maximum Incentives under Town Planning Scheme

High level of protection appropriate: provide maximum encouragement to the owner under the Town planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment or demolition. Recommendations. Incorporate Heritage Precincts within the Town Planning Scheme and cover with development guidelines and incentives."

The Municipal Inventory describes the building as:

"Weatherboard cottage c 1915 with symmetrical "Georgian Revival" facade. Hipped roof of zincalume. Tall corbelled chimneystack with terracotta pots. Pair of double -hung windows equidistant from the front door which is Edwardian with stained glass in central and upper panel. Sidelights and fan light are in the same interesting Art Nouveau glass incorporating hearts, stylised peacock tails in rose, green and turquoise glass. Very attractive. Turned verandah posts to the bull nosed verandah have fretted brackets and a small frieze between. The wooden verandah has a slatted skirt. The house sits forward on the block with a narrow formal garden between it and the new picket fence. The building has been recently restored and it is difficult to differentiate between the replacement and the original."

The Historical Significance is:

"An attractive wooden cottage of an older style in excellent condition. One of few from this date in North Cottesloe."

The Municipal Inventory is a document that provides a database of significant heritage places within the locality. Development of the properties is not necessarily restricted solely by the fact that they are registered in the Municipal Inventory.

Therefore it is considered by the administration that removal of properties from the Municipal Inventory are not appropriate. The Municipal Inventory is merely a historical record of significant heritage places in the district and it does not

predetermine the development potential of properties included in listing. Removal of the properties from the list would undermine the potential of the public to learn about the historical development of the built environment in the municipality

No 94 Grant Street is also listed under the Town Planning Scheme Policy No. 012 – “Places of Cultural heritage Significance”

Policy No. 012 states that:

“the places identified in Categories 1 & 2 of the Municipal Inventory contribute significantly to the character of Cottesloe, and Council is conscious that they form an integral part of the character, amenity and ‘sense of place’ of the suburb”.

The main objectives of Policy No. 012 are:

“To protect existing places of cultural heritage significance, and to maintain the character, amenity and ‘sense of place’ of the suburb.

To ensure that any additions or alterations to existing places are sympathetic to the cultural heritage significance of the building”

It is specifically stated in Policy No. 012 that demolition of places covered by the policy will not be supported by Council, unless it is demonstrated to Council’s satisfaction that the listed building is not of local cultural heritage significance.

The policy also outlines the development assessment requirements for any applications for development of properties included in Town Planning Scheme Policy 12 and specifies the information required to be submitted with the applications for development or demolition.

Removal of the property from the listing under TPS Policy No. 012 would potentially allow the owners of the property to gain demolition or development approval under delegated authority and without addressing the development assessment requirements outlined in the TPS Policy No. 012.

In addition Council has approved the removal of another property at No. 1 Broome Street from Policy No. 012 which is required to be advertised. Removal of a second property from Policy No. 012 would also be required to be advertised and the administration considers that the continuous removal of properties from heritage lists should be controlled so that the amount of time involved in advertising individual removals be reduced.

Assessment of the request to remove No. 94 Grant Street from Policy No. 012 should be deferred until such time when Council makes a determination on the procedure for dealing with heritage issues in the Town of Cottesloe, which would ensure consistent and fair approach to assessing requests and development applications involving heritage matters.

CONCLUSION

That the request for removal from the Municipal Inventory and from Policy No. 012 be deferred.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council Defers consideration of the request for removal of No. 94 Grant Street, Cottesloe from the Municipal Inventory and Policy No. 12 listings until the time when Councils makes a determination on the procedure for dealing with heritage matters.

COMMITTEE RECOMMENDATION

The majority of the Committee were of the opinion that this property should be removed from the Municipal Inventory and the Town Planning Scheme Policy No. 12.

11.1.16 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council remove No. 94 Grant Street, Cottesloe from the Municipal Inventory and Town Planning Scheme Policy No. 12.

Carried 7/4

11.1.17 AMENDED TOWN PLANNING POLICY NO. 12

File No:	Policy No. 12
Attachments	Amended Policy No. 12
Author:	Mr D Heymans
Author Disclosure of Interest:	Nil
Report Date:	3 December, 2003
Senior Officer:	Mr S Sullivan

SUMMARY

Council at its meeting in October 2003 resolved to remove No. 1 Broome Street from Town Planning Scheme Policy No. 12.

Council is now required to adopt an amended Policy No. 12 for advertising, however another request for removal of a property from Policy No. 12 has also been received. Therefore Council can either adopt the amended policy for advertising now or delay the advertising pending the fate of the new request.

If it is determined that the property at No. 94 Grant Street is removed (Item 1.16), then the advertising can be carried out together and thereby reduce costs.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Policy No. 012

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Council at its meeting on the 27 October 2003 resolved to remove No. 1 Broome Street from the Municipal Inventory and Policy No. 12. In order for the property to be removed from Policy No. 12 Council has to adopt an amended policy for advertising.

STAFF COMMENT

Since Council's resolution on the 27 October 2003 Council has received another application for the removal of No. 94 Grant Street from Town Planning Scheme Policy No. 12. The administration believes that to reduce time-consuming advertising of changes to policies every time a new request is received, Council should defer the advertising of this change until a decision has been made on the fate of No. 94 Grant Street and until a decision has been made on the overall heritage strategy being taken by Council.

Therefore the administration recommends that Council delay the advertising of the amended Policy No. 12 pending the outcome of the item dealing with No. 94 Grant Street and the overall heritage strategy.

VOTING

Simple Majority

OFFICER RECOMMENDATION

For determination by Council.

11.1.17 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council defer this matter until after the Heritage Workshop in March 2004.

Carried 11/0

11.1.18 DELEGATION DURING JANUARY 2004 RECESS

File No: X4.6
Author: Mr S Sullivan
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

To seek additional delegation powers during the Christmas and January 2004 Council recess.

The delegation is based on Council's December 2002 resolution. However, a modified point (3) has been added to include the need for the staff to include those items into a delegation list, with Councillor call in powers.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No. 2

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The following resolution was passed by Council at its December 2002 meeting:

- (1) *In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Manager of Development Services under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from Tuesday, 17 December, 2002 to Friday, 7 February, 2003.*
- (2) *In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Chief Executive Officer under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from the 2 January, 2003 to 28 January, 2003 when the Manager, Development Services is on leave.*
- (3) *The exercise of those powers referred to in (1) and (2) are granted subject to the relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the application.*

STAFF COMMENT

It is requested that the Manager of Development Services and the Chief Executive Officer be granted additional delegated authority, to determine applications beyond their current delegation powers, in consultation with the Development Services Chairperson, during the Christmas and January recess.

The Manager, Development Services will be on leave from Monday 22 December, 2003 through to Tuesday 27 January, 2004 inclusive.

Part (3) has been modified so that any decisions to be made using this delegation, are subject to the current delegated authority call in powers.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee moved to amend condition (1) by adding at the end (1), the words 'in conjunction with the Chief Executive Officer'.

OFFICER RECOMMENDATION

That Council

- (1) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Manager of Development Services under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from Tuesday, 16 December, 2003 to Friday, 6 February, 2004.
- (2) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Chief Executive Officer under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from the 5 January, 2003 to 27 January, 2004 when the Manager, Development Services is on leave.
- (3) The exercise of those powers referred to in (1) and (2) are granted subject to:
 - (a) the relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the application; and
 - (b) a list of items to be dealt with under this delegation, is to be identified and included in the weekly list of Delegated Authority Items that:
 - (i) is to be circulated on a weekly basis to all Councillors; and
 - (ii) subject to the current call in arrangements for Delegated Authority Items.

11.1.18 COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council

- (1) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Manager of Development Services under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from Tuesday, 16 December, 2003 to Friday, 6 February, 2004 in conjunction with the Chief Executive Officer.**
- (2) In addition to the existing delegated authority for determination on applications for Planning Consent and subject to (3), Council hereby further delegates to the Chief Executive Officer under Clause 7.10.1 of the No. 2 Town Planning Scheme Text, authority to make a determination on those applications for Planning Consent that are beyond his current delegated powers for the period from the 5 January, 2003 to 27 January, 2004 when the Manager, Development Services is on leave.**
- (3) The exercise of those powers referred to in (1) and (2) are granted subject to:**
 - (a) the relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the application; and**
 - (b) a list of items to be dealt with under this delegation, is to be identified and included in the weekly list of Delegated Authority Items that:**
 - (i) is to be circulated on a weekly basis to all Councillors; and**
 - (ii) subject to the current call in arrangements for Delegated Authority Items.**

Carried 11/0

11.1.19 NO. 45 BROOME STREET – SECOND APPEAL – PROPOSED TWO STOREY SINGLE HOUSE

A previous application was received for the demolition of an existing heritage listed building and the construction of a new dwelling. Council refused both requests and both these decisions were subject of an appeal to the Town Planning Appeal Tribunal. The tribunal upheld the first appeal to allow the demolition of the existing dwelling.

However the Tribunal has yet to make a determination on the proposed new dwelling for 45 Broome Street. As the demolition of the heritage-listed building has now been allowed Council holds no objection to the proposed new dwelling.

Therefore Council needs to consent to the appeal being allowed with no order of costs and place condition on the approval of the new dwelling.

Attached is correspondence from Council's Solicitors and the applicants Solicitors outlining the above position.

COMMITTEE COMMENT

The Committee had no objections to the resolution. However, as they were not involved in the original decision, they requested a copy of the officers report and plans be circulated to the Councillors before the Council meeting.

COUNCIL COMMENT

The Council sought to ensure that the location of the crossover for the site was satisfactory from an engineering perspective, due to its proposed location on Broome Street

11.1.19 COUNCIL RESOLUTION**That Council:**

Moved Cr Furlong, seconded Cr Jeanes

- 1. Supports the appeal subject to no order of costs and the imposition of appropriate conditions of planning consent.**
- 2. Request the Manager Development Services to:**
 - (a) Prepare the necessary conditions of approval subject to confirmation that the proposed crossover is safe;**
 - (b) Inform Council's solicitors of its decision.**

Carried 11/0

11.2 BUILDING**11.2.1 NO. 45 (LOT 91) GRIVER STREET - UNAUTHORISED STRUCTURE - PATIO**

File No: 45 Griver Street
Author: Mr L Stone
Attachments: Location plan
Plan
Structural report
Author Disclosure of Interest: Nil
Report Date: 3 December, 2003
Senior Officer: Mr S Sullivan

SUMMARY

A patio, 9.5m long and 5.14m wide, has been constructed at the above address without Council approval. The matter of whether Council wishes to take action in relation to the unauthorised work is submitted for consideration.

STATUTORY ENVIRONMENT

Town of Cottesloe Town Planning Scheme No.2.
Residential Design Codes
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

The owner of the above property, Mr Munn, contacted Council to arrange an inspection of structural changes made to an existing patio without Council notification or approval.

Mr Munn had purchased the property at 45 Griver St which had an existing flat roofed patio located at the rear of the dwelling. He was under the apprehension that all structures on the property had Council approval at time of purchase.

The existing patio had been constructed using timber structural members. Mr Munn was concerned about the patio's structural integrity, as termites had attacked the timber.

Mr Munn arranged for a roof carpenter to make good the existing structure. The contractor advised him that as the structure existed, then Council approval was not required for the alterations.

Council's Building Surveyor undertook an inspection of the modified patio on 24 October 2003. The inspection revealed that the timber posts were replaced with rendered brick piers and the roof frame changed from a flat roof to a pitched roof.

Council's Building Surveyor advised Mr Munn that the structure would require certification by a Structural Engineer due to the beam and rafter spans. Council received certification of the structure by Stokes Engineering on 8 October 2003.

A search of Council's records failed to identify any approvals for the original flat roofed patio and Mr Munn was advised to submit as constructed drawings for consideration by Council. Professionally drawn plans were received on 4 November 2003.

STAFF COMMENT

The patio at the rear of 45 Griver St has been constructed without Council's Planning or Building approval.

The structure has the necessary setbacks to the side and rear allotment boundaries and does not impact on other properties or the streetscape. Council has not received any objections to the structure from affected adjoining property owners.

The structure has been soundly constructed, built in a workman like manner and certified by a Structural Engineer.

It is almost certain that if an application for Planning Consent and Building Licence had been submitted, approval would have been granted.

Should this matter have been referred to the Hon. Minister for Housing and Works; Racing and Gaming; Government Enterprises; Land Information for removal under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960, then on appeal, Council's Building Surveyor would support the retention of the structure.

CONCLUSION

Given the above report, it is recommended that Council make a determination in relation to the unauthorised patio. In this regard Council may choose one of the following options:

- Require the patio to be removed; or
- Accept the patio as it has been constructed.

VOTING

Simple Majority

11.2.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Furlong, seconded Cr Jeanes

That Council advise the owner that:

- (1) The existing pergola structure is an unauthorised structure;**
- (2) The changes to the structure require Council approval;**
- (3) Having regard to the circumstances and the structure, Council exercises its right not to prosecute or require the removal of the structure;**
- (4) The structure will remain as an unauthorised structure.**

Carried 11/0

12 WORKS AND CORPORATE SERVICES COMMITTEE MEETING HELD ON 9 DECEMBER 2003**12.1 ADMINISTRATION****12.1.1 CARE FOR COTTESLOE COMMITTEE - REINSTATEMENT OF COTTESLOE CAT**

File No: X8.23
Author: Dr K Murphy
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

A recommendation is made to reinstate the Cottesloe Cat (shuttle bus) for the 2003/2004 summer season.

Specifically that:

1. Council grant approval for Care for Cottesloe representatives and the Community Development Officer to seek sponsorship funding for the cost of running the Cottesloe Cat.
2. Council provide any funding shortfall from ordinary revenue to a maximum of 50% of the total cost of the Cottesloe Cat with an absolute maximum of \$10,000.

STATUTORY ENVIRONMENT

Section 3 of the Local Government Act provides in part as follows:

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

3.2. Relationship to State Government

The scope of the general function of a local government in relation to its district is not limited by reason only that the Government of the State performs or may perform functions of a like nature.

3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
 - (2) In performing its executive functions, a local government may provide services and facilities.
 - (3) A local government is to satisfy itself that services and facilities that it provides —
-

- (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (c) are managed efficiently and effectively.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Within its strategic plan - under the heading of District Development and the subheading of Environment - the Town of Cottesloe has the following traffic management and safety objective:

A system which promotes safety and the "travelSmart" concept, incorporates widespread use of 50km/hr speed limits and a community bus service, removes through freight traffic and resists any move to a 4 lane highway on Curtin Avenue [emphasis added].

FINANCIAL IMPLICATIONS

Currently, there are no funds allocated in the budget for this service.

BACKGROUND

The Cottesloe Cat operated last summer between Saturday December 6 and Monday March 3. It only operated on weekends and public holidays making the trial 30 days in total. It operated twelve hours a day between 7 am and 7 pm and completed a circuit every 30 minutes. Trains from Perth (south bound) and Fremantle (north bound) arrive in Cottesloe at approximately the same time throughout the weekend at fifteen minute intervals. The Cottesloe Cat was able to coincide with every second influx of passengers.

The service was well used, 13,340 passenger movements were recorded out of a potential 14,400 (30 [days] * 24 [trips] * 20 [seats]). On many occasions between 10 am and 6 pm the drivers turned away potential passengers.

The Cottesloe Cat:

- reduced parking pressure and pedestrian numbers - along Forrest Street in particular;
- was a community presence: contributing to reduced litter and vandalism; and
- provided extra surveillance – the drivers contacted Town of Cottesloe Rangers, local and rail police when necessary.

As time went on:

- increasing numbers of locals used the service;
- there was an increase in returning passengers to the stations; and
- there was an increased use by waterfront business staff and back-packers

Wanneroo BusLink was the service provider. The bus was a 20-seat, air-conditioned Toyota Coaster. Public liability cover was included in the hire rate. Last year's quote was as follows:

Bus hire:	\$3,920	(\$140/day x 2 days/weekend x 12 weeks plus \$140/day x 4 public holidays) with an additional charge for daily kms over 100km
Fuel:	\$ 840	(\$30/day x 2 days/weekend x 12 weeks plus \$30/day x 4 public holidays)
Driver:	\$10,800	(\$27p/hr x 12 hours x 12 Saturdays plus, \$36p/hr x 12 hours x 12 Sundays plus \$36p/hr x 12 hours x 4 public holidays)
Total:	\$15,560	

Wanneroo BusLink has been contacted and is keen to provide the service again at the same rate as last year except for when the bigger bus is used. On approximately 6 of the hotter days BusLink used a bigger bus to cater to demand. They require an additional \$10 per day to cover fuel use for the bigger bus.

An application for "Cool Communities" funding towards the provision of the bus service was unsuccessful and at the last meeting of the Care for Cottesloe Committee a decision was made to approach Council for its support in lieu of the absence of "Cool Communities" funding.

STAFF COMMENT

There are three areas that need to be taken into consideration in regard to the reinstatement of the Cottesloe Cat:

- 1) the route needs to be reassessed prior to commencement;
- 2) South Cottesloe is no longer well serviced by public transport; and
- 3) the need to manage the tourist influx to Cottesloe over summer.

If funding for the Cottesloe Cat is secured enabling it to operate this summer then before commencement the route should be reassessed. There is the potential to make the route shorter enabling the bus to meet all trains at Cottesloe Station. It may also be possible to decrease the length of time it operates to meet the peak demand between 10 am and 6 pm. It is recommended this route be decided upon by the Care for Cottesloe Committee in consultation with the drivers from Wanneroo BusLink and the Town's TravelSmart Officer.

Transperth has altered the Route 72. This bus no longer loops through South Cottesloe via Salvado Street. It now only goes as far south as Jarrad Street. For most residents this is not a major loss for they are capable of walking the extra distance to the bus or train. However, for the elderly, the young or those with restricted mobility this does adversely affect their ability to access facilities. There is the potential for the Cottesloe Cat to offset the gap left by the alteration to Route 72.

Cottesloe Beach is an iconic site that will always attract a great number of visitors especially over the summer season. The challenge for the Town of Cottesloe is to make this influx a positive experience for visitors and residents alike. The Cottesloe Cat limits pedestrian traffic through a residential area and keeps it restricted to the recreational beach area. It encourages visitors to leave their cars at home. Consequently, the impacts of pollution noise and parking are reduced for residents. Thus the Cottesloe Cat provides very real benefits to the Cottesloe Community.

VOTING

Absolute Majority – unbudgeted expenditure.

COMMITTEE COMMENT

The Committee felt that the bus service was a worthy cause and that it should not be allowed to fail for lack of sponsorship.

OFFICER RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Grant approval for Care for Cottesloe representatives and the Community Development Officer to seek sponsorship funding for the cost of running the Cottesloe Cat.
- (2) Provide any funding shortfall from ordinary revenue to a maximum of 50% of the total cost of the Cottesloe Cat with an absolute maximum of \$10,000.
- (3) Delegate power to the CEO to decide the final route of the Cottesloe Cat.

COMMITTEE AMENDMENT (lost for want of an absolute majority)

That Council:

- (1) Grant approval for Care for Cottesloe representatives and the Community Development Officer to seek sponsorship funding for the cost of running the Cottesloe Cat.
- (2) Provide any funding shortfall from ordinary revenue of the total cost of the Cottesloe Cat with an absolute maximum of \$15,000.
- (3) Delegate power to the CEO to decide the final route of the Cottesloe Cat.

COMMITTEE RECOMMENDATION

That the matter be referred to Council for further consideration.

12.1.1 COUNCIL RESOLUTION

That Council:

- (1) Grant approval for Care for Cottesloe representatives and the Community Development Officer to seek sponsorship funding for the cost of running the Cottesloe Cat.
- (2) Provide any funding shortfall from ordinary revenue of the total cost of the Cottesloe Cat with an absolute maximum of \$15,000.
- (3) Delegate power to the CEO to decide the final route of the Cottesloe Cat.

Carried by Absolute Majority 9/2

12.1.2 PUBLIC TRANSPORT SERVICES IN COTTESLOE

File No: X 8.23
Author: Dr K Murphy
Author Disclosure of Interest: Nil
Report Date: 2 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

Recent changes to the public transport services in Cottesloe have resulted in reduced amenity for Cottesloe residents, especially the elderly. It is recommended that council lobby Transperth, the State Member Colin Barnett and the Minister for Planning and Infrastructure Alannah Mctiernan to reinstate full use of Grant Street Station, Loch Street Station and South Cottesloe's bus service.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Within the Town of Cottesloe's Strategic Plan – under the heading District Development and subheading of Asset Management – is the following disability issues objective:

Review disability access plans and ensure suitable accessibility to all major assets for people with disability.

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

A skip stop pattern for Grant Street, Loch Street, Karrakatta and Swanbourne stations has been trialled over the last year. This trial is due to end on the 9th of December.

The skip stop pattern affects Grant Street, Loch Street, Swanbourne and Karrakatta stations. It means that these stations get an hourly service after 7:00 pm as opposed to the half hourly service experienced by the rest of the stations along the Fremantle line. Every second train stops at Loch and Grant Street Stations but does not stop at Karrakatta or Swanbourne. Concurrently, those trains that stop at Karrakatta and Swanbourne do not stop at Loch or Grant Street Stations.

The local community had many objections to this change in service.

Patronage increased by over 20% on the Perth to Fremantle line between 1998 and 2001, and by over 50% in the evenings. It seems odd, to say the least, to respond to the overwhelming success of the Fremantle line by reducing services to residents.

Transperth argues that by removing the stops journey times are decreased. However, they have made improvements to journey times in the evenings and on weekends when time is least likely to affect transport mode choice. So a reduction in journey time has negligible benefits for users. As one elderly resident said, "If I miss my train at night I am required to wait an **hour** at the train station." This is not only a waste of his time but it also makes him feel vulnerable to attack.

It has introduced an unnecessary increase in the complexity of rail services, which may discourage new patrons. Occasional users of the service will not be familiar with the complicated stopping pattern and hence may experience delays while waiting for a train.

Transperth argues that the Fremantle line has too many stations too close together and that people will be more inclined to catch the train if journey times are improved. This does not take into consideration access issues. People with restricted mobility appreciate the shorter length between our stations.

In addition to this reduction in train services Transperth has now altered the bus services in the western suburbs. This has meant that South Cottesloe no longer has a regular and reliable bus service. Route number 72 has been replaced by the new 102. The 102 has a very similar route to the old 72 except that it only goes as far South as Jarrad Street. The 72 used to continue down Curtin Avenue to Salvado Street before turning onto Broome Street.

STAFF COMMENT

There have been a number of complaints made to council about the bus route changes and the changes to the rail service. Elderly residents in particular have been detrimentally affected by these changes. They are unable to walk the increased distances to access public transport. This means they cannot travel independently to do their shopping, visit the library or go to meetings. One lady I spoke to at TAPSS bought her apartment because it was on the 72 bus route and has now been left stranded. She now has to rely on others to be driven to various destinations. Similarly, an elderly gentleman who has caught the train his whole life now has to rely on his son to drive him between Grant Street and Loch Street station at night.

It is my opinion that the introduction of the skip stop pattern was an intermediary step to the closing of Grant and Loch Street Stations. Patronage will have further decreased due to the introduction of a confusing and irregular service strengthening Transperth's case that the two stations are expendable.

Council needs to consider whether they support a faster train service or one that provides good access to our most vulnerable citizens.

As the end of the skip stop trial is fast approaching, now is a good time for council to restate their objections to the chiselling away of public transport services in Cottesloe.

VOTING

Simple Majority

COMMITTEE COMMENT

The CEO advised that WESROC are currently considering intra-suburb public transport access and funding.

Cr Jeanes asked whether the Leighton train station could be lobbied to be re-opened, as a special events (summer) station.

Cr Cunningham suggested that consultation be undertaken with community groups and Transperth to discuss the funding and implementation of public transport services.

OFFICER RECOMMENDATION

That Council lobby the Member for Cottesloe, Transperth and the Minister for Planning and Infrastructure to reinstate full use of Grant Street Station and Swanbourne Station and that the new 102 bus route be extended into South Cottesloe.

COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council lobby the Member for Cottesloe, Transperth and the Minister for Planning and Infrastructure to reinstate full use of Grant Street Station, Swanbourne Station and that Leighton Station be re-opened as a special events (summer) station and that the new 102 bus route be extended into South Cottesloe.

12.1.2 COUNCIL RESOLUTION

That Council:

- (1) Lobby the Member for Cottesloe, Transperth and the Minister for Planning and Infrastructure to reinstate full use of Grant Street Station, Swanbourne Station and that Leighton Station be re-opened as a special events (summer) station and that the new 102 bus route be extended into South Cottesloe.**
- (2) Investigate ways to provide bus services within Cottesloe, including the provision of regular services by TAPPS or CottCat.**

Carried 11/0

12.1.13 FORREST STREET - PARKING

File No: E17.10.34
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Report Date: 1 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to seek Council's approval to impose parking restrictions in Forrest Street.

STATUTORY ENVIRONMENT

The Local Government Act and Council's Parking Local Law apply. The Local Law is made under the Act and the Local Law provides, in clause 1.8, as follows:

Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law."

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

A review of parking in Forrest Street between Stirling Highway and Railway Street was conducted in response to a community request. The review included a survey of all businesses and residents of that section of Forrest Street. At its December 2002 meeting Council decided, based on the results of the survey and other information, to impose a two-hour parking restriction to both sides of the street for a trial period. Due to a number of logistical problems the signage was not installed until 11 March, 2003.

During the trial period it was brought to our attention that the carpark (unrestricted parking) on the railway side of Railway Street, opposite the Forrest Street intersection, was not well used due to vandalism and theft problems. This was addressed, to some extent, by trimming vegetation to open up the area to full view of the street. The trimming of vegetation also resulted in the area being more illuminated at night from street lighting however the level of lighting was still not good. Following protracted discussions with Western Power over options for lighting in the carpark, a new lamp was installed on the existing light pole in the northwest corner of the carpark and the lighting is now greatly improved. To further improve the amenity

of the carpark, Rangers made a practice of driving through the carpark on a regular basis and the local Police were alerted to the vandalism and theft concerns. The carpark was poorly used before the introduction of parking restrictions in Forrest Street and improvement to its usability, and it is now generally full, or close to full, most weekdays.

Following the introduction of restrictions, some business proprietors and employees expressed concerns over the functionality of the extent of the two-hour restriction and suggested there should be provision for some longer-term parking in the street. It was noted that the current restrictions resulted in few vehicles being parked in the street indicating that the restrictions could be modified and still provide parking opportunities for visitors to residences and businesses to park in the street.

A second survey was conducted to gauge support for the two-hour restrictions. Rangers delivered one survey form to each business and residence in Forrest Street (east of Railway Street) (65 in total) and 37 survey forms were returned. The survey asked the person completing it to circle their preferred option from the following;

1. Leave the parking as it is.
2. Revert back to unrestricted parking.
3. Any other options may be suggested in the space below.

Results of the survey were as follows;

Leave the parking as it is.	20
Revert back to unrestricted parking.	11
Introduce a four-hour parking restriction.	5
Introduce and three hour parking restriction.	1

Earlier this year road works were completed in Forrest Street at the Stirling Highway intersection. This consisted of some widening, kerbing and footpath works associated with modifications to the intersection. Following completion of these works it was noted that vehicles parked on both sides of Forrest Street near the Stirling Highway intersection, restricted vehicle movement indicating that parking should be restricted to one side only.

CONSULTATION

Two surveys were conducted to establish the preferred option for parking restrictions.

STAFF COMMENT

26 of the 37 surveys returned supported restrictions and 11 opposed them. 20 supported the existing two hour restrictions and six wanted to see longer-term parking. The carpark on Railway Street adjacent to Forrest Street remains unrestricted and continues to be well used for long-term parking. Based on the results of the survey and ranger patrol observations, it is recommended that the trialled two hour restrictions remain in force until again reviewed by Council.

In reviewing restrictions in Forrest Street it was noted that when vehicles park on both sides of Forrest Street near the Stirling Highway intersection, traffic flow is restricted to one lane only. Buses and other vehicles turning left off Stirling Highway

into Forrest Street are confronted by parked cars and forced to travel down the centre of Forrest Street creating possible head on conflicts with vehicles travelling east along Forrest Street or waiting to turn into the Medical Centre carpark. There is also potential for conflict with vehicles exiting the Medical Centre carpark with parked cars blocking vision for both the cars exiting and vehicles entering Forrest Street from the Highway. It is therefore recommended that a 'No Standing' area be made on the southern side of Forrest Street from Stirling Highway to the west side of the Medical Centre carpark driveway. This change would result in the loss of approximately five parking spaces however this is not expected to impact adversely on parking opportunities in the street.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.1.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council confirm the two hour parking restriction imposed as a trial in Forrest Street, east of Railway Street, and impose a 'No Standing' restriction on the south side of Forrest Street from Stirling Highway to the west side of the Medical Centre driveway.

Carried 11/0

12.1.4 SECURITY PATROLS

File No: C 5. 5
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Report Date: 3 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to inform Council of the cost of providing private security patrols on Saturday and Sunday nights between the hours of 9.00 pm and one hour after closing time and to recommend that these patrols be trialled.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Security patrols are seen as aligning with Council's Strategic Plan *Vision of a safe, clean and attractive town.*

FINANCIAL IMPLICATIONS

No provision was made in the budget for a security patrol service however the funding requirement of the recommended trial is \$5,000 and this could be met from the budgeted surplus of \$25,516.

BACKGROUND

Council resolution 12.4.1 of October 2003 included the following;

- (3) *An investigation be made of the cost of providing private security patrols on Saturday and Sunday nights between the hours of 9.00 pm and one hour after closing time.***

CONSULTATION

A number of service providers were contacted to gather a cost indication as requested.

STAFF COMMENT

Based on the information gathered from potential service providers there may be a three hour minimum per service. The estimated cost of a dedicated mobile patrol service for 4 hours (9pm to midnight) on Saturday and 3 hours (9pm to 11pm) on Sunday evenings, would be in the order of \$270 per weekend. The estimate is based on one person in a vehicle conducting constant patrols in Cottesloe to act as a

deterrent. The security person would not become actively involved in stopping vandalism, theft or the like but would report these incidences to the Police as a matter of urgency.

It is difficult to gauge the benefit of such a service without a trial and so it is recommended that a trial be conducted between January 3 and April 25, 2004, (17 weekends). Whilst the estimated costs of this is just over \$4,500 it is recommended that provision be made for expenditure up to \$5,000 to allow flexibility for extended patrols as required. It is recommended that the area for patrols not be set by Council resolution as this may constrain operational effectiveness. That is, if the patrols are effective but constrained to a defined area, they may push the problems elsewhere in the Town.

It may be difficult to quantify the success of the trial, if conducted, on the basis of incidences because not all acts of vandalism and other crimes are reported to the Police. Also weather conditions tend to have a significant effect on the number of people using the beach front on weekend evenings. However it is proposed that Police statistics for January 2003 to the end of April 2003 be compared to statistics for the trial period. It is suggested that the success or otherwise of a trial could also be more in the peace of mind of residents and so it is suggested that a survey be conducted after the trial to ascertain the level of community support for the service leading up to 2004/05 budget preparations.

VOTING

Absolute majority

COMMITTEE COMMENT

The Committee felt that the real issue was an increased police presence rather than an increased security presence.

OFFICER RECOMMENDATION

That Council

- (1) Amend the 2003/04 budget by making provision for expenditure of \$5000 for a security patrol service trial.
- (2) Call on administration to arrange a security patrol service for Saturday and Sunday evenings from January 2004 to the end of April 2004 for the purposes of providing a visual deterrent and reporting to Police acts of vandalism and crime in Cottesloe.

COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Morgan

That Council contact the WA Police on the possibility of having mounted Police patrols along the beachfront over the summer months.

AMENDMENT

Moved Cr Jeanes, seconded Cr Strzina

That Council

- (1) Amend the 2003/04 budget by making provision for expenditure of \$2000 for a security patrol service trial.
- (2) Call on administration to arrange a security patrol service for Sunday evenings from January 2004 to the end of March 2004 for the purposes of providing a visual deterrent and reporting to Police acts of vandalism and crime in Cottesloe.

Lost 3/8

12.1.4 COUNCIL RESOLUTION

That Council contact the WA Police on the possibility of having mounted Police patrols along the beachfront over the summer months and in particular, on Sunday afternoons.

Carried 11/0

12.1.5 SOUTHERN STAR ENTERTAINMENT PTY LTD - COTTESLOE BEACH

File No: E2.2
Author: Mr S Tindale
Author Disclosure of Interest: Nil
Report Date: 4 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

A recommendation is made to grant approval to Southern Star Entertainment Pty Ltd to make a film production on the Cottesloe Beach reserve during February, March and April of 2004.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Correspondence from Southern Star Entertainment Pty Ltd has been received and considered by the Committee.

CONSULTATION

It is believed that Southern Star Entertainment Pty Ltd has consulted with representatives of the Cottesloe Surf Life Saving Club and the lessees of the Indiana Teahouse and have obtained their support.

STAFF COMMENT

The film shoot is expected to occur in the mornings of each weekday during the Australian three-month production period after school has resumed for most children.

The actual perimeter of the film shoot is to be tightly controlled because of the need to respect the privacy of innocent bystanders as it were. In other words, it is not expected that significant areas of the beach reserve will be taken up by the production crew to the exclusion of all others.

There may be some loss of parking in the number one car park associated with the parking of film production vehicles but given that school will have resumed, it is believed that the parking impact can be managed.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.5 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council grant approval to Southern Star Entertainment Pty Ltd to make a film production on the Cottesloe Beach reserve during February, March and April of 2004.

Carried 11/0

12.1.6 TOWN OF COTTESLOE EBA 3 - ASU STAFF

File No: X9.6
Author: Mr S Tindale
Author Disclosure of Interest: The author has a direct financial interest in the matter as it potentially relates to his salary level.
Report Date: 3 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

A recommendation is made to grant a salary increase of up to 2% to all Local Government Officers Award staff back dated to 12 October 2003.

Further that the CEO and Managers be excluded from the salary increase.

STATUTORY ENVIRONMENT

The Workplace Relations Act of 1996 applies.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Implementation of Council's strategic plan is facilitated by the recommendation.

FINANCIAL IMPLICATIONS

A 1% increase in office staff salaries equates to a cost to Council of just under \$12,000 pa. Approval of a 2% wage increase for the remainder of this financial year would result in a direct cost of approximately \$18,000.

The amount has been allowed for in the 2003/04 budget.

BACKGROUND

The Federal Government introduced enterprise bargaining in 1991 to facilitate flexibility in the negotiation of industrial awards at the workplace level.

It has been used by many local governments (mostly metropolitan) to change working conditions and remuneration levels for all staff in exchange for productivity improvements.

Enterprise Bargaining Agreements (EBAs) have been in place at the Town of Cottesloe since 1995. EBA No. 2 was adopted in 1996 and EBA No. 3 in 2001.

The current agreement links salary increases and other improvements in workplace conditions for office staff to the attainment of specific organisational goals.

A timetable of "milestones" has been built into the agreement, which envisages the finalisation of all strategic plan documentation and implementation of the strategic plan within a three-year period.

Subject to the attainment of the milestones, four increments of 2% are to be paid as follows:

- Milestone 1. On registration of the agreement (12 April, 2001) - in recognition of work accomplished under EBA No. 2 which had not been remunerated as stipulated under the terms of that agreement.
- Milestone 2. Six months after registration (12 October, 2001) - provided that all strategies and policies required by the Strategic Plan have been identified and documented.
- Milestone 3. Eighteen months after registration (12 October, 2002) - provided that specific goals, strategies and measures have been identified and an implementation timetable agreed.
- Milestone 4. Thirty months after registration (12 October, 2003) - provided that the Strategic Plan has been substantially implemented with documented specific achievements, which meet the agreed timetable.

At each milestone (other than at the initial registration of the agreement) the Chief Executive Officer is to report progress to Council together with a recommendation for payment of the increment subject to the accomplishment of the required work.

In September 2002 Milestone 3 was reshaped (with Council's agreement) on the basis that that the documentation and implementation of improved work processes (process mapping) represented a major improvement in productivity and warranted a 2% wage rise – subject to the identified process mapping being finished off by the respective departments.

All staff have now received the Milestone 3 wage increase of 2%.

The question has now been asked as to whether the last 2% (Milestone 4) should be granted to staff.

CONSULTATION

Nil

STAFF COMMENT

In September 2002 Council was informed that:

...the Town of Cottesloe has linked the attainment of its strategic plan objectives with its enterprise bargaining agreement. This reflects an excellent understanding of the need to align the efforts of the Town of Cottesloe's human resources with the strategic view of Council. On the down side however, the direct linkage may have unduly and unfairly shifted the emphasis from one of individual responsibility to one of a collective workforce responsibility for the attainment of Council's strategic objectives...

The draft schedule of events for the attainment of strategic objectives (as identified by staff) lists up to 200 events that need to be attended to by October 2002 if a 2% pay rise is to be achieved.

Many of these events are of an operational or administrative nature and do not add to the strategic plan, other than to improve levels of efficiency and effectiveness – which is what enterprise bargaining agreements are meant to do.

Excellent progress is being made in tackling these events/issues through in-house 'process mapping' which will streamline the way things are handled.

Buried within the draft schedule of events are a number of strategic issues that need to be highlighted as strategic rather than operational issues. They include:

- An asset management plan.
- The beach precinct
- Parks and reserves
- Streetscape
- Waste Management
- Heritage
- Precinct planning
- Sustainability
- Town Planning Scheme.

The realisation of strategic objectives within these areas must be grounded in solid community consultation in the first instance. Council and staff ownership of the issues follows and then the implementation of the strategic plan – subject to the availability of financial and human resources.

To sum up, staff have a real financial interest in seeing these strategic issues fully documented and prioritised – particularly since the implementation of the strategic plan is an integral part of the enterprise bargaining agreement.

However the attainment of at least 3 to 6 strategic objectives, (once they have been agreed upon and finalised), should be written into the performance appraisal and contract renewal process for each senior staff member - rather than being part of a collective enterprise bargaining agreement. The enterprise bargaining should focus on that which it was intended for – improving overall levels of efficiency and effectiveness.

In terms of grounding Council's strategic plan in solid community consultation, the results of the Community Needs Survey are currently being tabulated and will be presented to the October meeting of Council.

Turning to the ... draft schedule of events for the attainment of strategic objectives, it can be seen that the schedule can be broken down into two areas. The first focuses on the attainment of specific strategic objectives and the second focuses on process mapping (examining and improving the way we do things).

Insofar as the first area is concerned, specific strategic objectives will need to be validated, added to and prioritised within the context of the results of the community needs survey. Until that happens, there is little point in agreeing an implementation timetable. Resource constraints (funding availability) will undoubtedly have an impact on the implementation timetable and further complicates the matter.

Process mapping (which has and is improving overall levels of efficiency and effectiveness) is continuing.

In my view, Council staff merit a wage increase based on their willingness to embrace continuous improvement and the good work relations that the Town of Cottesloe currently enjoys.

However EBA 3 quite clearly sets out that the last 2% wage increase can only be provided when "...the Strategic Plan has been substantially implemented with documented specific achievements which meet the agreed timetable."

As Council would be aware, the implementation of the Strategic Plan currently rests with Council, the CEO and senior staff - not the workforce.

Given the above and in order to bring some closure to EBA 3, it is recommended that Council grant an ex gratia salary increase of up to 2% to all Local Government Officers Award staff backdated to 12 October 2003.

Further that the CEO and Managers be specifically excluded from the salary increase on the grounds that they now have responsibility for the attainment of the last milestone of EBA 3, which needs to be followed through.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.6 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

- (1) That Council grant a salary increase of 2% to all Local Government Officers Award staff backdated to 12 October 2003.**
- (2) That the CEO and Managers be excluded from the salary increase on the grounds that they now have responsibility for the attainment of the last milestone of EBA3.**
- (3) That further consideration of a 2% EBA salary increase for the CEO and Managers be held off until Milestone 4 is attained.**

Carried 11/0

12.1.7 CEO'S PERFORMANCE REVIEW

File No: X9.12
Author: Mr S Tindale
Author Disclosure of Interest: The author has a direct financial interest in the matter as it relates to his terms and conditions of employment.
Report Date: 3 December, 2003
Senior Officer: Mr S Tindale

SUMMARY

Council is required to nominate a person or persons to undertake a performance review of the CEO on behalf of the Council and to make a recommendation to Council on an increase in remuneration, if any.

STATUTORY ENVIRONMENT

The relevant sections of the Local Government Act read, in part, as follows:

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

(1) The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section."

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The realisation of Council's strategic plan is tied to the performance of the CEO.

FINANCIAL IMPLICATIONS

The last performance review was facilitated by the WALGA's Workplace Relations Service at a cost of \$880 ex GST.

BACKGROUND

Parts 4 and 5.2 of the CEO's employment contract read as follows:

4.1 Adherence to Performance Objectives and Outcomes

The CEO agrees with the Council that the CEO must, in performing the CEO's obligations under this Contract, use every reasonable endeavour to achieve the agreed Performance Outcomes.

4.2 Performance Reviews

The CEO's performance pursuant to this Contract shall be reviewed by the Council annually during the Term and more frequently if the Council or the CEO perceives that there is a need to do so.

The Council shall give the CEO reasonable notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.

4.3 Conduct of Performance Review

Any performance review will be conducted on behalf of the Council by the nominated persons or person to whom the Council delegates that task.

4.4 Procedure

Any performance review conducted shall take the format of the following procedure:

- 4.4.1 The CEO will be provided with a series of questions, for the purposes of self-assessment, based on agreed Key Result Areas:
- 4.4.2 Each Councillor will receive a series of questions relating to agreed Key Result Areas to individually record their impressions of the CEO's performance. A committee or consultant representing Council will be convened to compile a consensus response for each of the Key Result Areas based on the individual Councillors' comments.
- 4.4.3 A summary response on the performance measures will be presented and the results will be discussed between the CEO and Council, nominated persons or person. If performance in any of the Key Result Areas is considered unsatisfactory by either party, specific examples illustrating the performance gap must be identified. The CEO shall provide feedback on the working relationship with Council.
- 4.4.4 Once agreement has been reached by the parties on the review categories, Key Result Areas will be developed for the following 12 month period. Key Result Areas will not be developed to cover all aspects of the position and will focus only on those areas that are most clearly linked to the achievement of Council's strategic objectives. These goals shall be tangible and measurable, and within the Chief Executive Officer's area of control and authority.
- 4.4.5 A report shall be prepared describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.

5.2 Salary (Cash Component)

- 5.2.1 The Council must, before the expiration of each year during the Term, review the Remuneration Package taking account of:
 - (a) the total remuneration of CEOs holding positions similar to the Position of local governments in Western Australia of similar size to Cottesloe; and

- (b) the Council's policy of review from time to time which shall be based on performance, productivity and such other matters as the Council reasonably considers relevant, but there is no obligation on the Council to increase the Remuneration.

In December 2002 Council was presented with three options in terms of undertaking the performance review. They were to:

- (1) Engage an independent outside consultant to undertake the performance and remuneration review and prepare a report for Council's consideration.
- (2) Appoint a small committee of, say, three elected members to undertake both reviews and prepare a report for Council's consideration.
- (3) Engage an independent consultant to manage the performance and remuneration review process (working with, say, a small committee of three elected members) and prepare a report for Council's consideration.

It was argued that Option 1 was the simplest and easiest option - subject to Council determining who the consultant would be.

Option 2 was supported only if all of the proposed committee members completed the "*Performance Appraisal of the CEO*" elected member development module provided by the WA Local Government Association.

Option 3 was taken up by the Council on the basis that it was the most likely option to generate meaningful feedback between Council and the CEO.

CONSULTATION

Nil.

STAFF COMMENT

By all accounts, those involved with last year's performance review were very happy with the process.

Council has appointed a Strategic Planning Committee comprised of the Mayor, Deputy Mayor, Standing Committee Presiding members and Cr Bill Robertson.

Given the connection between Council's strategic plan and an appraisal of the CEO's performance, it would seem sensible that the committee have carriage of the review process.

A quorum of three for the committee would assist the review process.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

12.1.7 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council engage WALGA's Workplace Relations Service to manage the performance and remuneration review process for the CEO (working with Council's Strategic Planning Committee) and prepare a report for Council's consideration.

Carried 11/0

12.2 FINANCE

12.2.1 STATUTORY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER, 2003

File No: C7.14
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to present the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Financial Statements are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

It should be noted that the attached Financial Statements do not include the allocation of depreciation for November, or the redistribution of Administration costs and the redistribution of a portion of parking facilities costs for November. Time constraints prevented these from being completed and they have a minor impact on the year to date variances (ie budget to actual). Most other variances appear to relate to timing differences. As reported previously, Administration income is higher than expected due to unplanned grant income and expenditure will be correspondingly higher later in the year as the grant funds are expended.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.2.1 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 30 November, 2003, as submitted to the December 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

12.2.2 SCHEDULE OF INVESTMENTS AND SCHEDULE OF LOANS FOR THE PERIOD ENDING 30 NOVEMBER, 2003

File No: C7.14
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to present the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

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

CONSULTATION

Nil

STAFF COMMENT

As will be noted from the Schedule of Investments on page 32 of the November Financial Statements, \$2,620,981.35 was invested as at 30 November, 2003. Of this \$520,289.47 was reserved and so constituted restricted funds. Of the total funds invested, 71.04% was placed with the National Bank, 20.93% was placed with Home Building Society, and 8.03% was placed with Bankwest.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.2.2 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the Schedule of Investments and Schedule of Loans for the period ending 30 November, 2003, as submitted to the December 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

12.2.3 ACCOUNTS FOR THE PERIOD ENDING 30 NOVEMBER, 2003

File No: C7.8
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to present the List of Accounts for the period ending 30 November, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The List of Accounts is presented monthly.

CONSULTATION

Nil

STAFF COMMENT

Significant payments in the List of Accounts commencing on page 25 of the Financial Statements are as follows:

- \$27,500.00 to WALGA for Council's contribution to the Heritage Loan Scheme;
- \$10,098.73 to WA Local Government Super Plan for employee superannuation contributions;
- \$12,866.90 to the Building Construction Industry Trust Fund for BCTIF payments collected;
- \$12,175.07 to Algar Burns Computing being payment for the third, and final, year of the WALGA brokered agreement for Microsoft Windows and Office upgrades;
- \$31,157.50 to Municipal Liability Scheme for the final half payment of Council's public liability cover premium;
- \$29, 566.90 to Municipal Workcare Scheme for the final half payment of Council's workers compensation insurance premium;
- \$74,233.63 to the Shire of Peppermint Grove for quarterly contribution toward the joint library;

- \$46,423.18 to Wasteless for rubbish collection services;
- \$17,668.74 to Western Metropolitan Regional Council for transfer station fees;
- \$12,332.51 to ATO for monthly BAS payment
- \$12,542.64 to Marley Family Trust for various concrete works; and
- \$42,780.17 and \$42,647.39 for payroll for November.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.2.3 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council receive the List of Accounts for the period ending 30 November, 2003, as submitted to the December 2003 meeting of the Works and Corporate Services Committee.

Carried 11/0

**12.2.4 PROPERTY AND SUNDRY DEBTORS REPORTS FOR THE PERIOD
ENDING 30 NOVEMBER, 2003**

File No: C7.9
Author: Mr A Lamb
Author Disclosure of Interest: Nil
Period Ending: 30 November, 2003
Senior Officer: Mr S Tindale

SUMMARY

The purpose of this report is to present the Property and Sundry Debtors Reports for the period ending 30 November, 2003, to Council.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

The Property and Sundry Debtors Reports are presented monthly.

CONSULTATION

Nil

STAFF COMMENT

The Sundry Debtors Report on pages 29 and 30 of the November Financial Reports shows a balance of \$52,965.74 as at 30 November, 2003. Of this \$30,474.02 related to November.

VOTING

Simple majority

COMMITTEE COMMENT

Nil.

12.2.4 OFFICER & COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Morgan

That Council:

- (1) Receive and endorse the Property Debtors Report for the period ending 30 November, 2003; and**
- (2) Receive the Sundry Debtors Report for the period ending 30 November, 2003.**

Carried 11/0

13 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.1 NOTICE OF MOTION REPORT****13.1.1 NATIONAL ANTHEM - NOTICE OF MOTION - 13/2003**

File No: X 4. 1
NOM Date: 11 December, 2003
Author: Mr S Tindale
Councillor: Cr Utting

SUMMARY

Cr Utting has put forward a notice of motion seeking a trial rendition of our National Anthem immediately prior to the Council meeting.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

BACKGROUND

Cr Utting has provided the following comments:

At a recent function at my old school, Cottesloe State School, I assisted Mayor Rob Rowell to hand out certificates to children.

I was very favourably impressed by the children singing "Advance Australia Fair" which as we all know is our National Anthem.

I recommend that at the forthcoming Council meeting that we have a rendition of our National Anthem immediately prior to the meeting. If this trial is considered to be successful we should then make this procedure permanent.

Of interest the recent Rugby Tournament showed the value of our National Anthem to our players.

CONSULTATION

Nil.

STAFF COMMENT

There is nothing to stop Council from adding this ceremony to its meeting procedure.

VOTING

Simple Majority

13.1.1 COUNCILLOR RECOMMENDATION

Moved Cr Utting, seconded Cr Jeanes

That Council:

- (1) Trial a rendition of the National Anthem immediately prior to the Council meeting; and
- (2) If the trial is successful to make this procedure permanent.

Lost 2/9

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

14.1 SEA VIEW GOLF CLUB LEASE – PUBLIC CONSULTATION

14.1 COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Furlong

That Council extend the public consultation period for the Sea View Golf Club lease to the end of February 2004.

Carried 11/0

15 MEETING CLOSURE

The Mayor announced the closure of the meeting at 10.12pm.