

TOWN OF COTTESLOE



FULL COUNCIL MEETING

MINUTES

**Ordinary Meeting of Council
held in the Council Chambers, Cottesloe Civic Centre
on 22 April, 2002, commencing at 7.00pm.**

ORDINARY MEETING OF FULL COUNCIL

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ORDINARY MEETING OF COUNCIL

22 April, 2002

1 DECLARATION OF MEETING OPENING & ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 7.00pm.

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

The Mayor:	Mr J.C. Hammond
Councillors:	Cr. J.S. Birnbrauer
	Cr. M.E. Ewing
	Cr. A.D. Furlong
	Cr. B.R. Miller
	Cr. K.J. Morgan
	Cr. P. Rattigan
	Cr. J. Utting
	Cr. J.F. Walsh
	Cr. R. Whitby
Chief Executive Officer:	Mr S.D. Tindale
Planning Officer:	Ms. L. Goff
Manager, Corporate Services:	Mr A. Lamb

APOLOGIES

Apologies were received from Cr. A. Sheppard, Mr M. Doig and Mr S. Sullivan.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.

4 PUBLIC QUESTION TIME Nil.

5 PUBLIC STATEMENT TIME

5.1 Ms. Zani Babic – Item No. TP38

Ms. Babic spoke as architect for the proposed development, in support of the application, noting that plans had been amended to meet neighbours' concerns. Ms. Babic asked Council to approve the amended plans.

5.2 Mr John Court – Item No. TP38

Mr Court spoke in support of the application and asked Council to approve the amended plans.

5.3 Mr Tom Brooking – Item No. TP31

Mr Brooking spoke in support of the application, noting that plans had been amended in response to concerns raised.

5.4 Mr Ian Sandover – Item No. TP36

Mr Sandover spoke against the application, noting that if Council approved the development, the objectors would seek:

- The proposed pagola to be across the whole of the rear of the property
- The proposed 4m high trees at the rear and side being a requirement in perpetuity
- Council approval for objectors to raise the height of their rear boundary fences, adjoining the laneway, to between 3.5 and 4 metres.

5.5 Mr Andrew MacLiver – Item No. TP36

Mr MacLiver spoke in support of the application, noting that the application had been to Council a number of times and that amendments had been made to the plans each time. Also that he had met with the complainants opposing the proposed development and that efforts had been made to compromise at each stage in the process. He asked Council to approve the committee recommendation.

5.6 Mr. Peter Flynn – Item No. TP37

Mr Flynn spoke in support of the application, noting difficulties with the site due to size and water authority services. He asked Council to approve the development with the setbacks contained in the application.

5.7 Ms. Joan Gebbie – Item No. TP38

Mrs Gebbie spoke as representative of the adjoining neighbour on the Northern boundary. Ms. Gebbie spoke in support of the amended drawings for the proposed development.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr. Furlong, seconded Cr. Morgan, that the minutes of the Ordinary Meeting of Full Council held on the 25 March, 2002, be confirmed, subject to a the following correction:

The word "*basis*" being added after the word "*occasional*" in the 'Civic Centre Hall Bookings' Policy (3)(e) on Page 82.

Carried 10/0

8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9 DECLARATION OF MEMBERS' INTERESTS

Nil.

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION10.1 STAFFING – PLANNING OFFICER

Mayor Hammond noted that Ms. Lisa Goff, Planning Officer, had resigned and, on behalf of Council, thanked her for her efforts and wished her well for the future.

10.2 HUMAN WASTE PRECINCTS

Mayor Hammond noted that Elected Members had received information on the proposed Shenton Sustainability Precinct. He suggested that Members pass their thoughts on the matter to the Chief Executive Officer for a combined response.

10.3 CULTURAL HERITAGE PORJECTS PROGRAMME

Mayor Hammond reported that an application had been lodged with the Federal Department of the Environment and Heritage for a \$250,000 grant to assist with the cost of proposed conservation works at the Civic Centre.

10.4 HERITAGE – CITY OF SUBIACO

Mayor Hammond reported on the City of Subiaco's heritage initiatives and commended Subiaco on its stance in relation to heritage. He noted that 1500 houses had been added to Subiaco's Municipal Inventory with little opposition from the community.

11 **REPORT ITEMS FOR DECISION**

DEVELOPMENT SERVICES COMMITTEE

TP29 **NO. 17 (LOT 10) BARSDEN STREET – TWO STOREY MASONRY, METAL AND WEATHERBOARD ADDITIONS TO THE EXISTING RESIDENCE**

File Ref.: No.17 Barsden Street
Date of Application: 20 February, 2002
Report Date: 7 April, 2002
Author Disclosure of Interest: Nil
Author: Ms Lisa Goff
Chief Executive Officer: Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

Owner: A Sandover
Applicant: Andrew Sullivan Architect
Zoning: Residential
Density: R20
Lot Area: 908m²
Heritage Listing: Schedule 1 of TPS No.2
Essential building in heritage area
Category 3

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 5 - Building Heights
Financial & Financial Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Wall height	6.0m (22.49)	6.34m (22.834)
Roof ridge height	8.5m (24.99)	8.54m (25.034)
Side setback to southern ground floor store wall – height 3.0m, length 15.0m, no major openings	1.5m	Nil
Side setback to southern ground floor wall – height 3.2m, length 36.0m, with major openings	1.5m	1.4m
Side setback to northern ground floor bed 1 wall – height 3.6m, length 4.4m, no major openings	1.0m	Nil
Side setback to southern first floor stair wall – height 5.0m, length 4.8m, no major openings	1.2m	Nil

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - two submissions received.

STAFF COMMENT**Background**

The property at No. 17 Barsden Street is located on the western side of that road, close to the Forrest Street intersection. The property is surrounded on the northern and western sides by a right of way, and on the east by Barsden Street. It can be found on the Town of Cottesloe Municipal Inventory as a Category 3 building, is recommended as being essential to the John Street heritage area, and is also protected under Part VI of the Town Planning Scheme No. 2. There is a 4.0m (approx.) slope down towards Barsden Street.

A brief history of the house, possibly known as “St Kilda”, is outlined in the Municipal Inventory. The significance of the place is identified by its inclusion on Schedule 1 of the Town Planning Scheme, which is a statutory listing.

The application for No. 17 Barsden Street consists of extensions and additions to the residence, and minor changes to the landscaping around the building. This includes the removal of a Norfolk Island pine tree from the north-western corner of the property. These issues must all be considered, as Clause 6.2 of Part VI of the Town Planning Scheme requires written consent of Council for any development, which includes the removal of trees.

Extensions and Additions to the Residence

The floor plans and elevations submitted with this application show the extent of modifications proposed for the residence. The changes are proposed at the rear of the residence, and though well setback, they will be seen from the street because of the slope of the land. The design appears to be complimentary, and a comparison with the requirements of the Residential Conservation and Development Guidelines is detailed below:

Characteristic	Existing Residence	Proposed Extension
Materials	Painted brick and zincalume	Weatherboard (2 nd storey), rendered brickwork & zincalume
Roof form	Steep pitch (30 degrees) from front elevation	Steep pitch (30 degrees) from front elevation
Gables	On front elevation	Reflected on east and northern elevations of extension
Window proportions	Multi-paned windows	Similar sized panes

The residence exists on a 908m² site, which is capable of supporting two grouped dwellings under the R20 density coding (there is a minimum lot size of 450m²). The residence is being extended such that there is a central courtyard on the northern side of the property. The entire building is joined, however only an external connection is evident between the TV room and bedrooms 1 and 2. The physical separation is not considered to be a concern, as there are no living facilities at the rear of the site, so the unit at the rear cannot operate independently of the main house.

Approval of Variations

The Town Planning Scheme text, in Clause 6.2.3, states:

If the Council decides to give its written consent to the commencement or carrying out of any development or other work referred to in paragraph 6.2.1, the Council may give that written consent notwithstanding that the development or work involved does not comply with the Residential Planning Codes or with any requirement or standard specified in or arising out of this Text.

This gives Council the authority to go beyond the normal Scheme and Planning Code requirements for this property, and therefore approve of the building height.

Side Setbacks

There are four setback concessions for the design, which appears to be in keeping with the aesthetics of the original home. Three are for boundary walls on both the northern and southern sides of the property. The northern boundary wall adjoins a right of way, and further from that, the rear of residences facing Forrest Street. It is only single storey in height and maintains a truncation at the corner of the right of way.

There is an existing garage wall currently located at the rear of the southern boundary. It is proposed to construct a second boundary wall (4.8m long) to the east of the existing. This wall is proposed to be two storeys in height and it is located abutting the adjoining building. The adjoining building is three storeys in height, and does not contain windows on the northern side.

Building Height

Council is required to make an exercise of discretion in order to approve the proposed building heights. Wall and roof ridge heights are limited to 6.0m and 8.5m respectively, and are measured using the following formula:

(c) *Measurement of Building Height*

For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, 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.

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

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

The natural ground level has been determined as 16.49 AHD using this method.

The floor to ceiling levels of the existing residence have been reflected in the ground floor of the addition, however these have been minimised in the first floor. This makes the proposal non-compliant by only 0.3m.

The location of the property indicates that the impact of the non-compliant heights on any neighbouring property owners' amenity will be minimal. The site is located down hill from the properties to the west, adjoins the rear of properties to the north, and adjoins a three storey building to the south. The adjoining building to the south is non-compliant with the current Scheme height restrictions, and dominates the streetscape and over the residence at No. 17 Barsden Street.

The heights will also present a balanced composition to the street, on a comparable scale with the existing residence.

Landscaping

The listing of the property on Schedule 1 of the Town Planning Scheme means that Council approval is required for all development, including the request to:

- (b) *fell, remove, kill or irreparably damage any tree;*

In conjunction with the application, the property owners have indicated that they would like to remove a mature Norfolk Island pine tree which is currently in the north-western corner of the property. The location of the tree prevents the current extension design from being viable.

There is no documented evidence of any particular contribution that the tree makes to the heritage value of the property. The Residential Conservation and Development Guidelines state the following in relation to landscaping:

- To ensure the retention of Cottlesloe's special streetscape character and environment.*
- To retain mature and traditional street plantings which provide an established landscape context, particularly as part of the heritage areas.*
- To encourage the development of appropriate gardens within heritage areas in order to provide a suitable context and setting for heritage places.*

Further to the comments above, and verbal advice to the applicant regarding the Scheme listing on the property, a site inspection made on 8 April 2002 indicated that the tree had already been removed.

Comments on Submissions

Two submissions have been received from the owners of Nos 8 Stanhope Street and 15A Barsden Street, which are located to the west and south of the subject property, respectively. Clause 5.1.2 of the Town Planning Scheme relates to amenity issues, such as those raised in the neighbours submissions.

The owners of No. 8 Stanhope Street are concerned in relation to overlooking and mutual privacy into the windows at the rear of the proposed extension. The windows to bed 1 and the rear bathroom are located at a nil setback to the right of way. Normally, the Building Code of Australia will not allow windows to be located on a property boundary because of fire rating issues. However, advice from Council's Building Surveyor indicates that the distance from the centre line of the right of way satisfies that requirement.

The owner's have indicated that the higher level of their property will enable viewing into the windows, which will compromise the privacy of No. 17 Barsden Street. They have also indicated that the first floor stairwell window may be subject to the same concern, however this window is located 11.5m from the rear boundary.

Planting of creepers has been requested to lessen the impact of the building, however with the proposal indicating a Nil rear setback, there is no opportunity to plant vegetation unless it is in the right of way. Glare from the roof material has also been raised as a concern.

It has been requested that the owners of No. 8 Stanhope Street be advised of the scheduling for construction works. Council has no requirement for scheduling to be indicated, so it is suggested that the property owners should contact each other regarding this issue.

The owners of No. 15A Barsden Street have objected to a number of issues relating to the proposed extension. These are summarised in the table below:

Concerns	Comments
Non-compliance with setbacks from the southern boundary	Variation from the requirements of the R Codes proposed – refer to comments in body of report
Overshadowing of rear courtyard	Boundary wall adjoining rear courtyard is existing Two storey section of proposed extension in line with the building at No. 15A Barsden Street and should not interfere with northern light
Overlooking from first floor west facing windows	Scheme Clause 5.1.2 relates to privacy
Request for plot ratio to comply	Open space calculated at 59%
Concern at proposed removal of Norfolk Island pine tree	Refer to comments in body of report

CONCLUSION

The application for extensions to the existing residence at No. 17 Barsden Street, Cottesloe is recommended for approval, subject to conditions. The extensions appear to be in keeping with the requirements of the Residential Conservation and Development Guidelines.

The northern side setback variations are recommended for approval as proposed because they abut a right of way and the rear of the adjoining properties on Forrest Street. The southern side setback variations are also recommended for approval, as they adjoin a dominating three storey building.

The building height variations are considered to be minor, and the reflection of the existing ground level floor to ceiling heights is consistent with the heritage nature of the building.

The west facing windows to the rear bathroom and bedroom 1 are recommended for modifications to protect overlooking between the occupiers of No. 8 Stanhope Street and No. 17 Barsden Street.

The Norfolk Island pine tree removed without Council approval was not the subject of documented historical evidence, although it did contribute to the character of the locality. It is recommended that Council take no further action on this matter.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the two storey masonry, metal and weatherboard additions to the existing residence at No. 17 (Lot 10) Barsden Street Cottesloe, as shown on the plans received on the 19 March, 2002, 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) Storm water 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 down pipes used for the disposal of the storm water 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 Barsden Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:

- (i) the windows to the west facing rear bathroom and bedroom 1 being modified to prevent overlooking into the adjoining property by either:
 - (i) being constructed of fixed obscure glazing or, or
 - (ii) being deleted;
 - (ii) the swimming pool pump being adequately screened to prevent the emission of noise into adjoining properties.
- (2) Take no further action in relation to the unauthorised removal of a Norfolk Island pine tree from the site.
- (3) Advise the submitters of this decision.

COMMITTEE COMMENT

The Committee was supportive of the windows to the west facing rear bathroom and bedroom 1 being openable to allow for ventilation and amended condition (f) (i)(A) by deleting the word fixed.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) **GRANT Planning Consent for the two storey masonry, metal and weatherboard additions to the existing residence at No. 17 (Lot 10) Barsden Street Cottesloe, as shown on the plans received on the 19 March, 2002, 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 Barsden Street shall be of an "Open Aspect" design and the subject of a separate application to Council.**

- (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
 - (i) the windows to the west facing rear bathroom and bedroom 1 being modified to prevent overlooking into the adjoining property by either:
 - (A) being constructed of obscure glazing, or
 - (B) being deleted;
 - (ii) the swimming pool pump being adequately screened to prevent the emission of noise into adjoining properties.
- (3) Take no further action in relation to the unauthorised removal of a Norfolk Island pine tree from the site.
- (3) Advise the submitters of this decision.

Carried 10/0

TP30

NO. 303 (LOT 6) MARMION STREET – CHANGE OF NON-CONFORMING USE FROM BUTCHER SHOP TO RETAIL SHOWROOM/OFFICE

File No.: No.303 Marmion Street
 Date of Application: 13 March, 2002
 Report Date: 4 April, 2002
 Author Disclosure of Interest: Nil
 Author: Ms Lisa Goff
 Chief Executive Officer: Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for change in non-conforming use.

PROPERTY INFORMATION

Owner: M Hanson
Applicant: Kevin Nockholds & Assoc.
Zoning: Residential
Density: R20
Lot Area: 847m²
Heritage Listing: N/A

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
Town Planning Scheme Policy Implications:	N/A
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	N/A
Discretionary Provisions	N/A

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - one submission received.

STAFF COMMENT

Background

The premises at No. 303 Marmion Street is 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 butcher shop. Clause 4.4 of the Scheme states the following in relation to changes to a non-conforming use:

"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 retail showroom/office for architectural home wares. The business will incorporate both internal (furniture) and external (urns, fountains etc) components. The rear of the existing shop is proposed for use as an office. The use of the entire site will encourage the upgrade (though no major structural changes) of the building and gardens, which will contribute to the locality.

The business will be set up as a showroom, and orders for stock will be taken at the premises. It is understood that the business utilises a warehouse elsewhere that will handle the delivery of purchased goods, which will minimise the requirement for trucks and heavy vehicles to visit the site.

The applicant has supplied details of proposed opening hours, those being:

Tuesday to Friday	9.30am – 5.30pm
Saturday	10.30am – 4.00pm
Sunday	11.00am – 3.00pm

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 proposed at the rear of the site, with access from a right of way off Grant Street. These are proposed for customers, although it may be preferable for them to be utilised for staff. A high level of use of the right of way may cause some disruption to adjoining property owners, and use by staff will minimise the amount of going to and from the premises. This will enable the parking area off Marmion Street to be utilised by customers.

The following table provides a comparison of the existing and proposed non-conforming uses:

	Butcher	Architectural Wares
Customers	Attracts high level of "foot-fall" customers	Expected to attract most customers by appointment
Health	Many food premises hygiene concerns (odours, cleanliness etc)	No food premises hygiene concerns
Hours of operation	7am to 6pm Monday to Saturday	9.30am to 5.30pm Tuesday to Friday 10.30am to 4.00pm Saturday 11.00am to 3.00pm Sunday
Parking	None on-site	Three on-site bays proposed at rear
Site Utilisation	Building only	Building, garden and rear of site

Comments on Submissions

A submission has been received from the owners of No. 301 Marmion Street, which is located to the south of the subject property. It raises concern in relation to the expansion of trading hours and the area proposed to be utilised by the new use.

The hours of trade for the proposed use are changing from those utilised by the butcher shop. The overall opening time is being reduced from a total of 66 hours to 41.5 hours, but Sunday trading is being introduced. The weekend hours of operation do not include early morning or late evening trading, and if most of the customers are professional (as stated) they will attend the premises during normal work times.

The architectural business includes the use of the entire site, compared to the butcher shop which was contained within the actual building. This represents a large expansion in the area utilised, and includes the use of an open space area where sound may permeate into neighbouring properties. However, the non-conforming use rights that property enjoys cover the whole site.

The owners believe that the proposed use is less in keeping with the objectives of the Residential zone than the butcher shop.

CONCLUSION

The application for a change in non-conforming use from a butcher shop to an architectural home wares retail showroom/office is recommended for approval, subject to conditions. It is considered that the proposed use is more in accordance with the Residential zoning, as the hours of operation are being reduced, the issues relating to a food premises will become irrelevant, on-site parking is provided and the standard of the site is being generally improved to that expected of a private residence.

These factors will contribute to the general amenity of the area.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

(1) **GRANT Planning Consent for the change in non-conforming use from a butcher shop to an architectural home wares retail showroom/office at No. 303 (Lot 6) Marmion Street Cottesloe, as shown on the plans received on the 13 March, 2002, 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 down pipes 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 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:**

Tuesday to Friday	9.30am – 5.30pm
Saturday	10.30am – 4.00pm
Sunday	11.00am – 3.00pm
- (e) **The parking proposed at the rear of the site is to be used by staff of the business only, and must be marked as such to the satisfaction of the Manager, Development Services.**

(2) **Advise the submitters of this decision.**

Carried 7/3

TP31 NO. 15 (LOT 32) LILLIAN STREET – TWO STOREY BRICK AND ZINCALUME ADDITIONS TO THE EXISTING RESIDENCE

File No.:	No.15 Lillian Street
Date of Application:	22 January, 2002
Report Date:	8 April, 2002
Author Disclosure of Interest:	Nil
Author:	Ms Lisa Goff
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

Owner/Applicant: T Brooking & C Wong
Zoning: Residential
Density: R20
Lot Area: 6m²
Heritage Listing: N/A

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 4 - Outbuildings
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	N/A	
Discretionary Provisions	Max/Required	Proposed
Side setback to western ground floor store – height 2.5m, length 6.5m, no major openings	1.0m	Nil
Discretionary Provisions	Max/Required	Proposed
Side setback to eastern ground floor wall – height 3.7m, length 27.3m, with major openings	4.3m	3.9m

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - two submissions received.

STAFF COMMENT**Background**

The site considerations, the details of the proposal and the areas of non-compliance (in relation to the Town Planning Scheme) have been discussed in full in the report to the February meeting of Council. This report has been attached to the agenda.

Both the officer and Development Services Committee recommended approval of the application in February, subject to conditions. The applicant requested deferral of the application to allow consideration of the conditions, and to have the opportunity to present revised plans with a modified design. The Full Council resolved the following:

“That, at the request of the applicants, this item be referred back to the March meeting of the Development Services Committee for further consideration.”

Revised plans were received on 5 April, 2002, which was after the March meetings of Council. The revised plans have addressed many of the concerns

raised in the initial report to Council. The following items have been addressed:

- Wall and roof ridge heights comply with Scheme restriction;
- Side setback variations addressed (apart from store);
- Open space addressed;
- Windows overlooking the rear and west side modified;
- Pool pump moved into store building to reduce the effect of noise.

Side Setbacks

The store is proposed to be located on the western boundary, at the rear of the property. It is located in a similar position to a corresponding outbuilding on the adjoining property to the west (No. 13 Lillian Street).

Outbuildings

Council has a Town Planning Scheme Policy (No. 004) controlling the size of outbuildings to minimise the effect of such buildings on the area. The gazebo and the store comply with the policy requirement for a maximum floor area of 60.0m². They also comply with the 3.0m wall height dictated by Clause 5 of the policy.

Comments on Submissions

Two submissions from adjoining owners have been received by Council. The owner of No. 13 Lillian Street (the property to the west of the subject site) has raised a number of concerns. Issues of bulk, and the blockage of light and view have been raised in relation to the extensions to the main residence. Concerns are also mentioned regarding a lack of open space, glare from skylights, and boundary walls.

The owner of No. 18 Reginald Street, directly to the rear of the subject site has also raised concerns in relation to a number of issues. These are summarised as being:

- overlooking from the rear master bedroom;
- the vegetation on the plans being incorrectly labelled as she oak – it is believed to be deciduous;
- a lack of soundproofing behind the pool pump, and the location of a wall in front of the pool pump which will reflect noise towards No. 18 Reginald Street;
- inadequate rear fencing.

Clause 5.1.2 of the Scheme addresses amenity issues such as privacy, noise, building bulk, and overshadowing.

CONCLUSION

It is recommended that the development at No. 15 Lillian Street be approved subject to conditions.

The outbuilding is recommended for approval as proposed as it is located at the rear of the property, and there are similar structures on the adjoining properties.

Furthermore, the structure is proposed against a property that is retained at a higher level.

The revised setbacks, compliance with open space and building heights are considered to have addressed the building bulk. The modified windows to the west and rear have also alleviated any overlooking.

The relocation of the swimming pool pump to the storeroom will reduce any noise emissions.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the two storey zincalume and brick addition to the existing residence at No. 15 (Lot 32) Lillian Street, Cottesloe, as shown on the plans received on the 5 April, 2002, 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 down pipes 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 Lillian Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
- (2) Advise the submitters of this decision.

COMMITTEE COMMENT

The Planning Officer suggested that revised plans needed to be submitted providing details of the first floor louvres for the purpose of reducing the overlooking issue and this was accepted by the Committee.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (2) GRANT Planning Consent for the two storey zincalume and brick addition to the existing residence at No. 15 (Lot 32) Lillian Street, Cottesloe, as shown on the plans received on the 5 April, 2002, 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 down pipes 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 Lillian Street shall be of an “Open Aspect” design and the subject of a separate application to Council.
- (f) Revised plans being submitted for approval by the Manager of Development Services, showing details of the first floor eastern louvres in order to reduce overlooking.

(2) Advise the submitters of this decision.

Carried 10/0

TP32 NO. 21 (LOT 55) BRIGHTON STREET – SINGLE STOREY EXTENSIONS TO THE EXISTING RESIDENCE

File No.:	No.21 Brighton Street
Date of Application:	5 April, 2002
Report Date:	8 April, 2002
Disclosure of Interest:	Nil
Author:	Ms Lisa Goff
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

<u>Owner:</u>	C & F Smith-Gander
<u>Applicant:</u>	S Rossen
<u>Zoning:</u>	Residential
<u>Density:</u>	R20
<u>Lot Area:</u>	615m ²
<u>Heritage Listing:</u>	N/A

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 3 - Garages and Carports in Front Setback Area
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	N/A	
Discretionary Provisions	Min/Required	Proposed
Front setback	6.0m	5.0m
Side setback to southern garage wall – height 2.7m, length 6.5m, no major openings	1.0m	Nil

NOTIFICATION OF NEIGHBOURS

Neighbours signed plans in support.

STAFF COMMENT**Background**

The property at No. 21 Brighton Street is located on the western side of that road. There is an existing single storey brick residence on the site, and the adjoining residences to the north and south are also single storey. The current application is for single storey extensions to the residence.

A previous design, proposing a front setback of 1.5m and 49% open space, was considered by Council at the March round of meetings. The Council concluded the following:

“The application for single storey extensions to the existing residence at No. 21 Brighton Street is recommended for approval, subject to conditions. It is considered that Council should encourage and support the retention of single storey residences where possible, but consideration must also be given to the streetscape.

It is considered that the proposed garage will have a negative effect on the streetscape, as it will be a larger structure than the existing solid brick wall. A front setback of only 1.5m will be quite imposing, and the residence currently complies with the front setback requirements. It is recommended that a condition requiring a 6.0m front setback be imposed.

The open space is also recommended for compliance, as Council do not have the discretion to vary this requirement.”

Front Setback

Table 1 of the Residential Planning Codes indicates there is a 6.0m front setback requirement in the Residential R20 zone, which applies to this development. Council has the discretion to vary that requirement, and Clauses 1.5.4-1.5.8 provide possible variations.

The existing car parking on the site is located under the main roof, and complies with the setback requirements. It is proposed to construct a new parking structure on the southern side of the property, with a 5.0m front setback. This will be combined with modifications to the front fence (to an open aspect fence) which will produce a more permeable frontage to the street.

The garage has been designed to utilise the existing crossover, and therefore not disrupt the street trees on the verge outside the property.

The Codes and Scheme require Council to have regard to the following points, if a variation to setbacks is being considered:

- The objectives and amenity provisions stated in the documents;
- The effects of a variation on adjoining properties;
- The existing and potential uses of any adjoining lot;
- Existing setbacks in the area.

The front setback variation requested in this application is consistent with Clause 4 (a) of Town Planning Scheme Policy No. 3 (Garages & Carports in Front Setback Area). Clause 3 of the same policy makes a general statement regarding compliance with the 6.0m front setback.

Side Setback

The proposed garage is located on the southern boundary. The parapet wall is 6.5m long, and the affected adjoining property owner has signed their consent to the plans.

Comments on Submissions

Neighbours signed plans in support.

CONCLUSION

The application for single storey extensions to the existing residence at No. 21 Brighton Street is recommended for approval, subject to conditions. The retention of single storey residences in the locality is to be encouraged. The 1.0m front setback variation and the proposed open aspect fencing are considered adequate to preserve the characteristics of the streetscape. They are recommended for approval.

The southern side boundary setback is also recommended for approval as the wall height is minimal and the affected owner has given written consent

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council GRANT Planning Consent for single storey extensions to the existing residence at No. 21 (Lot 55) Brighton Street, Cottesloe in accordance with the plans received on the 5 April, 2002, 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, rights-of-way or adjoining properties and the gutters and down pipes 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 to construct a new crossover, if applicable, in accordance with the local law, which is to be approved by the Manager, Works and Special Projects.**
- (6) Revised plans being submitted for approval by the Manager of Development Services, showing the front boundary fence to Brighton Street being modified to provide an "Open Aspect Fence".**

Carried 10/0

TP33**CONSIDERATION OF DEVELOPMENT APPLICATIONS AND PROVISION OF PROFESSIONAL ADVICE TO OWNERS OF PROPERTIES WITH HERITAGE IMPLICATIONS**

File No.:	D3.3
Report Date:	3 April, 2002
Author Disclosure of Interest:	Nil
Author:	Ms Lisa Goff
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a recommendation on the provision of professional advice and consideration of development applications relating to properties with heritage implications.

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2
TPS Policy Implications:	No. 12 – Places of Cultural and Heritage Significance
Financial Implication:	\$10 000-15 000 approx. per annum
Strategic Implication:	Town of Cottesloe Heritage Strategy Western Suburbs Study

STAFF COMMENT

Background

In September 2001, Council resolved to adopt a heritage strategy for the Town of Cottesloe. The resolution was as follows:

“That Council:

- (1) support in principle, the Draft Heritage Strategy Report as its strategic document on Heritage in order to provide Council with a framework for Heritage Planning.*
- (2) request the administration to:*
 - (a) finalise the report incorporating editing changes to the strategy, guidelines and building schedules, in response to public submissions.*
 - (b) prepare a draft Town Planning Scheme Policy on Heritage Areas that incorporates the:*
 - (i) John Street Heritage Area;*
 - (ii) Claremont Hill Heritage Area;*
 - (iii) Essential/Contributory Property Schedule; and*
 - (iv) Residential Conservation and Development Guidelines.*
 - (c) investigate the other recommendations contained in the draft Heritage Strategy report, report on submissions, and prepare a report on the implementation of those recommendations and priorities contained within the report.*
- (3) request the consultants to review those properties where the owners have requested Council to have the property category listing reduced.*
- (4) inform the public of its decision.”*

The Strategy document introduced two heritage areas, and recommended the use of Residential Conservation and Development Guidelines for those areas. The Strategy makes 19 recommendations relating to heritage management issues, and covering policy development, public consultation, financial incentives, education and promotion and community participation. The recommendations are numerically listed in the Strategy document, and these have been attached to the agenda.

Some of those recommendations, such as the review of the Town Planning Scheme and Municipal Inventory, are currently occurring. The Municipal Inventory review should be concluded within the next three months, while Town Planning Scheme No. 3 is still at least 18 months away.

It is envisaged that Town Planning Scheme No. 3 will incorporate the Heritage Strategy as a policy, however in the interim it is recommended that a policy under Town Planning Scheme No. 2 be formulated.

The completion of these documents will satisfy Strategy recommendations 5.2.1 – 5.2.5. It is considered that each Strategy recommendation should be fully investigated and be the subject of a detailed report.

The purpose of this report is to investigate recommendation 5.2.6 – Heritage Advisory Service, and 5.5.3 – Heritage Conservation Awards.

Heritage Advisory Service

It is recommended that Council introduce a free heritage advisory service for development applications relating to properties within the heritage areas, or listed on Schedule 1 of the Town Planning Scheme or Policy No. 012. It is important that this service is recognised as being different from the Local Heritage Advisory Committee – recommendation 5.6.1 – which discusses the potential for increasing the scope of the Design Advisory Panel. That recommendation implies community input, rather than the provision of advice on a consistent basis.

The heritage advisory service will provide an important supportive function for Council officers, particularly in the implementation of new guidelines, and will increase the efficiency of those applications through the planning process. Furthermore, the heritage nature of the areas will not be compromised by inappropriate development or works. The service will provide preliminary contact to ensure that affected property owners and applicants understand the design guidelines and can use them appropriately.

The use of a qualified heritage consultant and a committee/group are two ways that other local authorities are utilising for heritage advice. The Strategy recommends the employment of a skilled conservation architect, and this has been endorsed by the Heritage Council as a positive notion.

Local authorities, such as Claremont, currently employ a conservation architect on a part-time basis specifically to advise land owners and Council. Both Claremont and the City of Stirling have expanded the scope of the advisors position to sit on a committee with Council officers discussing aspects of development applications.

Advice from the Heritage Council has indicated that the retention of a professional advisor, working in a solo role (as opposed to a committee situation) vetting development applications, may be preferable. This is based on the practical experiences of local authorities in New South Wales and Victoria, where committees have greater success concentrating on policy, promotion and incentive issues.

Implementation of a heritage advisor service would need to ensure equity and cost effectiveness. The demand for such a service is hard to estimate, however it is considered that a figure of 1-2 applicants per week may be applicable. The current rate for a heritage architect is approximately \$95 per hour. Based on 2 applicants per week, at 45 minutes per appointment, the

service would cost in the order of \$142.50 a week or \$7500 a year. It is considered that this figure could be budgeted for in the 2002/2003 budget.

The costs and benefits of the service would require review after 2-4 years of implementation. This timeframe would allow projects that have had initial contact with the heritage advisor to be completed.

Heritage Conservation Awards

The purpose of a heritage conservation awards program is to increase awareness of the importance of the City's unique built heritage, to encourage the conservation of significant places and to acknowledge excellence in conservation work.

Many local authorities have awards programs, including City of Stirling and City of Kalgoorlie Boulder. It is considered that the Town of Cottesloe could benefit from such a program, which has a reasonably low cost attached to it, but can greatly contribute to community solidarity.

It is envisaged that the running of the program, including possible timeframes, will involve:

- Advertising and promotion (at the start of the calendar year – January to April);
- Call for and receipt of nominations (May to July);
- Judging (August to September);
- Production and presentation of awards (October to December).

The total scope of the program will occur over one calendar year. An approximate budget of \$3500 should cover promotional activities, the production of awards and costs related to an awards presentation ceremony.

Advertising and promotion – this will introduce the program to the residents, applicable professionals and the general public, which will be especially important for the first year of the program. Four months have been allocated for this part of the process, which will include the development of an information leaflet/newsletter, advertising in local newspapers, and notification of community groups.

Call for and receipt of nominations – it is considered that the categories for nominations should be limited to three areas (conservation or restoration of a heritage place, excellence in design of infill buildings in a heritage area, landscaping and gardens), and that one award and one merit certificate be issued for each category. This is due to the size of the Town and will increase the exclusivity involved in receiving an award. Projects must be complete (constructed) by the date that nominations are due, which is envisaged to be at the end of July. A draft nomination form is attached to the agenda.

Judging – Council will be required to initiate a judging panel to consider nominations. Options for potential panel members include any heritage advisory that Council may appoint, the Manager, Development Services and town planning staff, the Mayor, the chairperson of the Development Services Committee, members of the Design Advisory Panel, a representative of the Heritage Council. These persons are required to be approached and their voluntary services requested. The judging panel members will be required to

define the scope of the categories, and the right not to make an award in any particular category is reserved. Judging should involve assessment of plans and a site inspection.

Production and presentation of awards – sponsorship of the awards (provided that it does not dominate the program) should be supported. Any awards presented for the three categories should at least contain the Town of Cottesloe crest, the year of receipt and the name of the award. There will be a maximum of six awards based on the use of three categories, and an award and certificate of merit of each category. The presentation of awards could be carried out at the Council Sundowner function, which is held every year, generally at the start of December. This would ensure that an appropriate audience of community members, Councillors and peers are present, and will omit the cost of a separate function (an increase in the numbers of an existing function is more cost effective). It would be preferable for the presentation of awards to be a high profile event, possibly with the press in attendance.

CONCLUSION

Council resolved to adopt a Heritage Strategy for the Town of Cottesloe in September 2001. The adoption process will eventually result in the strategy being incorporated as a policy under either the existing or proposed Town Planning Scheme. In the interim, it is considered that implementation of the Strategy's recommendations should progress so that the public and staff do not lose sight of the potential for heritage management in the Town.

This report considers two of the recommendations outlined in the Heritage Strategy, and how implementation of those recommendations might be applied. There will be a financial cost to Council involved in the implementation, and though this report contains only approximations, these can be factored into the 2002/2003 budget. If Council supports the implementation of the recommendations, it is felt that a review of the practices involved should occur after a maximum of 4 years, which is adequate time to assess costs and benefits.

Further information can be gained from the policy documents of the City of Kalgoorlie Boulder, who are proactive in the implementation of heritage recommendations.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) confirm its commitment to the implementation of the Heritage Strategy adopted in September 2001;
- (2) set aside in the 2002/2003 budget the provisional sum of \$7,500 for a heritage advisor, and \$3,500 for heritage conservation awards;
- (3) request the administration to prepare the heritage conservation awards program for operation in 2003.

AMENDMENT NO. 1

Moved Cr. Birnbrauer, seconded Mayor Hammond

That the motion be amended by deleting the following from (2):

“, and \$3,500 for heritage conservation awards”

Carried 8/2

AMENDMENT NO. 2

Moved Cr. Utting, seconded Cr. Morgan

That part (1) of the motion be amended as follows:

“(1) confirm its commitment to the implementation of the Heritage Strategy adopted in September, 2001, by the investigation of the offering of financial support to the owners of heritage houses in order to maintain their homes in a liveable condition.”

Moved Cr. Ewing, seconded Cr. Miller that the amendment be now put.

Carried 8/2

The amended motion was put.

Lost 4/6

The substantive motion as amended was put.

COUNCIL RESOLUTION

That Council:

- (1) confirm its commitment to the implementation of the Heritage Strategy adopted in September 2001;**
- (2) set aside in the 2002/2003 budget the provisional sum of \$7,500 for a heritage advisor;**
- (3) request the administration to prepare the heritage conservation awards program for operation in 2003.**

Carried 6/4

TP34

NO. 116 (LOTS 41 & PT 42) BROOME STREET – RE-SUBDIVISION OF LOTS

File No.:	No. 116 Broome Street
Date of Application:	6 March, 2002
Report Date:	8 April, 2002
Author Disclosure of Interest:	Nil
Author:	Mr Kevin Broughton
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a recommendation to the Western Australian Planning Commission on an application for subdivision/amalgamation.

PROPERTY INFORMATION

<u>Owner:</u>	M Norvilas
<u>Applicant:</u>	Tusom Subdivision Consultants Pty Ltd
<u>Zoning:</u>	Residential
<u>Density:</u>	R20
<u>Lot Area:</u>	974 m ²
<u>Heritage Listing:</u>	Within heritage area

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes Development Control Policy (incl. Subdivision) Manual – WA Planning Commission
TPS Policy Implications:	Nil
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Average Lot Size	500 m ²	487 m ²

NOTIFICATION OF NEIGHBOURS

Not required.

STAFF COMMENT**Background**

No. 116 Broome Street presently comprises two (2) separate titles with a combined area of 974m² (Pt 42 being 327m² and Lot 41 being 647m²). The land is developed with a relatively substantial two (2) storey dwelling which is constructed across the existing boundary.

The adjoining land is developed with:

Multiple Dwellings (being flats)	North;
Town of Cottesloe Civic Centre	West;
Single Residential	South; and
Single Residential	East.

The application for subdivision/amalgamation seeks to redistribute the boundaries of the land to create two (2) lots of equal area (being 487m²) and equal frontages of 10.86m. If approved, it is anticipated that the existing dwelling will be demolished to facilitate the development of two (2) new dwellings.

The administration has undertaken an assessment of the subdivision/amalgamation application and provides the following comments:

- The proposed subdivision does not comply with the average lot size of 500m² permitted for the R20 density coding; and
- The subject land is located within the Town of Cottesloe Heritage Area. It is recommended that subdivision proposals within the Heritage Area be consistent with the original subdivision layout for the area. To that end, the proposed subdivision/amalgamation is incompatible given:
 - i. Lot sizes are below the prevailing lot size of 650m²; and
 - ii. Lot frontages are below the prevailing lot frontage of 14.50m.

Despite the above areas of non-compliance, it has to be noted that the proposal must be treated as a simple boundary modification (given that no additional lots are proposed). In effect, where a boundary modification is proposed, the Western Australian Planning Commission is obligated to approve the application given that no additional lots are proposed.

Given the above, it appears prudent to discuss the impact of the Western Australian Planning Commission approving the subdivision/amalgamation application.

The primary issue will be that proposal will result in:

- The removal of an existing dwelling; and
- The subsequent development of 'closer' development than is presently characterised within the area (given the relatively small lot sizes and narrow frontages).

The impact of this is generally considered undesirable from a streetscape and amenity viewpoint however, is lessened given the following factors:

- Council's Scheme and Design Guidelines provide a strong basis for ensuring that compatible single residential development occurs on the proposed lots;
- The proposed lot frontages will ensure that proposal dwellings will address the street environment (hence maintaining a traditional single residential character);
- The proposal is located immediately adjacent to an existing multi-storey unit development. The establishment of 'closer' development adjacent to this building will create a gradation of development. If the proposal was adjacent to additional single dwelling sites in comparison, then the impact on the streetscape would be greater;
- The proposal is located immediately opposite the Council Civic Centre. The impact of an additional dwelling will accordingly affect a lesser number of residents; and
- If the owner/developer adopted the existing lot configuration (ie. with a 327m² lot and an 8.0m frontage), then a significantly smaller lot will be created thus exacerbating potential impacts on the streetscape and as such, creating a greater departure from Council Policy.

The most significant issue relates to Clause 2.5.2 of the Residential Planning Codes which states that:

"In the case of a subdivision involving the development of two or more single houses the side setback between adjoining houses in the subdivision may be reduced to nil."

The principal issue is that:

- Council Policy would generally seek to ensure that traditional side setbacks are provided by future dwellings to ensure a traditional streetscape; and
- The reduction in setback is 'as-of-right' under the Residential Planning Codes (ie. applicant discretion – not Council discretion).

Notwithstanding this, it is considered that existing provisions within Town Planning Scheme No. 2 will ensure that a traditional streetscape appearance is maintained particularly given the site is located within the Heritage Area.

CONCLUSION

On balance, the proposed boundary realignment will not facilitate a consequential impact to the existing streetscape. It is accordingly recommended that the Council advise the Western Australian Planning Commission that it has no objections to the proposed development, subject to conditions.

The request for conditions requiring the submission of development applications and construction of the approved developments to plate height should give Council some control over the type of development that will occur on the proposed lots.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council advise the Western Australian Planning Commission there is no objection to the proposed boundary realignment (subdivision/amalgamation application Ref. No. 118588) at No. 116 (Lots 41 & Pt 42) Broome Street, Cottesloe subject to the following conditions:

- (1) all existing dwellings and outbuildings on the site being demolished;
- (2) the site being stabilised to the satisfaction of Council's Building Surveyor;
- (3) the applicant obtaining development approval for the development of houses on the lots;
- (4) the developments on the proposed lots being constructed to plate height prior to the clearance of lots.

Carried 10/0

TP35

NO. 535 (PT LOT 5) STIRLING HIGHWAY (ALBION HOTEL) – SATELLITE DISH

File No.:	No.535 Stirling Highway
Date of Application:	29 February, 2002
Report Date:	8 April, 2002
Author Disclosure of Interest:	Nil
Author:	Mr Kevin Broughton
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

<u>Owner:</u>	Regal City Pty Ltd (T/As Albion Hotel)
<u>Applicant:</u>	As above
<u>Reserve:</u>	Primary Road
<u>Zoning:</u>	Town Centre R100
<u>Density:</u>	N/A
<u>Lot Area:</u>	2611m ²
<u>Heritage Listing:</u>	Category 2

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes Heritage and Conservation Act
TPS Policy Implications:	No. 11 Satellite Dish and Microwave Antenna No. 12 Places of Cultural Heritage Significance
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	N/A	

NOTIFICATION OF NEIGHBOURS

Not required.

STAFF COMMENT

Background

It is proposed to construct a 3.0m high satellite dish on the subject land. The satellite dish will be constructed on top of the existing 2.75m high pergola structure at the rear of the existing Hotel building (total overall height 5.75m).

The dish will be fixed to the pergola using galvanised pipe bracing. If approved, certification from a structural engineer will need to be provided as part of a building licence application.

Heritage Implications

The subject land is included within the Town's Municipal Inventory (Category 2). Council's 'Places of Cultural Heritage Significance (Policy No. 12)' generally seeks to:

"ensure that any additions or alterations to existing places are sympathetic to the cultural significance of the building".

In this regard, the following comments can be made:

- The proposed satellite dish will not impact on the fabric of the original building;
- The satellite dish is a removable structure; and

- The dish is located to the rear of the Albion Hotel building and as such, will not diminish the heritage significance of the building.

Based on the foregoing, the proposed satellite dish will have an inconsequential impact on the heritage significance of the building.

Metropolitan Region Scheme (Clause 32) – Primary Regional Road

The subject land has a 'split' zoning/reservation classification under the provisions of the Town of Cottesloe Town Planning Scheme No. 2 and Metropolitan Region Scheme. Clause 32 of the Metropolitan Region Scheme allows the Town of Cottesloe to determine the application subject to referral to Main Roads WA.

In accordance with this requirement, the proposal was referred to Main Roads WA which advised no objections subject to:

- (1) *The type of device and location comply fully with all relevant by-laws and planning scheme made by the Council; and*
- (2) *The structure is placed on private property and does not hang over or encroach upon the road reserve.*

Item 1 is a matter for the Council to make judgement on and condition 2 can be satisfied given that the structure will be located on private land.

It follows that compliance with the Main Roads WA conditional approval can be achieved.

Compliance with Policy

The Town of Cottesloe has adopted a Policy for 'Satellite Dish and Microwave Antenna'. The Policy provides guidelines for the erection of satellite dishes and microwave antennae on residential and commercial buildings within the Town of Cottesloe. Specifically, the Policy stipulates that applications for satellite dishes are not required where:

- The dish has a diameter less than 900 mm;
- The dish is not located on any of the façade or roof of a building fronting a public road;
- The dish is not located between the street and the principal building;
- The dish does not project above the ridge height of the building; and
- There are no existing satellite dishes on the lot.

The administration advises that the proposed satellite dish does not comply with a number of the above criteria and as such, planning consent is required. It must be stated that the above criteria is not a compliance Policy, it simply identifies where an application must be submitted for Council determination.

In terms of assessing the application, the following comments can be made:

- The proposed satellite dish is located below the ridge line of the Albion Hotel building;
- The satellite dish will not be visible from major view points (such as Stirling Highway); and
- The dish is a removable structure which will not impact on the fabric of the existing building; and
- The dish will not be visible from residential areas.

CONCLUSION

Based on the above, approval is recommended.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) GRANT Planning Consent for the erection of a satellite dish at No. 535 (Pt Lot 5) Stirling Highway, Cottesloe in accordance with the plans received on the 29 February, 2002, subject to the following conditions:**

 - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
 - (b) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise;**
 - (c) The overall height of the proposed satellite dish being no greater than 5.75 metres as measured from natural ground level;**
 - (d) Application for a building licence being made to the Town of Cottesloe for the proposed satellite dish and fixings prior to erection;**
 - (e) The structure is placed on private property and does not hang over or encroach upon the road reserve.**
- (2) GRANT approval to commence development pursuant to the provisions of the Metropolitan Region Scheme, for the erection of a satellite dish at No. 535 (Pt Lot 5) Stirling Highway, Cottesloe in accordance with the plans received on the 29 February, 2002, subject to the following conditions:**

 - (a) All construction work must be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13.**
 - (b) The external profile of the development as shown on the approved plans, shall not, except with the written consent of Council, be added to, amended or changed whether by the addition of any service plant, fitting, fixture or otherwise.**
 - (c) The overall height of the proposed satellite dish being no greater than 5.75 metres as measured from natural ground level;**

- (d) Application for a building licence being made to the Town of Cottesloe for the proposed satellite dish and fixings prior to erection.
- (e) The structure is placed on private property and does not hang over or encroach upon the road reserve.

(2) Advise Main Roads Western Australia of Council's decision.

Carried 8/2

TP36 NO. 8 (LOT 40 & PT 39) ALEXANDRA AVENUE – TWO STOREY ADDITION TO EXISTING RESIDENCE

File No.: No. 8 Alexandra Avenue
 Date of Application: 23 January, 2002
 Report Date: 4 April, 2002
 Author Disclosure of Interest: Nil
 Author: Ms Lisa Goff
 Chief Executive Officer: Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

Owner: I & C Macliver
Applicant: A Macliver
Zoning: Residential
Density: R20
Lot Area: 928m²
Heritage Listing: Essential building in heritage area

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 5 - Building Heights
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Wall height	6.0m (50.76)	7.45m (52.21)
Roof ridge height	8.5m (53.26)	9.38m (54.14)
Side setback to eastern ground floor wall – height 5.1m, length 18.0m, with major openings	3.9m	1.2m (Existing)
Side setback to eastern first floor bathroom & WIR wall – height 7.7m, length 6.4m, no major openings	1.4m	1.35m

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post - three submissions received.

STAFF COMMENT

Background

The site considerations, the details of the proposal and the areas of non-compliance (in relation to the Town Planning Scheme) have been discussed in full in the report to the February meeting of Council. This report has been attached to the agenda.

This item was first considered at the February meeting of Council, where it was deferred in order to gain the advice of Council's heritage consultant and the Design Advisory Panel. The item was put to the March meeting of the Design Advisory Panel, where the following comments were made:

- The panel considered that the issue was not what the extensions looked like from the street, but the impact on the adjoining properties.
- *It was felt that overlooking to the rear was adequately addressed by the rear set back and laneway.*
- *The bulk of the extension was considered to be a problem.*
- *It was suggested that building bulk could be reduced simply by reducing the ground floor ceiling height by about 600mm, reduce the first floor wall plate heights to 2.1m and introduce dormer windows to gain adequate ceiling heights.*
- *To improve the aesthetics of the building from the front and to reduce the bulk on all sides, it was suggested that the existing roof pitch be reflected in the extension. The building wall height produces the hard edge (and that impact should be reduced). It was considered that an increase in roof height, through modifying the pitch, will not impact as much.*
- *A reduction in the length of the eastern wall to reduce impact on that neighbour was also suggested.*
- *The Panel considered that a requirement for the window sill heights to be at least 1.5m from finished floor level was too severe. It was considered that a minimum sill height of 0.9m was adequate.*
- *One of the panel members requested that staff check plan floor to ceiling heights with cross-sections - heights vary.*

The following comments were received from Council's heritage consultant on the application:

- Extensions do not impact on the dwelling & its contribution to the streetscape as they are separate from the front of the house and are well setback.
- Incorporation of wide eaves (which do not reflect the eaves of the front of the house) is inappropriate.
- Increase pitch of the roof to reflect the existing roof.
- No comment on overlooking or bulk as these are not heritage issues.

The application was discussed at the March Development Services Committee meeting, where a recommendation of approval (subject to conditions) was carried.

The applicant subsequently submitted revised plans, making the following revisions:

- A reduction of the first floor plate height to 2.1m above FFL;
- The eaves cut back and the roof pitch increased to reflect the existing;
- Dormer window incorporated into northern (rear) elevation;
- Reduction in the floor plate size;
- Rear facing windows inset in reveals;
- Addition of pergola at ground floor level.

The application was deferred by the Full Council to allow proper consideration of the revisions, with the following resolution being passed:

“That the matter be deferred until the April meeting of the Development Services Committee to consider revised plans lodged by the applicants.”

The application was considered again the Design Advisory Panel on Tuesday 9 April 2002. Both the applicant and the adjoining property owners made short deputations to the meeting. The applicant explained the modifications to the proposal and how the revised design might address some of the concerns raised by the neighbours. The adjoining property owners reiterated their concerns with the application, and invited the Panel members to attend their properties for perspective. The Panel made the following comments on the application:

“The Panel made the comment that the proposed 300mm plate height reduction was supported – it was felt that 300mm was the maximum reduction that could be gained without affecting the ground floor ceiling. They felt that the ground floor ceiling should be retained as it contributed to the heritage nature of the property.

It was considered that the pergola and inset windows distributed the bulk of the sheer vertical rear elevation shown on the initial plans. The reveals also would reduce the amount of overlooking. The rear setback was considered to be more than adequate.

A Panel member felt that the rear gable to the master bedroom was not in character with the house.”

Comments on Submissions

The concerns of the adjoining property owners are reiterated in brief below. The comments and relationships to the Town Planning Scheme have been discussed in full in the report to the February meeting of Council. This report, the original submissions, and any subsequent submissions have been attached to the agenda.

Affected Property	Concerns	Affected Property Heritage Listing
11 Hillside Avenue	Building bulk Overlooking Non-compliance with height restrictions	Essential to Claremont Hill heritage area Category 2 on Municipal Inventory

Affected Property	Concerns	Affected Property Heritage Listing
	Comments made regarding size of the property at No. 8 Alexandra Ave, and heritage issues	
9 Hillside Avenue	Non-compliance with height restrictions Building bulk Overlooking	None
7 Hillside Avenue	Overlooking Non-compliance with Town Planning Scheme Bulk	Essential to Claremont Hill heritage area

CONCLUSION

The application for a two storey addition to the existing residence at No. 8 Alexandra Avenue is recommended for approval, subject to conditions. The approval relates to the most recently revised plans (submitted to Council on 9 April 2002 & elevations on 11 April 2002), which incorporate the following changes:

- Reduction in wall height of 0.3m;
- Increase in roof pitch height to reflect existing;
- First floor windows inset 0.6m;
- Sill height of first floor windows at 0.9m;
- Ground floor pergola.

It is considered that these modifications, when considered with the proposed rear setback of over 14.0m, address the bulk and sheer vertical presentation of the rear elevation shown on the original submission.

The overlooking into neighbouring properties is satisfied to some degree by the rear setback and modifications (as shown by cross-sections submitted on 9/4/02). However, it is recommended that a condition should require the first floor window sill heights to be raised to a minimum of 1.2m above the finished floor level. This should negate any of the neighbours concerns in relation to privacy.

The proposed building heights are recommended for approval, despite non-compliance with the Scheme requirements for the following reasons:

- Extensions to existing buildings is noted in Clause 5.1.1 (c) as providing justification for a variation from the height restrictions;
- The original ground floor ceiling (which is detailed with elaborate ceiling roses and cornices) is being preserved;
- The roof pitch of the extension reflects the pitch of the original building (as requested by the heritage consultant and the Design Advisory Panel).

OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the two storey addition to existing residence at No. 8 (Lot 40 & Pt 39) Alexandra Avenue Cottesloe, as shown on the

plans received on the 9 & 11 April, 2002, 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 Alexandra Avenue shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing the northern upper floor windows to the ensuite, study and master bedroom being modified to prevent overlooking into the adjoining property by either:
 - (i) having opening sill heights of not less than 1200mm above the FFL, or
 - (ii) being constructed of fixed obscure glazing or screening to a height of at least 1200mm above the FFL.
- (2) Advise the submitters of this decision.

COMMITTEE COMMENT

The Committee determined to delete all item (f)(i) and (ii) in view of support from the applicant and neighbours and comments from the Design Advisory Panel that the sill heights should remain at 900mm.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) **GRANT Planning Consent for the two storey addition to existing residence at No. 8 (Lot 40 & Pt 39) Alexandra Avenue Cottesloe, as shown on the plans received on the 9 & 11 April, 2002, 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 Alexandra Avenue shall be of an "Open Aspect" design and the subject of a separate application to Council.

(2) Advise the submitters of this decision.

Carried 7/3

TP37 NO. 21A (LOT 22) SALVADO STREET – PROPOSED TWO STOREY DWELLING

File No.:	No. 21A Salvado Street
Date of Application:	20 February, 2002
Report Date:	6 April, 2002
Author Disclosure of Interest:	Nil
Author:	Mr Kevin Broughton
Chief Executive Officer:	Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

<u>Owner:</u>	P J Flynn and P M Malcolm
<u>Applicant:</u>	Peter Fryer – Exclusive Building Design
<u>Zoning:</u>	Residential
<u>Density:</u>	R30
<u>Lot Area:</u>	438m ²
<u>Heritage Listing:</u>	N/A

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 5 - Building Heights
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Undercroft height	RL 14.50	15.80
Rear Setback	40m ² courtyard (with minimum dimension of 5.0m)	42.5m ² courtyard (with minimum dimension of 4.0m due to balcony cover).
Side setback to southern ground floor wall – height 6.0m, length 12.4m, no major openings	2.0m	1.2m
Side setback to southern ground floor wall – height 3.3m, length 12.0m, no major openings	2/3 length of boundary (being 10.67m)	>3/4 length of boundary (being 15.0m)

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post – 4 submission received (initial plans only).

No submissions received in relation to the revised plans at the time of preparing this report (advertising closes 11 April 2002).

STAFF COMMENT**Background**

The subject lot was created by the subdivision of Lot 3 (previously approved by the Western Australian Planning Commission). Lot 22 has a 1.5m access leg to Salvado Street however, achieves primary access from a rear right of way. The site is relatively constrained given that the right of way truncates the central portion of the site.

The immediate area is characterised by a range of dwelling types including single residential dwellings, two (2) storey dwellings, rear dwellings and multiple dwellings.

It is proposed to construct a two (2) storey dwelling on the subject land. The dwelling will be constructed of rendered brickwork and a colorbond roof. An undercroft parking area is proposed beneath the two (2) storey dwelling.

Initial Proposal

The administration received an initial application for the land in February 2002. The proposal was referred to adjoining landowners for their comment at which time four (4) submissions were received.

The submissions generally objected to:

- The bulk of the dwelling and parapet walls;
- Potential for overlooking (particularly from Bedroom 1, the Living area and Loft); and

- Loft (both in terms of 3 storey appearance and potential for overlooking).

These issues were forwarded to the proponent for his consideration together with a number of Officer concerns relating to gradient of the driveway/access ramp to the undercroft parking and non-compliance with courtyard requirements.

Revised plans were received on 27 March 2002 including relocation of Bedroom 1, installation of privacy screen to limit views into No. 20 Princes Street and deletion of the Loft. The revised plans are presented to Committee and Council for its consideration.

Building Bulk, Setback and Site Cover

The proposed dwelling complies with the maximum height (in terms of wall and roof height) and site coverage requirements of the Town Planning Scheme and Residential Planning Codes.

The proposal complies with all other site requirements with the exception of the southern parapet wall, namely:

- The ground floor parapet wall should normally be limited to 2/3 the length of the boundary (ie. 10.67m) however, is 15.0m (given that the secondary wall is included within the length of the wall due to bedroom 3 not achieving the 3.0 metre differential required by Clause 1.41 (a) of the Residential Planning Codes); and
- The upper floor should achieve a 2.0m setback (given Clause 1.4.1 (a)) whereas 1.2m is proposed.

Notwithstanding the above non-compliance, it has to be noted that:

- The subject land is constrained due to its area and irregular shape;
- The variation to setback is considered minor (particularly given that no impact on the streetscape will result); and
- The marginal variation to setback will not result in a substantial or consequential impact on the amenity of adjoining lots.

Overlooking

The Councillors are advised that significant aspects of overlooking have been addressed by the proponent through the lodgement of revised plans. For the most part, these issues have been resolved through the deletion of the loft, relocation of Bedroom 1 and use of opaque glass.

An assessment by the administration reveals that there are several aspects of the design which have potential to cause overlooking, namely:

- Overlooking of living areas and outdoor courtyards (particularly to No. 21 Salvado Street);
- Overlooking of living areas and outdoor courtyard to No. 22 Princes Street;
- Overlooking of rear courtyard at No. 20 Princes Street from Bedroom 1; and
- Overlooking of living areas to the eastern dwellings (minor only).

It is considered that the upper floor living area and balcony will have a significant impact on No. 21 Salvado Street given that both will create the ability to look into the living areas at this dwelling and its rear courtyard. Furthermore, that the upper floor living area has the potential to overlook

the rear courtyard to No. 22 Princes Street. These issues may be addressed by:

- Installing a privacy screen from Bedroom 1 (already proposed);
- Ensuring a highlight window (ie. 1650 mm) or obscured glass is installed to the northern and eastern elevation windows of the Living Room to limit the potential for overlooking to No. 21 Salvado Street and No. 22 Princes Street; and
- Installing a privacy screen to the northern elevation of the balcony.

It must be noted that the requirement for a highlight window or use of obscured glass to the northern and eastern elevation windows is not an onerous requirement given that extensive a large internal facing window will still provide a principal light and ventilation source to the Living Room.

In addition, it is recommended that the eastern facing window to the Study be deleted to prevent overlooking. A second (internal facing) window will provide a light source to this room.

Courtyard

Clause 2.1.2 of the Residential Planning Codes requires that an unroofed area of open space must be provided. Such an area must have a minimum area of 40m² and a minimum dimension of 5.0m.

This area is provided within the northern portion of the Lot however, is partially covered by an overhanging balcony. Given the absence of usable areas of open space on the site, it appears that compliance with this requirement is desirable. It is recommended that the width of the overhanging balcony be reduced by 1.0m to ensure compliance with the open space requirement.

Access and Manoeuvrability

The site is relatively constrained in terms of access and manoeuvrability. Notwithstanding, the proposed development complies with Council requirements pertaining to gradients, turning and minimum carparking numbers.

Comments on Submissions

Any further submissions received, relating to the revised plans, will be tabled at the Development Services Committee meeting.

CONCLUSION

The proposed two (2) storey dwelling is recommended for approval, subject to conditions.

The height variation to the undercroft is recommended for approval because the overall building envelope complies with the building height restrictions.

Modifications to windows are recommended to address the overlooking concerns raised by the adjoining property owners.

The setback to the northern first floor balcony is conditioned to be increased for compliance with Clause 2.1.2 of the Residential Planning Codes.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the proposed two storey brick and colourbond residence at No. 21A (Lot 22) Salvado Street Cottesloe, as shown on the plans received on the 27 March, 2002, 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 Right of Way adjacent to the property, shall be paved and drained to the satisfaction of the Manager of Engineering Services. Details of the proposed works shall be submitted in accordance with Council guidelines and approved prior to the commencement of works.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
 - (i) deletion of the word 'loft' from the south elevation;
 - (ii) the east facing window to the first floor study being modified to prevent overlooking into the adjoining property by either:
 - A. having opening sill heights of not less than 1650mm above the FFL, or
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
 - C. being deleted;
 - (iii) the first floor balcony being setback at least 5.0m from the northern boundary;
 - (iv) the eastern and northern facing windows to the first floor living area being modified to prevent overlooking into the adjoining property by either:
 - A. having opening sill heights of not less than 1650mm above the FFL, or
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
 - C. being deleted;
- (2) Advise the submitters of this decision.

COMMITTEE COMMENT

The Committee agreed to delete the eastern window from condition (f)(iv) and include as condition (v) that the eastern window be modified in accordance with the plans tabled at the meeting.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

(1) GRANT Planning Consent for the proposed two storey brick and colourbond residence at No. 21A (Lot 22) Salvado Street Cottesloe, as shown on the plans received on the 27 March, 2002, 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 Right of Way adjacent to the property, shall be paved and drained to the satisfaction of the Manager of Engineering Services. Details of the proposed works shall be submitted in accordance with Council guidelines and approved prior to the commencement of works.**
- (f) Revised plans being submitted for approval by the Manager of Development Services, showing:**
 - (i) deletion of the word 'loft' from the south elevation;**
 - (ii) the east facing window to the first floor study being modified to prevent overlooking into the adjoining property by either:**
 - A. having opening sill heights of not less than 1650mm above the FFL, or**
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or**
 - C. being deleted;**
 - (iii) the first floor balcony being setback at least 5.0m from the northern boundary;**

- (iv) the northern facing window to the first floor living area being modified to prevent overlooking into the adjoining property by either:
 - A. having opening sill heights of not less than 1650mm above the FFL, or
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
 - C. being deleted;
- (v) the eastern facing window to the first floor living area being modified in accordance with the revised plans as tabled on 15 April 2002.

(3) Advise the submitters of this decision.

Carried 10/0

TP38 **NO. 17 (LOT 13) BROOME STREET – TWO, TWO STOREY LIMESTONE AND METAL RESIDENCES**

File No.: No. 17 Broome Street
Date of Application: 16 November, 2002
Report Date: 6 April, 2002
Author Disclosure of Interest: Nil
Author: Mr Kevin Broughton
Chief Executive Officer: Mr Stephen Tindale

PURPOSE OF REPORT

To make a determination on an application for planning consent.

PROPERTY INFORMATION

Owner: J & P Court
Applicant: Arkitektura
Zoning: Residential
Density: R30
Lot Area: 378m² and 360m²
Heritage Listing: N/A

PLANNING FRAMEWORK AND IMPLICATIONS

Statutory Environment:	Cottesloe Town Planning Scheme No. 2 Residential Planning Codes
TPS Policy Implications:	No. 5 - Building Heights
Financial Implication:	Nil
Strategic Implication:	Nil

AREA OF NON-COMPLIANCE

Dwelling 1 (Cnr Princes Street and Broome Street)

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Balcony facing Broome Street	3m	1.5m

Side setback to northern garage wall – height 3.0m, length 6.5m, no major openings	1.0m	Nil
Side setback to east	Various	1.5m secondary street setback

Dwelling 2 (Princes Street)

Statutory Non-compliance	Max/Required	Proposed
Discretionary Provisions	Max/Required	Proposed
Wall height	6.0m (37.70)	6.05m (37.75)
Rear setback	6.0m av	<4.5m av
Front setback	6.0m	4.9m
Nil side setback (western) – ground floor	1.3m	Nil (applicant discretion)

NOTIFICATION OF NEIGHBOURS

Neighbours contacted by Registered Post – 1 submission received (initial plans only).

No submissions received in relation to the revised plans. A letter of consent from the adjoining landowner was submitted with the revised plans.

STAFF COMMENT**Background**

The Western Australian Planning Commission granted a conditional subdivision approval for the subject land in August 2001. Clearance of the deposited plan has not occurred at this time. Nothing prevents the landowner or proponent seeking and securing planning consent prior to the creation of the proposed lots.

The subject land is presently developed with a single storey dwelling in average condition. The dwelling will be demolished (subject to Council approval) prior to the creation of new titles for the site.

The immediate area is characterised by a range of dwelling types including single residential dwellings, two (2) storey dwellings, rear dwellings and multiple dwellings.

It is proposed to construct two (2) x two (2) storey dwellings on the subject land. The dwellings will be constructed of rendered brickwork and colorbond roofing. Each dwelling will have its own frontage (namely Princes Street and Broome Street). An undercroft parking area is proposed beneath the two (2) storey dwelling fronting Princes Street.

Initial Proposal

The administration received an initial application for the land in November 2001. The proposal was referred to adjoining landowners for their comment at which time one (1) submission was received.

Negotiations occurred with the applicant relating to issues raised by the neighbour's submission, and a number of Officer concerns relating to gradient of the driveway/access ramp to the undercroft parking and non-compliance with setback and courtyard requirements.

Revised plans were received on 20 March 2002.

Dwelling 1 (Cnr Princes Street and Broome Street)

(1) **Site Requirements**

This dwelling complies with minimum site requirement relating to site cover and building height. In terms of setbacks, the following comments can be made:

- The rear setback has been interchanged with the side setback. To this end, the minimum average of 6.0m has been achieved together with a 40m² courtyard;
- The side setback to the garage complies with the 2/3 minimum length described by the R Codes;
- The applicant has exercised his discretion to achieve a 1.5m secondary street setback to Broome Street; and
- An eastern facing balcony (fronting Broome Street) should comply with a minimum 3.0 metre setback however, provides 1.5 metres. Given that the balcony will not impact on adjoining dwellings, dispensation is recommended.

It should also be noted that the western boundary should normally achieve a 1.0m setback. Given that this is a shared boundary with a (proposed) subdivided lot, Clause 2.5.2 of the R Codes allows this setback to be Nil (at the applicant's discretion).

(2) **Overlooking**

There is limited potential for overlooking from the north facing first floor rooms. The building is setback a reasonable distance from the northern boundary.

(3) **Carparking and Access**

The proposal complies with all minimum requirements relating to carparking and access.

Dwelling 2 – Princes Street

(1) **Open Space**

The proposed dwelling does not comply with the minimum 6.0m average setback nor the 40m² courtyard required by Table 1 of the Residential Planning Codes.

(2) **Building Height**

The proposed dwelling exceeds the wall height by 50mm however, does comply with the maximum roof ridge height specified within the Scheme.

(3) **Scale and Bulk**

It is noted that the scale and bulk of the building is relatively large. It appears that the scale and bulk is exacerbated by the difference in level between the adjoining (proposed dwelling). By way of explanation, the proposed dwelling 2 is constructed at natural ground level whereas proposed dwelling 1 is substantially below natural ground level.

It is considered that this exacerbates the scale and height of the building (which do comply with Scheme requirements).

The administration considers that the scale and bulk is minimised given:

- The height of surrounding buildings; and
- The proposed dwellings will address separate streets (hence reducing the impact of scale between the dwellings).

(4) **Parking and Access**

The proposed undercroft parking arrangement has been modified to comply with Council standards.

(5) **Overlooking**

Proposed Dwelling 2 incorporates a number of elements that have the potential to cause overlooking. These relate to:

- North/west facing balcony; and
- Various first floor north and west facing windows.

It is considered that all of the north and west facing windows can be modified to be highlight windows given that alternative light sources/windows to these rooms exist. Given that the balcony is not an extension of a primary living area, is setback more than 3m from any boundary and there are no objections from adjacent residents, there are no objections to the balcony remaining.

(6) **Setbacks**

There are a number of setback non-compliances:

- Rear average setback (6.0m average required – 4.5m average provided); and
- Front setback to front balcony (6.0m required – applicant discretion can be reduced by 1.5m – complies given 4.8m setback)

It is noted that the Nil setbacks for the eastern boundary are at the applicant's discretion, in accordance with Clause 2.5.2 of the R Codes.

The administration has concerns over the relatively significant variation to the average rear setback. The rear setback issue must be resolved through a redesign exercise.

(7) **Street Trees**

The submitted plans show the adjacent street trees being scheduled for removal. This is not recommended.

(8) **Retaining**

Clause 5.1.4 of the Town Planning Scheme relates to the amount of retaining permitted on a site. It states:

The height of boundary retaining walls or retaining walls which in Council's opinion are near a common boundary with an adjoining lot, shall not exceed 1.8 metres above natural ground level as determined by Council.

Generally, the administration look at 0.5m of retaining above the natural ground level as being reasonable, as this is a level which will provide a medium between fence heights and overlooking. The proposal is for a maximum of 1.6m retaining with 1.8m of fencing above that level.

Comments on Submissions

The owner of No. 17B Broome Street generally objected to the following issues in relation to the application:

- Height of the proposed dwelling (being the dwelling fronting Princes Street);
- The proposed level of the dwelling exacerbating the height of the dwelling.

The owner of the adjoining property at No. 17A Broome Street has signed the plans in support of the proposal.

CONCLUSION

Based on the above, it is recommended that Council approve proposed dwelling 1 subject to conditions. It is felt that the secondary street and northern garage boundary wall be approved as these variations are considered to have a minimal effect on the streetscape and adjoining property.

It is recommended that dwelling 2 be deferred and that the applicant be requested to address the following issues:

- Compliance with a 6.0m front setback from the Princes Street boundary;
- Compliance with a rear setback option provided by the Residential Planning Codes;
- Reduction in the proposed level of retaining on the northern boundary of the site.

OFFICER RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the proposed two (2) storey dwelling at No. 17 (Lot 13) Broome Street, Cottesloe (corner of Princes and Broome Street only), as shown on the plans received on the 20 March, 2002, 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 of Development Services, showing details of the proposed retaining

- walls, boundary fences and finished ground levels along all boundaries.
- (2) DEFER consideration of the proposed two storey residence (fronting Princes Street) at No. 17 (Lot 13) Broome Street, Cottesloe to the May meeting of the Development Services Committee;
 - (3) In accordance with (2) above, advise the applicant to submit revised plans incorporating the following changes to the site planning of the proposed development:
 - (a) Compliance with a 6.0m front setback from the Princes Street boundary;
 - (b) Compliance with a rear setback option provided by the Residential Planning Codes;
 - (c) A reduction in the proposed level of retaining on the northern boundary of the site;
 - (4) Advise the submitters of this decision.

COMMITTEE COMMENT

The Committee felt the application could be approved subject to conditions limiting the amount of fill on site. It also felt that compliance with the front and rear setbacks was important and that the adjoining property to the north should be protected from overlooking.

COMMITTEE RECOMMENDATION

That Council:

- (1) GRANT Planning Consent for the proposed two (2) storey dwelling at No. 17 (Lot 13) Broome Street, Cottesloe (corner of Princes and Broome Street only), as shown on the plans received on the 20 March, 2002, 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 Broome Street and the eastern 6.0m of Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing details of the proposed retaining walls, boundary fences and finished ground levels along all boundaries.

- (2) GRANT Planning Consent for the proposed two (2) storey dwelling at No. 17 (Lot 13) Broome Street, Cottesloe (fronting Princes Street) as shown on the plans received on the 20 March, 2002, 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 Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
 - (i) the development being setback at least 6.0m from the front boundary;
 - (ii) the development complying with a rear setback option provided by the Residential Planning Codes;
 - (iii) the finished ground level and retaining being reduced to a maximum level of RL 31.70;
 - (iv) the northern boundary fencing being a maximum of 1.8m above the levels approved in (c) above;
 - (v) the northern facing windows to the first floor bedroom 1 being modified to prevent overlooking into the adjoining property by either:
 - A. having opening sill heights of not less than 1650mm above the FFL, or
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
 - C. being deleted;
 - (vi) fixed, obscure balustrading to a height of 1.0m above the finished floor level being fitted to the first floor rear balcony.
- (4) Advise the submitters of this decision.

FURTHER REPORT FROM PLANNING OFFICER, ON 19 APRIL, 2002

Revised plans showing new ground levels proposed by the applicant to satisfy Council's concerns regarding fill and retaining on the site. The revised plans address the following issues:

- The front setback – now complies with 6.0m requirement;
- The rear setback – now complies with 40m² courtyard requirement;
- The boundary fencing – lowered;

The revisions also propose an alternative to the Development Services Committee recommendation by introducing stepping at the rear of the property. If Council is satisfied with the amendment, an alternative resolution would be as follows:

COUNCIL RESOLUTION

Moved Cr. Ewing, seconded Cr. Miller

That Council:

- (1) GRANT Planning Consent for the proposed two (2) storey dwelling at No. 17 (Lot 13) Broome Street, Cottesloe (corner of Princes and Broome Street only), as shown on the plans received on the 20 March, 2002, 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 Broome Street and the eastern 6.0m of Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.**
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing details of the proposed retaining walls, boundary fences and finished ground levels along all boundaries.**
- (2) GRANT Planning Consent for the proposed two (2) storey dwelling at No. 17 (Lot 13) Broome Street, Cottesloe (fronting Princes Street) as shown on the plans received on the 17 April, 2002, 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 Princes Street shall be of an "Open Aspect" design and the subject of a separate application to Council.
 - (f) Revised plans being submitted for approval by the Manager of Development Services, showing:
 - (i) the northern facing windows to the first floor bedroom 1 being modified to prevent overlooking into the adjoining property by either:
 - A. having opening sill heights of not less than 1650mm above the FFL, or
 - B. being constructed of fixed obscure glazing or screening to a height of at least 1650mm above the FFL, or
 - C. being deleted;
 - (ii) fixed, obscure balustrading to a height of 1.0m above the finished floor level being fitted to the first floor rear balcony.
- (3) Advise the submitters of this decision.

Carried 10/0

WORKS & CORPORATE SERVICES COMMITTEE

11.2.1 STATUTORY FINANCIAL STATEMENTS

Location No.:	N/A
Applicant:	N/A
File Ref:	206 10 00
Author Disclosure of Interest:	Nil.
Report Date:	9 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

The Operating Statement, Statement of Assets and Liabilities and supporting financial information for the period ending 31 March, 2002, are presented for perusal. A recommendation is made that they be received.

BACKGROUND

The Financial Statements are presented monthly.

COMMENT

The Operating Statement shows the year to date net change in assets from Operating at the end of March as \$1,331,822 (page 3) which is down \$278,044 from February. This reduction is expected as income from rates, the major source of income that is taken to account at the start of the year, is applied to activities during the year.

The year to date position continues to be more favourable than expected. Analysing this further and looking to expenditure first: the lower than expected expenditure in the area of Administration primarily relates to Community Development Initiatives (down \$17,453); Consultants (down \$8,526); Civic Centre News (down \$6,230) and Election Expenses (down \$4,523). These variances appear to be due to timing differences.

Expenditure in the area of Law, Order and Public Safety is lower than expected due to the discontinuance of the Neighbourhood Coordinator Scheme (\$6,499) and a lower than expected allocation of Ranger Services employee costs to this area (\$6,046).

The variance in Community Amenities relates to a higher than planned allocation of works crew, and associated costs to Sanitation (\$60,314) which is partially offset by reduced expenditure in the areas of Bin Replacement (\$6,465), and Planning (\$20,035) both of which appear to be largely due to timing differences.

The lower than expected expenditure in the area of Recreation and Culture is primarily due to reduced allocation or works crew, and associated costs to Beach Parks.

The variance in the area of Transport results from lower than expected expenditures in the areas of Roads, Streets, Bridges and Depot (\$157,077) and Parking (\$21,844), and appears to be due to timing differences. Lower expenditure in the area of Building Control (\$20,413) gives rise to the variance in Economic Services and it is expected that actual costs will be lower than expected at year-end.

The variance in the area of Other Property and Services relates to under-allocation of costs (Overheads \$14,931, Plant Operating Costs \$9,441 and Salaries and Wages \$9,207) to areas of activity which will be allocated prior to year-end.

Income to the end of March is higher than expected due to a combination of the following. General Purpose Funding was increased by better than expected income from Rates (\$26,446), Grants (\$6,486) and Interest on Investments (\$8,104), and the variances are expected to remain at year-end. Income in the area of Community Amenities is higher than expected due to higher than expected income from Sanitation (Grant \$8,000 and Refuse Charges \$7,652) and Planning (Reimbursement of legal costs \$4,000, and Planning fees \$1,662). Again the variance is expected to remain at year-end. The higher than expected income in the area of Transport is a combination of lower than expected Grants (road construction related down \$67,925 and expected to relate to timing), and unplanned reimbursement (City of Nedlands for works on North Street \$24,744) and increased revenue from Parking (\$56,442). The latter two variances are expected to remain at year-end. Income from Building Control (Economic Services) is \$43,299 more than expected and will be higher than expected at year-end.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

This is a statutory requirement.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That the Operating Statement, Statement of Assets and Liabilities and supporting financial information for the month ending 31 March, 2002, as submitted to the April meeting of the Works & Corporate Services Committee, be received.

Carried 10/0

11.2.2 SCHEDULE OF INVESTMENTS & SCHEDULE OF LOANS

Location No.:	N/A
Applicant:	N/A
File Ref:	206 02 00
Author Disclosure of Interest:	Nil.
Report Date:	9 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

The Schedule of Investments and Schedule of Loans for the period ending 31 March, 2002, are presented for perusal. A recommendation is made that they be received.

BACKGROUND

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

COMMENT

As will be noted from the Statement of Investments, on page 32, \$1,428,794.43 was invested as at 31 March, 2002. Of this, \$561,515.07 was reserved and so its use is restricted. 43.4% of the funds were invested with the National Bank (Council's Bank), 33.76% was invested with the Home Building Society, and 22.84% with Bankwest.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

Financial reporting is a statutory requirement.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That the Schedule of Investments & Schedule of Loans for the month ending 31 March, 2002, as submitted to the April meeting of the Works & Corporate Services Committee, be received.

Carried 10/0

11.2.3

ACCOUNTS

Location No.:	N/A
Applicant:	N/A
File Ref:	101 01 00
Author Disclosure of Interest:	Nil.
Report Date:	9 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

The List of Accounts for the period ending 31 March, 2002, is presented for Council perusal. A recommendation is made that they be received.

BACKGROUND

The List of Accounts is presented monthly.

COMMENT

Significant payments brought to Councils attention include \$17,000 to the Australian Taxation Office for the February Business Activity Statement, \$217,692.85 to the Town of Mosman Park for road construction works, and \$81,707.18 being Council's payroll for the month.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

This is a statutory requirement.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That the List of Accounts totalling \$385,154.42 as submitted to the April meeting of the Works & Corporate Services Committee, be received.

Carried 10/0

11.2.4 PROPERTY & SUNDRY DEBTORS REPORTS

Location No.:	N/A
Applicant:	N/A
File Ref:	206 01 00
Author Disclosure of Interest:	Nil.
Report Date:	9 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

The Property and Sundry Debtors outstanding as at 31 March, 2002, are presented for Council's perusal.

BACKGROUND

These are presented to Council each month.

COMMENT

The Sundry Debtors Report (page 31) shows a balance of \$39,575.76 outstanding at the end of March. The major item is an outstanding account due from the City of Nedlands for \$26,693.13, which is being followed up by the Manager, Engineering Services.

The Property Debtors Report shows a significant reduction from \$616,435.05 at the end of February to \$404, 475.53 at the end of March and this is largely due to payments of instalments.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

This is a statutory requirement.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) Receive and endorse the Property Debtors Report for the month ending 31 March, 2002; and
- (2) Receive the Sundry Debtors Report for the month ending 31 March, 2002.

Carried 10/0

11.2.5

MINISTER FOR LOCAL GOVERNMENT – “ONE VOTE-ONE VALUE” PRINCIPLE

Location No.:	N/A
File Ref:	151 03 02
Author Disclosure of Interest:	Nil
Report Date:	9 April, 2002
Author/Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

A recommendation to support the “one vote – one value” principle is made.

BACKGROUND

The Minister for Local Government has provided a discussion paper on the “one vote – one value” principle and its application to local government wards and representation. Comments on the discussion paper are required by 10 May, 2002.

COMMENT

The Minister has indicated to the Chairman of the Local Government Advisory Board that he is prepared to consider proposals from local governments that achieve a ratio of councillors to electors in each ward that is plus or minus 10% of the average ratio of councillors to electors across the district.

By inference one can assume that the Minister is **not** prepared to consider proposals from local governments that achieve a ratio of councillors to electors in each ward that is outside the 10% figure.

He has also indicated that he is prepared to consider variations outside these parameters in special circumstances. What those special circumstances might be isn't exactly spelt out in the discussion paper but in any event is perhaps, only of passing interest to the Town of Cottesloe.

The following table sets out the basis on which the current ward representation levels were arrived at in 1997. It also tracks changes in resident and elector numbers since then.

WARD	Crs	1997		1999		2001		2002	
		Electors	Avg/Cr	Residents	Avg/Cr	Electors	Avg/Cr	Residents	Avg/Cr
North	4	2380	595	2205	551	2338	585	2308	577
Central	2	1040	520	995	498	960	480 *	956	478
East	2	1005	503	1006	503	1063	532	932	466 *
South	2	1064	532	954	477	1063	532	1048	524
	10	5489	549	5160	516	5424	542	5244	524
Plus 10%			604		568		597		577
Less 10%			494		464		488		472

The asterisked entries show the Central and East wards as potentially failing to make the grade under the proposed new arrangements.

The East Ward may not be as adversely affected as the Central Ward, given that the East Ward might reasonably be expected to have a higher percentage of absentee landowners (commercial landlords) who will qualify as electors as and when the owners and occupiers roll is amalgamated with the WA Electoral Commission's residents roll.

As far as bolstering the numbers of the Central Ward is concerned, the expedient solution might be, say, to transfer 50 electors from the North Ward to the Central Ward.

Whether such a transfer is likely to have a material effect on the outcome of an election and overall electoral fairness would seem to be a moot point. As an alternative, Council might want to suggest to the Minister that in the absence of any compelling argument (other than strict application of the 10% criteria) the Minister should allow current ward boundaries to stand given their relative newness (1997).

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

N/A.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That the Town of Cottesloe advise the Minister for Local Government that it supports the proposed “one vote – one value” principle.

Carried 10/0

11.2.6

SUSTAINABILITY - SUBMISSION - STATE SUSTAINABILITY STRATEGY CONSULTATION PAPER

Location: N/A
Applicant: N/A
File Ref: 204 00 00
Author Disclosure of Interest: Nil
Report Date: 9 April, 2002
Author/Chief Executive Officer: Mr Stephen Tindale

SUMMARY

The State Government is seeking feedback on a document entitled “Focus on the Future: Opportunities for Sustainability in Western Australia”. The recommendation is to send a submission to the State Government.

BACKGROUND

The submission period has been extended to the end of April.

COMMENT

Council’s “Care for Cottesloe” Advisory Committee will be reviewing the draft submission at its meeting to be held on the 10 April, 2002. Subject to the committee’s amendments to the draft response, it is recommended that the submission be dispatched to the State Government.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

N/A.

POLICY IMPLICATIONS

The Town of Cottesloe is committed to the principles of sustainability by way of its strategic plan.

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION

Moved Cr. Ewing, seconded Cr. Furlong

That Council dispatch a submission to the State Government in response to the key questions asked by the document entitled "Focus on the Future: Opportunities for Sustainability in Western Australia".

COMMITTEE RECOMMENDATION

Moved Cr. Miller, seconded Cr. Whitby

That Council dispatch a submission to the State Government in response to the key questions asked by the document entitled "Focus on the Future: Opportunities for Sustainability in Western Australia" and include in the submission:

- (a) acknowledgement of the State Government's part in the underground power projects; and
- (b) a call for the State Government to include sustainability considerations in decision-making in areas such as liquor licensing determinations that result in an adverse impact on local residents.

AMENDMENT

Moved Cr. Utting, seconded Cr. Rattigan

That the motion be amended by adding (c) as follows:

- "(c) Council is deeply concerned, particularly about the issues in the section titled "an Australian perspective" and considers the highest priority should be given to:*
- (a) the reduction in unemployment, with a target to be set of 1.8% within 5 years;*
 - (b) increased health services to aboriginals;*
 - (c) Increased steps to reduce poverty;*
 - (d) the defence of Australia, for without adequate defence for Australia, there could be no sustainability or anything else."*

Carried 7/3

The amended motion was put.

COUNCIL RESOLUTION

That Council dispatch a submission to the State Government in response to the key questions asked by the document entitled “Focus on the Future: Opportunities for Sustainability in Western Australia” and include in the submission:

- (a) acknowledgement of the State Government’s part in the underground power projects; and
- (b) a call for the State Government to include sustainability considerations in decision-making in areas such as liquor licensing determinations that result in an adverse impact on local residents.
- (c) Council is deeply concerned, particularly about the issues in the section titled “an Australian perspective” and considers the highest priority should be given to:
 - (i) the reduction in unemployment, with a target to be set of 1.8% within 5 years;
 - (ii) increased health services to aboriginals;
 - (iii) Increased steps to reduce poverty;
 - (iv) the defence of Australia, for without adequate defence for Australia, there could be no sustainability or anything else.

Carried 7/3

11.2.7 **HANG GLIDERS – SOUTH COTTESLOE**

Location:	N/A
Applicant:	N/A
File Ref:	161 02 11
Author Disclosure of Interest:	Nil
Report Date:	9 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

A recommendation to seek public comment on the proposals is proposed.

BACKGROUND

At its July 2001 meeting, Council resolved to form a working party to look at the impact of hang gliders on Cottesloe dunes. The resolution required that the working party report back to the October meeting of Council with its findings. At its October 2001 meeting, Council resolved to extend the working party’s reporting date to February 2002. The working party sought a further extension until April 2002 and this was granted by Council at its February 2002 meeting.

The working party met on 4 April, 2002 to review the proposal lodged by WA Airports (WAASp) is, according to the proposal, the marketing name of the Hang Gliders Association of WA, together with comments from South Cottesloe Coast Care Association, Municipal Liability Scheme, and Council’s Works Supervisor.

The working party's recommendations to Council are as follows:

- (1) That the WAASp's proposal be supported in principle.
- (2) That the WAASp's proposed "drop-gate" system for access through the dune top fence be modified to a farmer's or "cockies" gate, as suggested by Council's Works Supervisor, or a conventional gate. That the gate way be a minimum of three metres wide and suitable strainer posts be installed. The cost of fence modifications and the manufacture and installation of the gate be at WAASp's expense.
- (3) That the proposal be modified to include an appendix that details the wording and location of signage. Signage should include one positioned either side of the gate way, that sets out conditions of operation and this signage should include a WAASp contact phone number for complainants use. Signage to be of a type and design that conforms with relevant standards and Council's policies, and as agreed by Council's CEO. All relevant signage costs to be borne by WAASp.
- (4) That WAASp be required to make arrangements with SCCC to participate in annual site maintenance activities.
- (5) That the option put in part two of item two of the proposal from WA Airsports to widen the hand rail spacing on the walkway immediately to the north of the launch site, be rejected, based on Council's Works Supervisor's comments. However consideration be given to reducing the height of any posts that extend past the top of the hand rail where this could be done without affecting the integrity of the structure. Similar consideration be given to the relocation of any signage where this could be accommodated without compromising relevant standards. The cost of any substantial works undertaken in this regard to be borne by WAASp and anything of a very minor nature to be Council's responsibility.
- (6) That, as set out in the submission and as suggested by SCCC, no improvements to the take off site are necessary at this time.
- (7) That Council set similar conditions of approval to the Town of Mosman Park, which are as follows:
 - The Council sighting the annual renewal of the Association's public liability insurance policy (the policy makes reference to the Town)
 - The Association indemnifying Council against any loss, damage or injury due to the activities
 - All necessary approvals to use the site being obtained from the relevant Government Departments/Authorities
 - The approval being subject to review by the Council after a period of 12 months or such earlier date at the discretion of the Council.
- (8) It was understood that licensed pilots are insured for public liability for up to \$10 million, however Council should require that:
 - (a) Council receives annual confirmation that licensed participants are automatically covered for public liability.
 - (b) Council sight the annual renewal of the WAASp, or Hang Gliding Federation of Australia (HGFA).
 - (b) The WAASp or HGFA public liability insurance policy specifically indemnifies the Town of Cottesloe.
 - (c) The WAASp and/or the HGFA indemnify the Town of Cottesloe, to the satisfaction of the Town's legal advisor, against any loss or damage due to activities of WAASp or HGFA, or its members.
 - (d) Council is protected against being sued by members of WAASp, or HGFA, in relation to their use of the site.

(The Working Group understands that each pilot, through his/her licence, is covered by \$10 million public liability insurance, but felt that the preceeding conditions should apply and that Mr Lush would investigate the feasibility of them).

- (9) That in the event Council approves further tree planting in or near the landing zones identified in the proposal, alternative landing sites be found.
- (10) That approval be subject to an initial review after six months and annual reviews thereafter.
- (11) That Council have the option of withdrawing approval at any time at its discretion without the need for justification.
- (12) That public comment be sought prior to approval. That the submission, together with the Working Group's recommendations, be put on Council's Web site and be made available at Council's office for a month before submissions close.

COMMENT

Recommendation twelve suggests that Council seek public comment before approving the other eleven recommendations.

CONSULTATION

A working party, comprising representatives from the South Cottesloe Coast Care Association and the Hang Gliding Association of Western Australia, Cr. Morgan representing Council and the Manager, Corporate Services considered the proposal. It is recommended that further public consultation be undertaken.

STATUTORY ENVIRONMENT

N/A.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of advertising and administration costs can be met from current budget provisions.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council seek public comment on the WA Airports' proposal to formalise the operation of hang gliders and para-gliders from the area south of Sydney Street and adjacent to Marine Parade.

Carried 10/0

11.2.8

CURTIN AVENUE PEDESTRIAN SAFETY

Location:	N/A
Applicant:	N/A
File Ref:	291 43 05
Author Disclosure of Interest:	Nil

Report Date:	8 April, 2002
Author:	Mr Malcolm Doig
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made to not proceed with the island treatments; make application for "Black Spot Funding" in 2002/03 and to give budget consideration to any matching contribution required.

BACKGROUND

In February Council resolved:

"That Council adopt the design concepts for the modification of the pedestrian refuge islands and surrounds in Curtin Avenue at Grant Street and authorise the CEO to accept a quotation for the alteration to the refuge islands and repairs to the failing section of road pavement."

COMMENT

The design originally started as a fairly straightforward modification of the median islands, but became increasingly complex with input from various sections of Main Roads WA to accommodate off road cycle routes and a recognition that the pavement in the section was in need of major repair.

Council has a budget of \$60,000. Three quotations were obtained in anticipation that the price would be less than the tender limit of \$50,000. The quotations received were \$45,264; \$150,313; and \$162,082 and the lowest price was withdrawn after the contractor realised the degree of difficulty in carrying out the works "under traffic." The remaining prices are out of the question. An examination of the schedule of prices revealed some significant variations in prices and quantities, but there is no prospect of prices being reduced to the original budget. The largest variation was in provision for traffic control and safety during the construction period, as a detour cannot easily be achieved, the cost of which ranged from \$2,000 to \$27,000. The price for brick paving the islands ranged from \$7,000 to \$14,000 mainly due to variation in area. The price for the reconstruction of the road pavement varied between \$20,274 and \$43,988 due to variations in the calculation of area and unit rates. In view of the likely cost involved, the option of making an application for funding will be investigated.

Main Roads WA has again been pressed for a further response to Council's September request for consideration of a request for pedestrian controlled traffic lights in Curtin Avenue at Forrest and/or Grant Street. In view of recent installations Council needs to know what the new Main Roads WA policy is and what the warrants are for installation. It is not clear which factors carry the most weight - number of vehicles, number of pedestrians, pedestrian accidents, or the recommendations of a properly constituted road safety audit.

Road safety audits have been ordered for both crossing points in the hope that they will add weight to "Black Spot" funding applications that are proposed.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

N/A.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

\$3,000 in current budget for the audits and subject to the results of the funding application \$70-80,000 in 2002/2003 for the Grant Street proposal under consideration. If lights prove to be warranted, the costs would need to be negotiated.

VOTING REQUIREMENTS

Simple majority.

OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) Not proceed with the proposed island treatments in Curtin Avenue at Grant Street at this time;
- (2) Make application for "Black Spot Funding" in the 2002/03 year; and
- (3) Give budget consideration to any matching contribution required.

Carried 10/0

W1

SEA VIEW GOLF CLUB LEASE – RENT REVIEW

Location:	Jarrad Street, Cottesloe
Applicant:	N/A
File Ref:	161 08 01
Author Disclosure of Interest:	Nil
Report Date:	12 April, 2002
Author:	Mr Alan Lamb
Chief Executive Officer:	Mr Stephen Tindale

SUMMARY

A recommendation is made that the rent be increased to \$4,966.56 from 1 July, 2002.

BACKGROUND

The Sea View Golf Club asks Council to review its decision in relation to the rental increase.

At its last meeting, Council dealt with the Sea View Golf Club lease rent review. The following information was reported to Council:

"The lease agreement provides for rent reviews to be conducted every four years and for CPI increases in each of the non rent review years. The current lease which commenced in 1990, is for a fifteen year term and terminates June 30, 2005. The last rent review date for the lease is July 1, 2002. Council is required to give the Club three month's notice, in writing, of any proposed change in the rent. The lease agreement provides that the Club then has

fourteen days from the date of receipt of this notice to either agree or not agree to pay the proposed rent. If within the fourteen days, the Club does not agree to pay the proposed rent, Council can fix a rent that is no more than a 20% increase on the previous year's rent."

Council resolved to give notice to the Club of its intention to increase the rent by 20% as follows:

"That notice be given to the Sea View Golf Club that Council intends to increase the annual rental, under the current lease agreement, to \$4,966.27, plus GST, as from July 1, 2002".

The Club was advised by letter dated 26 March, 2002, of the intended increase and responded, by letter dated 9 April, 2002, (within the fourteen days as set out in the lease), seeking a review of the increase.

The Club's letter made the following points:

- "(1) The Club fully maintains the golf course to a high standard which enhances the area at no cost whatsoever to Council. From our information, other sporting and community bodies in the Municipality using Council controlled reserves receive assistance in one form or other from Council are the Cottesloe Tennis Club, Cottesloe Rugby Club, junior football and cricket etc.*
- (2) The revenue raising capacity of the Club has diminished greatly in recent times through a dramatic drop in bar revenue caused by a change in social standards and responsibility and the enforcement of drink driving laws.*
- (3) The Club has a diversity of age groups using the facilities of the golf course from a 7½ year old to many members in the 80s. Our junior membership now stands at 96 and we have 279 members who are Cottesloe residents.*
- (4) The adjoining golf clubs at Cottesloe, Mosman Park and Nedlands all receive substantial assistance and recognition from their local Councils by way of a peppercorn rental for their leases and it is difficult for our Club members to accept that our Club should be treated differently."*

The Club's letter also made the following note and request:

"The current lease agreement provides for rent reviews as you have pointed out but is not obligatory for the Council to impose the maximum increase of 20%. Council is respectfully requested to revisit their decision and agree to a 0% increase for the balance of the lease term."

COMMENT

Under the relevant terms of the lease, Council should now fix the rent at a figure that is not in excess of 20% more than the previous years rent and its determination in this is final and not subject to further review or appeal by the Club. The current rental charge is \$4,138.56 plus GST.

Council may wish to take note of points raised by the Club and review the increase in accordance with the Club's request. However in order to remain consistent the recommendation is that the annual rental be increased in accordance with Council's resolution of last month.

CONSULTATION

N/A.

STATUTORY ENVIRONMENT

Nil.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If the following recommendation is adopted, revenue from this source will increase by \$827.71, from \$4,138.56 to \$4,966.27.

OFFICER RECOMMENDATION

That Council:

- (1) Increase the rent to \$4,966.56 as from 1 July, 2002, in accordance with rent review provisions of the Sea View Golf Club lease; and
- (2) Advise Sea View Golf Club of its decision.

COMMITTEE RECOMMENDATION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) Increase the rent to \$4,966.56 as from 1 July, 2002, in accordance with rent review provisions of the Sea View Golf Club lease; and
- (2) Advise Sea View Golf Club of its decision.

AMENDMENT NO. 1

Moved Cr. Morgan, seconded Cr. Furlong

That the motion be amended by (1) being deleted and substituted with:

“(1) Set the rent to \$4,138.56, plus GST, as from 1 July, 2002, in accordance with rent review provisions of the Sea View Golf Club lease; and”

Carried 6/4

AMENDMENT NO. 2

Moved Cr. Utting,

That the motion be amended by adding (3) as follows:

“(3) investigate the payment of junior members sporting club fees by Council.”

The Mayor ruled that this was not an amendment relevant to the recommendation and so could not be dealt with at this time.

The amended motion was put.

COUNCIL RESOLUTION

That Council:

- (1) Set the rent to \$4,138.56, plus GST, as from 1 July, 2002, in accordance with rent review provisions of the Sea View Golf Club lease; and
- (2) Advise Sea View Golf Club of its decision.

Carried 6/4

11.2. **JOHN CURTIN HOUSE**

Location No.:	No. 24 Jarrad Street
Applicant:	N/A
File Ref:	No. 24 Jarrad Street
Report Date:	16 April, 2002

Cr. Whitby noted with concern that little appeared to have been done in relation to the John Curtin house in Jarrad Street that the Government purchased some years ago.

COMMITTEE RECOMMENDATION

Moved Cr. Miller, seconded Cr. Whitby

That Council:

- (1) Express concern about delays to the conservation of John Curtin house, 24 Jarrad Street, Cottesloe, and urge the State Government, (within the context of its 2002/03 budget) and other stakeholders, to expedite the work.
- (2) Call on the Member for Cottesloe for assistance in this matter.

Carried 10/0

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

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

14 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8.34pm.

CONFIRMED: MAYOR _____ DATE: ____/____/____